

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 17, 2010—2:30 p.m.

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

Heavenly Father,

St. Patrick's day is celebrated in many ways. As for me,
it is a good time to thank You for making saints out of sinners.

You made a saint out of a sinner named Peter,
You made a saint out of a sinner named Paul,
You've made saints out of so many sinners
Only You know the names of them all.

You made saints out of sinners in Corinth,
A city known for its sin.

You made saints out of sinners in Athens
Who were never the same again.

We celebrate the day of St. Patrick
And rejoice over the life of Saint Paul;
But making saints of us sinners in Kansas
Deserves the biggest celebration of all!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **SB 578, SB 579.**

Ways and Means: **SB 580, SB 581.**

CHANGE OF REFERENCE

The Vice President withdrew **HB 2079** from the Committee on **Assessment and Taxation**, and referred the bill to the Committee on **Ethics and Elections**.

The Vice President withdrew **HB 2582** from the Committee on **Judiciary**, and referred the bill to the Committee on **Utilities**.

COMMUNICATIONS FROM STATE OFFICERS

OFFICE OF THE ATTORNEY GENERAL

Crime Victims Compensation Board

Rita Noll, Board Chair, Crime Victims Compensation Board, submitted the 2008 Annual Report of the Crime Victims Compensation Board.

The Vice 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 2463, HB 2519, HB 2520; Substitute for HB 2521; HB 2621; Substitute for HB 2689.**

Passage of **SB 463, SB 508.**

Also, passage of **SB 430**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2463, HB 2519, HB 2520; Substitute for HB 2521, HB 2621; Substitute for HB 2689 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **SB 326.**

SB 326. An act concerning crime victims; relating to the crime victims compensation fund and the crime victims assistance fund; amending K.S.A. 2009 Supp. 75-752 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 Senate concurred.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **H Sub for SB 200** and requested a conference committee be appointed.

The Vice President appointed Senators Teichman, Brownlee and Steineger as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **SB 461** and requested a conference committee be appointed.

The Vice President appointed Senators Vratil, McGinn and Kelly as a conference committee on the part of the Senate.

On motion of Senator McGinn the Senate nonconcurred in the House amendments to **SB 497** and requested a conference committee be appointed.

The Vice President appointed Senators McGinn, Teichman and Francisco as a conference committee on the part of the Senate.

On motion of Senator Owens the Senate nonconcurred in the House amendments to **SCR 1615** and requested a conference committee be appointed.

The Vice President appointed Senators Owens, D. Schmidt and Haley as a conference committee on the part of the Senate.

FINAL ACTION ON CONSENT CALENDAR

SB 566; HB 2455, HB 2485 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 566. An act concerning veterans; relating to the commission on veterans affairs; amending K.S.A. 73-1208b 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.

HB 2455, An act concerning trusts and trustees; relating to the uniform principal and income act; amending K.S.A. 58-9-409 and 58-9-505 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.

HB 2485, An act relating to motor carriers; increasing time period for verification of compliance with certain requirements; amending K.S.A. 2009 Supp. 66-1,114 and 66-1,114b 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

Sub SB 447, An act concerning child care; relating to supervision of children in child care facilities and licensing and inspection of family child care homes; amending K.S.A. 39-7,129, 65-504, 65-506, 65-512, 65-523, 65-524, 65-530 and 65-531 and K.S.A. 2009 Supp. 59-29a11, 65-503, 65-516, 65-525 and 65-526 and repealing the existing sections; also repealing K.S.A. 65-517, 65-518, 65-519, 65-520, 65-521 and 65-522, was considered on final action.

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 1, Absent or Not Voting 0.

