

Journal of the Senate

THIRTY THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 23, 2006 — 9:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.

President Morris introduced guest chaplain Arnold D. Fitzgerald, Jr., Pastor, Second Baptist Church, Topeka, Kansas, who delivered the invocation:

Almighty God and Father of heaven, we arise to honor you on this grand day. In our heart we bow to you who are the Creator and the life giver of all living things. We surrender each day within a universe of spectacular places and amid a human stream of exceptional persons. Thus, you have composed this honored body of the Kansas State Senate. Each member has been brought up in this responsibility to serve. So, we ask for your help as those who understand that you brought us here.

We falter, err and transgress, yet you brought us together in this State of Kansas and this great American nation. We ask for your forgiveness and for another opportunity to respond to the way you govern in your kingdom. Refresh us in spirit and with the new nature so that our service will count in the age coming ahead.

Gratefully, we behold what you have done among the nations. We have joy in the blend of people you have built into our union. Our souls stand endowed and enriched because you brought us all here.

The ancients have lore that you, O Lord, guided people across the icy Aleutians to migrate a native people; you brought us here. From the Old World they sailed to this hemisphere as conquerors and mission men. For freedom to worship, by bonds of their debtors, for gold and glory, for spices and commerce you brought us here. To develop and to expand; to pray, fight, and toil, you had us join in this new land of America.

Natives of this land, immigrants, slaves and freedmen took a journey long past. Or they recently cast their lot into this unique land in the Americas. English and Amish, German and Japanese - we ventured our hope in this land. Greeks and Ghanaians, Chinese, Armenians, Poles, Nigerians, French, Iranians, Canadians, Puerto Ricans, Welch, Samoans, we made this to be our country, too. Ireland, Ethiopia, India, Peru, Prussia, Panama are a sampling of the lands we have arrived here from the trek. Plymouth rock, Ellis Island, and Antebellum slave trade markets were entry points you watched our forefathers join into this "bosom of welcome" called home, by and by.

Tool craftsmen from Europe, fishers and shrimpers from S.E. Asia, railroad workers from Japan, mummies and plantation laborers from Ivory Coast and the Gold Coast of Africa, bankers and insurers, clergy and rabbis, lawmen and legislators, technicians, astrophysicists, farmers, cattlemen, computer specialists, beauticians, actors, artists in style, in music, and media are slices of the composition you brought in here, O God.

While we consider the works of your hand, we notice the plan of your love and patience conceived among the hopeful descendants from Africa. Bless this Black American History Month speaking to a rich heritage of scholars, athletes, entertainers

and ingenious inventors. Remember the works of so many obscure, unrecorded, uncelebrated contributors everywhere and of every background in our land. Especially during this month, lift the abandoned and the disenfranchised who march with a limp from raw deals - broken dreams of promises caviled with, or lost. Let us all celebrate the high marks set by the renowned among the Black heritage. Also, send the education and tidings of the heritage of blest Black genius toward tasks which would alleviate stark poverty and the urban grind associated with the prison industry. We cry to you, O Lord, because it was under your guiding eye that you brought us here to America, the beautiful. Let us be climbing the heights of achievement today. Give us power to bring even the undeserving along with us to a better life. For past challenges to unity abound in us reason and wit. Help us bear a capacity to forgive and to move on together among all people. Where there is lack of supply, have us make provision. Quell our natural tendencies for dispute, and let us to attain the dignity and the grace of ensuing repair and cooperation.

Lord, we thank you that we have been given this day as a special gift. Whether our lot soars high, or our situation sows an amount of sadness, let us hunt down and then receive "the love of God which passes all understanding". We will echo this joyful hope. You have lifted our gaze. Since you have the master plan, we know you are working things together to better everyone in life. That echo returns on the hope borne by divine wings, and it replies, "You have brought all of us here to be together" in the great State of Kansas and the nation of America. Thank you, Lord. We petition you in the honorable name of your Son.

I pray to you in the name of Jesus Christ, my Lord and Savior. Amen.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2798, HB 2836.**

Commerce: **HB 2696.**

Education: **HB 2578, HB 2613, HB 2712.**

Natural Resources: **HB 2757.**

Transportation: **HB 2758.**

Ways and Means: **SB 577.**

CHANGE OF REFERENCE

The President withdrew **SB 543** from the Committee on Ways and Means, and rereferred the bill to the Committee on Agriculture.

The President withdrew **SB 393** from the Committee on Ways and Means, and rereferred **SB 393** (Separately) to the Committee on Agriculture and the Committee on Assessment and Taxation.

The President withdrew **SB 86, SB 537** from the Committee on Ways and Means, and rereferred the bills to the Committee on Public Health and Welfare.

