

# Journal of the Senate

FORTY-SEVENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 18, 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,

I would like to submit Don Cackler and Edna Buttler for your blessing today...

Don is always present  
To keep us safe and sound;  
He's the one in uniform,  
And he's constantly around.

Each morning we can find him  
Explaining to our pages  
How to deliver messages  
Regardless of their ages.

Normally he's silent, Lord,  
But if emergency should occur,  
He will move so fast  
He'll only be a blur.

Edna Buttler now and then  
Comes in to lend a hand.  
She also wears a uniform  
And helps out when she can.

Take care of both of them, O God  
We're grateful they are here.  
Their very presence helps  
To alleviate our fear.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Assessment and Taxation: **HB 2463, HB 2519, HB 2520; Sub HB 2521; HB 2621; Sub HB 2689.**

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2729; HCR 5034.**

Announcing passage of **SB 437, SB 441, SB 544.**

Also, passage of **SB 369**, as amended, **SB 386**, as amended, **SB 439**, as amended, **SB 458**, as amended by **House Substitute for SB 458**.

The House nonconcurrs in Senate amendments to **HB 2435**, requests a conference and has appointed Representatives Colloton, Patton and McCray-Miller as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2608**, requests a conference and has appointed Representatives A. Brown, Proehl and Grant as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2652**, requests a conference and has appointed Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2729; HCR 5034** were thereupon introduced and read by title.

#### ORIGINAL MOTION

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2435**.

The President appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2608**.

The President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

On motion of Senator Apple, the Senate acceded to the request of the House for a conference on **HB 2652**.

The President appointed Senators Apple, Petersen and Faust-Goudeau as conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as SENATE Substitute for HOUSE Bill No. 2476, as follows:

- On page 4, in line 14, by striking "\$20" and inserting "\$17.50";
- On page 6, in line 32, by striking "\$20" and inserting "\$17.50";
- On page 9, in line 4, by striking "\$50" and inserting "\$15";
- On page 13, in line 22, by striking "\$50" and inserting "\$15";
- On page 15, in line 32, by striking "\$41" and inserting "\$21";
- On page 16, in line 43, by striking "\$20" and inserting "\$17.50";
- On page 18, in line 40, by striking "\$20" and inserting "\$17.50";
- On page 19, in line 8, by striking "\$50" and inserting "\$21";
- On page 20, in line 23, by striking "\$20" and inserting "\$17.50";
- On page 22, in line 11, by striking "\$50" and inserting "\$15";
- On page 24, in line 9, by striking "\$20" and inserting "\$17.50";
- On page 26, in line 3, by striking "\$20" and inserting "\$17.50"; in line 43, by striking "\$20" and inserting "\$17.50";
- On page 27, in line 13, by striking "\$20" and inserting "\$17.50";
- On page 29, in line 6, by striking "\$20" and inserting "\$17.50";
- On page 30, in line 35, by striking "\$10" and inserting "\$15";

And your committee on conference recommends the adoption of this report.

THOMAS C. OWENS

JULIA LYNN

DAVID HALEY

*Conferees on part of Senate*

LANCE KINZER  
JEFF WHITHAM  
JANICE L. PAULS

*Conferees on part of House*

Senator Owens moved the Senate adopt the Conference Committee Report on **S Sub for HB 2476**.

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

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

Nays: Huelskamp, Pilcher-Cook, Pyle.

The Conference Committee report was adopted.

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

**HB 2503, HB 2557, HB 2604** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2503**, An act concerning the department of corrections; relating to the inspection of department of corrections entities and facilities; amending K.S.A. 75-5251 and repealing the existing section.

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

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

The bill passed.

**HB 2557**, An act concerning the inheritance tax; applicability of provisions; limitations thereon; repealing references to the inheritance tax; amending K.S.A. 12-195, 12-8, 101, 12-1746, 12-3418, 12-5248, 13-3114, 17-49a07, 19-2129, 19-4622, 32-882, 40-441, 59-212, 59-1410, 59-1413, 59-2249, 59-2251, 59-2286, 59-3204, 59-3302, 65-163q, 68-2309, 74-8908, 76-6a22, 76-823, 79-3122, 79-3425g, 80-2531 and 82a-1365 and K.S.A. 2009 Supp. 12-195b, 12-1774, 12-17,149, 12-17,169, 28-115, 59-2287, 74-2426, 76-783 and 82a-2209 and repealing the existing sections.

