

# Journal of the Senate

SIXTEENTH DAY

---

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

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

Heavenly Father,

The story of Joseph in the book of Genesis reveals the key to real success.  
Four times in the thirty-ninth chapter You tell us that “the Lord was with Joseph.”

Joseph was sold into slavery  
By his jealous brothers.  
But You accompanied Joseph, Lord,  
Unlike the way of others.

Joseph had learned from You, O God,  
How to overcome trials;  
He simply bloomed where planted  
With You guiding him all the while.

His master soon recognized  
That God made Joseph the best.  
Not only was *Joseph* successful,  
But his master’s house was blessed.

Joseph overcame another trial,  
And promptly was thrown into jail;  
But even then God was with him,  
And with God he never could fail.

To make a long story short,  
Again Joseph bloomed where planted.  
Once more God was with him,  
And success was again granted.

He was made second in charge  
Of the entire Egyptian nation.  
All because he bloomed where planted,  
With God with him for the duration.

The lesson for all of us  
That the way to have true success  
Is to invite Your presence, O God  
And discover how You can bless.

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 502.** An act relating to the department of transportation; concerning railroad programs; amending K.S.A. 2009 Supp. 75-5046, 75-5048 and 75-5049 and repealing the existing sections, by Special Committee on Transportation.

**SB 503.** An act concerning payday and title loans; imposing a surcharge thereon and providing for the use of the revenue derived therefrom, by Committee on Education.

**SB 504.** An act concerning the personal and family protection act; amending K.S.A. 2009 Supp. 21-4218, 75-7c02, 75-7c03, 75-7c04, 75-7c05, 75-7c06, 75-7c07, 75-7c08, 75-7c10, 75-7c11 and 75-7c12 and repealing the existing sections, by Committee on Judiciary.

**SB 505.** An act concerning consumer nutritional information on the menu in food service establishments, by Committee on Public Health and Welfare.

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

**SB 507.** An act concerning the blind and visually impaired; establishing the Kansas commission for the blind and visually impaired, by Committee on Public Health and Welfare.

**SB 508.** An act concerning discount cards; filing requirements with the secretary of state; amending K.S.A. 50-1,101 and 50-1,103 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 509.** An act concerning public health; relating to reporting by in vitro fertilization and research facilities and oversight of the donation or selling of gametes, by Senator Pilcher-Cook.

**SB 510.** An act concerning water; relating to the beneficial use of water, by Committee on Agriculture.

**SB 511.** An act concerning small and disadvantaged businesses; enacting the Kansas small and disadvantaged business development act, by Committee on Commerce.

**SB 512.** An act concerning school districts; relating to medicaid replacement state aid; amending K.S.A. 2009 Supp. 72-998 and repealing the existing section, by Committee on Ways and Means.

**SB 513.** An act concerning certain political subdivisions; dealing with certain construction contracts; amending K.S.A. 2009 Supp. 19-216b, 19-216c, 19-216d, 19-216e and 19-216f and repealing the existing sections, by Committee on Ways and Means.

**SB 514.** An act concerning the Kansas unified school district alternative project delivery building construction procurement act; amending K.S.A. 2009 Supp. 72-6760f and 72-6760g and repealing the existing sections, by Committee on Ways and Means.

**SB 515.** An act relating to transportation; providing for a transportation works for Kansas program; relating to the financing thereof; amending K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143k, 8-195, 8-234b, 8-2409, 12-1775, 68-416, 68-20,120, 68-2320, 68-2321 and 68-2328 and K.S.A. 2009 Supp. 8-142, 8-143, 8-143j, 8-143l, 8-145, 8-172, 8-2406, 8-2425, 12-6a35, 12-6a36, 12-1774, 12-1774a, 12-17,148, 12-17,149, 68-2315, 68-2331, 75-5063, 75-5064, 75-5160, 79-3408c, 79-3491a, 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-3606 and 79-3620 and repealing the existing sections; also repealing K.S.A. 68-2314a, by Committee on Ways and Means.