The President withdrew **SB 389, SB 438, SB 482, SB 488, SB 552** from the Committee on Ways and Means, and rereferred the bills to the Committee on Assessment and Taxation.

The President withdrew **SB 526, SB 540** from the Committee on Ways and Means, and rereferred the bills to the Committee on Natural Resources.

REFERRAL OF APPOINTMENTS

The following appointment made by the Attorney General and submitted to the senate for confirmation, was referred to Committee as indicated:

By the Attorney General

Crime Victims Compensation Board

Roger S. Villanueva, term effective March 16, 2006 and will expire March 15, 2010.
(Judiciary)

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2414, HB 2432, HB 2554; Substitute HB 2561; HB 2607, HB 2649, HB 2667, HB 2710, HB 2720, HB 2752, HB 2753, HB 2756, HB 2809; Substitute HB 2829; HB 2833, HB 2835, HB 2874, HB 2899, HB 2927, HB 2951.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2414, HB 2432, HB 2554; Substitute HB 2561; HB 2607, HB 2649, HB 2667, HB 2710, HB 2720, HB 2752, HB 2753, HB 2756, HB 2809; Substitute HB 2829; HB 2833, HB 2835, HB 2874, HB 2899, HB 2927, HB 2951 were thereupon introduced and read by title.

FINAL ACTION ON CONSENT CALENDAR

SB 354; HB 2609 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 354. An act concerning guardians and conservators; relating to reports and accountings; amending K.S.A. 59-3083 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2609. An act concerning small claims; relating to forms; amending K.S.A. 61-2707 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 220. An act concerning the criminal code; relating to domestic battery; amending K.S.A. 2005 Supp. 21-3412a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 2, Absent or Not Voting 0.

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

Nays: Haley.

Present and Passing: Francisco, Kelly.

The bill passed, as amended.

Sub SB 264. An act concerning municipalities; relating to depositories for public funds; amending K.S.A. 9-1401, 9-1408 and 12-1675a and K.S.A. 2005 Supp. 12-1675 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Francisco, Gilstrap, Haley, Jordan, McGinn, O'Connor, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barnett, Emler, Goodwin, Hensley, Huelskamp, Journey, Kelly, Lee, Morris, Ostmeyer, Palmer, Pine, Pyle, Taddiken.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: As was said yesterday, this has been a difficult time and position for me in working **Sub SB 264** and I have been wrestling with finding the right words to address how I feel. In doing so, I came across a quote that I feel is what I have tried to always guide my decisions by. The quote is by Theodore Hesburgh an American Clergyman and University President.

“My basic principle is that you don’t make decisions because they are easy; you don’t make them because they are cheap; you don’t make them because they’re popular; you make them because they’re right”.—RUTH TEICHMAN

SB 340, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions for security of officers employed by the department of corrections; amending K.S.A. 74-4914d 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, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 351, An act concerning crimes, punishment and criminal procedure; relating to the drug abuse assessment for certain offenders; relating to sentencing; amending K.S.A. 2005 Supp. 21-4714, 21-4729 and 75-52,144 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Haley.

The bill passed, as amended.

SB 355, An act concerning the probate code; relating to appeals; amending K.S.A. 59-2401, 59-2402a and 59-2408 and repealing the existing sections; also repealing K.S.A. 59-2407, 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, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 366, An act concerning crimes, punishment and criminal procedure; relating to departure sentencing; amending K.S.A. 2005 Supp. 21-4716 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, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D,

Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 375, An act concerning state agencies and employees; relating to certain employee benefits; amending K.S.A. 44-576 and 75-5543 and K.S.A. 2005 Supp. 74-4902, 74-4925 and 74-4927 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 74-4925h, 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 414, An act concerning public utilities; relating to natural gas; enacting the gas safety and reliability policy act, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 16, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, Morris, O'Connor, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Apple, Barnett, Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, Lee, McGinn, Ostmeyer, Palmer, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I am concerned that **SB 414** does not strike an appropriate balance between gas utility companies and the due process protections that customers deserve.

The surcharge can increase consumer rate every year for five years, without the protections of the traditional rate case review. When the utility files for the surcharge, the commission can only "confirm" that the costs are the type allowed and that they are properly calculated. It does not limit projects to those required by new federal or state actions but can include projects that may already be scheduled to address existing safety requirements.

Rather than a volumetric fee, the bill requires that the surcharge be collected through a fixed charge making the charge the same for a small volume user as it will be for a large volume user. While the bill caps the surcharge for residential customers at 40 cents per month per year, there is no limit for the surcharge on our small businesses, schools, and other commercial and industrial customers.

The utilities have been providing safe and reliable service without these surcharges. I cannot vote to allow for annual rate increases with out additional restrictions or more due process for customers. — MARCI FRANCISCO

Senators Barone, Hensley, Kelly and Lee request the record to show they concur with the "Explanation of Vote" offered by Senator Francisco on **SB 414**.

