

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 28, 2010—10:00 a.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,

The Apostle Paul made it clear  
All authority comes from You.  
Legislators are held accountable  
For everything they do.

So while we wrestle with the budget  
And other issues in this session,  
Remind us not to turn our backs  
When You call us to confession.

Budget deficits are demanding,  
And other issues, too;  
But what matters most to us  
Is obedience to You!

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 bill was introduced and read by title:

**SB 586.** An act reconciling amendments to certain statutes; amending K.S.A. 8-2410, as amended by section 2 of 2010 House Bill No. 2547, 21-3447, as amended by section 4 of 2010 House Bill No. 2435, 21-4643, as amended by section 18 of 2010 House Bill No. 2435, 22-4906, as amended by section 1 of 2010 House Bill No. 2468, 65-6a34a, as amended by section 8 of 2010 Senate Bill No. 393, and 65-7216, as amended by section 171 of 2010 Senate Bill No. 376, and K.S.A. 2009 Supp. 8-1567, 21-36a05, as amended by section 2 of 2010 House Bill No. 2661, 21-36a10, as amended by section 5 of 2010 House Bill No. 2661, 21-4204, as amended by section 7 of 2010 House Bill No. 2661, 21-4704, as amended by section 9 of 2010 House Bill No. 2661, 22-4902, as amended by section 11 of 2010 House Bill No. 2661, 28-172a, as amended by section 7 of 2010 Senate Substitute for House Bill No. 2476, 38-2242, as amended by section 5 of 2010 House Bill No. 2364, 38-2243, as amended by section 6 of 2010 House Bill No. 2364, 38-2305, as amended by section 4 of 2010 House Bill No. 2195, 38-2361, as amended by section 9 of 2010 House Bill No. 2364, 40-3104, as amended by section 1 of 2010 House Bill No. 2492, 47-2101, as amended by section 4 of 2010 House Bill No. 2666, 65-516, as amended by section 13 of 2010 House Bill No. 2661, 72-978, as amended by section 3 of 2010 Senate Bill No. 357, 74-596, as amended by section 179 of 2010 Senate Bill No. 376, 74-2426, as amended by section 182

of 2010 Senate Bill No. 376, and 75-6606, as amended by section 3 of 2010 Senate Bill No. 30, and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, 8-2410, as amended by section 20 of 2010 Senate Bill No. 376, 21-3447, as amended by section 2 of 2010 Substitute for Senate Bill No. 353, 21-4643, as amended by section 3 of 2010 Substitute for Senate Bill No. 353, 22-4906, as amended by section 5 of 2010 Substitute for Senate Bill No. 353, 65-6a34a, as amended by section 124 of 2010 Senate Bill No. 376, and 65-7216, as amended by section 12 of 2010 Senate Bill No. 83, and K.S.A. 2009 Supp. 21-36a05, as amended by section 14 of 2010 House Bill No. 2435, 21-36a10, as amended by section 15 of 2010 House Bill No. 2435, 21-4204, as amended by section 3 of 2010 Substitute for Senate Bill No. 67, 21-4704, as amended by section 19 of 2010 House Bill No. 2435, 22-4902, as amended by section 4 of 2010 Substitute for Senate Bill No. 353, 25-4156b, 28-172a, as amended by section 6 of 2010 Senate Bill No. 519, 38-2242, as amended by section 9 of 2010 Senate Bill No. 460, 38-2243, as amended by section 10 of 2010 Senate Bill No. 460, 38-2305, as amended by section 19 of 2010 Senate Bill No. 460, 38-2305, as amended by section 7 of 2010 Senate Bill No. 519, 38-2361, as amended by section 20 of 2010 Senate Bill No. 460, 40-3104, as amended by section 4 of 2010 Senate Bill No. 533, 47-2101, as amended by section 92 of 2010 Senate Bill No. 376, 65-516, as amended by section 122 of 2010 Senate Bill No. 376, 65-1643c, 72-978, as amended by section 2 of 2010 Senate Bill No. 359, 74-596, as amended by section 10 of 2010 Senate Bill No. 393, 74-2426, as amended by section 30 of 2010 House Bill No. 2557, and 75-6606, as amended by section 1 of 2010 House Bill No. 2415, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Commerce: **SCR 1630**.  
Ways and Means: **SB 585**.