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

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

Present and Passing: Owens.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Sub for SB 447**. The effort to ensure our children are safe while in daycare homes is valiant but we have not hit the target in this bill. The NAC-CRRA ranking for Kansas for 2009 of 47th improved to 41st in 2010, without passing legislation. This bill is more likely to drive up the cost of home daycare and the cost of government as its role expands into our homes. We cannot ensure a risk free environment for our children. Other measures should be considered to meet the goal of quality, safe home daycare. - KARIN BROWNLEE

MR. PRESIDENT: **SB 477** is the product of a considerable amount of hard work by our Health Committee on an important subject that needs some attention. I vote no because of the kinship questions that remain; unintended consequences for a large family caring for other family members children may still be a concern. - MIKE PETERSEN

Senators Abrams, Masterson and Ostmeyer request the record to show they concur with the "Explanation of Vote" offered by Senator Petersen on **SB 477**.

S Sub for HB 2432, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-

3215, 21-3216, 21-3217, 21-3218 and 21-3219 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.

HB 2440, An act concerning crimes, criminal procedure and punishment; relating to notification of victims of persons committed to the custody of the secretary of social and rehabilitation services; amending K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431 and 22-3727 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, as amended.

HB 2469, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 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.

HB 2482, An act concerning the division of vehicles; relating to drivers' licenses and identification cards; concerning the regulation thereof; amending K.S.A. 2009 Supp. 8-234a, 8-237, 8-247, 8-296, 8-2,100, 8-2,101, 8-2,150 and 8-1325 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, as amended.

Sub HB 2575, An act concerning the Kansas board of healing arts; relating to licensure of perfusionists and naturopathic doctors; amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211, 65-7212 and 65-7216 and K.S.A. 2009 Supp. 65-2913, 65-7208 and 65-7209 and repealing the existing sections, was considered on final action.

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

Yeas: 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, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Reitz, Vratil.

The substitute bill passed, as amended.

HB 2638, An act concerning law enforcement; relating to employees of the horsethief reservoir benefit district; amending K.S.A. 22-2401a and 74-5609a and K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 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.

HB 2656, An act concerning the code of civil procedure; amending K.S.A. 8-113a, 21-4311, 21-4623, 21-4624, 21-4634, 21-4718, 22-2408, 22-2516, 22-2807, 22-2901, 22-2902, 22-3208, 22-3212, 22-3302, 22-3305, 22-3428, 22-3428a, 22-3501, 22-3502, 22-3603, 22-3608, 22-3609, 22-3609a, 22-3707, 22-3902, 22-4006, 22-4904, 22-4905, 22-4907, 23-4,107, 23-701, 26-503, 26-510, 59-807, 59-2947, 59-29a14, 59-29b47, 59-3052, 60-101, 60-102, 60-103, 60-104, 60-201, 60-202, 60-203, 60-204, 60-205, 60-207, 60-208, 60-209, 60-210, 60-211, 60-212, 60-213, 60-214, 60-215, 60-217, 60-218, 60-219, 60-220, 60-221, 60-222, 60-223, 60-223a, 60-223b, 60-224, 60-225, 60-227, 60-228, 60-229, 60-230, 60-231, 60-232, 60-235, 60-236, 60-238, 60-239, 60-240, 60-241, 60-242, 60-243, 60-244, 60-245a, 60-246, 60-247, 60-248, 60-249, 60-249a, 60-250, 60-251, 60-252, 60-252a, 60-252b, 60-254, 60-255, 60-257, 60-258, 60-258a, 60-259, 60-260, 60-261, 60-262, 60-263, 60-264, 60-265, 60-266, 60-267, 60-268, 60-270, 60-271, 60-301, 60-302, 60-304, 60-305, 60-305a, 60-306, 60-307, 60-309, 60-310, 60-311, 60-312, 60-313, 60-612, 60-712, 60-731, 60-735, 60-738, 60-739, 60-740, 60-904, 60-1005, 60-1006, 60-1009, 60-1011, 60-1207, 60-1305, 60-1629, 60-2002, 60-2103, 60-2103a, 60-2414, 60-2604, 60-2801, 60-2802, 60-2803, 60-3106, 60-31a05, 60-4109, 60-4112, 60-4113, 60-4116, 61-2709, 61-2904, 61-2912, 61-3002, 61-3006, 61-3101, 61-3103, 61-3105, 61-3201, 61-3301, 61-3304, 61-3504, 61-3508, 61-3509, 61-3511, 61-3512, 61-3513, 61-3604, 61-3701, 61-3702, 61-3705, 61-3807, 61-3808, 61-3902, 61-3904 and 61-3905 and K.S.A. 2009 Supp. 8-235, 8-259, 8-1002, 8-1020, 21-4316, 22-3437, 22-3717, 26-505, 26-506, 26-507, 26-508, 38-2229, 38-2255, 38-2258, 38-2305, 38-2329, 38-2343, 38-2350, 38-2362, 38-2371, 38-2373, 38-2374, 38-2381, 59-2401a, 60-206, 60-216, 60-226, 60-233, 60-234, 60-237, 60-245, 60-253, 60-256, 60-303, 60-308, 60-736, 60-1007, 60-1505, 60-1607, 60-2102, 60-2409, 60-3503, 60-4107, 61-2707, 61-3703 and 77-503 and repealing the existing sections; also repealing K.S.A. 60-248a and 60-258b, 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.