SB 417, An act concerning vessels; imposing certain requirements; prohibiting certain acts; providing penalties for certain violations; amending K.S.A. 32-1110, 32-1111, 32-1119, 32-1125, 32-1128 and 32-1180 and K.S.A. 2005 Supp. 32-1102, 32-1173 and 74-7336 and repealing the existing sections, 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed, as amended.

SB 432, An act concerning traffic regulation; relating to juvenile traffic offenders; amending K.S.A. 8-2117 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 434, An act concerning corrections; relating to community supervision; amending K.S.A. 2005 Supp. 75-5291 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 435, An act concerning sentencing; relating to presentence investigation reports; amending K.S.A. 2005 Supp. 21-4714 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 440, An act concerning the admission of students to state educational institutions; amending K.S.A. 72-116 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 451, An act concerning medicaid; relating to the state medicaid plan; declaring certain acts to be crimes and providing penalties for violations; amending K.S.A. 2005 Supp. 21-3847 and 39-7,121d 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 453, An act concerning environmental laws; relating to compliance audit privilege; immunity; lesser penalties for violations; amending K.S.A. 60-3332, 60-3333, 60-3334, 60-3336, 60-3338 and 60-3339 and K.S.A. 2005 Supp. 45-229 and repealing the existing sections; also repealing K.S.A. 60-3335, 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed, as amended.

SB 459, An act concerning wildlife and parks; relating to the issuance of licenses, 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 462, An act concerning child exchange and visitation centers; relating to docket fees; amending K.S.A. 60-2001 and K.S.A. 2005 Supp. 20-367 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 6, 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, Kelly, Lee, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Huelskamp, Journey, O'Connor, Ostmeyer, Pyle, Wagle.

The bill passed, as amended.

SB 465, An act concerning income taxation; relating to credits; adoption of certain children; amending K.S.A. 79-32,202 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 485, An act concerning school districts; relating to the suspension or expulsion of pupils; amending K.S.A. 72-8904 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 491, An act concerning nursing home residents; relating to the personal needs allowance, 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,

McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 515, An act concerning workers compensation; relating to group-funded workers compensation pool; surplus funds; adequate surplus funds; actuarial review; amending K.S.A. 44-582, 44-584 and 44-588 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 536, An act concerning medicaid; relating to reimbursement; amending K.S.A. 59-2249 and 59-3086 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Haley.

The bill passed, as amended.

HB 2555, An act concerning crimes, punishment and criminal procedure; relating to the criminal justice recodification, rehabilitation and restoration committee; drug paraphernalia; amending K.S.A. 65-4150 and K.S.A. 2005 Supp. 22-5101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 39, Nays 1, 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, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Journey.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 508** be amended on page 1, in line 29, by striking "are" and inserting "be"; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 492** be amended on page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 9;

On page 10, by striking all in lines 1 through 19 and inserting the following:

"Section 1. K.S.A. 2005 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county.

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) *Notwithstanding any other language in this section to the contrary, the governing body of any city located in a county having a population of less than 100,000 shall not be permitted to annex land pursuant to paragraphs (1) through (6) of subsection (a).*

Sec. 2. K.S.A. 2005 Supp. 12-520 is hereby repealed.”; By renumbering the remaining section accordingly;

In the title, in line 10, by striking all following “K.S.A.”; by striking all in lines 11 and 12; in line 13, by striking all preceding the period and inserting “2005 Supp. 12-520 and repealing the existing section”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 512** be amended on page 2, preceding line 28, by inserting:

“(j) “Employee” means an individual who performs labor or provides construction services pursuant to a construction contract as defined in K.S.A. 16-121, and amendments thereto.

(k) “Established safety standard” means, that for the years after 1971, the concentration of silica or mixed dust in the breathing zone of the workers does not exceed the maximum allowable exposure limits for the eight-hour-time weighted average airborne concentration as promulgated by the occupational safety and health administration (OSHA) in effect at the time of the alleged exposure.”;

By relettering the remaining subsections accordingly;
 On page 5, preceding line 15, by inserting the following:
 “(gg) “Threshold limit values” means the maximum allowable concentration of silica, or other dust, set forth in regulation 247 of the “regulations for the prevention and control of diseases resulting from exposure to toxic fumes, vapors, mists, gases and dusts in order to preserve and protect the public health as promulgated by the occupational safety and health administration (OSHA) in effect at the time of the alleged exposure.”;

By relettering the remaining subsections accordingly;
 On page 10, in line 38, by striking “30” and inserting “60”;
 On page 13, by striking all in lines 14 through 43;
 On page 14, by striking all in lines 1 through 30;
 On page 15, by striking all in lines 32 through 43;
 By striking all on pages 16 and 17;
 On page 18, by striking all in lines 1 through 18;
 And by renumbering the remaining sections accordingly;
 Also on page 18, in line 28, by striking the second “12” and inserting “11”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 337** be amended on page 1, following the enacting clause, by inserting:

“Section 1. K.S.A. 20-1a12 is hereby amended to read as follows: 20-1a12. (a) There is hereby established in the state treasury a judiciary technology fund.

