

Journal of the Senate

TWENTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 21, 2008—2:30 p.m.

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

Heavenly Father,

As we get closer to the half-way point in the session, I want to pray that the legislators will be blessed with those virtues and attributes which equip them for the stress and pressure ahead. I have used the word LEGISLATOR for an acrostic.

L is for LOYALTY to the Kansas Constitution which they have sworn to uphold.

E is for ENDURANCE for the expected and unexpected events.

G is for GRIT . . . the toughness to deal with the criticism that is inevitable for Legislators.

I is for INTEGRITY to maintain in the face of temptation to cut corners.

S is for SENSITIVITY to the needs of constituents.

L is for LEADERSHIP when the occasion demands it.

A is for ATTENTIVE to the conferees and constituents.

T is for TRUTHFUL at all times.

O is for OPTIMISTIC that being faithful will produce good results.

R is for REVERENCE to glorify Almighty God.

I ask this in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 646, An act concerning school districts; relating to special education and the distribution of moneys therefor; amending K.S.A. 2007 Supp. 72-978 and repealing the existing section, by Committee on Ways and Means.

SB 647, An act concerning cities and counties; relating to the transportation development district act; special assessments; amending K.S.A. 2007 Supp. 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 648, An act concerning income taxation; relating to apportionment of net income; business income; corporations, surtax; amending K.S.A. 79-3285 and K.S.A. 2007 Supp. 79-3271 and 79-32,110 and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2315**.
 Federal and State Affairs: **HB 2663**.
 Financial Institutions & Insurance: **SB 645**.
 Judiciary: **Sub HB 2545**.
 Natural Resources: **HB 2748**.
 Transportation: **HB 2659, HB 2665, HB 2708**.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS WATER OFFICE

February 18, 2008

Tracy Streeter, Director, submitted a document terminating Contract No. 02-4 approved by the Kansas Water Authority during calendar year 2007.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2331**.

Also, passage of **Substitute SB 89**, as amended; **SB 359**, as amended by **House Substitute for SB 359**.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 327** and has appointed Representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2331 was thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 418, An act concerning the Kansas sentencing commission; relating to the duties thereof; amending K.S.A. 2007 Supp. 74-9101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Emler, Schmidt V, Taddiken.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

SB 454, An act concerning governmental consolidation and reorganization; amending K.S.A. 12-3901, 12-3902, 12-3903, 12-3904 and 12-3909 and K.S.A. 2007 Supp. 19-205 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23, Nays 12, Present and Passing 4, Absent or Not Voting 1.

Yeas: Allen, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Hensley, Jordan, Kelly, Lee, Lynn, Morris, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Nays: Apple, Barnett, Haley, Huelskamp, Journey, Ostmeyer, Palmer, Petersen, Pine, Pyle, Taddiken, Wilson.

Present and Passing: Betts, McGinn, Wagle, Wysong.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on **SB 454**. Without a statutory *mandate* for a consolidating purpose, (e.g., "efficiency" or "tax reduction"), ten years ago, Senator Mark Parkinson crafted a consolidation plan to "save WyCo" from ourselves.

Yesterday, 2/19/08, The Kansas City Star states that our Mayor's "State of the Unified Government" address pledges to "have a county and city property tax rate that is competitive with the *combined* rates of Wichita *and* Sedgwick County. As it stands, the Unified Government's tax rate is about 12.5 percent higher." And our county population is a third that of theirs.

This is pledged to be done with *gaming revenue*, Mr. President. As a Wyandotte Countian who knows that polling consistently affirms what Wyandotte County taxpayers know . . . we need property tax relief and consolidation didn't get it at all. As a statesman, I would not wish to inflict these half-baked statutes on any other Kansas county. The "Emperor" of "Tax Relief Greater Efficiency" at least for Wyandotte County has no clothes. - DAVID HALEY

SB 471, An act concerning taxation; relating to electronic filing of returns and reports; amending K.S.A. 79-3220 and K.S.A. 2007 Supp. 75-5151 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Apple, Journey, Pyle, Schmidt D.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

SB 489, An act concerning economic development; regarding regional foundation funds; amending K.S.A. 2007 Supp. 74-50.154 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, Donovan, Emler, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

SB 526, An act concerning enhanced wireless 911 service; relating to distribution of moneys from service fees; amending K.S.A. 2007 Supp. 12-5331 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, Donovan, Emler, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 397, SB 457, SB 460, SB 486, SB 511, SB 514, SB 519, SB 529 reported correctly engrossed February 20, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 612** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Elections and Local Government** recommends **SB 574** be amended on page 1, in line 17, by striking "political or taxing"; in line 18, by striking "subdivision in Johnson county" and inserting "the city of De Soto, Kansas and Johnson county fire district

no. 3"; in line 19, by striking "Johnson county consolidated fire"; in line 20, by striking "district no. (_____)" and inserting "Northwest consolidated fire district";

On page 2, after line 38, by inserting the following:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) above, any consolidation of the De Soto, Kansas fire department with Johnson county fire district no. 3 shall have a governing body of five members appointed as follows: Two members appointed by the governing body of the city of De Soto; two members appointed by the board of county commissioners of Johnson county; one member appointed alternately by the city of De Soto and by the board of county commissioners of Johnson county, provided that the initial appointment of said fifth member shall be made by the board of county commissioners of Johnson county. No more than two governing body members shall be elected or appointed officials of the city of De Soto, Kansas and no more than two governing body members may be elected or appointed officials of the current fire district no. 3 or of Johnson county government.