#### SENATE CONCURRENT RESOLUTION No. 1626—

By Senators Pilcher-Cook, Abrams, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeier, Petersen, Pyle and Taddiken

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 thereto to read as follows:

**“Article 16. — HEALTH CARE**

“§ 1. **Health care.** (a) To preserve the freedom of Kansans to provide for their health care:

“(1) A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system or purchase health insurance.

“(2) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

“(b) Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

“(c) This section does not:

“(1) Affect which health care services a health care provider or hospital is required to perform or provide.

“(2) Affect which health care services are permitted by law.

“(3) Prohibit care provided pursuant to the provisions relating to workers compensation.

“(4) Prohibit care provided pursuant to the provisions relating to state employee benefit programs.

“(5) Affect laws or rules in effect as of August 1, 2009.

“(6) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing or penalizing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

“(d) For the purposes of this section:

“(1) “Compel” includes penalties or fines.

“(2) “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

“(3) “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

“(4) “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

“(5) “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*“Explanatory statement.* The purpose of this health care freedom amendment is to preserve constitutionally the right and freedom of Kansans to provide for their health care. This proposition would not affect which health care services a health care provider or hospital is required to perform or provide; would not affect which health care services are permitted by law; would not prohibit care provided pursuant to the general provisions relating to workers compensation; would not

prohibit care pursuant to the provisions relating to state employee benefit programs; would not affect laws or rules in effect as of August 1, 2009; or would not affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services. Nothing in this amendment is meant to discourage anyone from purchasing health insurance.

“A vote for this proposition would preserve constitutionally the right of a person, employer or health care provider to be free from laws or rules compelling participation in any health care system; preserve constitutionally the right of a person or employer to purchase lawful health care services directly from a health care provider; preserve constitutionally the right of a health care provider to accept direct payment from a person or employer for lawful health care services; and preserve constitutionally the right to have the ability to purchase or sell health insurance in private health care systems.”

“A vote against this proposition would provide for no constitutional right of a person, employer or health care provider to be free from laws and rules compelling participation in any health care system; would provide for no constitutional right of a person or employer to purchase lawful health care services directly from a health care provider; would provide for no constitutional right of a health care provider to accept direct payment from a person or employer for lawful health care services; and would provide for no constitutional right to have the ability to purchase or sell health insurance in private health care systems.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 493**.

Commerce: **SB 495**.

Education: **SB 499**.

Judiciary: **SB 494**.

Natural Resources: **SB 496, SB 497**.

Public Health and Welfare: **SB 500, SB 501**.

Transportation: **SB 498**.

#### CHANGE OF REFERENCE

The President withdrew **SB 136** from the Committee on **Financial Institutions and Insurance**, and referred the bill to the Committee on **Public Health and Welfare**.

The President withdrew **Sub SB 278** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Judiciary**.

The President withdrew **Sub SB 337** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Assessment and Taxation**.

The President withdrew **SB 308** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 329** from the Calendar under the heading of General Orders, and rereferred the bill to the Committee on **Commerce**.

**COMMUNICATIONS FROM STATE OFFICERS****KANSAS CORPORATION COMMISSION**

February 1, 2010

Pursuant to KSA 2008 Supp. 66-2005, as amended by **SB 350** and **HB 2637**, Thomas E. Wright, Chairman, submitted a report on Price Deregulation.

February 1, 2010

Pursuant to the requirements of KSA 66-117b, Thomas E. Wright, Chairman, submitted the annual report regarding changes in rates and schedules for the fiscal year beginning July 1, 2008 and ending June 30, 2009. The report can be viewed on the website at [http://kcc.ks.gov/10\\_legis\\_rpt.pdf](http://kcc.ks.gov/10_legis_rpt.pdf).

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

**CONFIRMATION OF APPOINTMENTS**

In accordance with Senate Rule 56, the following appointments, submitted by the Governor, Attorney General and the President of the Senate to the senate for confirmation, were considered.

