

Journal of the Senate

TWENTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 16, 2010—2:30 p.m.

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

Heavenly Father,
Legislators are fair game
For almost everyone.
I think I've heard them called
Everything under the sun.
In addition they disagree
On many important bills.
A lot of patience is required
To keep from getting shrill.
Constituents get quite angry
About how their Senator votes.
Not to mention many times
They're victims of misquotes.
Give them lots of patience, Lord,
And also keen insight.
Add a lot of peace of mind
To help them rest at night.
I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 548**.
Business and Labor: **SB 547**.
Commerce: **HB 2551**, **HB 2554**.
Federal and State Affairs: **HB 2445**.
Financial Institutions & Insurance: **HB 2491**.
Judiciary: **HB 2226**, **HB 2364**, **HB 2435**, **HB 2468**; **Sub HB 2528**.
Transportation: **HB 2482**, **HB 2484**.
Ways and Means: **SB 546**.

CHANGE OF REFERENCE

The President withdrew **SB 517** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 458, SB 459, SB 460, SB 488, SB 519, SB 533** from the Committee on **Ways and Means**, and rereferred the bills to the Committee on Judiciary.

The President withdrew **SB 443** from the Committee on **Ethics and Elections**, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 470** from the Committee on **Local Government**, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 366, SB 384, SB 402, SB 450** from the Committee on **Utilities**, and referred the bills to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

February 8, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-405 for your information.

Mark Parkinson
Governor

The President announced Executive Directive No. 10-405, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2434, SB 2473, HB 2485, HB 2492, HB 2548**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2434, SB 2473, HB 2485, HB 2492, HB 2548 were thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2195**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 6, by striking "2008" and inserting "2009"; in line 30, by striking "2008" and inserting "2009";

On page 9, by striking all in lines 28 through 43;

By striking all of page 10;

On page 11, by striking all in lines 1 through 7 and inserting the following:

"Sec. 8. K.S.A. 2009 Supp. 59-29b71 is hereby amended to read as follows: 59-29b71.

(a) At any time after the petition provided for in K.S.A. 59-29b57, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-29b65, and amendments thereto, *and* before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-29b59 or 59-29b62, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-29b58, 59-29b59 or 59-29b64, and amendments thereto. Thereafter the district court may on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After the trial required by K.S.A. 59-29b65, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the

district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated. Upon request of the receiving district court or upon an order of the district court transferring venue, the transferring district court shall send to the receiving district court the entire original file of the case by mail.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-29b63, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

On page 13, by striking all in lines 25 through 43;

By striking all of page 14;

On page 15, by striking all in lines 1 through 3 and inserting:

“Sec. 10. K.S.A. 2009 Supp. 59-2971 is hereby amended to read as follows: 59-2971.

(a) At any time after the petition provided for in K.S.A. 59-2957, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-2965, and amendments thereto; *and* before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-2959 or 59-2962, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-2958, 59-2959 or 59-2964, and amendments thereto. Thereafter the district court may on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown.

When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After trial required by K.S.A. 59-2965, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-2963, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

Also on page 15, in line 4, after “45-406,” by inserting “59-2967,”; also in line 4, by striking all after “59-29b67,”; by striking all in line 5; in line 6, by striking all before “are” and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

In the title, in line 14, after “45-406,” by inserting “59-2967,”; in line 15, by striking all after “59-29b67,”; in line 16, by striking all before “and” where it appears for the last time and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

JAMES F. MORRISON
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2195**.

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

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

The Conference Committee report was adopted.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Kansas Health Policy Authority to the senate for confirmation, was considered.

Senator D. Schmidt moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Kansas Health Policy Authority:

On the appointment to the:

Kansas Health Policy Authority, Executive Director:

Dr. Robert Andrew Allison, serves at the pleasure of the Kansas Health Policy Authority.

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

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

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

SB 377, SB 437, SB 438, SB 439, SB 440, SB 441, SB 464 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 377, An act concerning the Kansas home inspectors professional competence and financial responsibility act; amending K.S.A. 2009 Supp. 58-4505 and 58-4512 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 437, An act concerning the secretary of state; relating to filing requirements for resident agents; amending K.S.A. 17-6204, 56a-1001 and 56a-1102 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 438, An act concerning business trusts; relating to required filings with the office of the secretary of state; amending K.S.A. 17-2030 and repealing the existing section.

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

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

The bill passed.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432.

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

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

The bill passed.

SB 440, An act concerning the office of secretary of state; relating to registration of insignias; repealing K.S.A. 75-421, 75-422, 75-423, 75-424, 75-425, 75-426 and 75-427, by Committee on Judiciary.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen,

Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 441. An act concerning corporations and business entities; relating to the merger of limited partnerships; amending section 11 of chapter 47 of the 2009 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 56-1a609.