(b) Moneys in the judiciary technology fund shall be used to:

(1) *Establish, operate and maintain a state-wide system of electronic remote access, at no cost to users, to court records that are otherwise publicly available;*

(2) implement technological improvements in the Kansas court system; and

(3) ~~to~~ fund meetings of the judicial council technology advisory committee at the judicial council reimbursement rate pursuant to K.S.A. 20-2206, and amendments thereto. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas Supreme Court or a person designated by the chief justice.”;

By renumbering the remaining sections accordingly;

Also on page 1, in line 20, by striking “5.05%” and inserting “5.04%”; in line 27, by striking “2.76%” and inserting “2.75%”; in line 29, by striking “4.37%” and inserting “18.86%”; in line 33, by striking “1.28%” and inserting “1.27%”; in line 37, by striking “1.52%” and inserting “1.51%”; in line 40, by striking “18.33%” and inserting “18.31%”;

On page 12, by striking all in line 43;

On page 13, by striking all in lines 1 through 20;

By renumbering the remaining sections accordingly;

Also on page 13, in line 21, before “60-2001” by inserting “20-1a12,”; in line 22, by striking all following “22-2410” and inserting “and 28-172a are hereby”;

In the title, in line 9, by striking all after “to”; in line 10, by striking all before the semicolon and inserting “judiciary technology fund”; also in line 10, before “60-2001” by inserting “20-1a12,”; in line 11, by striking the comma, where it appears the third time and inserting “and”; also in line 11, by striking “, 75-3120g”; in line 12, by striking “and 75-3120k”; and the bill be passed as amended.

Also, **SB 458** be amended on page 2, in line 13, after “who” by inserting “:

(1) Admits to criminal street gang membership; or

(2)”;

Also on page 2, in line 13, by striking “two” and inserting “three”; by striking all in line 15; in line 16, by striking “(2)” and inserting “(A)”; in line 18, by striking “(3)” and inserting “(B)”; in line 21, by striking “(4)” and inserting “(C)”; in line 24, by striking “(5)” and inserting “(D)”; in line 27, by striking “(6)” and inserting “(E)”; in line 30, by striking “(7)” and inserting “(F)”; in line 32, by striking “(8)” and inserting “(G)”; in line 34, by striking “(9)” and inserting “(H)”;;

On page 3, in line 2, by striking “any single defining criterion” and inserting “two or more defining criteria”; in line 3, after “(b)” by inserting “(2)”; in line 33, by striking all after “a” where it appears for the first time; by striking all in line 34, in line 35, by striking all before

“a” and inserting “criminal street gang member, as defined in section 2, and amendments thereto, is arrested for”; and the bill be passed as amended.

SB 506 be amended on page 1, in line 31, by striking all after “New Sec. 2.”; by striking all in lines 32 through 43;

On page 2, by striking all in lines 1 through 14 and inserting “Cities and counties shall be prohibited from adopting any ordinance, resolution or regulation establishing residential restrictions for offenders as defined by K.S.A. 22-4902, and amendments thereto.”;

On page 18, after line 5, by inserting the following:

“Sec. 11. K.S.A. 2005 Supp. 74-9501 is hereby amended to read as follows: 74-9501. (a) There is hereby established the Kansas criminal justice coordinating council.

(b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.

(c) The governor shall designate staff to the Kansas criminal justice coordinating council. The staff shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.

(d) The council shall elect a chairperson and vice-chairperson from among the members of the council.

(e) The council shall:

(1) Appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, a member of a city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses;

(2) define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements;

(3) perform such criminal justice studies or tasks as requested by the governor, the attorney general, the legislature or the chief justice, as deemed appropriate or feasible by the council;

(4) oversee development and management of a criminal justice database including assuming the designation and functions of the state statistical analysis center currently assigned to the Kansas bureau of investigation pursuant to K.S.A. 75-712a and amendments thereto. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amendments thereto and the juvenile justice authority shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database;

(5) develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants;

(6) form such task groups as necessary and appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied, when analyzing criminal justice issues and performing criminal justice studies. Members of the legislature may be appointed ex officio members to such task groups. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council; ~~and~~

(7) review reports submitted by each task group named by the council and shall submit the report with the council’s recommendations pertaining thereto to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate; *and*

