

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 24, 2005—9:30 a.m.

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

Heavenly Father,

Solomon tells us in Ecclesiastes that there is a time for all things. Legislators have to make decisions every day on when to what.

When is it the time to run and the time not to run.
the time to vote aye and the time to vote no.
the time to vote and the time to pass.
the time to speak up and the time to shut up.
the time to legislate and the time to hesitate.
the time to think and the time to act.
the time to believe and the time not to believe.
the time to change and the time to stand fast.
the time to work and the time to rest.
the time to hurry and the time to show down.

To answer these questions remind us that it is time to consult You, O God, who knows the right time for everything.

I pray in the Name of Jesus Christ,
AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Agriculture: **HB 2053**; **HCR 5005**.
Assessment and Taxation: **SB 280**.
Commerce: **HB 2016**.
Elections and Local Government: **HB 2243**.
Financial Institutions & Insurance: **HB 2203**.
Judiciary: **HB 2104**.
Public Health & Welfare: **Sub HB 2088**.
Transportation: **SB 278**.
Ways and Means: **SB 279**; **HB 2234**.

CHANGE OF REFERENCE

The President withdrew **SB 33**, **SB 173**, **SB 233**, **SB 259** from the Committee on Ways and Means, and rereferred the bills to the Committee on Commerce.

The President withdrew **SB 212**, **SB 235** from the Committee on Ways and Means, and rereferred the bills to the Committee on Health Care Strategies.

The President withdrew **SB 103** from the Committee on Ways and Means, and rereferred the bill to the Committee on Financial Institutions and Insurance.

The President withdrew **HB 2016** from the Committee on Commerce, and referred the bill to the Committee on Judiciary.

The President withdrew **HB 2109** from the Committee on Transportation, and referred the bill to the Committee on Judiciary.

The President withdrew **SB 38, SB 179** from the Committee on Judiciary, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 217, SB 222** from the Committee on Public Health and Welfare, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 228** from the Committee on Natural Resources, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 257** from the Committee on Assessment and Taxation, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 120** from the Committee on Utilities, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 80** from the Committee on Elections and Local Government, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 164** from the calendar under the heading of General Orders, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 11, SB 44, SB 130, SB 131** from the Committee on Education and referred the bills to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

SB 23 approved on February 24, 2005.

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 Allen in the chair.

Recommended **SB 145, SB 146** be passed.

SB 75, SB 129, SB 132, SB 147, SB 192, SB 196, SB 207, SB 215, SB 254 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 140 be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt as amended by Senate Committee, on page 1, by striking all in lines 29 through 31 and inserting "Improvements on real property shall not be insured for more than the reasonably estimated replacement cost of such improvements. Nothing herein shall prohibit a policy or endorsement to a policy as described in this subsection from containing an inflation guard provision or similar provision. Nothing in this section shall be deemed to create a private cause of action." and **SB 140** be passed as further amended.

SB 117, SB 142, SB 194 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 Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 281, An act concerning retirement and pensions; relating to benefits and contributions; retirement plan for new members; amending K.S.A. 74-4911, 74-4914, 74-

4915, 74-4917, 74-4919, 74-4933, 74-4937 and 74-4991 and K.S.A. 2004 Supp. 74-4920 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2014, HB 2103; Substitute HB 2113; HB 2129, HB 2138, HB 2139; Substitute HB 2142; HB 2144, HB 2155, HB 2160, HB 2180, HB 2242, HB 2247, HB 2262, HB 2263, HB 2280, HB 2284, HB 2285, HB 2304, HB 2341, HB 2349, HB 2364, HB 2386, HB 2387, HB 2407, HB 2418, HB 2461, HB 2466.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2014, HB 2103; Substitute HB 2113; HB 2129, HB 2138, HB 2139; Substitute HB 2142; HB 2144, HB 2155, HB 2160, HB 2180, HB 2242, HB 2247, HB 2262, HB 2263, HB 2280, HB 2284, HB 2285, HB 2304, HB 2341, HB 2349, HB 2364, HB 2386, HB 2387, HB 2407, HB 2418, HB 2461, HB 2466 were thereupon introduced and read by title.