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

*By the Attorney General:*

On the appointment to the:

*Crime Victims Compensation Board, Chairperson:*

Suzanne Valdez, term expires March 15, 2012.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

*By the President of the Senate:*

On the appointment to the:

*Kansas Health Policy Authority:*

William Allen Reed, M.D., term expires March 15, 2012.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

*By the Governor:*

On the appointment to the:

*Kansas Development Finance Authority:*

Suchitra Padmanabhan, term expires January 15, 2013.

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

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

*Kansas Technology Enterprise Corp.:*

Thomas M. Cohen, term expires January 15, 2011.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

*Long-Term Care Ombudsman:*

Belinda Sue Vierthaler, term expires March 15, 2012.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

*State Board of Indigents' Defense Services:*

John Poertner, term expires January 15, 2011.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

On the appointment to the:

*University of Kansas Hospital Authority:*

Scott M. Slabotsky, term expires March 15, 2012.

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

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

Absent or Not Voting: Emler.

The appointment was confirmed.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 388** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 388**, An act concerning insurance; relating to risk-based capital requirements for insurers; amending K.S.A. 2009 Supp. 40-2c01 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1811—

A RESOLUTION declaring the first week of February as Teen Dating Violence Awareness and Prevention Week.

WHEREAS, The youth of Kansas are one of this state's most precious resources and ensuring their safety, well-being, healthy development and positive growth is a priority and responsibility we all share; and

WHEREAS, The transitional adolescent years present new challenges and choices for teens as they experience dating relationships for the first time and, unfortunately, also are prey to associated pressures and expectations that can lead to abusive behavior; and

WHEREAS, The crime of teen dating violence, including physical, verbal and emotional abuse, sexual assault and harassment via texting, email or "instant messaging" is a reality for many teenagers in Kansas and other states; and

WHEREAS, Nationwide surveys examined teen dating relationships and experiences and found that 30% of teens in a dating relationship have been text-messaged 10-30 times an hour by a partner to find out where they are, what they are doing or who they are with; and

WHEREAS, The findings also indicate that nearly one in five teens has been slapped, hit or pushed by their partner; and

WHEREAS, Dating violence is occurring at increasingly younger ages as evidenced by more young victims utilizing domestic violence programs and by studies indicating that of youth 11 to 14 years of age are in a dating relationship and that, of those, 62% experienced verbal abuse and one in five experienced physical abuse; and

WHEREAS, Studies also indicate that long-term effects of violent relationships can be serious and put victims at higher risk for substance abuse, eating disorders, risky sexual behavior, suicide and adult re-victimization: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That February 1st through 7th, 2010, is declared Teen Dating Violence Awareness and Prevention Week. This observance is offered to encourage statewide youth, families, schools, law enforcement communities, government agencies, elected officials, civic organizations and other interested groups to sponsor and participate in related programs and activities and for parents with teens to recommit to discussing dating and the potential for dating violence.

On emergency motion of Senator Faust-Goudeau **SR 1811** was adopted unanimously.

Senator Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1812—

A RESOLUTION urging parents to become more actively involved in their children's education and urging the State Board of Education to develop strategies to be used to develop active parental involvement in the education of their children.

WHEREAS, There is consistent, positive and convincing evidence that families have a major influence on their children's achievement in school; and

WHEREAS, It has been found in the publication "A New Wave of Evidence: The Impact of School, Family, and Community Connections on Student Achievement" that students with involved parents are more likely to succeed in school because those students attend

school regularly, earn higher grades and are more likely to continue on to the postsecondary educational level; and

WHEREAS, Schools attended by students with involved parents are more successful than schools attended by students whose parents are not involved; and

WHEREAS, Congress has found that research studies consistently show a positive relationship between parental involvement and student achievement regardless of the economic, racial, ethnic, educational background or ages of the student; and

