

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 28, 2002—9:30 a.m.

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

Heavenly Father,
There is a certain protocol
We observe upon this floor:
A senatorial etiquette
From bygone days of yore.
When a Senator wants to question
Or express just how he feels,
He asks the one who has the floor,
“Will the Senator yield?”
Almost without exception,
The Senator gives permission
And the dialogue continues
According to tradition.
But I have often wondered, Lord,
From the things that I have seen;
Is this courtesy extended
When *You* want to intervene?
Am I quick to give permission
When the question is for real;
And I hear *Your* voice insisting
“Will the Senator yield?”
I pray in the Name of Christ,
AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **SB 635**.
Federal and State Affairs: **SB 636**.
Judiciary: **HB 2078**; **Sub HB 2366**.
Public Health and Welfare: **HB 2665**.

CHANGE OF REFERENCE

The President withdrew **SB 296**, **SB 297**, **SB 521**, **SB 522**, **SB 559**, **SB 563**, **SB 585** from the Committee on Ways and Means, and rereferred the bills to the Committee on Judiciary.

The President withdrew **SB 450**, **SB 451**, **SB 452**, **SB 581**, **SB 592** from the Committee on Ways and Means, and rereferred the bills to the Committee on Assessment and Taxation.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2285; HB 2353, HB 2640, HB 2708, HB 2709, HB 2729, HB 2744, HB 2787, HB 2807, HB 2820, HB 2821, HB 2830, HB 2831, HB 2844; Substitute HB 2872; HB 2900, HB 2901, HB 2959, HB 2999.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2285, HB 2353, HB 2640, HB 2708, HB 2709, HB 2729, HB 2744, HB 2787, HB 2807, HB 2820, HB 2821, HB 2830, HB 2831, HB 2844; Substitute HB 2872; HB 2900, HB 2901, HB 2959, HB 2999 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 399, An act concerning the Kansas code for care of children; relating to appointment of counsel; amending K.S.A. 38-1505 and repealing the existing section, 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: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Huelskamp, Salmans.

The bill passed.

SB 409, An act concerning school districts; relating to school finance; amending K.S.A. 72-6405 and K.S.A. 2001 Supp. 72-6426 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote yes on **SB 409** which allows school districts maximum flexibility in using those limited funds they have been able to put aside into contingency accounts. This is appropriate. We authorize boards of education to spend more than \$3 billion to educate our children. By comparison, these contingency funds amount to only a few million dollars. During these difficult budgetary times, we should give school districts the opportunity to utilize all of their resources as efficiently as possible. **SB 409** will further that goal.—**DAVE KERR**

Senators Brownlee, Jordan and O'Connor request the record to show they concur with the "Explanation of Vote" offered by Senator Kerr on **SB 409**.

SB 418, An act concerning providers of care services; relating to adult care home administrators, board of; also relating to licensure; employment of persons convicted or adjudicated of certain offenses; amending K.S.A. 65-3508 and K.S.A. 2001 Supp. 39-970, 65-3503, 65-3504, 65-3506 and 65-5117, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "No" on **SB 418**.

With an already understaffed adult home care industry in Kansas, the Senate is amending this bill to prohibit employees, and potential employees, of adult care homes from having a theft conviction. It is absurd to limit those who perform duties in senior citizen's homes to those with spotless criminal histories. Earning an honest dollar should be encouraged by this Legislature and driving the availability pool down for these workers does neither the senior population or the care giver industry any good.—DAVID HALEY

SB 424, An act relating to taxation; concerning the abatement of drug taxes; amending K.S.A. 2001 Supp. 75-5154 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Adkins.

The bill passed.

SB 430, An act relating to hunting; concerning certification of a disability for certain permits; amending K.S.A. 32-932 and 32-933 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 431, An act relating to big game permits; amending K.S.A. 32-937 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 433, An act concerning crimes, criminal procedure and punishment; relating to driving under the influence of alcohol or drugs; requiring certain notice be sent to the secretary of corrections; mandatory participation and conditions imposed; offenders sentenced to department of corrections, notification by court; amending K.S.A. 8-1567 and 75-5218; 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 440, An act concerning real estate brokers and salespersons; relating to prohibited acts; amending K.S.A. 2001 Supp. 58-3062 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 447, An act concerning the state board of healing arts; relating to compensation of review committee members and expert witnesses; relating to the qualifications of members; amending K.S.A. 65-2016, 65-2813 and 65-2878a and K.S.A. 2001 Supp. 65-2840c and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Gooch, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Feleciano, Gilstrap, Haley, Hensley, Lee, Steineger.