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

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

The bill passed.

**HB 2604**, An act concerning crimes, criminal procedure and punishment; relating to sentencing upon the conviction of a crime; relating to work release programs; amending K.S.A. 2009 Supp. 21-4603d 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.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

**SENATE RESOLUTION No. 1845—**

A RESOLUTION honoring Sonny Weinhardt for his 56 years officiating Kansas State High School athletics.

WHEREAS, Sonny Weinhardt of Grinnell recently retired after 56 years of officiating Kansas State High School athletics; and

WHEREAS, Mr. Weinhardt officiated many different sports, including basketball, football and volleyball, beginning his career right out of high school at age 17; and

WHEREAS, In his career, Mr. Weinhardt officiated at least four generations of high school athletics; and

WHEREAS, Mr. Weinhardt was beloved by the coaches, fans and student athletes, with whom he always had a wonderful rapport; and

WHEREAS, Mr. Weinhardt built a reputation of having good judgment as an official, as well as being known for his style of making calls, which some considered his signature dance; and

WHEREAS, During his career, Mr. Weinhardt officiated the only boys grand state basketball tournament that took place in the 1975-76 season; and

WHEREAS, Mr. Weinhardt was also committed to service, working as a Special Olympics basketball official for more than 20 years; and

WHEREAS, Mr. Weinhardt has the unique distinction of being the longest serving high school athletics official in state history and possibly the nation: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we proudly recognize and commend Sonny Weinhardt for his years of officiating Kansas State High School athletics, honor his outstanding record of community service and extend our best wishes for happiness in his retirement; and

*Be it further resolved:* That the Secretary of the Senate be directed to send one enrolled copy of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1845** was adopted unanimously.

Senator Ostmeyer introduced and congratulated Sonny Weinhardt of Grinnell, Kansas upon his retirement after 56 years of officiating Kansas State High School athletics. His wife Joan, Ann Weinhardt, Chuck Weinhardt, Henry Weinhardt, Mark Weinhardt, Terry Ostmeyer and Gary Musselman were also introduced.

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

**SENATE RESOLUTION No. 1846—**

A RESOLUTION congratulating and commending Tiffany Nickel for being named Ms. Wheelchair Kansas 2010.

WHEREAS, Tiffany Nickel of Bel Aire was crowned Ms. Wheelchair Kansas on Sunday, March 14, 2010 at the culmination of the three-day event in Topeka. As Ms. Wheelchair Kansas, Tiffany Nickel will serve as a role model and spokesperson for people with disabilities by appearing at public events and meetings throughout the state; and

WHEREAS, Tiffany received a Bachelor of Science degree in Education from Emporia State University in 1995, and is an inter-related intermediate special education teacher in Wichita Public Schools, where she has taught for the past 10 years. She is also the Executive Director of the Kansas Disability Coalition, Inc. and is involved with many additional volunteer activities and is the President of Wheelchair Sports, Inc.; and

WHEREAS, The contest seeks to empower participants through enhanced self-awareness and confidence, to educate the public and to advocate for people with disabilities; and

WHEREAS, Tiffany will advance to the national Ms. Wheelchair America program to be held in August in Grand Rapids, Michigan. The Ms. Wheelchair America program was created in 1972, and this is the seventh year that Kansas will be represented at the national competition; and

WHEREAS, Tiffany has shown incredible determination in her life, proving to others that people with disabilities have tremendous abilities. She believes that, "anything is pos-

sible as long as you have a support system, as well as a great set of tires and a charged battery": Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Tiffany Nickel for being named Ms. Wheelchair Kansas 2010 and exhibiting all the strength and character that serve to make her a wonderful role model, not only for people with disabilities and those who are wheelchair mobile, but to all Kansans. The members of the Kansas Senate are happy to share in the pride of her family and friends and extend our best wishes for her continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate be directed to give one enrolled copy of this resolution to Tiffany Nickel, and one enrolled copy to be presented to the Ms. Wheelchair Kansas organization.

