

Journal of the Senate

TWENTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 8, 2007—2:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Donovan was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

The Kansas legislature does not directly affect the course of the war in Iraq and Afghanistan, but one Kansan, who although not born in Kansas, grew up in Abilene and became Supreme Commander of the Allied Forces during World War II. Following the war, Dwight Eisenhower, became President of the United States during which time he gave evidence of understanding the vital role that You, O God, played in his important decisions during the war and his presidency.

On the night of July 10, 1943, he observed the armada of 3000 ships he had ordered into battle sailing from Malta to the shores of Sicily. He saluted his men, then bowed his head in prayer. To the officer next to him he commented: "There comes a time when you've used your brains, your training, your technical skill, and the die is cast and the events are in the hands of God, and there you have to leave them."

Years later when Eisenhower in his inaugural address he said, "The spirit of man is more important than mere physical strength and the spiritual fiber of a nation than its wealth."

Lord, remind all Americans that our nation's Constitution was based on biblical principles.

Lord, remind us that the Bible
Played a basic role
In our Constitution
And this country's soul.

Drive us to our knees
In prayer for our troops;
Reinforce their courage
And their spirits to recoup.

Cause them, Lord, to call on You
For Your mighty power.
Reveal to them Your presence
In this critical hour.

I pray in the Name of Jesus Christ,

AMEN

Quotes from *America's God and Country Encyclopedia of Quotations*
by William J. Federer

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 338, An act concerning the Kansas state schools for the blind and the deaf; relating to the rates of compensation for teachers employed thereby, by Committee on Ways and Means.

SB 339, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; affiliation by county for county detention officers; normal retirement date; costs, by Committee on Ways and Means.

SB 340, An act concerning personal property taxation; relating to motor vehicles; computation of amount of tax; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Assessment and Taxation.

SB 341, An act concerning business entities; relating to the franchise tax; annual report fees; amending K.S.A. 56-1a606, 56-1a607, 56-1a608, 56a-1201, 56a-1202 and 56a-1203 and K.S.A. 2006 Supp. 17-1513, 17-1618, 17-2036, 17-2037, 17-2718, 17-4634, 17-4677, 17-7002, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-7510, 17-7512, 17-76,125, 17-76,139 and 79-5401 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 17-6806 and 75-446, by Committee on Assessment and Taxation.

SB 342, An act concerning taxation; relating to credits; enacting the Kansas investment credit act and the Kansas jobs credit act; relating to qualifications and procedures; eliminating certain existing credits related thereto; amending K.S.A. 40-253a and 74-8945 and K.S.A. 2006 Supp. 79-32,111, 79-32,243 and 79-3606 and repealing the existing sections; also repealing K.S.A. 74-50,113, 74-50,116, 74-50,117, 74-50,118, 74-50,119, 74-50,135, 74-50,135a, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b and 79-32,160c and K.S.A. 2006 Supp. 74-50,114, 74-50,115, 74-50,131, 74-50,132, 74-50,133, 74-50,134, 79-3269, 79-32,153, 79-32,154 and 79-32,160a, by Committee on Commerce.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 327, SB 329, SB 331, SB 334, SB 336.**

Commerce: **SB 333, SB 337.**

Elections and Local Government: **SB 320.**

Federal and State Affairs: **SB 321, SB 328, SB 332; Sub HB 2067.**

Financial Institutions & Insurance: **HB 2112.**

Judiciary: **SB 322, SB 324.**

Public Health and Welfare: **SB 323; HB 2181, HB 2182.**

Utilities: **SB 325, SB 326; HB 2036.**

Ways and Means: **SB 330, SB 335.**

CHANGE OF REFERENCE

The President withdrew **SB 323** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Health Care Strategies.

GUESTS

Senator Bruce rose on a Point of Personal Privilege to introduce the 4A State Debate Championship winners, Conner Bridge, Andy Berg, Joey Ralph and Meriah Forbes of Buhler High School; their coach, Richard Young and assistant coach, Gary Minor.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2058, HB 2073, HB 2220.**

Adoption of **HCR 5003.**

Also, passage of **SB 252.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2058, HB 2073, HB 2220; HCR 5003 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 22, An act concerning postsecondary educational institutions; establishing the teacher education competitive grant program; relating to the administration thereof, was considered on final action.

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

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

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 104, An act concerning the board of nursing; membership thereon; amending K.S.A. 74-1106 and repealing the existing section, was considered on final action.

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

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

Absent or Not Voting: Donovan.

The bill passed.

SB 131, An act concerning authorized poll agents; pertaining to the time of authorization; amending K.S.A. 25-3005a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Barone, Betts, Gilstrap, Haley, Hensley, Kelly, Lee.