The bill passed, as amended.

SB 449, An act relating to certificates of title; concerning electronic certificates of title; amending K.S.A. 8-126, 8-135, 58-4202 and 58-4204 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 453, An act concerning crimes, criminal procedure and punishment; relating to arrest for violation of conditions of sentence; amending K.S.A. 2001 Supp. 22-3716 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 469, An act concerning the state health care benefits program; concerning participation by local governmental entities in such program; amending K.S.A. 75-6501, 75-6506 and 75-6509 and repealing the existing sections, 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: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Lyon, Pugh.

The bill passed, as amended.

SB 471, An act relating to sales taxation; concerning the local taxation of natural gas used for agricultural and residential purposes; amending K.S.A. 12-189a and 13-13a39 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Brungardt, Donovan, Emler, Kerr, Morris, Oleen, Praeger, Schmidt, Schodorf, Teichman, Vratil.

Nays: Barone, Brownlee, Clark, Corbin, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Lee, Lyon, O'Connor, Pugh, Salmans, Steineger, Taddiken, Tyson, Umbarger, Wagle.

A constitutional majority having failed to vote in favor of the bill **SB 471** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I regretfully vote NO on **SB 471**.

Currently, the sales tax on natural gas, though administrated by the Department of Revenue, is collected solely by local units of government. There is no state sales tax on utilities. This dates to the administration of John Carlin, meaning that for 20 years Kansas has not taxed utilities.

SB 471 ends that policy. It will capture 2% of the natural gas tax levied by local governments and place it in the state general fund. With this amended bill we will be imposing a new state tax on the residential natural gas user.

This is not a fee. Because I strongly support the original **SB 471**, it is my hope that this bill will fail and can then be sent back to committee where the amendment, which imposes the new state tax, will be removed. It is a tax increase, plain and simple. It is a reversal of 20 years of sound public policy.—JANIS LEE

Senators Barone, Brownlee, Clark, Feleciano, Gilstrap, Harrington, Hensley, Huelskamp, Pugh, Steineger and Tyson requests the record to show they concur with the "Explanation of Vote" offered by Senator Lee on **SB 471**.

SB 481, An act concerning state agency procurement procedures; pilot study of the reverse auctioning electronic procurement process; amending K.S.A. 2001 Supp. 75-3739a 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 482, An act concerning the pharmacy act of the state of Kansas; licensure and fees relating thereto; civil fines; amending K.S.A. 2001 Supp. 65-1631, 65-1632, 65-1645 and 65-1658 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 488, An act concerning schools; relating to the closure of school buildings; amending K.S.A. 2001 Supp. 72-8233 and repealing the existing sections; also repealing K.S.A. 72-8213, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, O'Connor, Pugh, Salmans, Taddiken, Tyson.

The substitute bill passed.

SB 504, An act concerning hunter education; relating to controlled shooting areas; amending K.S.A. 32-920 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 509, An act relating to public officers and employees; concerning civil service; establishing that advance registered nurse practitioners, physician assistants and other designated health care professionals shall be considered as unclassified state employees; amending K.S.A. 2001 Supp. 75-2935 and repealing the existing section, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Hensley, Jenkins.

The bill passed, as amended.

SB 526, An act concerning schools; relating to school finance; amending K.S.A. 2001 Supp. 72-6410 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 2, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Donovan, Huelskamp, Jackson, Lyon, O'Connor, Pugh, Tyson.

Present and Passing: Clark, Jenkins.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: Very seldom do I find myself straddling the fence on an issue. I support public schools and want to vote "yes" but I don't want to make a hollow promise that would mislead anyone until I know where the money is coming from.

Rather than cast a vote based on a hope and a prayer, I am "passing" on **SB 526** today. I believe this debate and vote is premature. When I have the opportunity to digest the consensus budget numbers for March, I will then be in a position to cast an informed vote.—STAN CLARK

Senators Harrington and Jenkins requests the record to show they concur with the "Explanation of Vote" offered by Senator Clark on **SB 526**.

MR. PRESIDENT: I vote yes on **SB 526**.

In his State of the State address, Governor Graves asked a very simple question: Is there sentiment in your district for breaking promises to our schools resulting in fewer teachers, larger class sizes and reduced services for special education? He recommended a minimal increase for K-12 education of \$20.