(8) (A) *Establish the sex offender policy board to consult and advise the council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation, reintegration and supervision of sex offenders.*

(B) *The sex offender policy board shall consist of the secretary of corrections, the commissioner of juvenile justice, the secretary of social and rehabilitation services, the director of the Kansas bureau of investigation and the chief justice of the supreme court or the chief justice's designee and two persons appointed by the criminal justice coordinating council. Of the persons appointed by the criminal justice coordinating council, one shall be a mental health service provider and the other shall be engaged in the provision of services involving child welfare or crime victims.*

(C) *Each member of the board shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the board shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on board activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees.*

(D) *The sex offender policy board shall elect a chairperson from its membership and shall meet upon the call of its chairperson as necessary to carry out its duties.*

(E) *Each appointed member of the sex offender policy board shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.*

(F) *The board shall submit its reports to the criminal justice coordinating council and to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.*

(i) *The board shall submit a report regarding public notification pertaining to sex offenders, restrictions on the residence of released sex offenders, utilization of electronic monitoring, and the management of juvenile sex offenders by the first day of the 2007 legislative session.*

(ii) *The board shall submit a report regarding treatment and supervision standards for sex offenders, suitability of lifetime release supervision and safety education and prevention strategies for the public by the first day of the 2008 legislative session.*

(iii) *The board shall submit reports regarding any other studies, issues or policy recommendations as completed.”;*

And by renumbering the remaining sections accordingly;

Also on page 18, in line 7, by striking “and” and inserting a comma; also in line 7, after “22-4906” by inserting “and 74-9501”;

In the title, in line 14, by striking the first “and” and inserting a comma; also in line 14, after “22-4906” by inserting “and 74-9501”; and the bill be passed as amended.

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 Brungardt in the chair.

Recommended **SB 365** be amended by adoption of the committee amendments.

Senator Barnett moved to amend **SB 365**, as amended by Senate Committee, on page 2, in line 38, by striking “(A)”;

On page 3, by striking all in lines 5 through 30;

On page 23, in line 6, by striking all after “before”; in line 7, by striking “2010” and inserting “July 1, 2007”; in line 14, by striking “January 1, 2010” and inserting “July 1, 2007”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 17, Nays 23, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Gilstrap, Huelskamp, Jordan, Journey, McGinn, O'Connor, Ostmeier, Palmer, Petersen, Pyle, Schodorf, Taddiken, Wagle, Wilson.

Nays: Allen, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Kelly, Lee, Morris, Pine, Reitz, Schmidt D, Schmidt V, Steineger, Teichman, Umbarger, Vratil, Wysong.

The motion failed and the amendment was rejected.

Senator Pyle moved to amend **SB 365**, on page 2, line 38, by striking "(A)";

On page 3, by striking all in lines 5 through 30;

On page 23, in lines 6, by striking all after "before" in line 7, by striking "2010" and inserting "July 1, 2006"; in line 14, by striking "January 1, 2010" and inserting "July 1, 2006";

The motion failed and the amendment was rejected.

The Committee recommended **SB 365** be passed as amended.

SB 528 be amended by adoption of the committee amendments, and the bill be passed as amended.

The Committee rose and reported progress (see Committee of the Whole, afternoon session).

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Morris in the chair.

POINT OF PERSONAL PRIVILEGE

Senator V. Schmidt introduced as guests her parents, Berniece and Victor Ensz; aunt and uncle, Jacque and Max Herzet and cousin, DeAne Herzet.

MESSAGE FROM THE GOVERNOR

SB 372 approved on February 23, 2006.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators V. Schmidt and Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1815—

A RESOLUTION congratulating and commending the Kansas recipients of the 2005 Milken Family Foundation Educator Awards.

WHEREAS, Stanley Bergkamp, a science teacher at Maize High School, Maize USD 266, and Matt Copeland, an English teacher at Washburn Rural High School, Auburn Washburn USD 437, have been selected as the 2005 Kansas recipients of the Milken Family Foundation Educator Awards. Each will receive an unrestricted award of \$25,000 plus recognition by the recipient's community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985. The first Awards were presented in 1987; and

WHEREAS, The Milken Family Foundation National Educator Awards program provides public recognition and financial rewards to elementary and secondary school teachers, principals and other education professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. This year 48 states and the District of Columbia participated in the program. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Stanley Bergkamp and Matt Copeland upon their selection as the 2005 Kansas recipients of the Milken Family Foundation Education Awards; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies of this resolution to the Commissioner of Education for forwarding to the 2005 Milken Educators.

On emergency motion of Senator V. Schmidt **SR 1815** was adopted unanimously.

Matt Copeland and Stanley Bergkamp were guests and were recognized with a standing ovation.