HB 2668, An act concerning crimes, punishment and criminal procedure; recodification; amending K.S.A. 22-3427 and repealing the existing section; also repealing K.S.A. 21-3101, 21-3102, 21-3103, 21-3104, 21-3105, 21-3106, 21-3107, 21-3108, 21-3109, 21-3110a, 21-3111, 21-3112, 21-3201, 21-3202, 21-3203, 21-3204, 21-3205, 21-3206, 21-3207, 21-3208, 21-3209, 21-3210, 21-3211, 21-3212, 21-3213, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218, 21-3219, 21-3301, 21-3302, 21-3303, 21-3401, 21-3402, 21-3403, 21-3404, 21-3405, 21-3406, 21-3408, 21-3409, 21-3410, 21-3411, 21-3412, 21-3413, 21-3414, 21-3415, 21-3416, 21-3418, 21-3420, 21-3421, 21-3422, 21-3422a, 21-3423, 21-3424, 21-3425, 21-3426, 21-3427, 21-3428, 21-3430, 21-3434, 21-3435, 21-3437, 21-3439, 21-3442, 21-3443, 21-3444, 21-3445, 21-3446, 21-3447, 21-3448, 21-3449, 21-3450, 21-3451, 21-3452, 21-3501, 21-3502, 21-3503, 21-3504, 21-3505, 21-3506, 21-3507, 21-3508, 21-3510, 21-3511, 21-