It is vital that we act on that proposal swiftly, and passage of this bill does that. We must make it clear that we are not beginning the debate on school finance by talking about cuts of up to \$158 in base state aid per pupil. We are starting with an increase.

By acting relatively early in the session on Governor Graves' modest proposal, we make it clear that for the remainder of our 90 days, we are all aware that there will be no cuts for K-12 education, and that we will find the funding to continue to honor our commitment, albeit minimal, to our schools and to our children.—ANTHONY HENSLEY

MR. PRESIDENT: I live and legislate by a simple fiscal principle: you can't spend money you don't have. **SB 526** attempts to do exactly that by promising our school districts an increase in state aid. However, with a multi-million dollar budget shortfall, it is irresponsible to make new spending promises for which we have no money to pay.

Thus I must vote no.—TIM HUELSKAMP

Senators Jackson, Pugh and Tyson requests the record to show they concur with the "Explanation of Vote" offered by Senator Huelskamp on **SB 526**.

I vote yes on **SB 526** because it is being put forward as a litmus test for being friendly to education. However, I do not believe the bill will alter the funding we can or will provide for Kansas schools. Many people do not yet appreciate the seriousness of the budget shortfall we face for FY 2003. It will be a great victory for budgetary prestidigitation if we are able to keep from reducing the base state aid per pupil in the face of falling revenues. While I believe schools would benefit from additional funding, I doubt our ability to provide it, and this bill will not make any difference. Nonetheless, I am a friend of education and I vote yes.—DAVE KERR

Senators Brownlee, Jordan and Salmans request the record to show they concur with the "Explanation of Vote" offered by Senator Kerr on **SB 526**.

MR. PRESIDENT: I vote aye on **SB 526** knowing 20 dollars added to base aid per student is very modest and also knowing that our schools need more, much more. However, with the State of Kansas facing very serious financial difficulties, I would advise school districts to be very cautious in deciding to incorporate this addition to base state aid in their financial planning.—STEPHEN R. MORRIS

Senators Harrington, Jordan and Taddiken request the record to show they concur with the "Explanation of Vote" offered by Senator Morris on **SB 526**.

SB 548, An act concerning agriculture; relating to control and eradication of sericea lespedeza; powers of secretary of agriculture; expenditures by conservation districts; amending K.S.A. 2-1315, 2-1908 and 2-1915 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 553, An act relating to property taxation; requiring the submission of a report concerning land devoted to agricultural use valuation procedures, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub SB 556, An act concerning sericea lespedeza; relating to control and eradication; research and demonstration efforts, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 564. An act concerning counties; relating to registers of deeds in certain counties; allowing creation of a technology fund; amending K.S.A. 28-115 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barone, Brownlee, Donovan, Feleciano, Gilstrap, Gooch, Haley, Harrington, Hensley, Jordan, Kerr, Lyon, O'Connor, Oleen, Praeger, Schodorf, Teichman, Vratil, Wagle.

Nays: Barnett, Brungardt, Clark, Corbin, Downey, Emler, Goodwin, Huelskamp, Jackson, Jenkins, Lee, Morris, Pugh, Salmans, Schmidt, Steineger, Taddiken, Tyson, Umbarger.

The bill passed, as amended.

SB 575. An act relating to income taxation; concerning the withholding against certain distributions and awards; amending K.S.A. 2001 Supp. 79-3295 and 79-32,100a and repealing the existing sections, 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: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Huelskamp, Lyon, O'Connor, Pugh.

The bill passed.

SB 618. An act concerning the state institutions building fund; relating to debt service on revenue bonds for certain capital improvement projects; amending K.S.A. 2001 Supp. 76-6b05 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 619. An act concerning the state finance council; voting procedures; amending K.S.A. 75-3711 and repealing the existing section, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The bill passed, as amended.

SCR 1617. A concurrent resolution urging the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada, 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The resolution was adopted.

SCR 1618. A concurrent resolution urging the Congress of the United States to open certain areas of the Arctic National Wildlife Refuge to oil and gas production, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Feleciano, Gooch, Haley, Hensley, Praeger, Schmidt, Steineger.

The resolution was adopted.

HCR 5048, A concurrent resolution establishing a joint committee on Kansas security, was considered on final action.