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

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

The bill passed.

SB 464. An act concerning payment of taxes; amending K.S.A. 24-623 and 79-2301 and K.S.A. 2009 Supp. 8-173 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 222. An act concerning emergency medical services; criminal history record checks, 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 234. An act concerning civil procedure; relating to garnishment; amending K.S.A. 60-740, 61-3507 and 61-3510 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed.

SB 305. An act concerning the Kansas tort claims act; relating to charitable health care providers; amending K.S.A. 2008 Supp. 75-6102 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 353, An act concerning trafficking; relating to human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A. 2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 363, An act concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, was considered on final action.

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

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

Nays: Donovan, Pilcher-Cook, Wagle.

The bill passed.

SB 367, An act regulating traffic; concerning the operation of motorcycles and motorized bicycles; amending K.S.A. 8-1598 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Abrams, Bruce, Donovan, Huelskamp, Kelsey, Masterson, Ostmeyer, Pilcher-Cook, Pyle, Steineger, Taddiken.

The bill passed, as amended.

SB 395, An act concerning agriculture; relating to milk, milk products and dairy products; relating to fees and licensing requirements; amending K.S.A. 65-777 and K.S.A. 2009 Supp. 65-771, 65-778 and 65-781 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Bruce, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Barnett, Brownlee, Colyer, Haley, Huelskamp, Lynn, Masterson, Pilcher-Cook, Pyle, Steineger, Wagle.

The bill passed.

SB 398, An act concerning corporations; relating to indemnification and advancement of expenses; amending K.S.A. 17-6305 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 408, An act relating to vehicles; concerning the registration thereof; amending K.S.A. 2009 Supp. 8-145d and repealing the existing section, was considered on final action.

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

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

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

The bill passed, as amended.

SB 424, An act concerning motor vehicle registrations; relating to insufficient payment to county treasurers; amending K.S.A. 8-145b 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 453, An act concerning alcoholic beverages; relating to packaging and warehousing facility permits, was considered on final action.

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

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

Nays: Huelskamp, Lynn, Masterson, Pilcher-Cook, Pyle.

The bill passed, as amended.

SB 489, An act concerning contact lenses; amending K.S.A. 2009 Supp. 65-4967 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 490, An act concerning physical therapists licensure; amending K.S.A. 2009 Supp. 65-2910 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 491, An act concerning respiratory therapists; relating to special permits; amending K.S.A. 65-5508 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 222, SB 305, SB 367, SB 398, SB 408, SB 424, SB 453, SB 489, SB 490, SB 491 reported correctly engrossed February 16, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 425** be amended on page 1, by striking all in lines 12 through 19;

And by renumbering the remaining sections accordingly;

On page 2, in line 15, by striking “, any” and inserting “:

(1) Any”;

Also on page 2, by striking all in lines 20 and 21; in line 22, by striking “by motor vehicle,” and inserting the following:

“(2)”;

And by relettering the remaining subsections accordingly;

On page 4, in line 5, by striking “deposited in the state treasury and credited” and inserting “remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit”; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 427, SB 429, SB 432** be passed.

Also, **SB 406** be amended on page 1, in line 15, by striking all after “and”; by striking all in line 16; in line 17, by striking “application” and inserting “entering into an agreement with the department providing for an installment payment plan allowing the pay off of such liability in a time period in excess of 90 days from the date when such agreement is entered into shall be assessed a”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 482** be amended on page 1, after line 20, by inserting the following:

“(b) Assessed value of the land area” means the assessed value of the real property, which includes both the land and the improvements, as reflected in the records of the county in which the real property is located as of the last appraisal performed preceding the filing of the petition.”;

And by relettering the remaining subsections accordingly;

Also on page 1, in line 42, before “by” by inserting “of not to exceed 5% of the total cost of the project or the cost of work done”;

On page 4, in line 1, by striking “real location” and inserting “reallocation”; in line 31, by striking “excluding the assessed value of improvements”;

On page 6, in line 12, by striking “Property” and inserting “As an alternative to the other methods described in this act for modifying an existing district, property”; in line 14, after “district” where it appears the first time, by inserting “and by all property owners that signed the petition creating the original district”; and the bill be passed as amended.