(d) Governing body members appointed under the procedure set out in subsection (c) above shall serve three year terms, with the initial terms staggered as follows: One member appointed by the city of De Soto, Kansas shall serve an initial term of one year and the other city appointment shall serve an initial term of two years; one member appointed by the board of county commissioners shall serve an initial term of one year and the other county appointment shall serve an initial term of two years; the fifth member shall serve an initial term of three years.";

On page 3, after line 32, by inserting the following:

"Sec. 5. K.S.A. 12-3916 is hereby amended to read as follows: 12-3916. (a) Subject to the provisions of subsection (b), the books, papers, equipment and other real and personal property belonging to the departments consolidated pursuant to this act shall be transferred to and shall become the property of the consolidated district, *subject to any debts, leases or other obligations that encumber such property.*

(b) All funds in the treasury of any such fire district ~~at the time of consolidation shall on the effective date of consolidation may~~ be applied to the payment of any outstanding indebtedness, including bonded indebtedness, of such fire district, *and may be transferred to the treasury of the new consolidated fire district as determined by the board of county commissioners. Any debt service fund of such fire district at the time of consolidation may be transferred to the newly created consolidated fire district. Any money transferred from the debt service fund of the fire district shall be credited to a debt service fund in the newly created consolidated fire district. The debt service fund of the new consolidated fire district shall be kept separate from any other debt service fund.*

Sec. 6. K.S.A. 12-3918 is hereby amended to read as follows: 12-3918. The consolidation of any fire district under the provisions of this act shall not affect the rights of any firefighter serving in the department of such district to benefits under any retirement or relief association program *accrued prior to the consolidation, however the newly created consolidated fire district may provide different benefits than those previously provided to the employees of the fire districts or departments that are consolidated.*";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 33, by striking "and 12-3914" and inserting ", 12-3914, 12-3916 and 12-3918";

In the title, in line 11, by striking "and 12-3914" and inserting ", 12-3914, 12-3916 and 12-3918"; and the bill be passed as amended.

Also, **SB 575** be amended on page 1, after line 28, by inserting the following:

"(2) Except as otherwise provided in this section, no municipality shall permit or allow any person to distribute, or cause to be distributed, within any building or other structure owned, leased or rented by such municipality any brochure, flier, political fact sheet or other document which expressly advocates the nomination, election or defeat of a clearly identified candidate for state or local office unless each candidate for such state or local office is permitted or allowed to do so in the same manner.";

Also on page 1, in line 29, by striking "(2)" and inserting "(3)"; in line 30, by striking "12-105b" and inserting "12-105a"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 512** be amended by adoption of the amendments recommended by the Senate Committee on Federal and State Affairs as reported in the Journal of the Senate on February 15, 2008, and the bill, as printed with amendments by the Senate Committee, be further amended on page 5, by striking all in lines 34 through 43;

On page 6, by striking all in lines 1 through 28;

And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 546** be amended on page 2, in line 5, by striking all following "credit"; by striking all in lines 6 through 35; in line 36, by striking all preceding the period and inserting ":

- (1) 3.54% to the judicial performance fund;
- (2) 4.92% to the access to justice fund;
- (3) 2.73% to the juvenile detention facilities fund;
- (4) 2.10% to the judicial branch education fund;
- (5) 0.56% to the crime victims assistance fund;
- (6) 2.68% to the protection from abuse fund;
- (7) 4.25% to the judiciary technology fund;
- (8) 0.34% to the dispute resolution fund;
- (9) 1.24% to the Kansas juvenile delinquency prevention trust fund;
- (10) 0.21% to the permanent families account in the family and children investment fund;
- (11) 1.48% to the trauma fund;
- (12) 1.11% to the judicial council fund;
- (13) 0.67% to the child exchange and visitation centers fund;
- (14) 1.52% to the family dispute resolution fund;
- (15) 17.85% to the judicial branch nonjudicial salary initiative fund; and
- (16) the balance to the state general fund";

Also on page 2, in line 40, by striking all following "credit"; by striking all in lines 41 through 43;

On page 3, by striking all in lines 1 through 26; in line 27, by striking all preceding the period and inserting ":

- (1) 5.10% to the access to justice fund;
- (2) 2.83% to the juvenile detention facilities fund;
- (3) 2.18% to the judicial branch education fund;
- (4) 0.58% to the crime victims assistance fund;
- (5) 2.78% to the protection from abuse fund;
- (6) 4.41% to the judiciary technology fund;
- (7) 0.35 % to the dispute resolution fund;
- (8) 1.29% to the Kansas juvenile delinquency prevention trust fund;
- (9) 0.22% to the the permanent families account in the family and children investment fund;
- (10) 1.53% to the trauma fund;
- (11) 1.15% to the judicial council fund;
- (12) 0.69% to the child exchange and visitation centers fund;
- (13) 1.57% to the family dispute resolution fund;
- (14) 18.51% to the judicial branch nonjudicial salary incentive fund; and
- (15) the balance to the state general fund";

Also on page 3, by striking all in lines 28 through 43;

On page 4, by striking all in lines 1 and 2; in line 3, by striking "and K.S.A. 2007 Supp. 60-1621 are" and inserting "is";

And by renumbering remaining sections accordingly;

In the title, in line 10, by striking all following "20-367"; in line 11, by striking all preceding "and"; also in line 11, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 538** be passed.