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 135, An act concerning authorized poll agents; pertaining to the qualifications thereof; amending K.S.A. 25-3005a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 8, Present and Passing 2, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Huelskamp, Jordan, Journey, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly.

Present and Passing: Taddiken, Wysong.

Absent or Not Voting: Donovan.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Schodorf introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1816—

A RESOLUTION congratulating and commending the 2007 Horizon Award Program educators.

WHEREAS, Thirty-two beginning educators from across the state have been named as Kansas Horizon Award educators; and

WHEREAS, The Kansas Horizon Award program, sponsored by the Kansas State Department of Education, identifies and recognizes representatives of excellent teaching in the elementary and secondary classrooms of the state. The mission of the Kansas Horizon

Award program is to recognize exemplary first-year teachers who perform in a way that distinguishes them as outstanding; and

WHEREAS, The Kansas Horizon Award program, currently in its fifth year, allows all school districts in the state an opportunity to nominate one elementary and one secondary teacher for the award. To be eligible for a Kansas Horizon Award, teachers must have successfully completed their first year of teaching and have performed in such a way as to distinguish themselves as outstanding. The Kansas Horizon Award program is a regional competition with four regions corresponding to the state's United States congressional districts. Four elementary and four secondary classroom teachers may be selected for the award from each district; and

WHEREAS, This year's recipients are:

Region 1: Amy Coffman, Lowther North Intermediate School, Emporia, USD 253; Angela Cordill, McCandless Elementary School, Hutchinson, USD 308; Kathryn Kinnan, Junction City Middle School, Geary County, USD 475; Tabitha Peterson, Emporia High School, Emporia, USD 253; Shanna Riecker, Garden City High School, Garden City, USD 457; Alycia Ryff, Southeast of Saline High School, Southeast of Saline, USD 306; Jeff Voss, Prosperity Elementary School, Buhler, USD 313; Tamara Wynn, Trego Grade School, WaKeeney, USD 208; and

Region 2: Sherri Farwell, Indian Creek Elementary School, Seaman, USD 345; Ruschelle Gunlock, Galena High School, Galena, USD 499; Alison Hall, Ottawa High School, Ottawa, USD 290; Wes Pike, Manhattan High School, Manhattan-Ogden, USD 383; Jeffrey Pommier, Eugene Ware Elementary School, Fort Scott, USD 234; Usha Reddi, Ogden Elementary School, Manhattan-Ogden, USD 383; Emily Stueve, Logan Jr. High School, Seaman, USD 345; David Warner, Seneca Grade School, Nemaha Valley, USD 442; and

Region 3: Darcy Baker, Wheatridge Middle School, Gardner Edgerton, USD 231; Anne Balsler-Andrews, Lindbergh Elementary School, Kansas City, USD 500; Dennis Burkett, Olathe South High School, Olathe, USD 233; Jill Landes Gouger, Blue Valley High School, Blue Valley, USD 229; Meghan Luttrell, Indian Valley Elementary School, Blue Valley, USD 229; Margaret Mosher, Madison Elementary School, Gardner Edgerton, USD 231; Kevin Smiley, Monticello Trails Middle School, DeSoto, USD 232; Jeff Zimmerman, Ravenwood Elementary School, Olathe, USD 233; and

Region 4: Ashleigh Bennett, Frances Willard Elementary School, Arkansas City, USD 470; Leslianne Craft, Dean Ray Stucky Middle School, Wichita, USD 259; Jenaë Crowley, Meadowlark Elementary School, Andover, USD 385; Micah Friesen, Nelson Elementary School, Haysville, USD 261; Julie Johnson, Circle Middle School, Circle, USD 375; Kara Maxwell, Gardiner Elementary School, Wichita, USD 259; Erica Rickard, Newton High School, Newton, USD 373; Amber Riedy, Andover Middle School, Andover, USD 385: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the 2007 Kansas Horizon Award Program educators for outstanding performance in their chosen career; and

Be it further resolved: That the Secretary of the Senate provide 32 enrolled copies of this resolution to the Interim Commissioner of Education for forwarding to each educator so honored plus one copy for the Interim Commissioner of Education.

On emergency motion of Senator Schodorf **SR 1816** was adopted unanimously.

Committee on Ways and Means introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION urging the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill.