REPORTS OF STANDING COMMITTEES

Committee on Federal and State Affairs begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Kansas Racing and Gaming Commission: K.S.A. 74-8803

Glenn Braun, term expires January 15, 2008

Committee on **Ways and Means** recommends **SB 74** be amended on page 1, in line 15, after "regents" by inserting: ", in accordance with the provisions of this section."; in line 17, before "in" by inserting: "or any portion thereof"; in line 23, before the period, by inserting: ", including personnel policies and procedures, and each such system of administration shall be subject to approval by the state board of regents"; in line 24, after the period, by inserting: "This section shall not be implemented by the state board of regents at any state institution of higher education unless an election has been held for classified staff employees affected by such proposal at such institution and the classified staff employees voting at the election by majority vote approve the conversion of the classified staff employee positions affected by such proposal at that institution to unclassified positions."; and the bill be passed as amended.

COMMITTEE OF THE WHOLE

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

On motion of Senator Allen the morning report and the following afternoon report were adopted.

Recommended **SB 78, SB 148, SB 153** be passed.

The committee report on **SB 143** recommending a **Sub SB 143** be adopted, and the substitute bill be passed.

SB 112, SB 144, SB 180, SB 266 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 142 be amended by adoption of the committee amendments.

A motion by Senator Betts to amend **SB 142** failed and the amendment was rejected: as amended by Senate Committee, on page 4, in line 12, by striking all before the comma and inserting "ballot under consideration is the voter's ballot"; also in line 12, by striking "in the"; by striking all in line 13 and inserting ". No advance voting ballot challenged under this subsection shall be disqualified unless the voter affirms in writing that the ballot submitted is not the voter's ballot.", and **SB 142** be passed as amended.

SB 24 be amended by adoption of the committee amendments, be further amended by motion of Senator Huelskamp, as amended by Senate Committee, on page 1, in line 31, following "salaries" by inserting "or actual compensation employment contracts or employment related contracts or agreements";

On page 2, in line 3, before the period, by inserting “, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee”, and **SB 24** be passed as further amended.

SB 34 be amended by adoption of the committee amendments.

Senator Vratil moved to amend **SB 34** as amended by Senate Committee, on page 4, in line 43, by striking “2006” and inserting “2010”

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

On roll call, the vote was: Yeas 24, Nays 15, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Goodwin, Jordan, Kelly, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Barone, Betts, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Journey, Lee, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Steineger.

Absent or Not Voting: Wysong.

The motion carried and the amendment was adopted.

Senator Allen moved to amend the bill as amended by Senate Committee, on page 4, in line 39, by striking “(h)” and inserting “(i)”; by striking all in line 43;

On page 5, in line 1, by striking all preceding the colon and inserting “and shall not expire under the provisions of this section”

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

On roll call, the vote was: Yeas 19, Nays 20, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Bruce, Brungardt, Emler, Goodwin, Kelly, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle.

Nays: Barone, Betts, Brownlee, Donovan, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Steineger, Taddiken, Wilson.

Absent or Not Voting: Wysong.

The motion failed and the amendment was rejected.

The Committee recommended **SB 34** as amended by Senator Vratil be passed as further amended.

SB 117 be amended by adoption of the committee amendments, be further amended by motion of Senator Brownlee as amended by Senate Committee, on page 5, after line 30, by inserting the following:

“Sec.4. The Kansas bureau of investigation shall establish a procedure, through rules and regulations, to notify offenders who prior to July 1, 2005 were not required to register as offenders pursuant to Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, but pursuant to K.S.A. 22-4902, and amendments thereto, are currently required to be registered.”;

And by renumbering the remaining sections accordingly, and **SB 117** be passed as further amended.