Also, **SB 475** be amended on page 4, in line 17, by striking "statute book" and inserting "Kansas register"; 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 Wysong in the Chair.

On motion of Senator Wysong the following report was adopted:

Recommended **SB 470, SB 517, SB 518, SB 523, SB 531** be passed.

SB 507, SB 534, SB 536, SB 557, SB 584 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 404 be amended by adoption of the committee amendments and be further amended by motion of Senator Schodorf as amended by Senate Committee, on page 6, by striking all in lines 35 through 39; by renumbering paragraph (5) as paragraph (4);

On page 8, following line 7, by inserting:

“Admittance to KAMS shall be determined solely pursuant to rules and regulations of the state board of regents. Nothing in this section shall be construed to require the admittance of a gifted pupil to KAMS or the inclusion of KAMS admittance as a part of a gifted pupil’s IEP.”, and **SB 404** be passed as further amended.

SB 437 be amended by adoption of the committee amendments and be further amended by motion of Senator Schodorf as amended by Senate Committee, on page 3, in line 18, by striking “Nobel” and inserting “Noble”, and **SB 437** be passed as further amended.

SB 459 be amended by motion of Senator Hensley on page 1, in line 33, by striking all after “(4)” and inserting “The provisions of this subsection shall take effect and be in force from and after July 1, 2009.”

Senator Lee further amended **SB 459**, on page 1, in line 18, by striking “at least 25 pupils or by”, and **SB 459** be passed as amended.

SB 525 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 404, SB 437, SB 459, SB 470, SB 507, SB 517, SB 518, SB 523, SB 531, SB 534, SB 536, SB 557, SB 584** were advanced to Final Action and roll call.

SB 404, An act concerning the Kansas academy of mathematics and science; relating to pupils admitted thereto; relating to fees and tuition; amending K.S.A. 2007 Supp. 72-1111, 72-9711, 72-9712 and 72-9713 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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed, as amended.

SB 437, An act concerning postsecondary educational institutions; relating to the ROTC service scholarship program; establishing the military service scholarship program.

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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed, as amended.

SB 459, An act concerning school districts; relating to school finance; amending K.S.A. 2007 Supp. 72-6448 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Brungardt, Donovan, Emler, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Lynn, McGinn, Morris, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Bruce, Francisco, Journey, Kelly, Lee, Ostmeyer, Palmer, Taddiken, Wagle.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

SB 470. An act concerning school districts; relating to school safety violations; amending K.S.A. 2007 Supp. 72-89c02 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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed.

SB 507. An act concerning education; creating the mathematics, engineering, technology and science (METS) education innovation council; relating to the powers and duties thereof.

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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed, as amended.

SB 517. An act relating to the department of corrections; concerning work projects involving the repair of real estate; amending K.S.A. 2007 Supp. 75-5275 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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed.

SB 518. An act enacting the DeSoto/Johnson county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof.

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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed.

SB 523. An act designating a portion of Kansas highway 25 as the Great Plains Indian Highway.

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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed.

SB 531. An act concerning school districts; relating to school finance; making appropriations for the department of education for the fiscal years ending June 30, 2009, and June 30, 2010; amending K.S.A. 2007 Supp. 72-6410 and repealing the existing section.

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

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

Nays: Huelskamp, Pyle.

Absent or Not Voting: Goodwin.

The bill passed.

SB 534. An Act concerning certain claims against the state, making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2012, for state agencies, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed, as amended.

SB 536. An act concerning the Kansas offender registration act; prohibition from adopting and enforcing residency restrictions; amending K.S.A. 22-4913 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Gilstrap, Huelskamp, Pyle.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

SB 557. An act concerning the Kansas department of agriculture; amending K.S.A. 36-504 and 65-689 and K.S.A. 2007 Supp. 65-688, 65-6a30, 74-581, 74-596, 74-597 and 74-598 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, Donovan, Emler, Francisco, Gilstrap, 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: Goodwin.

The bill passed, as amended.

SB 584. An act concerning the Kansas department of agriculture; transferring powers and duties of the secretary of the department of health and environment to the secretary of agriculture; amending K.S.A. 36-501, 36-502, 36-504, 36-506, 36-507 and 36-510 and K.S.A. 2007 Supp. 36-503, 36-515b and 74-592 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ost-

FEBRUARY 21, 2008

1337

meyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Francisco, Haley.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 22, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