On emergency motion of Senator McGinn **SR 1846** was adopted unanimously.

Senator McGinn congratulated and commended Tiffany Nickel, Bel Aire, Kansas, for being named Ms. Wheelchair Kansas 2010. Tiffany's parents, Roger and Val Nickel, and Carrie Greenwood, a former Ms. Wheelchair Kansas recipient, were also introduced.

#### REPORT ON ENGROSSED BILLS

**SB 326, SB 506** reported correctly engrossed March 18, 2010.

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2595** be amended by adoption of the amendments recommended by Committee on Education on March 8, 2010, as reported on page 1144 of the Journal of the Senate and the bill, as printed with amendments by Senate Committee be passed as amended.

Also, **HB 2704**, as amended by House Committee of the Whole, be amended on page 2, in line 21, after "one" by inserting "or more"; in line 22, by striking all after "trict"; by striking all in line 23; in line 24, by striking all before the period and inserting "so long as any such agreement provides for a consolidation which results in a fewer number of districts than the number of districts entering the agreement"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 443** be passed.

Committee on **Federal and State Affairs** recommends **SB 578** be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2473** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **Substitute for HB 2345**, as amended by House Committee of the Whole, be amended on page 3, after line 11, by inserting the following:

"New Sec. 2. (a) For insurance policies issued or renewed on or after July 1, 2010, a property insurer shall transmit claims payments directly to the primary policyholder by check or other allowable payment method, payable to the primary policyholder only, without requiring dual endorsement from any mortgageholder or lienholder for amounts payable under the insurance policy for personal property and contents, additional living expenses and other covered items that are not subject to a recorded security interest.

(b) This section shall be a part of and supplemental to the insurance code of the state of Kansas.

Sec. 3. K.S.A. 2009 Supp. 50-626 is hereby amended to read as follows: 50-626. (a) No supplier shall engage in any deceptive act or practice in connection with a consumer transaction.

(b) Deceptive acts and practices include, but are not limited to, the following, each of which is hereby declared to be a violation of this act, whether or not any consumer has in fact been misled:

(1) Representations made knowingly or with reason to know that:

(A) Property or services have sponsorship, approval, accessories, characteristics, ingredients, uses, benefits or quantities that they do not have;

(B) the supplier has a sponsorship, approval, status, affiliation or connection that the supplier does not have;

(C) property is original or new, if such property has been deteriorated, altered, reconditioned, repossessed or is second-hand or otherwise used to an extent that is materially different from the representation;

(D) property or services are of particular standard, quality, grade, style or model, if they are of another which differs materially from the representation;

(E) the consumer will receive a rebate, discount or other benefit as an inducement for entering into a consumer transaction in return for giving the supplier the names of prospective consumers or otherwise helping the supplier to enter into other consumer transactions, if receipt of benefit is contingent on an event occurring after the consumer enters into the transaction;

(F) property or services has uses, benefits or characteristics unless the supplier relied upon and possesses a reasonable basis for making such representation; or

(G) use, benefit or characteristic of property or services has been proven or otherwise substantiated unless the supplier relied upon and possesses the type and amount of proof or substantiation represented to exist;

(2) the willful use, in any oral or written representation, of exaggeration, falsehood, innuendo or ambiguity as to a material fact;

(3) the willful failure to state a material fact, or the willful concealment, suppression or omission of a material fact;

(4) disparaging the property, services or business of another by making, knowingly or with reason to know, false or misleading representations of material facts;

(5) offering property or services without intent to sell them;

(6) offering property or services without intent to supply reasonable, expectable public demand, unless the offer discloses the limitation;

(7) making false or misleading representations, knowingly or with reason to know, of fact concerning the reason for, existence of or amounts of price reductions, or the price in comparison to prices of competitors or one's own price at a past or future time;

