

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday January 27, 2010—2:30 p.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Goliath the giant was nine feet tall,
And carried a sword in his hand.
David, a young shepherd boy,
With a sling shot challenged the man.

Our giant is 400 million dollars,
Which our state budget lacks.
We're waiting on David to appear
With five smooth stones in his sack.

The reason David, the shepherd boy
Left the nine foot giant dead,
Was not because of his sling shot,
But because God aimed the stone at his head.

Will raising taxes slay our giant?
Or reducing the budget once more?
Combinations have been suggested
With opposition to all on the floor.

Some may say praying is out of place,
And that we better beware.
But I don't think separation of church and state
Means separation of state and prayer!

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were introduced and read by title:

SB 467, An act concerning the practice of optometry; amending K.S.A. 2009 Supp. 65-1501 and 65-1501a and repealing the existing sections, by Committee on Federal and State Affairs.

SB 468, An act concerning grand juries; relating to summoning; amending K.S.A. 22-3001 and repealing the existing section, by Committee on Ways and Means.

SB 469, An act concerning civil procedure; relating to remote claim liens on commercial property; establishing the state construction registry; amending K.S.A. 60-1103, 60-1110 and 60-1111 and repealing the existing sections, by Committee on Ways and Means.

SB 470. An act enacting the Kansas uniform common interest owners bill of rights act; amending K.S.A. 58-3119 and 58-3120 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 58-3830, by Committee on Local Government.

SB 471. An act concerning crimes and punishment; relating to harassment by telephone; harassment by telecommunications; amending K.S.A. 21-4113 and repealing the existing section, by Committee on Judiciary.

SB 472. An act concerning income taxation; relating to certain credits; prohibiting future transferability thereof; repealing certain credits; amending K.S.A. 39-7,132 and 65-7107 and K.S.A. 2009 Supp. 74-5005, 74-50,201, 74-50,202, 74-50,203, 74-50,205, 74-8133, 79-32,199a, 79-32,199b, 79-32,211 and 79-32,261 and repealing the existing sections; also repealing K.S.A. 79-32,200 and K.S.A. 2009 Supp. 74-50,208, 79-32,197a, 79-32,204, 79-32,207 and 79-32,242, by Committee on Assessment and Taxation.

SB 473. An act concerning physical therapy; relating to evaluation and treatment of patients; amending K.S.A. 2009 Supp. 65-2921 and repealing the existing section, by Committee on Public Health and Welfare.

SB 474. An act concerning the employment security law; pertaining to the definition of wages; amending K.S.A. 2009 Supp. 44-703 and repealing the existing section, by Committee on Business and Labor.

SB 475. An act concerning funeral services; amending K.S.A. 2009 Supp. 65-1713 and repealing the existing section, by Committee on Ways and Means.

SB 476. An act concerning sales taxation; relating to imposition of tax on certain services; exemptions, repealed; fund-raising sales; amending K.S.A. 2009 Supp. 12-189a, 79-3602, 79-3603 and 79-3606 and repealing the existing sections, by Committee on Assessment and Taxation.

SENATE CONCURRENT RESOLUTION No. 1624—

By Committee on Assessment and Taxation

A CONCURRENT RESOLUTION establishing a three-year moratorium on the granting of new tax exemptions, tax credits or economic development incentive programs involving employer withholding taxes.

WHEREAS, State and local tax revenues of \$11.77 billion for FY 2009 were 3.63% less than state and local tax revenues of \$12.22 billion for FY 2008, and were also less than state and local tax revenues of \$11.81 billion for FY 2007; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010 is \$5.3 billion, which is 5.2% less than actual State General Fund receipts for FY 2009; and

WHEREAS, The November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2011 is \$5.18 billion, which is 2.3% less than the November 2009 Consensus Revenue Estimate of State General Fund receipts for FY 2010; and

WHEREAS, The number of new property tax exemptions, sales tax exemptions, tax credits, and economic incentive programs involving the use of employer withholding taxes enacted has escalated significantly within the past 15 years in both number and dollar amount; and

WHEREAS, The significant growth in such new exemptions, credits and programs must cease until the policies underlying such growth can be examined in depth; and

WHEREAS, During this time of unprecedented multi-year reductions in state and local tax revenues, the need is even more acute to halt such growth and review the current policies for granting new property tax and sales tax exemptions, tax credits and economic development incentive programs involving the use of employer withholding taxes; Now, therefore:

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That, for tax years 2010, 2011 and 2012, there shall be a moratorium on the granting of any new property tax exemptions, sales tax exemptions, tax credits or economic development incentive programs involving the use of employer withholding taxes by the Legislature of the State of Kansas; and

Be it further resolved: That any new property tax, sales tax exemption or tax credit granted thereafter shall include provisions for the sunset of such exemption within three years.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ethics and Elections: **SB 466**.