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

Yeas: Adkins, Barnett, Brungardt, Emler, Jackson, Jenkins, Jordan, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Allen, Barone, Brownlee, Clark, Corbin, Donovan, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Kerr, Lee, Lyon, O'Connor, Pugh, Steineger, Tyson.

The resolution was not adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HCR 5048** but I have concerns that the legislature seems more interested in process than progress on security and antiterrorism issues. As a nation and as a state we have received a wake up call—we are a nation at war. Although our federal government has issued numerous alerts for increased vigilance, I do not believe Kansas government has adequately prioritized security issues. We must take seriously the emerging threats to our security and freedom. From enhanced public health capacity to improved state capitol security to improved communication systems for public safety personnel the agenda for action has been identified. The time to act on this agenda is now. These are not issues we can simply refer to a new committee with the hope that further study will make the need for action less obvious. Budget constraints should not be used as an excuse to leave Kansans unprotected.—DAVID ADKINS

MR. PRESIDENT: I vote “no” on **HCR 5048**. Not because I believe a committee on security is not warranted but because a 23 member committee creates security concerns of its own.—STAN CLARK

Senators Allen, Barone, Corbin, Donovan, Downey, Goodwin, Harrington, Hensley, Lee, O'Connor, Pugh and Tyson request the record to show they concur with the “Explanation of Vote” offered by Senator Clark on **HCR 5048**.

MR. PRESIDENT: I vote no on **HCR 5048**.

At a time when we are struggling to find enough funding services that may best be described as absolutely necessary, such as Meals on Wheels or special education, we are quadrupling the size of a committee that, up to now, has accomplished very little.

Aside from creating a committee that will provide campaign brochure material for Senators who apparently have nothing else to do. To increase the size of this committee is to increase the amount of frustration taxpayers across Kansas feel towards this Legislature.

A committee on Kansas security made up of six lawmakers met several times over the interim with negligible results. A committee of 26 lawmakers will increase the amount of money and time spent on the issue, but I fail to see how it will enhance the security of Kansans.—PAUL FELECIANO, JR.

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Feleciano on **HCR 5048**.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Corbin moved the Senate reconsider its adverse action on **SB 471**. The motion carried.

Senator Corbin moved **SB 471** be returned to the calendar under the heading of General Orders. The motion carried.

REPORT ON ENGROSSED BILLS

SB 265, SB 382, SB 413, SB 414, SB 439, SB 459, SB 463, SB 464, SB 480, SB 499, SB 502, SB 511, SB 531, SB 543, SB 605 reported correctly engrossed February 28, 2002.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Schmidt in the chair.

The committee report on **SB 467** recommending a **Sub SB 467** be adopted.

Senator Adkins moved to amend **Sub SB 467**, on page 4, in line 8, by striking all after "(k)"; by striking all in lines 9 and 10; in line 11, by striking "(l)"; in line 17, by striking "(m)" and inserting "(l)"

The motion failed and the amendment was rejected.

The Committee recommended **Sub SB 467** be passed.

SB 173 be amended by adoption of the committee amendments, and the bill be passed as amended.

SB 401; SCR 1622 be passed over and retain a place on the calendar.

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

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 637, An act making and concerning appropriations for the fiscal year ending June 30, 2002, for the judicial branch; authorizing certain transfers and imposing certain restrictions and limitations, by Committee on Ways and Means.

SB 638, An act concerning retirement; relating to certain school retirants; employment after retirement; requiring certain duties of state board of education; amending K.S.A. 2001 Supp. 72-5445, 72-7513 and 74-4914 and repealing the existing sections, by Committee on Ways and Means.

SB 639, An act concerning children's health insurance benefits; relating to eligibility requirements; amending K.S.A. 2001 Supp. 38-2001 and repealing the existing section, by Committee on Ways and Means.

CHANGE OF REFERENCE

The President withdrew **Sub SB 378; SB 403, SB 471, SB 489** from the calendar under the heading of General Orders and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 547** from the Committee on Utilities and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 584** from the Committee on Public Health and Welfare and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2642; Substitute HB 2644; Substitute HB 2667; HB 2703, HB 2719, HB 2761, HB 2962, HB 2953.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2642; Substitute HB 2644; Substitute HB 2667; HB 2703, HB 2719, HB 2761, HB 2962, HB 2953 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on **Reapportionment** recommends **Substitute for HB 2625**, as amended by House Committee of the Whole, be passed.