3512, 21-3513, 21-3515, 21-3516, 21-3517, 21-3518, 21-3520, 21-3521, 21-3522, 21-3601, 21-3602, 21-3603, 21-3604, 21-3604a, 21-3605, 21-3608, 21-3609, 21-3610b, 21-3612, 21-3701, 21-3703, 21-3704, 21-3707, 21-3709, 21-3710, 21-3711, 21-3712, 21-3713, 21-3715, 21-3716, 21-3719, 21-3720, 21-3721, 21-3722, 21-3724, 21-3725, 21-3726, 21-3727, 21-3728, 21-3729, 21-3730, 21-3731, 21-3734, 21-3738, 21-3739, 21-3742, 21-3743, 21-3744, 21-3748, 21-3749, 21-3750, 21-3751, 21-3755, 21-3756, 21-3757, 21-3758, 21-3759, 21-3760, 21-3761, 21-3762, 21-3763, 21-3764, 21-3765, 21-3766, 21-3801, 21-3802, 21-3805, 21-3807, 21-3808, 21-3809, 21-3810, 21-3812, 21-3813, 21-3814, 21-3815, 21-3816, 21-3817, 21-3818, 21-3819, 21-3820, 21-3821, 21-3822, 21-3823, 21-3824, 21-3825, 21-3827, 21-3828, 21-3829, 21-3830, 21-3831, 21-3832, 21-3833, 21-3834, 21-3835, 21-3836, 21-3837, 21-3838, 21-3839, 21-3840, 21-3841, 21-3842, 21-3844, 21-3845, 21-3846, 21-3847, 21-3848, 21-3849, 21-3850, 21-3851, 21-3852, 21-3853, 21-3854, 21-3855, 21-3856, 21-3901, 21-3902, 21-3903, 21-3904, 21-3905, 21-3910, 21-3911, 21-3912, 21-4001, 21-4002, 21-4003, 21-4004, 21-4005, 21-4006, 21-4018, 21-4019, 21-4101, 21-4102, 21-4103, 21-4104, 21-4105, 21-4106, 21-4106a, 21-4107, 21-4110, 21-4111, 21-4113, 21-4202, 21-4204a, 21-4206, 21-4207, 21-4208, 21-4209, 21-4209a, 21-4209b, 21-4210, 21-4211, 21-4212, 21-4213, 21-4216, 21-4219, 21-4220, 21-4221, 21-4222, 21-4223, 21-4224, 21-4225, 21-4227, 21-4228, 21-4229, 21-4230, 21-4231, 21-4232, 21-4301, 21-4301a, 21-4301b, 21-4301c, 21-4302, 21-4303, 21-4303a, 21-4304, 21-4305, 21-4306, 21-4307, 21-4308, 21-4309, 21-4311, 21-4312, 21-4313, 21-4314, 21-4317, 21-4318, 21-4401, 21-4402, 21-4403, 21-4404, 21-4405, 21-4406, 21-4407, 21-4408, 21-4409, 21-4410, 21-4501, 21-4501a, 21-4503, 21-4503a, 21-4504, 21-4601, 21-4602, 21-4603, 21-4603b, 21-4604, 21-4605, 21-4606, 21-4606a, 21-4606b, 21-4607, 21-4609, 21-4610, 21-4610a, 21-4612, 21-4613, 21-4614, 21-4614a, 21-4615, 21-4618, 21-4620, 21-4621, 21-4622, 21-4623, 21-4624, 21-4625, 21-4626, 21-4627, 21-4629, 21-4630, 21-4631, 21-4632, 21-4633, 21-4634, 21-4635, 21-4636, 21-4637, 21-4638, 21-4639, 21-4640, 21-4641, 21-4643, 21-4644, 21-4645, 21-4701, 21-4702, 21-4703, 21-4706, 21-4707, 21-4709, 21-4710, 21-4711, 21-4716, 21-4718, 21-4720, 21-4721, 21-4722, 21-4723, 21-4724, 21-4725, 21-4726, 21-4727, 21-4728 and 21-4801 and K.S.A. 2009 Supp. 21-3110, 21-3412a, 21-3419, 21-3419a, 21-3436, 21-3438, 21-3523, 21-3525, 21-3608a, 21-3610, 21-3610c, 21-3702, 21-3705, 21-3718, 21-3736, 21-3737, 21-3811, 21-3826, 21-3843, 21-4015a, 21-4201, 21-4203, 21-4204, 21-4205, 21-4217, 21-4218, 21-4226, 21-4310, 21-4315, 21-4316, 21-4319, 21-4502, 21-4603d, 21-4608, 21-4611, 21-4619, 21-4642, 21-4704, 21-4705, 21-4708, 21-4713, 21-4714, 21-4715, 21-4717, 21-4719 and 21-4729, was considered on final action.

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

Yeas: 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 V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt D.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1844—

A RESOLUTION congratulating and commending Kansas Insurance Commissioner Sandy Praeger, recipient of the American Medical Association's top government service award, the Dr. Nathan Davis Award.