#### REPORT ON ENGROSSED BILLS

**SB 369** reported correctly engrossed March 31, 2010.  
Also, **SB 30**, **SB 362**, **SB 382** correctly re-engrossed March 31, 2010.  
**H Sub for SB 377**, **H Sub for SB 381** reported correctly engrossed April 1, 2010.  
Also, **SB 359** correctly re-engrossed April 1, 2010.  
**H Sub for SB 83**, **H Sub for SB 262**, **H Sub for SB 269**, **H Sub for SB 449**, reported correctly engrossed April 2, 2010.  
Also, **SB 62**, **SB 537**, **SB 430** correctly re-engrossed April 2, 2010.

#### REPORT ON ENROLLED BILLS

**H Sub for SB 25**; **Sub SB 67**; **H Sub for SB 75**, **H Sub for SB 200**, **H Sub for SB 213**, **H Sub for SB 234**, **H Sub for SB 255**, **H Sub for SB 305**, **H Sub for SB 312**; **SB 346**, **SB 386**, **SB 389**, **SB 439**; **H Sub for SB 458**; **SB 461**, **SB 531** reported correctly enrolled, properly signed and presented to the Governor on April 5, 2010.  
**SR 1865** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 5, 2010.  
**SCR 1615**, **SR 1623** reported correctly enrolled, properly signed and presented to the Secretary of State on April 5, 2010.  
**SB 30**, **SB 62**; **H Sub for SB 83**, **H Sub for SB 262**, **H Sub for SB 269**; **Sub SB 353**; **SB 359**, **SB 362**, **SB 369**; **H Sub for SB 377**, **H Sub for SB 381**; **SB 382**, **SB 430**; **H Sub for SB 449**; **SB 537** reported correctly enrolled, properly signed and presented to the Governor on April 9, 2010.

#### MESSAGE FROM THE GOVERNOR

**SB 372**, **SB 373**, **SB 394**, **SB 414**, **SB 415**, **SB 497**; **Sub for SB 513**; **SB 533**; **SB 541** approved March 31, 2010.  
**H Sub for SB 316**; **SB 393**, **SB 410**, **SB 460**; **Sub for SB 475**; **SB 491**, **SB 500**, **SB 519** approved on April 6, 2010.

**H Sub for SB 25; Sub for SB 67; H Sub for SB 75, H Sub for SB 200, H Sub for SB 213, H Sub for SB 234, H Sub for SB 255, H Sub for SB 305, H Sub for SB 312; SB 346, SB 386, SB 389, SB 439; H Sub for SB 458; SB 461, SB 531** approved April 8, 2010.

**SB 30, SB 362, SB 369, SB 382** approved April 15, 2010.

**SB 62; H Sub for SB 83, H Sub for SB 262, H Sub for SB 269, Sub for SB 353; SB 359; H Sub for SB 377, H Sub for SB 381; SB 430; H Sub for SB 449; SB 537** approved April 19, 2010.

March 2, 2010

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson  
Governor

*Member, State Banking Board, Richard Fish*, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate, to serve a three year term ending March 15, 2012.

*Member, Pooled Money Investment Board, John W. Lehman*, pursuant to the authority vested in me by KSA 75-4221a, effective upon the date of confirmation by the Senate, to serve a four year term ending March 15, 2014.

March 30, 2010

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate is the appointment made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson  
Governor

*Member, State Public Trust — Treece Buyout Board of Trustees, John O. Delmont*, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate to serve a four year term expiring March 15, 2014.