Committee on **Ways and Means** recommends **SB 422** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 422," as follows:

"Substitute for SENATE BILL No. 422

By Committee on Ways and Means

"AN ACT concerning reimbursement by the department of social and rehabilitation services for certain drugs; relating to the medicaid pharmacy programs; changing certain rules and regulations requirements; amending K.S.A. 39-7,120 and repealing the existing section.";

and the substitute bill be passed.

Also, **SCR 1621** be adopted.

COMMITTEE OF THE WHOLE

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

Recommended **SB 476**, **SB 527** be passed.

The committee report on **SB 116** recommending a **Sub SB 116** be adopted, and the substitute bill be passed.

The committee report on **SB 545** recommending a **Sub SB 545** be adopted, and the substitute bill be passed.

SCR 1622 be adopted.

SB 419, **SB 474**, **SB 490**, **SB 524**, **SB 546**, **SB 551**, **SB 565**, **SB 583**, **SB 610** be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 401 be amended by adoption of the committee amendments.

Senator Downey moved to amend the bill, as amended by Senate Committee, on page 4, by striking all after line 2;

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 43 and inserting:

"Sec. 3. K.S.A. 12-105b is hereby repealed.";

By renumbering the remaining section accordingly;

In the title, in line 12, by striking "72-5413 and"; in line 13, by striking "sections" and inserting "section"

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

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

Yeas: Adkins, Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee.

Nays: Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

The committee recommended **SB 401** be passed as amended.

SB 475 be amended by adoption of the committee amendments.

Senator Haley moved to amend the bill, as amended by Senate Committee, on page 1, after line 14, by inserting the following:

"Section 1. K.S.A. 2001 Supp. 21-4310 is hereby amended to read as follows: 21-4310.

(a) Cruelty to animals is:

(1) Intentionally killing, ~~injuring~~, maiming, torturing, *burning* or mutilating or causing serious physical injury to any animal;

(2) abandoning or leaving any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal; ~~or~~

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or

(5) *intentionally causing any physical injury other than serious physical injury to any animal.*

(b) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) bona fide experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(6) ~~with respect to farm animals~~; normal or accepted practices of animal husbandry;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, ~~farm~~ animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

or

(9) laying an equine down for medical or identification purposes.

(c) As used in this section, "equine" means a horse, pony, mule, jenny, donkey or hinny.

(d) (1) *Cruelty to animals as described in subsection (a)(1) is a nonperson felony. Upon conviction of cruelty to animals as described in subsection (a)(1), a person shall be sentenced to not less than 30 days nor more than one year's imprisonment and fined not less than \$100.*

(2) *Cruelty to animals as described in subsections (a)(2), (a)(3), (a)(4) and (a)(5) is a class A nonperson misdemeanor.*;

And by renumbering sections accordingly;

On page 5, in line 43, after "Supp." by inserting "21-4310,";

On page 1, in the title, in line 10, after "concerning" by inserting "crimes and crime victims; relating to cruelty to animals,"; also in line 10, by striking "; relating to" and inserting a comma; in line 11, after "Supp." by inserting "21-4310,"

The motion failed and the amendment was rejected.

The committee recommended **SB 475** be passed as amended.

SB 487 be amended by motion of Senator Adkins, on page 5, in line 33, after "thereto" by inserting "or any comparable out of state conviction or juvenile adjudication"; in line 37, after "thereto" by inserting "or any comparable out of state conviction or juvenile adjudication"; also in line 37, after the period by inserting "The facts required to establish the out of state conviction as comparable must be established by the state by a preponderance of the evidence."

Senator Haley moved to amend the bill, on page 5, after line 37, by inserting:

"New Sec. 2. If the trier of fact in a trial in which the defendant is charged with a felony finds beyond a reasonable doubt that the defendant intentionally selected the person against whom the felony is committed or selected the property that is damaged or otherwise affected by such felony committed by the defendant in whole or in part because of the defendant's belief or perception regarding the race, color, religion, disability, sexual orientation, national origin, ethnicity or ancestry of that person or the owner or occupant of that property, whether or not the defendant's belief or perception was correct, the defendant's

sentence shall be presumed imprisonment and such sentence shall be up to double the maximum duration of the presumptive imprisonment term for the underlying felony.