WHEREAS, Kansas communities, state officials and the members of the Kansas Congressional Delegation worked hard and the results of the 2005 Base Realignment and

Closure (BRAC) Commission recommendations were the best news for Kansas in years; and

WHEREAS, These recommendations are resulting in significant increases in personnel and the missions assigned to Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base in Kansas; and

WHEREAS, The military commands, the troops and their families coming to work on those missions are facing a situation with much of the funding support originally contained in the Federal Continuing Resolution, and many of the key projects in Kansas, now at risk; and

WHEREAS, The Federal Continuing Resolution adopted by the United States' House of Representatives currently provides less than half of the request for the 2005 BRAC Commission and is more than \$3 Billion short of the amount agreed upon in the FY 2007 Defense Authorization Bill; and

WHEREAS, Kansas Governor Kathleen Sebelius' Military Council voted on February 7, 2007, to support efforts to restore vital federal military construction funding for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base at this time when these military posts are getting new missions; and

WHEREAS, Projects that are potentially at risk at Fort Riley include a Combat Aviation Brigade complex, which would provide additional housing for troops, headquarters and operations buildings and facilities, hanger expansion and a crash rescue fire station (\$152 Million); essential Runway Improvements (\$17 Million); Division Headquarters and Sustainment Brigade Headquarters buildings and facilities (\$87 Million); a state-of-the-art Battle Command Training Center (\$27 Million); and a Health and Dental Clinic (\$17.5 Million) and a Child Development Center (\$5.7 Million) to serve the thousands of troops and their families moving to Fort Riley; and

WHEREAS, The project for the Joint Regional Corrections Facility (\$68-\$95 Million) at Fort Leavenworth is also at risk; and

WHEREAS, The Senate of the State of Kansas considers the federal funding requested for Fort Riley, Fort Leavenworth, Forbes Air Force Base and McConnell Air Force Base, based on the recommendations of the 2005 BRAC Commission, to be crucially important to the United States of America, as well as to the State of Kansas: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate of the Legislature of the State of Kansas strongly urges the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Kansas Congressional Delegation.

Senator Emler amended **SR 1817** on page 2, in the last paragraph, 3rd line, by striking "President" and inserting "Majority Leader", and the amendment was adopted by voice vote.

On emergency motion of Senator Emler **SR 1817** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 89** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 89," as follows:

"Substitute for SENATE BILL No. 89

By Committee on Agriculture

"AN ACT relating to water; concerning the Republican river and the disposition of moneys recovered from certain litigation; establishing the Republican river water conservation projects fund.;"

and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **SB 127** be amended on page 1, in line 14, following "homeowners," by inserting "business buildings"; following line 18, by inserting the following:

“(b) “Business building insurance” means a policy providing property coverage on business buildings and structures for the perils of fire and lightning and additional coverages.”;

By relettering the remaining subsections accordingly;

Also on page 1, in line 30, following the comma by inserting “gypsum mines”; in line 37, following “homeowners,” by inserting “business building”

On page 2, in line 11, by striking all following “the”; in line 12, by striking all preceding “designee” and inserting “the commissioner of insurance or the commissioner’s”; in line 13, by striking “commissioner of insurance or the com-”; in line 14, by striking “missioner’s” and inserting “secretary of health and environment or the secretary’s”; in line 22, by striking “contract with the”; in line 23, by striking all preceding “for” and inserting “contracts”;

On page 3, in line 39, by striking “Kansas insurance guaranty association or its members” and inserting “contractors or vendors employed by the mine subsidence governing board”;

On page 4, in line 2, by striking “Kansas insurance”; in line 3, by striking “guaranty association” and inserting “vendor hired”; in line 4, by striking “with”; in line 5, by striking all preceding “for”; in line 7, by striking “Kansas insurance guaranty association” and inserting “vendor”;

On page 5, following line 17, by inserting the following:

“(c) Before any mine subsidence insurance coverage can be issued, an inspection must be performed to document the integrity of insured structures to identify any existing damage to be excluded from coverage.”;

And the bill be passed as amended.

Committee on **Judiciary** recommends **SB 41, SB 54, SB 87** be passed.

Also, **SB 74** be amended on page 2, in line 3, by striking all following “states”; in line 4, by striking all preceding the period;

On page 4, in line 42, by striking all following “(h)”; by striking all in line 43;

On page 5, by striking all in lines 1 through 8 and inserting “The court may issue a final order of allowance and settlement upon the filing of a final accounting and a finding by the court that the following have occurred:

(1) Reimbursement to the appropriate agency for any medical assistance payments, if any, received under subsection (e) of K.S.A. 39-709, and amendment thereto, or any similar laws of any other state for or on behalf of a conservatee or a predeceased spouse of the conservatee, but only to the extent allowed by law;

(2) delivery of any remaining funds and assets of the conservatee’s estate to the person or persons entitled to such funds or assets; and

(3) presentation to the court of receipts for subsections (1) and (2).

The conservator, the conservator’s estate and the conservator’s surety shall be released upon the issuance of the court’s final order of allowance and settlement.”;

And the bill be passed as amended.

SB 97 be amended on page 5, in line 41, by striking “third or subsequent”; in line 42, by striking “or 21-3716”; and the bill be passed as amended.

SB 103 be amended on page 2, in line 3, by striking “may” and inserting “shall”; in line 14, before the period, by inserting “, except after an escape and when necessary to assist in apprehension”; in line 21, before the semicolon, by inserting “or (a)(4)”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 188** be passed.