April 1, 2010

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are the appointments made by me as the Governor of the State of Kansas, pursuant to law.

Mark Parkinson  
Governor

*Member, State Public Trust — Treece Buyout Board of Trustees, Eddie L. Hamilton*, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2011.

*Member, State Public Trust — Treece Buyout Board of Trustees, Betty J. McBride*, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2012.

*Member, State Public Trust — Treece Buyout Board of Trustees, James J. Dahmen*, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

*Member, State Public Trust — Treece Buyout Board of Trustees, Gene Bicknell*, pursuant to the authority vested in me by KSA 2009 Supplement 49-512, effective upon the date of confirmation by the Senate, to fulfill a term expiring March 15, 2013.

**COMMUNICATIONS FROM STATE OFFICERS****KANSAS HEALTH POLICY AUTHORITY**

September 21, 2009

Dr. Andrew Allison, Ph.D., Executive Director of the Kansas Health Policy Authority, has announced Nicholas M. Kramer as the Authority's new Inspector General.

February 16, 2010

In accordance with KSA 74-99b04(d), Senator Anthony Hensley appointed Dan Watkins to the Kansas Bioscience Authority (KBA), effective March 15, 2010.

**KANSAS STATE BOARD OF HEALING ARTS**

February 19, 2010

Michael J. Beezley, M.D., President, Kansas State Board of Healing Arts, has announced the appointment of Kathleen J. Selzler Lippert as Acting Executive Director of the Board pending Senate confirmation.

**HOUSE OF REPRESENTATIVES  
STATE OF IDAHO**

March 31, 2010

Bonnie Alexander, Chief Clerk of the Idaho House of Representatives, has announced House Concurrent Resolution 44, was adopted by the House of Representatives and the State Senate during the Second Regular Session of the Sixtieth Idaho Legislature.

**WYOMING SECRETARY OF STATE**

April 1, 2010

As directed by the State of Wyoming's Sixtieth Legislature — 2010 Budget Session, Max Maxfield, Wyoming Secretary of State, sent a copy of original House Joint Resolution 9, House Enrolled Joint Resolution 3, demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; and, to amend the tenth amendment and the interstate commerce clause in article 1, section 8 of the United States Constitution.

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

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **Senate Substitute for HB 2160** and requests the Senate to return the bill.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1866—

A RESOLUTION congratulating and commending Steve Errebo for rescuing Michele Pasley and three of her children from a burning vehicle.

WHEREAS, Steve Errebo, a farmer and Lincoln County Commissioner, rescued Tescott residents Michele Pasley and three of her children, 3-year-old twins Danika and Justin, and 1-year-old Loni Marie, from her burning minivan in July of 2009; and

WHEREAS, Due to dusty conditions caused by wheat being harvested, Mrs. Pasley did not see Mr. Errebo's wheat truck until it was too late, causing her to strike him from behind. The impact of the collision trapped her inside the vehicle, which promptly caught fire, as well as causing the surrounding wheat stubble field to catch fire. Mr. Errebo heard her cries for help and pulled the three Pasley children to safety through a broken window, before finally pulling Mrs. Pasley free as well. The two adults and three children made it to safety shortly before the gas tank blew and the entire van was engulfed in flames; and

WHEREAS, The twins, Justin and Danika, were flown to Wichita to be treated for their injuries. Justin was released in two days and Danika in about 10 days. Mrs. Pasley and the

youngest child, Loni, were both unharmed. The family considers Mr. Errebo to be their angel, and are forever grateful for his life-saving acts; and

WHEREAS, Mr. Errebo was surprised by Representative Elaine Bowers, as well as Steve Howe on behalf of Representative Jerry Moran, Kansas EMS Board Executive Director Robert Waller, Lincoln County Emergency Manager Rod Job, Lincoln County EMS Director Wendy Gronau, Sheriff Russ Black, and Mr. and Mrs. Pasley and their children, when they presented Mr. Errebo with several awards for his heroism, including a Medal of Valor on behalf of Lincoln County. Representative Bowers also alerted the magazine Reader's Digest of the heroic action taken by Mr. Errebo, resulting in a feature story about the incident: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Steve Errebo for his immediate response to this emergency situation, for his selfless and courageous acts in the face of imminent danger, and for saving the lives of Michele, Justin, Danika and Loni Marie Pasley; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Steve Errebo.