Sec. 3. K.S.A. 2001 Supp. 21-4716 is hereby amended to read as follows: 21-4716. (a) The sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines for crimes committed on or after July 1, 1993, unless the judge finds substantial and compelling reasons to impose a departure. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) (1) Subject to the provisions of subsection (b)(3), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(2) Subject to the provisions of subsection (b)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

~~(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim.~~

~~(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.~~

~~(E) (D)~~ (D) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to commit or assist in avoiding detection or apprehension for commission of any person felony or any attempt, conspiracy or solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto to commit any person felony regardless of whether the defendant knew the age of the individual under 16 years of age.

~~(E) (E)~~ (E) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization; or

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

~~(F)~~ (F) The defendant was incarcerated during the commission of the offense.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(c) In determining aggravating or mitigating circumstances, the court shall consider:

(1) Any evidence received during the proceeding;

(2) the presentence report;

(3) written briefs and oral arguments of either the state or counsel for the defendant; and

(4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

New Sec. 4. (a) Independent of any criminal prosecution or the result thereof, any person suffering injury or damage to such person or such person's property whether it be physical, emotional or financial injury or damage as a result of felony violation as provided in section 2 and amendments thereto may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress or punitive damages. A judgment may include attorney fees and costs.

(b) The attorney general shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, color, religion, disability, sexual orientation, national origin, ethnicity or ancestry. All law enforcement agencies shall report monthly to the attorney general concerning such offenses in such form and in such manner as prescribed by rules and regulations adopted by the attorney general. Such information shall be compiled by the attorney general and disseminated upon request to any local law enforcement agency, municipality or state agency. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law. Data required pursuant to this subsection shall be used only for research or statistical purposes and shall not include any information that may reveal the identity of an individual victim of a crime. The attorney general shall publish an annual summary of the data required pursuant to this subsection. The attorney general shall provide training for all law enforcement officers in identifying, responding to and reporting all offenses as provided in section 2 and amendments thereto. The Kansas law enforcement training commission shall develop and certify a course of such training to be made available to all enforcement officers.";

And by renumbering sections accordingly;

Also on page 5, in line 38, by striking "and" and inserting a comma; also in line 38, after "21-4704a" by inserting "and 21-4716";

On page 1, in the title, in line 10, before "amending" by inserting "sentence enhancement for certain motivations; recovery for damages;"; also in line 10, after "and" by inserting "21-4716 and"; in line 11, by striking "section" and inserting "sections"

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

On roll call, the vote was: Yeas 12, Nays 27, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Lee, Oleen, Schmidt, Steineger.

Nays: Barnett, Brownlee, Brungardt, Clark, Corbin, Downey, Emler, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Praeger, Pugh, Salmans, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

The committee recommended **SB 487** be passed as amended.

SB 501 be amended by adoption of the committee amendments, be further amended by motion of Senator Brownlee, as amended by Senate Committee, on page 3, in line 11, by striking “but are not limited to,”; in line 12, by striking “directly or indirectly”; in line 23, by striking “directly or indirectly”; on page 5, in line 7 before “or” by inserting “maintains its primary headquarters and operations”

Senator Barone further amended the bill, as amended by Senate Committee, on page 6, after line 23, by inserting a new section as follows:

“New Sec. 4. A taxpayer seeking to make the election available pursuant to subsection (b)(5) of K.S.A. 79-3279, and amendments thereto, shall only be eligible to make such election if the taxpayer maintains or exceeds the number of employees in existence at the time the taxpayer first makes such an election.”;

And by renumbering sections accordingly, and **SB 501** be passed as further amended.

SB 586 be amended by adoption of the committee amendments, be further amended by motion of Senator Praeger, as amended by Senate Committee, on page 1, in line 25, by striking all after “less”; in line 26, by striking all before “for”, and **SB 586** be passed as further amended.

SB 624 be amended by adoption of the committee amendments, be further amended by Senator Vratil on page 2, line 26, by striking all of lines 26 thru 43 on page 2, and all of lines 1 thru 39 on page 3; and renumber accordingly and **SB 624** be passed as further amended.

SB 411 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 116; SB 173, SB 401, SB 419; Sub SB 467; SB 474, SB 475, SB 476, SB 477, SB 487, SB 490, SB 501, SB 524, SB 527; Sub SB 545; SB 546, SB 551, SB 565, SB 583, SB 586, SB 610, SB 624; SCR 1622** were advanced to Final Action and roll call.

Sub SB 116, An act concerning civil actions; relating to authority to bring certain actions; firearms manufacturers and dealers.