Federal and State Affairs: **SB 452, SB 453, SB 454**.

Judiciary: **SB 455, SB 456, SB 457, SB 458, SB 459, SB 460**.

Local Government: **SB 451, SB 463, SB 464, SB 465**.

Transportation: **SB 462**.

Ways and Means: **SB 461**.

MESSAGE FROM THE GOVERNOR

January 26, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 10-01 for your information.

MARK PARKINSON
Governor

The President announced Executive Order No. 10-01, concerning guidelines for the Secretary of the Department of Social and Rehabilitation to follow regarding Parsons State Hospital and the Kansas Neurological Institute, is on file in the office of the Secretary of the Senate and is available for review at anytime.

January 26, 2010

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 10-02 for your information.

MARK PARKINSON
Governor

The President announced Executive Order No. 10-02, establishing the Kansas Advisory Committee of the Blind and Visually Impaired with purposes and charges, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2414**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2414 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS

HOUSE CONCURRENT RESOLUTION No. 5025—

By Representative O'Neal

A CONCURRENT RESOLUTION amending joint rule 4 of the senate and house of representatives for the 2009-2010 biennium.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That joint rule 4 of the senate and house of representatives for the 2009-2010 biennium be amended to read as follows:

Joint rule 4. Deadlines for introduction and consideration of bills. The senate and house of representatives shall observe the following schedule of deadlines in making requests for drafting and in the introduction and consideration of bills.

(a) Bill request deadline for individual members. Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes

after the hour of 5:00 p.m. on January 26, 2009, during the 2009 regular session and on January 25, 2010, during the 2010 regular session.

(b) Bill introduction deadline for individual members. Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 4, 2009, during the 2009 regular session and on February ~~10~~ 3, 2010, during the 2010 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) Bill request deadline for certain committees. Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to be drafted for sponsorship by such committee after the hour of 5:00 p.m. on January 30, 2009, during the 2009 regular session and on February ~~4~~ 1, 2010, during the 2010 regular session.

(d) Bill introduction deadline for certain committees. Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 6, 2009, during the 2009 regular session and on February ~~12~~ 5, 2010, during the 2010 regular session.

(e) House of origin bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 21, 2009, during the 2009 regular session and on February ~~27~~ 20, 2010, during the 2010 regular session.

(f) Second house bill consideration deadline. No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by the house, not the house of origin of such bill, after the hour of adjournment on March 25, 2009, during the 2009 regular session and March ~~31~~ 24, 2010, during the 2010 regular session.

(g) Exceptions to limitation of (d), (e) and (f); procedure. Specific exceptions to the limitations prescribed in subsections (d), (e) and (f) may be made in either house by resolution adopted by the affirmative vote of not less than a majority of the members of such house then elected (or appointed) and qualified.

(h) Deadline which falls on day neither house in session; effect. In the event that any deadline prescribed in this rule falls on a day that neither house of the legislature is in session, such deadline shall be observed on the next following day that either house is in session.

(i) Bills introduced in odd-numbered years after deadlines; effect. Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

(j) Modification of schedule of deadlines for introduction and consideration of bills; procedure. In any regular session a concurrent resolution may be adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified of each house setting forth a different schedule of deadlines for introduction and consideration of bills for that session and the provisions of such concurrent resolution shall apply to such session notwithstanding provisions of this rule to the contrary.

(k) Bill consideration deadline; exceptions. No bills shall be considered by the Legislature

after April 4, 2009, during the 2009 regular session and after April ~~4~~ 6, 2010, during the 2010 regular session except bills vetoed by the Governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702 and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

On emergency motion of Senator D. Schmidt **HCR 5025** was adopted by voice vote.

REPORT ON ENROLLED BILLS

SR 1807, SR 1808 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 27, 2010.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 393** be amended on page 1, in line 17, by striking "without notice or hearing in accordance with" and inserting "without a hearing and subject to the notice requirements of";

On page 3, in line 15, by striking the comma; and the bill be passed as amended.