On emergency motion of Senator Emler **SR 1866** was adopted unanimously.

Senator Emler introduced and congratulated Steve Errebo for rescuing Michele Pasley and three of her children from a burning vehicle. Steve Errebo, Marilyn Errebo, Ben Errebo, Steve Sutton, Al Jo Wallace and Wendy Gronau were acknowledged with a standing ovation.

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

SENATE RESOLUTION No. 1867—

A RESOLUTION congratulating and commending Baldwin High School for being named national champions in the Real World Design Challenge.

WHEREAS, The Baldwin High School design team was named the national champions of the Real World Design Challenge held at the National Air and Space Museum in Washington, D.C. in March; and

WHEREAS, The annual contest challenges high school students to solve real problems faced by the engineering industry, with this year's contest addressing fuel efficiency in aviation; and

WHEREAS, The Baldwin High School team was asked to design and optimize a business jet wing and tail for a flight condition of 400 knots true airspeed and altitude of 37,000 feet. The final configuration had to balance lift, weight, thrust, drag and zero pitching moments. The participants were given tools provided by PTC, Mentor Graphics, Cessna and NASA; and

WHEREAS, Out of 26 states competing, Baldwin beat out teams from Minnesota, and last year's winners from Hawaii, to win the competition. The team also won an award for outstanding mentor collaboration; and

WHEREAS, The team members were Mason Johnson, Carson Barnes, Brandon Baltzell, Shelby Gregory, Carrie Dietz, Mac Halpin and Austin Kraus. The team mentors were Sandy Barnes and Baldwin High School teacher Pam Davis: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate the Baldwin High School team for being named national champions in the Real World Design Challenge in Washington D.C., we commend them for setting an example of excellence for their peers and we extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 8 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1867** was adopted unanimously.

Senator Holland congratulated the Baldwin High School for being named national champions in the Real World Design Challenge. The following Baldwin High School design team were introduced: Carrie Dietz, Mason Johnson, Mac Halpin, Carson Barnes, Shelby Gregory, Austin Kraus and Brandon Baltzell. Also accompanying the team were Coach Pam Davis and Sandy Barnes.

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

## SENATE RESOLUTION No. 1868—

A RESOLUTION honoring Kansas artist Robert Sudlow.

WHEREAS, Robert Sudlow, 90, a nationally recognized Kansas artist died Thursday, March 25, at his home; and

WHEREAS, Mr. Sudlow was born February 25, 1920, in Holton, the son of Fred and Adria Newton Sudlow. He received a Bachelor of Fine Arts degree in 1942 from the University of Kansas, where he studied under Albert Bloch. He then enlisted in the U.S. Navy and served as a rescue pilot in World War II and was awarded the Distinguished Flying Cross. Mr. Sudlow continued his education with a Master of Fine Arts from the California College of Arts and Crafts, studying under the painter Richard Diebenkorn, and later studied at academies in Paris and the University of California at Berkeley; and

WHEREAS, In 1947, Mr. Sudlow began teaching drawing and painting at the University of Kansas, where he stayed for 41 years, retiring in 1987 as professor emeritus of art. The paintings that he produced throughout his life have been featured in numerous exhibits in galleries all over the country. His works are part of the permanent collections at the Nelson-Atkins Museum of Art in Kansas City, the Brooklyn Museum in New York, The Joslyn Museum of Art in Omaha, Nebraska, the Saint Louis Art Museum, the Mulvane Museum of Topeka, the Wichita Art Museum, the Marianna Kistler Beach Museum of Art at Kansas State University, the Spencer Museum of Art at the University of Kansas and many others. In 2001 he traveled to Lawrence's sister city, Eutin, Germany, for an exhibit of his work as part of a cultural exchange; and