Also, **SB 495** be amended on page 2, in line 37, by striking “The revenues used for”; by striking all in lines 38 through 42; in line 43, by striking all before the period and inserting “After the initial approval of a STAR bond project by the secretary, then any addition to or expansion of such STAR bond project or new project within such STAR bond project district shall be financed solely from the tax increment revenues, as defined in subsection (dd) of K.S.A. 2009 Supp. 12-17,162, and amendments thereto, generated from such addition to or expansion of such STAR bond project or new project within such STAR bond project district. The proceeds of such additional STAR bond financing may only be used to pay for such

addition to or expansion of such STAR bond project. This provision shall apply to all existing STAR bond projects"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 513** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 513," as follows:

"Substitute for SENATE BILL No. 513
By Committee on Federal and State Affairs

"AN ACT concerning alternative project delivery building construction; amending K.S.A. 2009 Supp. 19-216b, 19-216c, 19-216d, 19-216e, 19-216f, 72-6760d, 72-6760f and 72-6760g and repealing the existing sections."; and the substitute bill be passed.

Also, **SB 478** be amended on page 2, by striking all in lines 24 and 25;

And by relettering subsections accordingly;

On page 3, in line 4, by striking "water"; in line 5, by striking "applied gummed paper or"; also in line 5, before "pressure" by inserting "heat process or"; in line 7, by striking "or meter imprints";

On page 7, in line 20, by striking "or revoked";

On page 8, in line 16, by striking "shall be sold"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 390** be amended on page 1, in line 22, by striking "Except as permitted by subsection (c), an" and inserting "An";

On page 2, by striking all in lines 8 through 39; in line 40, by striking "(d)" and inserting "(c)"; in line 42, by striking "(e)" and inserting "(d)"; and the bill be passed as amended.

Also, **SB 415** be amended on page 1, in line 25, by striking "or any obligation"; in line 26, by striking all before the semicolon; in line 31, by striking "or the"; in line 32, by striking all before the semicolon and inserting ", the federal home loan mortgage corporation or the government national mortgage association";

On page 5, in line 1, by striking "or (7)" and inserting ", (7) or (8)"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 345**, **SB 455** be passed.

Also, **SB 67** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 67," as follows:

"Substitute for SENATE BILL No. 67
By Committee on Judiciary

"AN ACT concerning crimes and punishment; relating to mistreatment of a dependent adult; amending K.S.A. 21-3437 and repealing the existing section."; and the substitute bill be passed.

SB 374 be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 374," as follows:

"Substitute for SENATE BILL No. 374
By Committee on Judiciary

"AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers not admissible as evidence of an admission of liability or as evidence of an admission against interest."; and the substitute bill be passed.

HB 2476, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2476," as follows:

"SENATE Substitute for HOUSE BILL No. 2476
By Committee on Judiciary

"AN ACT concerning courts; relating to court fees and costs; relating to the judicial branch surcharge fund; docket fees for expungement of records; amending K.S.A. 2009 Supp. 8-2107, 8-2110, 21-4619, 22-2410, 23-108a, 28-170, 28-172a, 28-177, 28-178, 38-2215, 38-2312, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections."; and the substitute bill be passed.

SB 351 be amended on page 1, after line 22, by inserting the following:

“Handheld wireless communication device” does not include a voice-operated or hands-free device.”;

Also on page 1, in line 26, after the period, by inserting: “Text messaging” shall not include an emergency, traffic or weather alert or message related to the operation or navigation of a motor vehicle.”; in line 35, after “state” by inserting “, except to activate or deactivate a feature or function of a voice-operated or hands-free device”; after line 43, by inserting the following:

“(4) if the person reads, selects or enters a telephone number or name in a handheld wireless communication device for the purpose of making or receiving a phone call.”;

On page 2, in line 1, by striking “(4)” and inserting “(5)”;

in line 2, by striking “(5)” and inserting “(6)”;

in line 5, by striking all after “(b)”;

in line 6, by striking “conviction,”;

also in line 6, by striking “class C misdemeanor” and inserting “traffic infraction”;

in line 10, by striking “bodily”;

by striking all in lines 22 through 42;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all after “vehicle”;

in line 11, by striking all before the period; and the bill be passed as amended.

SB 456 be amended on page 1, in line 32, by striking “, parents or employees” and inserting “enrolled in such district, parents or guardians of such students or employees of such district; (2) messages from private or public schools to students attending such school, parents or guardians of such students or employees of such school”;

in line 33, by striking “(2)” and inserting “(3)”;

in line 34, by striking “(3)” and inserting “(4)”;

in line 35, by striking “(4)” and inserting “(5)”;

On page 2, in line 6, after the semicolon by inserting “and”;

in line 7, by striking all after the “(c)”;

by striking all in line 8;

in line 9, by striking “(d)”;

in line 23, after the comma, where it appears the second time, by inserting “except civil penalties recovered in a private cause of action,”;

and the bill be passed as amended.