(8) falsely stating, knowingly or with reason to know, that a consumer transaction involves consumer rights, remedies or obligations;

(9) falsely stating, knowingly or with reason to know, that services, replacements or repairs are needed;

(10) falsely stating, knowingly or with reason to know, the reasons for offering or supplying property or services at sale or discount prices;

(11) sending or delivering a solicitation for goods or services which could reasonably be interpreted or construed as a bill, invoice or statement of account due, unless:

(A) Such solicitation contains the following notice, on its face, in conspicuous and legible type in contrast by typography, layout or color with other printing on its face:

“THIS IS A SOLICITATION FOR THE PURCHASE OF GOODS OR SERVICES AND NOT A BILL, INVOICE OR STATEMENT OF ACCOUNT DUE. YOU ARE UNDER NO OBLIGATION TO MAKE ANY PAYMENTS UNLESS YOU ACCEPT THIS OFFER”; and

(B) such solicitation, if made by any classified telephone directory service not affiliated with a local telephone service in the area of service, contains the following notice, on its face, in a prominent and conspicuous manner:

“\_\_\_\_\_ IS NOT AFFILIATED WITH

(name of telephone directory service)

ANY LOCAL TELEPHONE COMPANY”;

(12) using, in any printed advertisement, an assumed or fictitious name for the conduct of such person's business that includes the name of any municipality, community or region or other description of the municipality, community or region in this state in such a manner as to suggest that such person's business is located in such municipality, community or region unless: (A) Such person's business is, in fact, located in such municipality, community or region; or (B) such person includes in any such printed advertisement the complete street and city address of the location from which such person's business is actually conducted. If located outside of Kansas, the state in which such person's business is located also shall be included. The provisions of this subsection shall not apply to the use of any trademark or service mark registered under the laws of this state or under federal law; any such name

that, when applied to the goods or services of such person's business, is merely descriptive of them; or any such name that is merely a surname. Nothing in this subsection shall be construed to impose any liability on any publisher when such publisher had no knowledge the business was not, in fact, located in such municipality, community or region; ~~and~~

(13) (A) making an oral solicitation for products or services based on a mortgage trigger lead unless the solicitation clearly and conspicuously states in the initial phase of the solicitation that the solicitor is not affiliated with the lender or broker with which the consumer initially applied and that the solicitation is based on personal information about the consumer that was purchased, directly or indirectly, from a consumer reporting agency without the knowledge or permission of the lender or broker with which the consumer initially applied;

(B) making a written solicitation for products or services based on a mortgage trigger lead unless the solicitation clearly and conspicuously states on the first page of the solicitation that the solicitor is not affiliated with the lender or broker with which the consumer initially applied and that the solicitation is based on personal information about the consumer that was purchased, directly or indirectly, from a consumer reporting agency without the knowledge or permission of the lender or broker with which the consumer initially applied. Clear and conspicuous shall include legible type in contrast by typography, layout or color with other printing on the first page of the correspondence; and

(C) any solicitor under clause (A) or (B) shall be in compliance with the provisions of the Kansas mortgage business act, unless otherwise exempted from such act, and any other law or regulation; *and*

(14) *failing to release funds representing an insurance settlement payment for damage to real property subject to a mortgage by the mortgage holder to the mortgagor within 30 days after receiving written proof that the damaged property is replaced or otherwise repaired to the satisfaction of the mortgagor and the mortgage holder. Any person who submits false information regarding the condition of the property shall be liable in damages to the mortgage holder or the mortgage holder's assignee for the amount of the funds together with interest thereon, attorney fees, and any additional damages that the mortgage holder or the mortgage holder's assignee has incurred.*;

And by renumbering the remaining sections accordingly;

On page 3, in line 12, by striking "is" and inserting "and 50-626 are";

In the title, in line 10, after the semicolon where it appears the second time by inserting "relating to insurance payments for certain property claims;"; in line 11, after "40-401" by inserting "and 50-626"; in line 12, by striking "section" and inserting "sections"; and the substitute bill be passed as amended.