WHEREAS, Kansas was the subject matter of Mr. Sudlow's paintings throughout his life. He would paint outside, in the Flint Hills or various other prairie and wooded areas around the eastern part of the state. The impressionistic paintings that he produced captured the Kansas landscape in a way that reflected his reverence for his lifelong home. There have been two books published of his work. The first book was called "Landscapes in Kansas," in 1987, and the second was "Spiritual Journeys: The Art of Robert Sudlow," in 2002; and

WHEREAS, Mr. Sudlow received several awards throughout his distinguished career, including the first Kansas Governor's Art Award in 1974, and Kansan of the Year from the Native Sons and Daughters of Kansas in 1997; and

WHEREAS, Mr. Sudlow is survived by his wife Barbara Keeler Wolf, daughters Mitzi, Amy, and Gretchen Sudlow, a son, Peter Sudlow, three stepchildren, Felicia Owens, Mindy Small, and Grant Wolf, two grandchildren and ten stepgrandchildren, a sister, Alice Ash, and a niece and nephew: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we express our appreciation for Robert Sudlow's lifetime of paintings and lithographs that will continue to inspire everyone who sees them of the beauty and natural wonders of the state of Kansas for years to come, and we give our deepest sympathy to his family and friends; and

*Be it further resolved:* That the Secretary of the Senate be directed to send 3 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1868** was adopted unanimously.

Senator Holland honored nationally recognized Kansas artist Robert Sudlow, age 90, who passed away March 25, 2010. His wife Barbara and daughters Mitzi Sudlow and Amy Sudlow were recognized and introduced with a standing ovation.

**ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **H Sub for Sub SB 514.**

**CONSIDERATION OF MOTIONS AND SENATE RESOLUTIONS**

President Morris announced the time had arrived to consider the motion to concur on **H Sub for Sub SB 514**, postponed to day certain, Wednesday, April 28, 2010 by Senator Hensley.

Senator Huelskamp moved to concur on **H Sub for Sub SB 514.**

**H Sub for Sub SB 514**, An act establishing the community defense act; amending K.S.A. 2009 Supp. 22-3901 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Colyer, Donovan, Holland, Huelskamp, Kelsey, Lynn, Masterson, McGinn, Morris, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Schodorf, Wagle.

Nays: Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kultala, Lee, Marshall, Owens, Reitz, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil.

The motion to concur failed and **H Sub for Sub SB 514** remains in conference.

EXPLANATION OF VOTE

MR. PRESIDENT: The floor debate has made it clear there is a lack of understanding of what actually passed the House and what the floor amendments actually achieve. In addition, questions during floor debate were not answered, apparently because the answers were not known.

This bill has only been in conference one session day. There has been no time to even review, the bill, let alone discuss needed changes. The procedural motion would potentially pass a bill about which too little is known.

Mr. President, I vote no.—JAY SCOTT EMLER

Senators Francisco, Huntington, Kelly, Kultala, Lee, V. Schmidt, Teichman, Umbarger and Vratil requests the record to show they concur with the “Explanation of Vote” offered by Senator Emler.

MR. PRESIDENT: I vote no on **House Substitute for Substitute for Senate Bill No. 514**. For those who believe in the free market system where business succeeds or fails on its own without undue government interference, this bill defies that belief.

For those who believe the Legislature cannot and should not legislate morality, this bill defies that belief.

And, for those who believe that government should stay out of peoples’ personal lives, that government should not overreach in regulating businesses, and that “the best government is that which governs least,” this bill goes beyond the pale of those beliefs.

In our state’s longstanding tradition of local control, Kansas local governments have the authority under current law and on many occasions have used that authority to regulate the adult entertainment industry. These businesses have been regulated by local elected officials at the behest of local residents who believe that they can and should speak and act for themselves.