The following amendment offered by Senator Journey was rejected: as amended by Senate Committee, on page 1, by striking all in lines 15 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 15;

And by renumbering sections accordingly;

On page 5, in line 31, by striking “22-4902,”;

In the title, in line 11, by striking “22-4902,”

SB 194 be amended by adoption of the committee amendments, be further amended by motion of Senator Lee as amended by House Committee, on page 2, in line 9, by striking “, of which” and inserting “. If the organization is Kansas farmers and hunters feeding the hungry, not less than 15% of the amount retained by the organization shall be used to supplement department sponsored or approved projects. For any other organization,” and **SB 194** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SB 24, SB 34, SB 75, SB 78, SB 112, SB 117, SB 129, SB 132, SB 140, SB 142; Sub SB 143; SB 144, SB 145, SB 146, SB 147, SB 148, SB 153, SB 180, SB 192, SB 194, SB 196, SB 207, SB 215, SB 254, SB 266** were advanced to Final Action and roll call.

SB 24, An act relating to confidential security records or information; providing that certain records or information are not subject to subpoena or discovery; amending K.S.A. 2004 Supp. 45-221, 66-1236 and 75-4319 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 45-221g, 45-221h and 75-4319b.

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

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

Nays: Journey, Pyle.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 34, An act concerning the Kansas open records act; pertaining to definitions; pertaining to exceptions to disclosure of records; amending K.S.A. 45-217 and 45-229 and repealing the existing sections.

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

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

Nays: Journey.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 75, An act concerning civil procedure; relating to immunity from liability for claims relating to weight gain or obesity.

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 78, An act concerning the open records act; amending K.S.A. 2004 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2004 Supp. 45-221g and 45-221h.

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

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

Absent or Not Voting: Wysong.

The bill passed.

SB 112, An act concerning materialman's liens; relating to determining priority of claims against property under construction; amending K.S.A. 60-1101, 60-1106 and 60-1110 and K.S.A. 2004 Supp. 60-1103b and repealing the existing sections.

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 117, An act concerning criminal procedure; relating to offender registration; amending K.S.A. 2004 Supp. 22-4902, 22-4909 and 22-4912 and repealing the existing sections.

On roll call, the vote was: Yeas 20, Nays 19, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Gilstrap, Goodwin, Jordan, Morris, O'Connor, Schmidt D, Schmidt V, Schodorf, Steineger, Umbarger, Vratil, Wagle, Wilson.

Nays: Barone, Betts, Donovan, Francisco, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Taddiken, Teichman.

Absent or Not Voting: Wysong.

A constitutional majority having failed to vote in favor of the bill, **SB 117** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 117**. This honors those victims of sexual abuse who deserve to know where their perpetrators are locating when they are released from prison.

We also owe this to our school children as a safety measure. Perpetrators are locating within several feet of our schools and **SB 117** would mandate notification in an effort to protect our children from becoming victims of sexual abuse. — KARIN BROWNLEE

Senators Bruce, Gilstrap, Goodwin, Jordan, O'Connor, V. Schmidt, Umbarger and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Brownlee.

MR. PRESIDENT: This is perhaps the most difficult and politically dangerous vote I have cast during my tenure in this honored body. I must first qualify this no vote by saying I support the current law. I support the provisions of this bill requiring notice to schools and daycare. The retroactivity to 24 years ago is a fundamental change in public policy. Now many convicted of minor crimes after 1979 such as adultery, patronizing a prostitute, or lewd behavior are required to register for life. They will now be subject to felony prosecution if they fail to register. There is no requirement to give notice of this new duty to register. We only require regulations be propounded. There is no funding, there is no estimate of the cost, there is only the desire to place this scarlet letter. It is not clear whether expungement would relieve the defendant of the duty to register. Many of the offenses required to be registered now cannot be expunged. Many are able to be expunged and the requirement that they register nullifies the public policy behind expungement. Law enforcement opposes this Bill. — PHILLIP B. JOURNEY

Senators Barone, Betts, Francisco, Hensley, Kelly, Lee, Palmer, Peterson, Pine and Pyle request the record to show they concur with the "Explanation of Vote" offered by Senator Journey on **SB 117**.

SB 129, An act concerning consumer protection; relating to warranty modification or limitation; workmanlike performance; amending K.S.A. 2004 Supp. 50-639 and repealing the existing section.

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

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

Nays: Donovan.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 132. An act concerning elections; relating to the use of optical scanning systems to count votes; amending K.S.A. 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and repealing the existing sections.