Committee on **Judiciary** recommends **Substitute for HB 2517** be amended on page 1, in line 18, by striking "If" and inserting the following:

"(1) Except as provided further, if"; after line 22, by inserting the following:

"(2) The court shall not place a domestic violence designation on the criminal case and the defendant shall not be subject to the provisions of subsection (p) of K.S.A. 21-4603d, and amendments thereto, only if the court finds on the record that:

(A) The defendant has not previously committed a domestic violence offense or participated in a diversion upon a complaint alleging a domestic violence offense; and

(B) the domestic violence offense was not used to coerce, control, punish, intimidate or take revenge against a person with whom the offender is involved or has been involved in a dating relationship or against a family or household member.";

On page 3, in line 11, by striking "siblings,"; in line 12, after "and" where it appears the second time by inserting "persons"; in line 19, by striking ", a vio-"; by striking all in lines 20 through 22; in line 23, by striking all before the period;

On page 5, after line 17, by inserting the following:

"Sec. 6. K.S.A. 2009 Supp. 21-3412a is hereby amended to read as follows: 21-3412a. (a) Domestic battery is:

(1) Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$7,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court shall require as a condition of parole that such person enter into and complete a treatment program for domestic violence. If the person does not enter into and complete a treatment program for domestic violence, the person shall serve not less than 180 days nor more than one year's imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(E) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any ~~three-year~~ *five-year* period.";



And by renumbering the remaining sections accordingly;

On page 13, in line 11, after "offense" by inserting "if such person's actions were not an act of defense of a person or property as provided in K.S.A. 21-3211, 21-3212, 21-3213, 21-3218 or 21-3219, and amendments thereto"; in line 24, by striking "or" and inserting a comma; also in line 24, after "21-3213," by inserting "21-3218 or 21-3219,";

On page 16, in line 31, by striking "or-"; in line 32, by striking "dered by the court" and inserting "agreed to with the prosecutor in the diversion agreement"; in line 33, by striking "ordered by the court" and inserting "agreed to with the prosecutor in the diversion agreement";

On page 18, in line 41, after "21-3110," and inserting "21-3412a,";

In the title, in line 11, after "21-3110," by inserting "21-3412a,"; and the substitute bill be passed as amended.

Committee on **Natural Resources** recommends **SR 1809** be amended on page 1, in line 18, by striking "and regulations should";

On page 2, in line 4, before "and" by inserting "the Administrator of the United States Environmental Protection Agency Region 7, and the Administrator of the United States Environmental Protection Agency, and the Attorney General of the state of Kansas"; and the resolution be adopted as amended.

Committee on **Transportation** recommends **HB 2678** be passed.

Committee on **Ways and Means** recommends **SB 575, SB 581; HB 2544**, as amended by House Committee; **HB 2691** be passed.

Also, **SB 570** be amended on page 1, in line 36, before "the" where it appears the first time by inserting "or cause to be inspected";

On page 2, in line 27, before "every" by inserting "or cause to be inspected"; and the bill be passed as amended.

**SB 571** be amended on page 5, in line 41, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

**SB 574** be amended on page 2, in line 10, by striking "water plan" and inserting "general"; in line 14, by striking "water plan" and inserting "general"; in line 18, by striking "water plan" and inserting "general"; in line 22, by striking "water plan" and inserting "general"; in line 26, by striking "water plan" and inserting "general"; in line 30, by striking "water plan" and inserting "general"; and the bill be passed as amended.

**SB 580** be amended on page 2, after line 7, by inserting the following:

"Sec. 2. K.S.A. 2009 Supp. 46-1121 is hereby amended to read as follows: 46-1121. (a) Each state agency awarded a federal grant or other federal financial assistance which is subject to a financial-compliance audit as a condition of such grant or assistance shall notify the post auditor immediately of the award of such grant or assistance. Based on the amount and nature of federal money received by the state agency, the post auditor shall compute annually the amount of federal money reasonably anticipated to be required to provide audit coverage in accordance with federal requirements. The amounts determined for such audits shall be reviewed and approved by the contract audit committee. Upon such approval, the state agency, in accordance with K.S.A. 46-1118, and amendments thereto, shall reimburse the division of post audit for the amount approved by the contract audit committee.