This bill is unwarranted and unnecessary, and comes at a time when our constituents want us to work on more important issues, such as the half-billion dollar budget deficit we face and the need for a constitutional amendment to create a rainy day fund.—ANTHONY HENSLEY

Senators Bruce, Faust-Goudeau, Haley, Kelly, Kultala, Lee, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Hensley on **H Sub for Sub SB 514**.

MR. PRESIDENT: My vote has to do with my concern that the bill as amended by the House will not do what the proponents and supporters believe it will do.

As a former Assistant City Attorney I frequently dealt with issues that were non-uniform in statute thereby allowing cities and counties to opt out of legislation under home rule.

The amendment added by the House specifically states that the act will not apply to certain cities and counties. I cannot vote for something that sends a false message to the public. It would be better for this bill to be returned to the conference committee to attempt to clarify or to “Fix” the problems identified on the floor in the discussion by the Senate.

I vote “No” in order to return this matter to the Federal and State Affairs Conference Committee. Thank you Mr. President—THOMAS C. OWENS

Senators Hensley, Huntington, Kultala, Kelly, Lee, Teichman, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Owens.

President Morris announced the time had arrived to consider the motion, submitted in writing, by Senator Pilcher-Cook, citing Senate Rule 11, to withdraw **SCR 1626** from the Committee on **Judiciary** and be placed on the calendar under the heading of General Orders.

**SCR 1626**, A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Lee, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil.

The motion failed and **SCR 1626** remains in committee.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on bringing **SCR 1626** out of Committee. The National Health Care Reform bill has been mislabeled “Obamacare” time and again. True, this reform did pass during the first term of an Obama Administration but it means *health* insurance and *health* care for 300,000 Kansans and millions of Americans, well *beyond* this Congress’ and this Administration’s era in office.

It will mean that not only the wealthy, who have health insurance, nor the poor, who too have a sort of health insurance through Medicare, but Kansans of *all* income levels will have access to and a means to pay for health care.

It means that no pre-existing medical or physical condition can be a basis for denial of a health insurance policy. It means that high school and college students and even graduate school students can be maintained on a parent’s policy. It means health security to so many who today simply can not afford our current health care system, and so much more.

Mr. President, the national debate has been intense on this issue but since it is now over, it is time to move on. In time, when the dust settles on health reform and America has a near seamless system of coverage for all citizens, our grandchildren may look on our vote here today and wonder why would anyone *not* have supported this national call to a stronger healthier America.

Our legacies as Kansas legislators should lean towards the common good. Time will show that those who promote further debate on connecting hundreds of thousands of Kansans to greater health security will be on the wrong side of history.—DAVID HALEY

Senators Faust-Goudeau, Francisco, Hensley and Schodorf request the record to show they concur with the “Explanation of Vote” offered by Senator Haley on **SCR 1626**.

MR. PRESIDENT: It is not often that the Kansas Senate is faced with a very clear opportunity to send a message to Washington, D.C.—but this vote presents that very occasion. On this vote, the Kansas Senate finally has our ONE opportunity to be heard on the issue of ObamaCare, the recently-passed massive federal take-over of our nation’s health care system.

**SCR 1626** is the Health Care Freedom Amendment, a proposed constitutional amendment that would protect the liberty of Kansas citizens in their health care choices, despite the unconstitutional dictates of Washington politicians and bureaucrats.

Mr. President, I strongly oppose ObamaCare and instead support the liberty of Kansans. And I oppose ObamaCare not only with my voice, but with my Vote as well—I vote Aye on this motion to let us debate the Health Care Freedom Amendment. To vote otherwise would ignore my constitutional responsibility to defend the citizens of Kansas from an ever-growing, ever-expanding federal government.—TIM HUELSKAMP



MR. PRESIDENT: Lest there be any misunderstanding by a member of the body as to my position on the issue of the Obama Health Care Plan, I am opposed to the Obama Plan. However I believe in the process and this issue had “4 bites at the apple.” It went through 2 committees and failed to receive anything but a tie vote. The Judiciary Committee did not pass it after 3 votes (including one in a subcommittee) and the vote from Public Health and Safety passed it out with “no recommendation.”