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

Yeas: Adkins, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Feleciano, Gilstrap, Gooch, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Allen, Downey, Goodwin, Praeger.

The substitute bill passed.

SB 173, An act concerning divorce and separate maintenance; relating to grounds; amending K.S.A. 60-1601 and repealing the existing section.

On roll call, the vote was: Yeas 15, Nays 25, Present and Passing 0, Absent or Not Voting 0.

Yeas: Brownlee, Clark, Donovan, Gilstrap, Harrington, Huelskamp, Jackson, Jordan, Lyon, O'Connor, Pugh, Salmans, Taddiken, Tyson, Umbarger.

Nays: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Hensley, Jenkins, Kerr, Lee, Morris, Oleen, Praeger, Schmidt, Schodorf, Steineger, Teichman, Vratil, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 173** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 173**.

The bill is well-intended and I believe it is important for the Senate to consider any legislation designed to enhance family life and the institution of marriage. For twelve years I have been blessed to be married to a supportive and loving spouse. Marriage continues to enrich my life in so many meaningful ways. My parents celebrated 50 years of marriage several months ago. I have benefitted throughout my life from their commitment to honor their wedding vows. Marriage is a good thing—for children and for our society. This bill,

however well-intended, unfortunately will not accomplish the goals stated by its supporters. As written, this bill potentially creates more problems than it solves.—DAVID ADKINS

MR. PRESIDENT: I vote yes on **SB 173** as this furthers good state policy by discouraging a divorce that might result in the abandoning of the spouse and children. Often these resulting single parent families joins our already over-burdened welfare system.—KAY O'CONNOR

SB 401, An act concerning municipalities; relating to the payment of claims; authorizing school districts to make certain payments; amending K.S.A. 12-105b and 72-5413 and repealing the existing sections.

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

Yeas: Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Adkins, Hensley.

The bill passed, as amended.

SB 419, An act concerning retail food stores and food processing plants; relating to the enforcement authority of the secretary of the department of health and environment; amending K.S.A. 2001 Supp. 65-688 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The bill passed, as amended.

Sub SB 467, An act concerning information technology; providing protection from deceptive and unwanted electronic mail messages; establishing certain acts a violation of the Kansas consumer protection act; allowing for either a cause of action or civil penalty for a violation.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: O'Connor, Tyson.

The substitute bill passed.

SB 474, An act enacting the protection from stalking act; amending K.S.A. 2001 Supp. 21-3438, 21-3721 and 21-3843 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Pugh, Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 474**. This bill and **SB 475**, **SB 476** and **SB 477** represent much needed enhancements to our domestic violence and sexual assault laws. The new protections for stalking victims, the expansion of protections for those abused in the course of a dating relationship, the authorization of nurses to collect evidence of sexual assault and rape and the additional resources for community based, sexual assault programs

embodied in these bills are important steps forward for public safety in Kansas. Let us not forget the victims of domestic violence and sexual assault. These bills speak for them. I commend the Kansas Coalition Against Sexual and Domestic Violence for their support of this legislation. Their leadership continues to make a difference for the victims of sexual and domestic violence in Kansas.—DAVID ADKINS

SB 475, An act concerning protection from abuse; relating to intimate partners or household members; amending K.S.A. 2001 Supp. 60-3102, 60-3104, 60-3107 and 60-3112 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Pugh.

The bill passed, as amended.

SB 476, An act concerning the examination of victims of sexual assault; amending K.S.A. 2001 Supp. 65-448 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 477, An act concerning protection from abuse; relating to funding for programs; amending K.S.A. 2001 Supp. 20-367, 60-2001 and 74-7325 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Brownlee, Clark, Gilstrap, Gooch, Harrington, Huelskamp, Jenkins, Lyon, O'Connor, Pugh, Wagle.

The bill passed, as amended.

SB 487, An act concerning crimes, criminal procedure and punishment; relating to burglary; sentencing; amending K.S.A. 2001 Supp. 21-4704 and repealing the existing section; also repealing K.S.A. 2001 Supp. 21-4704a.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley.

The bill passed, as amended.

SB 490, An act amending the Kansas underground utility damage prevention act; concerning certain regulations thereof; amending K.S.A. 2001 Supp. 66-1802, 66-1804, 66-1805, 66-1806, 66-1807, 66-1809, 66-1810, 66-1811 and 66-1812 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh,

Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 501. An act relating to income taxation; concerning the apportionment of business income of certain investment funds service companies; amending K.S.A. 79-3271 and 79-3279 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon.