REPORT ON ENROLLED BILLS

SR 1809, SR 1814, SR 1815 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 23, 2006.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On motion of Senator Brungardt the morning report and the following afternoon report were adopted:

Recommended **SB 479, SB 497, SB 535, SB 564** be passed.

The committee recommended **SB 513** be passed.

A motion by Senator Steineger to amend **SB 513** failed and the following amendment was rejected: on page 1, in line 41, after the period, by inserting "As part of its study of the per diem compensation of the members of the legislature, in addition to the rate of per diem compensation of members of the legislature and the expenses incurred by the members of the legislature related to service as members of the legislature, the commission shall study and shall take into consideration in making any recommendations under this act, the following: (1) The kinds and amounts of expense allowances or reimbursements provided to members of the legislature under K.S.A. 46-137a, and amendments thereto, or any other statute, and (2) the kinds and amounts of economic opportunities, gifts, loans, gratuities, special discounts, favors, hospitality, recreation or service gifts that are regulated or required to be reported by K.S.A. 46-237 and amendments thereto, or any other statute, and which have been reported to the governmental ethics commission to have been given to members of the legislature.";

On page 2, in line 8, after "that" by inserting "(1)"; in line 11, before the period, by inserting "; and (2) the commission may make alternative recommendations for increases in per diem compensation based on one or more contingencies that provide that if one or more stated contingencies occur then a specified alternative recommendation for an increase in per diem compensation becomes effective as the recommendation of the commission"

The committee report on **SB 449** recommending a **Sub SB 449** be adopted.

The following amendment offered by Senator Brownlee to **Sub SB 449** was rejected: on page 5, line 25, by striking starting at "For purposes....." strike all in lines 26-30, and the substitute bill be passed.

The committee report on **SB 486** recommending a **Sub SB 486** be adopted, and the substitute bill be passed.

The committee report on **SB 490** recommending a **Sub SB 490** be adopted, and the substitute bill be passed.

SB 305, SB 330, SB 361, SB 421, SB 431, SB 469, SB 505, 507, SB 518, SB 554; HB 2611 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2732 be amended by motion of Senator V. Schmidt, as amended by House Committee, on page 1, in line 16, by striking all after "vehicle" "; in line 17, by striking all before the semicolon and inserting: "means a passenger vehicle, as defined in K.S.A. 8-1445, and amendments thereto, including vans, but does not include a motor home, as defined in K.S.A. 8-1436, and amendments thereto", and **HB 2732** be passed as amended.

SB 380 be amended by adoption of the committee amendments, be further amended by motion of Senator Francisco, on page 3, lines 9-12, by striking subsection (b) in its entirety and renumbering the remaining sections accordingly., and **SB 380** be passed as further amended.

SB 403 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt, as amended by Senate Committee, on page 2, following line 2, by inserting:

“(f) “Operation of a retail establishment” includes participation in any of the following activities:

- (1) Hiring, firing or supervising any employees of a retailer;
- (2) determining the amount or type of inventory to be ordered or maintained by a retailer, ordering inventory for a retailer or coordinating deliveries of inventory to a retail establishment;
- (3) determining the advertising, marketing or promotional programs that are enlisted, offered or utilized by a retailer;
- (4) negotiating, entering into or executing contracts to which a retailer is a party; or
- (5) paying for or authorizing payment for services provided to or purchases made by a retailer.”;

Also on page 2, following line 41, by inserting:

“(j) “Operation of a club, drinking establishment, caterer or temporary permit” includes participation in any of the following activities:

- (1) Hiring, firing or supervising any employees of a club, drinking establishment, caterer or temporary permit holder;
- (2) determining the amount or type of inventory to be ordered or maintained by a club, drinking establishment, caterer or temporary permit holder; ordering inventory for a club, drinking establishment, caterer or temporary permit holder; or coordinating deliveries of inventory to a club, drinking establishment, caterer or temporary permit location;
- (3) determining the advertising, marketing or promotional programs that are enlisted, offered or utilized by a club, drinking establishment, caterer or temporary permit holder;
- (4) negotiating, entering into or executing contracts to which a club, drinking establishment, caterer or temporary permit holder is a party; or
- (5) paying for or authorizing payment for services provided to or purchases made by a club, drinking establishment, caterer or temporary permit holder.”; and **SB 403** be passed as further amended.

SB 408 be amended by adoption of the committee amendments, be further amended by motion of Senator Huelskamp, on page 1, line 31, by inserting after the word “and” the word “intentionally”, and **SB 408** be passed as further amended.

SB 522 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, as amended by Senate Committee, on page 2, in line 39, by striking all after the stricken material; by striking all in lines 40 through 43;

On page 3, by striking all in lines 1 and 2 and inserting “record the proceedings of the second appeal or internal review meeting at the expense of the insured.”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 32, Nays 5, Present and Passing 3, Absent or Not Voting 0.