SB 471 be amended on page 1, in line 16, by striking “telecommunications” and inserting “a telecommunications device”;

in line 23, before “making” by inserting “making or transmitting any comment, request, suggestion, proposal, image or text with intent to abuse, threaten or harass any person at the receiving end;

(3)”;

Also on page 1, in line 29, by striking “(3)” and inserting “(4)”;

in line 33, by striking “(4)” and inserting “(5)”;

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 Apple in the chair.

On motion of Senator Apple the following report was adopted:

Recommended **SB 354, SB 420, SB 483** be passed.

SCR 1622 be adopted.

SR 1821 be adopted.

SB 362, SB 396, SB 430, SB 518 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 497 be amended by motion of Senator Francisco on page 1, in line 22, after “a” by inserting “pocket”;

in line 25, by striking “in” and inserting “through”;

in line 31, by striking “knife not prohibited” and inserting “pocket knife specifically exempted”;

in line 32, after “(a)” by inserting “(1)” and **SB 497** be passed as amended.

HCR 5027 be amended by motion of Senator Huelskamp on page 1, line 36, by striking “because climate change has become a global challenge, as a collaborative partner of the United States on a wide range of public issues, Taiwan should be afforded the opportunity to participate in the global efforts aimed at reducing carbon emissions, preventing global warming and natural disasters.” and **HCR 5027** be adopted as amended.

SB 417 be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle on page 1, in line 18, by striking “and employer”;

in line 20, by

striking “and”; also in line 20, by striking “employer” and **SB 417** be passed as further amended.

Senator McGinn withdrew an amendment on **SB 417**.

The Committee report on **SB 416** recommending a **Sub SB 416** be adopted, and the substitute bill be passed.

Having voted on the prevailing side, Senator Hensley moved the Senate reconsider its action on **Sub SB 416**. The motion carried. Senator McGinn moved to amend the bill on page 2, after line 16, by inserting the following:

“Sec. 2. K.S.A. 46-269 is hereby amended to read as follows: 46-269. Each report required to be filed by K.S.A. 46-268, and amendments thereto, is a public record and shall be open to public inspection upon request. Such report shall disclose the following:

(a) The full name and address of each person who has paid compensation for lobbying to the lobbyist or has paid for expenses of lobbying by the lobbyist during the period reported.

(b) The aggregate amount or value of all expenditures made, except for expenses of general office overhead, by the lobbyist or by the lobbyist’s employer for or in direct relation to lobbying during the reporting period, if such expenditures exceed \$100. Individual expenditures of less than \$2 shall not be required to be reported under this subsection. Every lobbyist shall keep detailed accounts of all expenditures required to be reported pursuant to K.S.A. 46-268, and amendments thereto. Such expenditures shall be reported according to the following categories of expenditures:

- (1) Food and beverages provided as hospitality;
- (2) entertainment, gifts, honoraria or payments;
- (3) mass media communications;
- (4) recreation provided as hospitality;
- (5) communications for the purpose of influencing legislative or executive action; and
- (6) all other reportable expenditures made in the performance of services as a lobbyist.

With regard to expenditures for entertainment or hospitality which is primarily recreation, food and beverages, only amounts expended on a state officer or employee or on such officer or employee’s spouse shall be considered to be for or in direct relation to lobbying. Notwithstanding the requirements of this subsection and subsection (d), no lobbyist shall be responsible to report any expenditure by the lobbyist’s employer of which such person has no knowledge.

(c) (1) In addition to the information reported pursuant to subsection (b), each lobbyist expending an aggregate amount of \$100 or more for lobbying in any reporting period shall report any gift, entertainment or hospitality provided to members of the legislature, members of the judicial branch of government and any employees of the legislature or judicial branch of government. Such report shall disclose the full name of the legislator, member of the judicial branch and employee who received such gift, entertainment or hospitality and the *date and the* amount expended on such gift, entertainment or hospitality.

(2) No report shall be required to be filed pursuant to this subsection (c) for the following:

- (A) Meals, the provision of which is motivated by a personal or family relationship;
- (B) meals provided at public events in which the person is attending in an official capacity;
- (C) meals provided to a person subject to this section when it is obvious such meals are not being provided because of the person’s official position;

(D) food such as soft drinks, coffee or snack foods not offered as part of a meal; and

(E) entertainment or hospitality in the form of recreation, food and beverages provided at an event to which the following have been invited:

- (i) All members of the legislature or all members of either house of the legislature; or
- (ii) all members of a political party caucus of the legislature or all members of a political party caucus of either house of the legislature.