WHEREAS, Parents are the first and most important educators of their children; and

WHEREAS, Parents and teachers should work together in an equal partnership that is both positive and cooperative; and

WHEREAS, Teachers and parents, in support of each other, form the future citizens of the world; and

WHEREAS, Parents who participate in their children's education and formation, at school and at home, not only exemplify parenting skills, but also serve as a model of community stewardship and public service leadership; and

WHEREAS, Through active parental involvement, parents who support their children's education directly by developing personally, communicating effectively, contributing authentically and education collaboratively; and

WHEREAS, Effective communication is established through respectful, constructive and on-going contact: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That Parents collaborate with teachers in the education of their children by knowing the curricular standards, establishing and sharing expectations and goals with both their children and their children's teachers, supervising their children's academic progress, attending parent-teacher conferences and maintaining weekly contact with their children's teachers; and

*Be it further resolved:* That Parents are encouraged to attend all mandatory classroom parent meetings, become a room parent, provide coaching to school teams, become recess monitors, assist with student clubs, help coordinate school fund-raising activities and offer other volunteer service at school; and

*Be it further resolved:* That Parents are encouraged to demonstrate regular involvement in the school building, at school functions and on decision-making school committees through participation in Parent Teacher Associations (PTA) and other school organizations such as Home and School, School Board meetings and Partners in Education; and

*Be it further resolved:* That the State Board of Education is urged to develop strategies to be used to develop active parental involvement in the education of their children; and

*Be it further resolved:* That the Secretary of the Senate be directed to send enrolled copies of this resolution to the Chairperson of the State Board of Education.

#### REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SCR 1625** be adopted.

#### 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 Brownlee in the chair.

On motion of Senator Brownlee the following report was adopted:

Recommended **SB 357**, **SB 421** be passed.

The Committee recommended **SB 426** be passed.

A motion by Senator Francisco to amend **SB 426** failed and the following amendment was rejected: on page 1, lines 32 and 33, by striking all words on those lines and insert after line 33 "April 30 occurring in the calendar year following the calendar year in which the application is made."

**SB 391**, **SB 393**, **SB 394** be amended by adoption of the committee amendments, and the bills be passed as amended.



**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 357**, **SB 391**, **SB 393**, **SB 394**, **SB 421**, **SB 426** were advanced to Final Action and roll call.

**SB 357**, An act concerning the Beloit juvenile correctional facility; authorizing the secretary of the department of administration to convey a certain tract of real estate for and on behalf of the juvenile justice authority; amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and 76-2220 and K.S.A. 2009 Supp. 76-2201a.

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

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

Absent or Not Voting: Emler.

The bill passed.

**SB 391**, An act concerning anatomical gifts; relating to first person donor registry; amending K.S.A. 2009 Supp. 65-3225 and 65-3239 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, 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.

Absent or Not Voting: Emler.

The bill passed, as amended.

**SB 393**, An act concerning agriculture; relating to administrative hearings; amending K.S.A. 34-298, 65-6a34a, 83-308 and 83-407 and K.S.A. 2009 Supp. 2-2122, 2-2449, 2-2469, 2-2512, 2-3311, 65-780 and 74-596 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, 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.

Absent or Not Voting: Emler.

The bill passed, as amended.

**SB 394**, An act concerning pesticide education; amending K.S.A. 2-2459a and 2-2460a 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, 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.

Absent or Not Voting: Emler.

The bill passed, as amended.

**SB 421**, An act concerning election crimes; pertaining to the penalty for voting when not qualified; amending K.S.A. 25-2416 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

**SB 426.** An act concerning elections; pertaining to methods of voting absentee ballots by uniformed and overseas citizens and federal service voters; amending K.S.A. 25-1215 and 25-1218 and K.S.A. 2009 Supp. 25-1216 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: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Huntington, Kelly, Kelsey, Kullala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostneyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Emler.

The bill passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Wednesday, February 3, 2010.

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