Yeas: Allen, Apple, Betts, Brownlee, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wysong.

Nays: Barone, Bruce, Ostmeyer, Teichman, Wilson.

Present and Passing: Barnett, Francisco, Wagle.

The motion carried and the amendment was adopted, and **SB 522** be passed as further amended.

SB 547 be amended by adoption of the committee amendments, be further amended by motion of Senate Pyle, on page 3, line 2, by striking “\$500” and inserting “\$140”, and on line 15 by striking “\$500” and inserting “\$140”, and on line 18 by striking “\$500” and inserting “\$140”, and **SB 547** be passed as further amended.

SB 456 be passed over and retain a place on the calendar.

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 305, SB 330, SB 361, SB 365, SB 380, SB 403, SB 408, SB 421, SB 431, Sub SB 449, SB 469, SB 479, Sub SB 486, Sub SB 490, SB 497, SB 505, SB 507, SB 513, SB 518, SB 522, SB 528, SB 535, SB 547, SB 554, SB 564; HB 2611, HB 2732** were advanced to Final Action and roll call.

SB 305. An act concerning the Kansas comprehensive grant program; relating to persons eligible for grants thereunder; amending K.S.A. 74-32,120 and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Emler.

The bill passed, as amended.

SB 330. An act concerning family postsecondary education savings accounts; amending K.S.A. 2005 Supp. 75-646 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Francisco, Haley, Hensley, Kelly, Lee.

The bill passed, as amended.

SB 361. An act amending the Kansas air quality act; providing judicial review of agency action to court of appeals; when; amending K.S.A. 65-3008a and 65-3013 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Huelskamp, Jordan, Journey, Lee, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Barone, Francisco, Haley, Hensley, Kelly, McGinn, Reitz, Steineger, Wysong.

The bill passed, as amended.

SB 365. An act enacting the Kansas estate tax act; repealing K.S.A. 2005 Supp. 79-15,100, 79-15,101, 79-15,102, 79-15,103, 79-15,105, 79-15,109, 79-15,111, 79-15,112, 79-15,113, 79-15,116, 79-15,117, 79-15,118, 79-15,119, 79-15,125, 79-15,128, 79-15,129, 79-15,130, 79-15,131, 79-15,132, 79-15,133, 79-15,134, 79-15,135, 79-15,136, 79-15,137, 79-15,138, 79-15,139, 79-15,140, 79-15,141, 79-15,142, 79-15,143, 79-15,144 and 79-15,145.

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, McGinn, Morris, O'Connor, 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: The estate tax is an onerous burden on Kansas families, Kansas farms, and Kansas businesses. While I do support the provisions of **SB 365** aimed at correcting

current inequities and problems with this tax, the wiser course of action would be to repeal this deadly tax, as soon as possible.—TIM HUELSKAMP

SB 380, An act concerning the residential landlord and tenant act; amending K.S.A. 58-2548, 58-2550 and 58-2570 and repealing the existing sections.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Goodwin, Hensley, Jordan, Kelly, McGinn, Morris, O'Connor, Palmer, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Nays: Barnett, Barone, Brownlee, Gilstrap, Haley, Huelskamp, Journey, Lee, Ostmeyer, Petersen, Pine, Pyle, Schmidt D, Steineger, Taddiken, Wagle, Wilson.

The bill passed, as amended.

SB 403, An act concerning alcoholic beverages; concerning certain unlawful acts; amending K.S.A. 41-106, 41-713 and 41-2610 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 408, An act concerning crimes and punishment; relating to cruelty to animals and harming or killing certain dogs; amending K.S.A. 21-4317 and 47-1706 and K.S.A. 2005 Supp. 21-4310, 21-4311, 21-4318, 21-4704 and 22-4902 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, McGinn, Morris, O'Connor, 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 proudly vote Aye on **SB 408**.

“Woof rrrwoof-woof Rrr...”

“Miaoo, meeoowrwr...” — DAVID HALEY

SB 421, An act concerning the Kansas funeral picketing act; amending K.S.A. 21-4015 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 431, An act concerning expungements; relating to convictions and diversions; amending K.S.A. 2005 Supp. 8-1013, 8-1567 and 12-4516 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, McGinn, Morris, O'Connor, 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 449, An act concerning commerce; enacting the video competition act; amending K.S.A. 2005 Supp. 17-1902 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

SB 469, An act concerning the behavioral sciences regulatory board; relating to impaired licensees.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 479, An act concerning crimes, criminal procedure and punishment; relating to alcohol and drugs; preliminary screening tests; amending K.S.A. 2005 Supp. 8-1001 and 8-1012 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

Sub SB 486, An act concerning the task force on racial profiling; amending K.S.A. 2005 Supp. 22-4607 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

Sub SB 490, An act creating the Kansas long-term care bill of rights.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

SB 497, An act concerning improvement districts; establishing qualifications for directors; amending K.S.A. 19-2760 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 505, An act concerning records; relating to electronic access to court records; exemption from fees; amending K.S.A. 2005 Supp. 22-4504, 22-4506 and 22-4507 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 507, An act concerning court costs; relating to a fee upon request for jury; amending K.S.A. 60-2001 and repealing the existing section.