(d) Except as provided by subsection (c), whenever an individual lobbyist contributes to a single special event, such lobbyist shall report only the aggregate amount or value of the expenditure contributed by such lobbyist.

(e) Whenever more than one lobbyist is employed by a single employer, the reports required by this section relating to such employer shall be made by only one such lobbyist and that lobbyist shall be the lobbyist who is most directly connected with the particular

expenditure or gift, honoraria or payment. No expenditure or gift, honoraria or payment required to be reported by this section shall be reported by more than one lobbyist.

(f) All accounts, records and documents of the lobbyist which relate to every expenditure reported or which should have been reported shall be maintained and preserved by the lobbyist for a period of five years from the date of the filing of such report or statement and may be inspected under conditions determined by the commission.”;

And by renumbering sections accordingly;

Also on page 2, in line 17, before “K.S.A.” by inserting “K.S.A. 46-269 and”;

In the title, in line 9, by striking all after the semicolon; in line 10, by striking all before “amending”; in line 11, before “K.S.A.” by inserting “K.S.A. 46-269 and”; also in line 11, by striking “section” and inserting “sections” and **Sub SB 416** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 354, SB 362, SB 396; Sub SB 416; SB 417, SB 420, SB 430, SB 483, SB 497, SB 518; SCR 1622, SR 1821; HCR 5027** were advanced to Final Action and roll call.

SB 354. An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 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: Abrams, Apple, Barnett, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, Marshall, McGinn, Morris, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Donovan, Huelskamp, Kelsey, Lynn, Masterson, Ostmeyer, Pilcher-Cook, Pyle.

The bill passed.

SB 362. An act concerning school districts; relating to contracts of employment; amending K.S.A. 72-5452 and K.S.A. 2009 Supp. 72-5437 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Huelskamp, Huntington, Kelsey, Lynn, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Marshall, Steineger.

The bill passed, as amended.

SB 396. An act concerning the laboratory fee fund; amending K.S.A. 2009 Supp. 74-554 and repealing the existing section.

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

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

The bill passed, as amended.

Sub SB 416. An act concerning governmental ethics; amending K.S.A. 46-269 and K.S.A. 2009 Supp. 46-247 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 46-247a.

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

Yeas: Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Bruce, Colyer, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Taddiken.

The substitute bill passed, as amended.

SB 417, An act concerning ethics and election related issues; relating to campaign finance; amending K.S.A. 2009 Supp. 25-4148a and repealing the existing section.

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

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

Nays: Hensley, Huntington, Lynn.

The bill passed, as amended.

SB 420, An act concerning county extension councils; pertaining to the date of election of the governing body; amending K.S.A. 2-624 and repealing the existing section.

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

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

The bill passed.

SB 430, An act concerning income taxation; relating to credits, limitations; amending K.S.A. 2009 Supp. 74-50,154, 79-32,211 and 79-32,264 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 7, Present and Passing 4, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Kelsey, Kultala, Lynn, Marshall, Masterson, McGinn, Morris, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Wagle.

Nays: Hensley, Huntington, Kelly, Owens, Pilcher-Cook, Umbarger, Vratil.

Present and Passing: Bruce, Emler, Lee, Ostmeyer.

The bill passed, as amended.

SB 483, An act relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2009 Supp. 8-2503 and 8-2504 and repealing the existing sections.

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

Yeas: Apple, Barnett, Brownlee, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Bruce, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

The bill passed.

SB 497, An act concerning crimes and punishments; relating to the criminal use of weapons; amending K.S.A. 2009 Supp. 21-4201 and repealing the existing section.

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

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

Nays: Owens, Reitz.

Present and Passing: Brungardt.

The bill passed, as amended.

SB 518, An act relating to motor vehicles; concerning vehicle identification number inspection fees; amending K.S.A. 2009 Supp. 8-116a 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Holland, Huntington, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Hensley, Huelskamp, Pilcher-Cook, Pyle.

The bill passed, as amended.

SCR 1622, A PROPOSITION to amend section 2 of article 5 of the constitution of the state of Kansas, relating to qualification of voters.

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

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

Nays: Brownlee.

Present and Passing: Wagle.

A two-thirds constitutional majority having voted in favor of the resolution **SCR 1622** was adopted.

SR 1821, A resolution supporting visually impaired pedestrian safety.

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

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

Nays: Huelskamp, Pilcher-Cook, Pyle.

The resolution was adopted.

HCR 5027, A CONCURRENT RESOLUTION endorsing Taiwan's participation as an observer in the International Civil Aviation Organization (ICAO) and United Nations Framework Convention on Climate Change (UNFCCC).

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

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

The resolution was adopted, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 17, 2010.

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