Also, **SB 191** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

SB 146 be amended on page 2, in line 13, by striking “unit” and inserting “units”; also in line 13, by striking “75%” and inserting “50%”; in line 14, by striking “and install”; also in line 14, following “cover” by inserting “or other tire derived”; in line 15, following the period by inserting “As used in this section, “tire derived products” means athletic field surfacing, playground cover, horticulture products and molded or extruded rubber products made from recycled waste tires.”; and the bill be passed as amended.

SB 192 be amended on page 1, in line 16, by striking “on” and inserting “or”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SR 1817 reported correctly engrossed February 8, 2007.

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 Wagle in the chair.

On motion of Senator Wagle the following report was adopted:

Recommended **HB 2039**, **HB 2303** be passed.

HCR 5009 be adopted.

SB 21, **SB 114**, **SB 158**, be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 160 be amended by adoption of the committee amendments.

The following amendments offered to **SB 160** were rejected.

Senator Haley moved to amend **SB 160** as amended by Senate Committee, on page 10, after line 39, by inserting the following:

“New Sec. 15. From and after the effective date of this act no electronic or electromechanical voting system shall be purchased, leased or rented for use in the state of Kansas.”;

And by renumbering the remaining sections accordingly

The motion failed and the amendment was rejected.

Senator Haley further moved to amend **SB 160** as amended by Senate Committee, on page 10, after line 39, by inserting the following:

“New Sec. 15. (a) Notwithstanding any other provision of law, no electronic or electromechanical voting system shall be approved for use in this state unless such electronic or electromechanical voting system provides for a paper record of each electronically generated ballot that can be:

(1) Reviewed and corrected by the voter at the time the vote is cast; and

(2) used for a recount of the votes cast at an election in which electronically generated ballots are used.

(b) (1) On and after January 1, 2008, no electronic or electromechanical voting system shall be used in this state unless such voting system has an accessible voter verified paper audit trail.

(2) For the purposes of this provision, “accessible voter verified paper audit trail” means a component of a direct recording electronic voting system that prints a contemporaneous paper record copy of each electronic ballot and allows each voter to confirm such voter’s selections before the voter casts such voter’s ballot.”;

And by renumbering the remaining sections accordingly

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

On roll call, the vote was: Yeas 9, Nays 30, Present and Passing 0, Absent or Not Voting 1.

Yeas: Barone, Betts, Francisco, Goodwin, Haley, Hensley, Kelly, Lee, Steineger.

Nays: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Gilstrap, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Donovan.

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 21**, **SB 114**, **SB 158**, **SB 160**; **HB 2039**, **HB 2303**; **HCR 5009** were advanced to Final Action and roll call.

SB 21, An act concerning certain employees at state educational institutions; amending K.S.A. 2006 Supp. 76-715a and repealing the existing section; also repealing K.S.A. 2006 Supp. 76-715b.

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

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

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 114, An act concerning insurance fraud; pertaining to the penalty therefor; amending K.S.A. 2006 Supp. 40-2,118 and repealing the existing section.

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

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

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 158, An act concerning elections; relating to the use of optical scanning systems to count votes; amending K.S.A. 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and repealing the existing sections; also repealing K.S.A. 25-4605.

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

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

Absent or Not Voting: Donovan.

The bill passed, as amended.

SB 160, An act concerning elections; relating to electronic and electromechanical voting systems; amending K.S.A. 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Haley.

Absent or Not Voting: Donovan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "No" on **SB 160**.

Without the assurances of a "paper trail" to verify every voter's preference, we throw ourselves (and our electorate) to the mercy of the most statistically unreliable method of collecting ballots present in America today.

Kansans deserve greater assurances of accuracy in vote counting; assurances that electronic voting machines ("DRE's"), without a verifiable voter paper record can not provide. One day, *all* states will have systems with a "VVPR". Kansas should have begun the process of being one of those...today. — DAVID HALEY

HB 2039, An act concerning renewable resources or technologies and renewable energy resources or technologies; amending K.S.A. 66-1,184a and K.S.A. 2006 Supp. 17-4652 and 79-201 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
Absent or Not Voting: Donovan.

The bill passed.

HB 2303, An act creating the Kansas national bio and agro defense facility interagency working group act.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
Absent or Not Voting: Donovan.

The bill passed.

HCR 5009, A concurrent resolution pledging the Kansas Legislature's support for the National Bio and Agrodefense Facility and urging the United States Department of Homeland Security, the United States Department of Agriculture, the United States Department of Health and Human Services, President Bush, the Kansas Congressional Delegation and others to consider two sites in Kansas as the location for this new federal laboratory.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
Absent or Not Voting: Donovan.

The resolution was adopted.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 9, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