WHEREAS, Kansas Insurance Commissioner Sandy Praeger was recently honored with the American Medical Association's Dr. Nathan Davis Award, which is the top government service award for an elected statewide official; and

WHEREAS, The award, named for the founding father of the AMA, recognizes elected and career officials in federal, state or municipal service whose outstanding contributions have promoted the art and science of medicine and the betterment of public health; and

WHEREAS, This is the second time that Commissioner Praeger has been given the award, also winning in 1999 when she was a member of the Kansas Senate; and

WHEREAS, This is currently Commissioner Praeger's second term as Kansas Insurance Commissioner. She also chairs the Health Insurance and Managed Care Committee and is a member of several other committees of the National Association of Insurance Commissioners (NAIC). In addition to her consumer advocacy, she serves as a health expert to the national media, such as MSNBC, CNN, Fox Business News, The New York Times, Washington Post, USA Today and the Wall Street Journal. Her past achievements include being the most immediate past President of the NAIC, serving one term in the Kansas House of Representatives and three terms in the Kansas Senate; and

WHEREAS, While working in the Kansas legislature, she worked to gain passage of patient protection laws, external review of health plans and insurance and the expansion of Kansas children's health insurance. In 2001, she led the successful campaign for mental health parity in Kansas. She has also been recognized for her leadership by the Kansas Association for the Medically Underserved on the issue of health care access, and The Center for Populations Options for legislation she sponsored to create teen pregnancy prevention programs; and

WHEREAS, Currently, Commissioner Praeger is responsible for regulating all insurance sold in Kansas and overseeing the nearly 1,700 insurance companies and 90,000 agents licensed to do business in the state. She is also an influential national voice for health care and insurance issues, especially those facing small businesses, and has testified before the U.S. Congress repeatedly concerning these issues; and

WHEREAS, Commissioner Praeger has worked diligently to ensure consumers have access to quality, affordable health care. Her passion for championing parity in the health care system has been made evident time and again: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate Sandy Praeger for being the recipient of the American Medical Association's Dr. Nathan Davis Award and commend her for her tireless efforts as an advocate for the American people in the health care and insurance field and wish her continued success and happiness in the future; and

Be it further resolved: That the Secretary of the Senate be directed to send three enrolled copies of this resolution to Sandy Praeger at 420 SW 9th Street, Topeka, KS 66612.

On emergency motion of Senator Teichman **SR 1844** was adopted unanimously.

Senator Teichman introduced and congratulated Kansas Insurance Commissioner Sandy Praeger, recipient of the American Medical Association's top government service award, the Dr. Nathan Davis Award. The Senate recognized Commissioner Praeger and her staff with a standing ovation.

REPORT ON ENGROSSED BILLS

Sub SB 447 reported correctly engrossed March 17, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2551** be amended on page 1, in line 41, by striking "act" and inserting "section";

On page 2, in line 28, by striking "act" and inserting "section"; and the bill be passed as amended.

Also, **HB 2553** be amended on page 2, in line 14, by striking "NACIS" and inserting "NAICS"; and the bill be passed as amended.

HB 2554, as amended by House Committee, be amended on page 3, in line 32, before the period by inserting ", acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session"; and the bill be passed as amended.

Committee on **Judiciary** recommends **Substitute for HB 2509** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2509," as follows:

“SENATE Substitute for Substitute for HOUSE BILL No. 2509

By Committee on Judiciary

“AN ACT creating a private cause of action for victims of child pornography.”;
and the substitute bill be passed.

Also, **HB 2661** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

HB 2581, as amended by House Committee, be amended on page 2, in line 20, by striking “in-”; in line 21, by striking “centive” and inserting “initiative”; and the bill be passed as amended.

HB 2667, as amended by House Committee of the Whole, be amended on page 24, by striking all in lines 22 through 43;

By striking all of pages 25 through 31;

On page 32, by striking all in lines 1 through 19;

And by renumbering the remaining sections accordingly;

Also on page 32, in line 20, by striking “23-105.”; in line 21, by striking all before “23-201.”; also in line 21, by striking “60-1601.”;

In the title, in line 14, by striking “23-105, 23-106, 23-109.”; also in line 14, by striking “60-1601.”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HCR 5012**, **HCR 5013** be adopted.