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 140. An act concerning insurance; relating to limiting the insurance value of improvements on real property to its replacement cost; amending K.S.A. 40-905 and repealing the existing section.

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

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

Nays: Gilstrap, Hensley, Lee.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 142. An act concerning elections; relating to advance voting ballots; amending K.S.A. 25-1132 and 25-1136 and K.S.A. 2004 Supp. 25-1124 and 25-1128 and repealing the existing sections.

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

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

Sub SB 143. An act concerning elections; relating to electronic and electromechanical voting systems; amending K.S.A. 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413 and 25-4414 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343.

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

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

Nays: Lee.

Absent or Not Voting: Wysong.

The substitute bill passed.

SB 144. An act concerning civil procedure; relating to civil liability for certain actions involving alcoholic beverages.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, McGinn,

Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Journey.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 145, An act concerning court records; amending K.S.A. 20-160 and repealing the existing section.

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

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

Absent or Not Voting: Wysong.

The bill passed.

SB 146, An act concerning medical malpractice screening panels; amending K.S.A. 65-4907 and repealing the existing section.

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

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

Absent or Not Voting: Wysong.

The bill passed.

SB 147, An act concerning the limitation of actions; relating to increasing general time limitation; amending K.S.A. 2004 Supp. 21-3106 and repealing the existing section.

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

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

Nays: Haley, Journey.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 148, An act concerning driving under the influence of alcohol or drugs; relating to driving privileges; amending K.S.A. 8-1013 and repealing the existing section.

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

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

Absent or Not Voting: Wysong.

The bill passed.

SB 153, An act concerning the negotiation and approval of gaming compacts; amending K.S.A. 46-2302 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Francisco, Hensley, Kelly, Lee.

Absent or Not Voting: Wysong.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I voted NO on **SB 153** because a special session of the legislature could not be limited to one issue. — MARCI FRANCISCO

Senator Lee requests the record to show she concurs with the “Explanation of Vote” offered by Senator Francisco on **SB 153**.

SB 180, An act concerning preliminary screening tests for alcohol use; amending K.S.A. 8-1012, 32-1138 and 65-1,107 and K.S.A. 2004 Supp. 41-727 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 8, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Jordan, Lee, Morris, O'Connor, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Haley, Hensley, Huelskamp, Journey, Kelly, McGinn, Palmer, Taddiken.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 192, An act concerning property taxation; relating to exemptions; renewable energy resources or technology; amending K.S.A. 2004 Supp. 79-201 and repealing the existing section.

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 194, An act concerning wildlife and parks; relating to commission permits.

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

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

Nays: Huelskamp.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 196, An act relating to the Kansas mortgage business act; pertaining to administration of the act by the state bank commissioner; amending K.S.A. 9-2203, 9-2205, 9-2208, 9-2209, 9-2211, 9-2216 and 9-2218 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Huelskamp, O'Connor, Ostmeyer, Palmer, Pyle.

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 207, An act concerning insurance; relating to fraudulent practices and the prevention thereof; amending K.S.A. 40-2,118, 40-1612, 40-1613 and 40-19a10 and K.S.A. 2004 Supp. 40-19c09 and repealing the existing sections; also repealing K.S.A. 40-247 and 40-417.

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

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 215, An act enacting the commercial real estate broker lien act.

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

1.

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 254, An act concerning persons not engaged in the practice of the healing arts; amending K.S.A. 65-2872 and repealing the existing section.

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

1.

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

Absent or Not Voting: Wysong.

The bill passed, as amended.

SB 266, An act authorizing the secretary of the department of administration to transfer certain land.

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

1.

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

Nays: Brownlee, Journey, McGinn.

Absent or Not Voting: Wysong.

The bill passed, as amended.

ORIGINAL MOTION

Having voted on the prevailing side in Final Action, Senator Journey moved the Senate reconsider its adverse action on **SB 117**. The motion carried, and on further motion of Senator Journey the bill was returned to the calendar under the heading of General Orders.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, February 25, 2005.

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

PAT SAVILLE, *Secretary of the Senate*.