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Bruce, Brungardt, Donovan, Emler, Goodwin, Jordan, Morris, Pine, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Barnett, Barone, Betts, Brownlee, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Schmidt D, Steineger, Taddiken, Wagle, Wilson, Wysong.

A constitutional majority having failed to vote in favor of the bill, **SB 507** did not pass.

SB 513, An act concerning compensation for members of the legislature; establishing a legislative compensation commission and abolishing the existing compensation commission; amending K.S.A. 46-137a and repealing the existing section; also repealing K.S.A. 46-3101.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Brownlee, Huelskamp, Ostmeyer, Pyle.

The bill passed.

SB 518, An act concerning payment of compensation; relating to payment methods; electronic transfer; electronic deposit; payroll card; amending K.S.A. 44-314 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Apple, Barone, Hensley, Lee, Schmidt D, Taddiken.

The bill passed, as amended.

SB 522, An act concerning health insurance; providing the insured certain appeal rights regarding adverse health care decisions.

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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D,

Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 528, An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies; amending K.S.A. 65-445 and 65-2409a and repealing the existing sections.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Francisco, Goodwin, Haley, Hensley, Kelly, Reitz, Schmidt V, Steineger, Vratil, Wysong.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 528**. It will do nothing to reduce the number of abortions and is an intrusion upon the privacy of Kansans.—LAURA KELLY

Senators Allen and Haley request the record to show they concur with the "Explanation of Vote" offered by Senator Kelly on **SB 528**.

MR. PRESIDENT: I vote no on **SB 528** as it is an intrusion on family private matters.—DAVID WYSONG

Senators Allen, Haley and Francisco request the record to show they concur with the "Explanation of Vote" offered by Senator Wysong on **SB 528**.

SB 535, An act concerning sales taxation; relating to sales of new motor vehicles; taxation of rebates; amending K.S.A. 2005 Supp. 79-3602 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 547, An act enacting the pharmacy benefits manager registration act.

On roll call, the vote was: Yeas 39, Nays 1, 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The bill passed, as amended.

SB 554, An act relating to drivers' licenses; concerning the expiration date of certain licenses; amending K.S.A. 2005 Supp. 8-240 and 8-247 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 564, An act concerning sales taxation; relating to countywide retailers' sales tax; Saline county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 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, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2611, An act amending the child passenger safety act; relating to the disposition of certain fines; amending K.S.A. 8-1344 and 8-1345 and K.S.A. 2005 Supp. 20-350 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 4, 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, McGinn, Morris, O'Connor, Ostmeyer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Palmer, Pyle, Steineger.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: **HB 2611** has a great purpose — to protect our children.

However, government cannot make irresponsible citizens responsible by passing laws.

The role of government is to protect children by aiding parents *Not* prescribing actions.

Speaking as a grandparent and for many loving parents — We do not need this type of help from Government.

° We protect our children and grandchildren.

° We love them!

We will keep them safe!

Mr. President I vote NO on **HB 2611**. — PEGGY PALMER

HB 2732, An act relating to motor vehicles; enacting the unattended and unsupervised children in motor vehicles safety act; amending K.S.A. 8-2106 and repealing the existing section.

On roll call, the vote was: Yeas 22, Nays 18, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Kelly, Lee, Morris, Petersen, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Nays: Barnett, Brownlee, Bruce, Haley, Huelskamp, Jordan, Journey, McGinn, O'Connor, Ostmeyer, Palmer, Pine, Pyle, Reitz, Steineger, Taddiken, Wagle, Wilson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: **HB 2732** has a great purpose — to protect our children.

However, government cannot make irresponsible citizens responsible by passing laws.

The role of government is to protect children by aiding parents *Not* prescribing actions.

Speaking as a grandparent and for many loving parents — We do not need this type of help from Government.

° We protect our children and grandchildren.

° We love them!

We will keep them safe!

Mr. President I vote NO on **HB 2732**. — PEGGY PALMER

CHANGE OF REFERENCE

The President withdrew **SB 323**, **SB 343**, **SB 400**, **SB 446**, **SB 493** from the Committee on Judiciary, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 516, SB 560**, from the Committee on Commerce, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 509, SB 514, SB 563, SB 566**, from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 456** from the calendar under the heading of General Orders and referred the bill to the Committee on Transportation.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, February 24, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