Also, **SCR 1623** be amended on page 1, in line 41, by striking “allowed to con-”; in line 42, by striking all before the colon and inserting “considered best management burn practices”;

On page 2, by striking all in lines 3 and 4; in line 5, by striking “Agency” and inserting “to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14”; in line 8, after the comma where it appears the second time by inserting “the United States Environmental Protection Agency Region 7 Administrator.”;

In the title, by striking all in lines 10 through 12 and inserting “to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.”; and the concurrent resolution be adopted as amended.

Committee on **Public Health and Welfare** recommends **HB 2448**, as amended by House Committee, be passed.

Committee on **Utilities** recommends **House Substitute for Substitute for SB 48** be amended by substituting a new bill to be designated as “SENATE Substitute for House Substitute for Substitute for SENATE BILL No. 48,” as follows:

“SENATE Substitute for House Substitute for
Substitute for SENATE BILL No. 48

By Committee on Utilities

“AN ACT concerning emergency communications service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.”;

and the substitute bill be passed.

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 Bruce in the chair.

On motion of Senator Bruce the following report was adopted:

Recommended **HB 2588**, **HB 2589** be passed.

SB 506; **HB 2412**, **HB 2454**, **HB 2566** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **HB 2506** recommending a **Senate Sub for HB 2506** be adopted, and the substitute bill be passed.

HB 2605 be amended by adoption of the committee amendments, be further amended by motion of Senator D Schmidt on page 2, in line 23, after the comma by inserting "or a violation of a municipal ordinance prohibiting the acts prohibited by such statutes," and **HB 2605** be passed as further 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 506**; **HB 2412**, **HB 2454**; **S Sub for HB 2506**; **HB 2566**, **HB 2588**, **HB 2589**, **HB 2605** were advanced to Final Action and roll call.

SB 506, An act concerning the state board of mortuary arts, relating to crematory operations; licensure; fees; amending K.S.A. 65-1760, 65-1763, 65-1764, 65-1765, 65-1766 and 65-1768 and K.S.A. 2009 Supp. 65-1727 and 65-1762 and repealing the existing sections.

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 bill passed, as amended.

HB 2412, An act concerning crimes, criminal procedure and punishment; relating to persons in the custody of the secretary of corrections; early release of the functionally incapacitated; early release of persons with terminal medical conditions; amending K.S.A. 22-3728 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, 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.

Nays: Colyer.

The bill passed, as amended.

HB 2454, An act concerning crimes, punishment and criminal procedure; relating to unlawful use of ballistic resistant material; amending K.S.A. 2009 Supp. 21-4704 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.

S Sub for HB 2506, An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; conditions of parole and postrelease supervision; discharge of an inmate by the parole board; amending K.S.A. 22-3722 and K.S.A. 2009 Supp. 22-3717 and repealing the existing sections.

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

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

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

The substitute bill passed.

HB 2566, An act concerning agriculture; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-683, 65-684, 65-685, 65-686 and 65-777 and K.S.A. 2009 Supp. 65-657, 65-771, 65-778 and 65-781 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Barnett, Colyer, Donovan, Huelskamp, Lynn, Pilcher-Cook, Pyle, Wagle.

The bill passed, as amended.

HB 2588, An act concerning prepaid funerals; increasing the limitation on irrevocable funds; amending K.S.A. 16-303 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.

HB 2589, An act concerning prearranged funeral agreements; requiring certain disclosures.

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.

HB 2605, An act concerning court fees; relating to fees for investigations conducted by the Kansas bureau of investigation and other forensic and scientific laboratories; fees for the Kansas bureau of investigation DNA database; amending K.S.A. 2009 Supp. 28-176 and 75-724 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, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 18, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