Also, **SB 394** be amended on page 1, in line 14, after the second comma by inserting "any other educational institutions of this state or of any other state, state and federal agencies, or any other person,;" by striking all in line 15; in line 22, after "any" by inserting "other"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 391** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 5; in line 6, by striking "Sec. 2." and inserting "Section 1.";

On page 3, following line 2, by inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 65-3239 is hereby amended to read as follows: 65-3239. (a) Information obtained under K.S.A. 8-247 and 8-1325, and amendments thereto, from the division of vehicles by the Kansas federally designated organ procurement organization shall be used for the purpose of establishing a statewide organ and tissue donor registry accessible to in-state recognized cadaveric organ and cadaveric tissue agencies for the recovery or placement of organs and tissue and to procurement agencies in another state when a Kansas resident is a donor of an anatomical gift and is not located in Kansas at the time of death or immediately before the death of the donor. No organ or tissue donation organization may obtain information from the organ and tissue donor registry for the purposes of fund-raising. Organ and tissue donor registry information shall not be further disseminated unless authorized in this section or by federal law. Dissemination of organ and tissue donor registry information may be made by the Kansas federally designated organ procurement organization to a recognized in-state procurement agency for other tissue recovery, or an out-of-state federally designated organ procurement agency. *An individual who agrees to have such individual's name in the first person consent organ and tissue donor registry has given full legal consent to the donation of any of such individual's organs or tissues upon such individual's death as recorded in the registry.*

(b) The Kansas federally designated organ procurement organization may acquire donor information from sources other than the division of vehicles.

(c) All costs associated with the creation and maintenance of the organ and tissue donor registry shall be paid by the Kansas federally designated organ procurement organization. Such organization shall also pay the costs of providing and maintaining the written information and educational materials required to be distributed under subsection (g) of K.S.A. 8-247, and amendments thereto, and under subsection (b) of K.S.A. 8-1325, and amendments thereto.

(d) An individual does not need to participate in the organ and tissue donor registry to be a donor of organs or tissue. The registry is to facilitate organ and tissue donations and not inhibit Kansans from being donors upon death.

(e) This section shall be a part of and supplemental to the revised uniform anatomical gift act.";

And by renumbering remaining sections;

Also on page 3, in line 3, by striking "K.S.A. 65-3219 and"; also in line 3, after "65-3225" by inserting "and 65-3239";

In the title, in line 10, by striking "K.S.A. 65-3219 and"; also in line 10, after "and" where it appears for the second time, by inserting "65-3239 and"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 357** be passed.

COMMITTEE OF THE WHOLE

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

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 360**, **SB 371** be passed.

The Committee report on **HB 2353** recommending a **S Sub for HB 2353** be adopted, and the substitute bill be passed.

The Committee report on **HB 2222** recommending a **S Sub for HB 2222** be adopted, and the substitute bill be passed.

S Sub for HB 2222 was amended by motion of Senator Emler, on page 2, in line 35, by striking "any" and inserting "such"; in line 36, by striking "any committee"; also in line 36, before the period by inserting ": *Provided further*, That during the fiscal years ending June 30, 2010, and June 30, 2011, the aggregate amount of expenditures by the legislature from the state general fund and any special revenue fund or funds for the additional postage allotment for the president of the senate, the speaker of the house of representatives, the speaker pro tem of the house of representatives, the vice president of the senate, the majority and minority leaders of the senate and the house of representatives, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives, during calendar year 2010, shall not exceed \$2,500 for each such officer of the legislature";

S Sub for HB 2222 was further amended by motion of Senator Barnett, on page 5, following line 27, by inserting the following material to read as follows:

"Sec. 13.

KANSAS HEALTH POLICY AUTHORITY

(a) During the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 for the Kansas health policy authority as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 to evaluate and describe short-term and intermediate-term options, adjustments and improvements to the state medicaid plan and to the policies, contracts, waivers, procedures and other administrative actions to attain economies and efficiencies in the provision of aid and services under the state medicaid plan: *Provided*, That, in the development of plans for such short-term and intermediate-term adjustments and improvements, the Kansas health policy authority shall consult with the governor, the secretary of aging, the secretary of social and rehabilitation services, the legislature, and, to the extent practicable and appropriate within the time available to develop such adjustments and improvements, representatives of persons and entities receiving or providing aid or assistance under the state medicaid plan: *Provided further*, That, in addition, during the regular session of the legislature in 2010, the Kansas health policy authority also shall consult with and report short-term and intermediate-term options, adjustments and improvements to the state medicaid plan to the senate committee on public health and welfare, the appropriate subcommittees of the senate committee on ways and means, the house of representatives committee on health and human services, the house of representatives committee

on aging and long-term care, and the house of representatives social services budget committee, on or before March 1, 2010.”;

And by renumbering sections accordingly.