(b) The post auditor shall compute the amount of money reasonably anticipated to be required to provide an audit of any state agency subject to a financial-compliance audit as required pursuant to any statute other than K.S.A. 46-1106 through 46-1117, and amendments thereto, or K.S.A. 74-4907, and amendments thereto. The amounts determined for such audits shall be reviewed and approved by the contract audit committee. Upon such approval, the state agency, in accordance with K.S.A. 46-1118, and amendments thereto, shall reimburse the division of post audit for the amount approved by the contract audit committee.

(c) The post auditor shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the audit services fund.

(d) In addition to expenditures which may be made from the audit services fund under K.S.A. 46-1118, and amendments thereto, expenditures shall be made from such fund, and

from other available appropriations, to pay for the cost of financial-compliance audits performed to comply with federal government audit requirements.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 28, after “46-1118,” by inserting “46-1121.”;

In the title, in line 10, after “46-1118” by inserting “, 46-1121”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2582** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2582,” as follows:

“SENATE Substitute for HOUSE BILL No. 2582

By Committee on Utilities

“AN ACT concerning 911 services; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338, 12-5361, 45-221 and 75-5133 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360.”; and the substitute bill be passed.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

Recommended **SB 568**; **HB 2448**, **HB 2577** be passed.

**SB 167**; **HB 2486**; **Sub HB 2528**; **HB 2553**, **HB 2581** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SCR 1623** be adopted as amended.

**HCR 5012** be adopted.

**HCR 5013** be adopted.

**SB 385** be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil on page 2, in line 28, after “construction” by inserting “, reconstruction or renovation”; in line 33, after “construction” by inserting “, reconstruction or renovation”; in line 37, after “construction” by inserting “, reconstruction or renovation”; in line 41, after “construction” by inserting “, reconstruction or renovation”; in line 43, after “construction” by inserting “, reconstruction or renovation”;

On page 3, in line 13, by striking all after “construction”; in line 14, by striking “building” and inserting “, reconstruction or renovation of a building or structure”; in line 20, by striking “buildings” and inserting “building or structure” and **SB 385** be passed as further amended.

**HB 2472** be amended by adoption of the committee amendments, be further amended by motion of Senator Petersen on page 1, in line 17, by striking “23” and inserting “22”;

On page 17, after line 2, by inserting the following:

“New Sec. 25. As used in this act:

(a) “Municipality” means any city or county.

(b) “Residential structure” means any improvement to real property to be used or occupied as a single-family dwelling or multi-family dwelling of two attached living units or less or any manufactured home.

New Sec. 26. On and after July 1, 2010, no municipality shall adopt or enforce any ordinance, order, code, standard or rule requiring the installation of a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in any residential structure. Nothing in this section shall prohibit any person from voluntarily installing a multi-purpose residential fire protection sprinkler system or any other fire sprinkler protection system in a residential structure.”;

And by renumbering the remaining sections accordingly;

In the title, in line 12, by striking all after “ACT”; in line 13, by striking “rights act” and inserting “concerning housing” and **HB 2472** be passed as further amended.

Senator Kultala withdrew an amendment on **HB 2472**.

**S Sub for HB 2160** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Wagle on page 4, after line 42, by inserting the following:

“New Sec. 3 (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which provides coverage for prescription drugs and which is delivered, issued for delivery, amended or renewed on and after July 1, 2011, shall provide coverage for a prescribed, orally administered anticancer medication used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits.

(b) Any policy, provision, contract, plan or agreement under this section may apply the same deductibles, coinsurance and other limitations as apply to other covered services.

(c) (1) From and after the effective date of this act, the provisions of this section shall apply to the state employees health care benefits program.

(2) Pursuant to the provisions of K.S.A. 40-2249a, and amendments thereto, on or before March 1, 2011, the state health care benefits commission shall submit to the president of the senate and to the speaker of the house of representatives, a report indicating the impact the provisions of this section has had on the state health care benefits program, including data on the utilization and costs of such coverage. Such report shall also include a recommendation whether such coverage should continue for the state health care benefits program or whether additional utilization and cost data is required.