The bill passed, as amended.

SB 524. An act concerning business entities; relating to annual report; filing of certain documents; franchise tax; business activities; amending K.S.A. 56-1a156 and K.S.A. 2001 Supp. 17-2036, 17-7678, 17-76,139, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 527. An act concerning drainage districts; relating to the transfer of territory from one drainage district to another; amending K.S.A. 24-128, 24-129 and 24-130 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Gilstrap, Gooch, Hensley, Lyon, Pugh.

The bill passed.

Sub SB 545. An act relating to public utilities; concerning public right-of-way; fees.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Steineger, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Nays: Donovan, Schodorf, Teichman.

The substitute bill passed.

SB 546. An act concerning retail natural gas suppliers; relating to franchise agreements; compensation.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 551, An act concerning certain school districts; relating to the computation of state financial aid; amending K.S.A. 2001 Supp. 72-6445 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: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 551** because there has not been an attempt to determine the true costs associated with consolidating school districts. Whereas I support consolidation, I also support fiscal responsibility in the process.—KARIN BROWNLEE

SB 565, An act concerning the impact act; expanding the availability thereof; concerning Kansas investments in major projects; amending K.S.A. 2001 Supp. 74-50,106 and 74-50,107 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, O'Connor.

The bill passed, as amended.

SB 583, An act relating to physical therapy; concerning physical therapists; amending K.S.A. 65-2901 and K.S.A. 2001 Supp. 65-2913 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 586, An act concerning long-term care insurance; relating to restrictions on elimination periods; amending K.S.A. 40-2228 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 610, An act concerning naturopathy; providing for the licensure and regulation of practitioners thereof; providing for administration by the board of healing arts; amending K.S.A. 65-2872 and repealing the existing section; also repealing K.S.A. 65-2872a.

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

Yeas: Adkins, Allen, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barnett, Gilstrap.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: We have a unique opportunity to address an important health issue.

If standards are set for naturopathic medicine—is it morally right for this body to stand in the way of individuals faced with devastating diagnosis. (In many cases, death); the ability to seek (and we know they do) alternative treatments?

Many are taken advantage of endangering their well being even more.

Our opportunity is to separate the educated and trained from the quacks and husksters who prey upon the desperately ill.

I vote yes—Mr. President on **SB 610**.—NANCEY HARRINGTON

SB 624, An act relating to motor vehicles; providing for the issuance of the choose life license plate; amending K.S.A. 8-1,141 and repealing the existing section.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Barone, Brownlee, Clark, Donovan, Emler, Gilstrap, Harrington, Huel-skamp, Jackson, Jordan, Lee, Lyon, Morris, O'Connor, Pugh, Salmans, Taddiken, Tyson, Umbarger, Wagle.

Nays: Adkins, Allen, Brungardt, Corbin, Downey, Feleciano, Gooch, Goodwin, Haley, Hensley, Jenkins, Kerr, Oleen, Praeger, Schmidt, Schodorf, Steineger, Teichman, Vratil.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: What irony. Those who claim to be “pro-choice” and then vote against private, voluntary funding for adoption services and the care of pregnant women and their families.

A vote against **SB 624** is a vote against children, against women, and greatly clarifies the “pro-choice” position.—TIM HUELSKAMP

Senator Harrington requests the record to show she concurs with the “Explanation of Vote” offered by Senator Huelskamp on **SB 624**.

I am voting no on **SB 624** which would provide for placing “choose life” on Kansas license plates. I do not vote against this measure because I want people to choose something other than life. I do not vote against this bill because the recipients of funds raised are not worthy. Indeed, I have long supported the work of the pregnancy crisis centers with my contributions. Rather, I vote no because I feel we need a clearer policy on which groups can have access to the state government license plates. I’m not sure any groups should. It is not a billboard, it is a license plate, proof of having paid for the privilege driving a vehicle on our roadways and a means of identification.

In conclusion, if I voted for all of the groups that now have this privilege, I should not have. We need a good policy for this privilege. Until we have one, I’m opposing any new license plates.—Dave Kerr

Senators Brungardt, Downey, Oleen, Schodorf, Teichman and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Kerr on **SB 624**.

SCR 1622, A concurrent resolution urging the University of Kansas School of Law to establish an agriculture law teaching professorship and agriculture law clinic.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The resolution was adopted.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, March 1, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