Senator Colyer moved to amend **S Sub for HB 2222**, on page 5, following line 27, by inserting the following material to read as follows:

“Sec. 13.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2011, the following:

LTC medicaid assist targeted case management/frail elderly	\$39,494
LTC medicaid assist nursing facility	\$2,810,150
LTC medicaid assist home community based service/frail elderly	\$543,513
LTC medicaid assist PACE	\$36,943

Sec. 14.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance	\$12,524,313
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(b) During the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 for the Kansas health policy authority as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 to evaluate and describe short-term and intermediate-term options, adjustments and improvements to the state medicaid plan and to the policies, contracts, waivers, procedures and other administrative actions to attain economies and efficiencies in the provision of aid and services under the state medicaid plan: *Provided*, That, in the development of plans for such short-term and intermediate-term adjustments and improvements, the Kansas health policy authority shall consult with the governor, the secretary of aging, the secretary of social and rehabilitation services, the legislature, and, to the extent practicable and appropriate within the time available to develop such adjustments and improvements, representatives of persons and entities receiving or providing aid or assistance under the state medicaid plan: *Provided further*, That, in addition, during the regular session of the legislature in 2010, the Kansas health policy authority also shall consult with and report short-term and intermediate-term options, adjustments and improvements to the state medicaid plan to the senate committee on public health and welfare, the appropriate subcommittees of the senate committee on ways and means, the house of representatives committee on health and human services, the house of representatives committee on aging and long-term care, and the house of representatives social services budget committee, on or before March 1, 2010.

Sec. 15.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Other medical assistance	\$2,275,543
Community based services	\$1,505,351
Mental health and retardation services aid and assistance	\$2,391,618

Sec. 16.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Purchase of services	\$626,505
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Sec. 17.

GOVERNOR'S DEPARTMENT

(a) In addition to the other purposes for which expenditures may be made by the governor's department from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2010 as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the governor's department as soon as practicable in order to take the following actions: (1) Determine appropriate reductions in appropriations for state agencies from the state general fund for fiscal year 2010 to finance the appropriations from the state general fund made by this act for the department on aging, the Kansas health policy authority, the department of social and rehabilitation services and the juvenile justice authority for fiscal year 2010, which are equal to an aggregate amount of \$22,753,430, to restore the 10% reduction in payment rates to service providers under the state medicaid plan for fiscal year 2010; (2) exercise such authority as is available to the governor to provide for the secretary of administration to apply an allotment system under K.S.A. 75-3722, and amendments thereto, or otherwise under law to exercise other gubernatorial power, to require state agencies, designated by the governor for this purpose, to reduce expenditures of specified amounts of moneys appropriated from the state general fund for fiscal year 2010, which are equal to an aggregate amount of \$22,753,430, to finance the appropriations from the state general fund made by this act for the department on aging, the Kansas health policy authority, the department of social and rehabilitation services and the juvenile justice authority for fiscal year 2010; and (3) take such actions as may be required to authorize and obtain the receipt of additional federal moneys allocated for Kansas under the Federal American Recovery and Reinvestment Act of 2009, as amended, for expenditure during fiscal year 2010 by the state agencies designated by the governor for state general fund expenditure reductions under clause (2) of this subsection, which are equal to an aggregate amount of \$22,753,430, to finance such reductions, to the extent appropriate, with such federal moneys during fiscal year 2010.”;

And by renumbering sections accordingly;

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

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Kelsey, Lynn, Marshall, Ostmeyer, Petersen, Pilcher-Cook, Schmidt D, Schmidt V, Steineger.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kultala, Lee, Masterson, McGinn, Morris, Owens, Pyle, Reitz, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 360**, **SB 371**; **S Sub for HB 2222**, **S Sub for HB 2353** were advanced to Final Action and roll call.

SB 360, An act concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections.

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

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

The bill passed.

SB 371, An act concerning civil procedure; relating to property damage amount; amending K.S.A. 60-2006 and repealing the existing section.

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

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

The bill passed.

S Sub for HB 2222, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts.

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

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

Nays: Colyer, Holland, Lynn, Pyle.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2222**. We are facing huge budget crisis of unprecedented proportions. This is a structural deficit created by increasing spending over the years. The only way we can solve this is to grow the economy. Some call this a recession bill but the only cuts in it are \$3 million. It does not balance the budget and this bill leaves a \$19 million deficit. Instead it is a bill that borrows from the Highway Trust Fund and other funds for a total of \$92 million. This means future budgets will face a huge budget deficit. I would have reluctantly supported it, if we had a better way of dealing with future spending and Medicaid without hurting seniors. Unfortunately the Governor's proposals mean we will have larger deficits for years in the future. — JEFF COLYER

MR. PRESIDENT — I vote no on **S Sub for HB 2222** due to concerns over policy surrounding the transfer of moneys from the state highway fund of the Department of Transportation to the state general fund. Hardworking Kansans expect their taxes to be used for the purpose they were intended. — DENNIS PYLE

S Sub for HB 2353, An act concerning Chautauqua county; relating to financing of jail; retailers' sales tax; amending K.S.A. 2009 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections. On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The substitute bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 28, 2010.

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