Sec. 4. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and section 3*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 5. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a ~~and~~, 40-2,105b *and section 3*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 43, by striking “75-6501 is” and inserting “40-2,103, 40-19c09 and 75-6501 are”;

In the title, in line 10, after the semicolon by inserting “providing reimbursement for orally administered anticancer medications;”; also in line 10, after “Supp.” by inserting “40-

2,103, 40-19c09 and”; in line 11, by striking “section” and inserting “sections” and **S Sub for HB 2160** be passed as amended.

**HB 2551** be passed over and retain a place on the calendar.

#### 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 167, SB 385, SB 568; SCR 1623; S Sub for HB 2160; HB 2448, HB 2472, HB 2486; Sub HB 2528; HB 2553, HB 2577, HB 2581; HCR 5012, HCR 5013** were advanced to Final Action and roll call.

**SB 167**, An act concerning public health; relating to hospitals and related facilities; increasing the enforceable limit of a hospital lien; amending K.S.A. 65-406 and repealing the existing section.

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

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

Nays: Hensley, Holland.

The bill passed, as amended.

**SB 385**, An act concerning fire safety and fire prevention; relating to school buildings; amending K.S.A. 2009 Supp. 31-150 and repealing the existing section.

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

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

The bill passed, as amended.

**SB 568**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death and disability benefits, employer contributions; amending K.S.A. 2009 Supp. 74-4927 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.

**SCR 1623**, A concurrent resolution urging the United States Congress to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14.

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 resolution was adopted, as amended.

**S Sub for HB 2160**, An act concerning insurance; providing coverage for autism spectrum disorder; providing reimbursement for orally administered anticancer medications; amending K.S.A. 2009 Supp. 40-2,103, 40-19c09 and 75-6501 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, as amended.

**HB 2448**, An act concerning the pharmacy act of the state of Kansas; administration of vaccine; amending K.S.A. 2009 Supp. 65-1635a and repealing the existing section.

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

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

The bill passed.

**HB 2472**, An act concerning housing; amending K.S.A. 58-3119 and 58-3120 and repealing the existing sections; also repealing K.S.A. 2009 Supp. 58-3830.

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

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

The bill passed, as amended.

**HB 2486**, An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section.

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

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

The bill passed, as amended.

**Sub HB 2528**, An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; amending K.S.A. 22-2807 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 substitute bill passed, as amended.

**HB 2553**, An act concerning the department of commerce; relating to the Kansas enterprise zone act; amending K.S.A. 2009 Supp. 74-50,114, 74-50,131 and 79-201a and repealing the existing sections.

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

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

The bill passed, as amended.

**HB 2577**, An act enacting the addictions counselor licensure act; amending K.S.A. 74-7501 and K.S.A. 2009 Supp. 74-7507 and repealing the existing section; also repealing K.S.A. 65-6601, 65-6602, 65-6603, 65-6604, 65-6605 and 65-6606.

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

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

The bill passed.

**HB 2581**, An act concerning criminal procedure; relating to the correctional supervision fee; amending K.S.A. 21-4610a and K.S.A. 2009 Supp. 20-367 and repealing the existing sections.

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

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

The bill passed, as amended.

**HCR 5012** - A CONCURRENT RESOLUTION memorializing the State of Kansas' desire for the United States Army Corps of Engineers to undertake a study of the Missouri River Basin under the auspices of the Flood Control Act of 1944, 33 C.F.R. 701 et seq., commonly known as the Pick Sloan Act, in order to provide the best information and service to all states in the Missouri River Basin, which includes major Missouri River tributaries in the State of Kansas.

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 resolution was adopted.

**HCR 5013** — A CONCURRENT RESOLUTION memorializing that the appointed United States Assistant Secretary of the Army for Civil Works should form a relationship with and continue to partner with the State of Kansas in order to protect, preserve and extend the productive lives of reservoirs in Kansas.

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 resolution was adopted.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m, Friday, March 19, 2010.

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