It is obvious by the vote here today and by the votes in both committees that the position is very divided and as we vote here we do represent all Kansans. With the vote that close I believe we should respect the results of the two committees who considered it and not pull it from the committee. I vote no on withdrawing it from the Judiciary Committee.—THOMAS C. OWENS

Senators Huntington, Kelly, Morris, Schodorf, Teichman and Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Owens on **SCR 1626**.

MR. PRESIDENT: Our country was founded on principles of liberty and freedom—not command and control government. It is a primary duty of state legislators to protect the liberty of the citizens they represent. The 2010 federal health care legislation will take away the freedom of Kansas citizens to make their own health care decisions without government mandates. It will set up perverse incentives that will cause a multitude of unintended consequences, including a heavy financial burden to families, the rationing of health care and an increase of taxes, thereby doing more severe damage to our state’s and nation’s economy. The state constitution reflects the most fundamental values shared by the citizens of the state, and this proposed constitutional amendment would have ensured state and federal laws could never infringe upon health care freedom. We could have ensured more Kansans access to quality health care with incentives that take natural human action into consideration within market-friendly policies. I will continue to work for legislation so Kansas citizens are not forced into a governmental health care system they do not support or want, and which would greatly diminish their liberty as to their health care decisions.—MARY PILCHER-COOK

#### REPORT ON ENROLLED BILLS

**SR 1866** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 28, 2010.

#### REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2446**, as further amended by House Committee, be passed.

#### MESSAGE FROM THE HOUSE

The House adopts the conference committee report on **Senate Substitute for Substitute HB 2509**.

The House adopts the conference committee report on **Substitute for HB 2528**.

The House adopts the conference committee report on **HB 2656**.

The House adopts the conference committee report on **HB 2668**.

On motion of Senator D. Schmidt, the Senate recessed until 3:30 p.m.

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### AFTERNOON-SESSION

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

#### CHANGE OF REFERENCE

The President withdrew **HB 2595** from the Committee on **Ways and Means**, and placed the bill on the Calendar under the heading of General Orders.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1869—

A RESOLUTION declaring April 28, 2010, as Workers' Memorial Day in Kansas.

WHEREAS, The Kansas AFL-CIO and its affiliated unions are joining in a nationwide effort to commemorate workers injured, disabled or killed on the job and focus attention on what needs to be done to prevent such senseless deaths and injuries; and

WHEREAS, Each April 28, since 1989, Workers' Memorial Day has been observed in nearly one hundred countries and officially endorsed by the International Confederation of Free Trade Unions; and

WHEREAS, April 28 falls on the anniversary of the enactment of federal legislation creating the Occupational Safety and Health Administration (OSHA), which was signed into law by President Richard Nixon on April 28, 1971; and

WHEREAS, Since its inception, OSHA has assisted employers and employees to create better working conditions, and has helped to cut workplace fatalities by more than 60% and occupational injury and illness by 40%; and

WHEREAS, Despite OSHA's best efforts, each year 5,000 workers nationwide die from job-related injuries and illnesses and millions more are injured. A hundred thousand more die a slow death from cancer, lung disease or other disabling conditions caused by exposure to toxins at work; and

WHEREAS, Last year, 34 of our fellow Kansans lost their lives in the workplace; and

WHEREAS, Today, April 28, 2010, the 40th anniversary of the Occupational Safety and Health Act, Kansas workers will remember those who have suffered and died in the workplace. They will also join their brothers and sisters all across this country in a renewed commitment to prevent those tragedies from happening again: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we remember the American workers who have been injured, disabled or killed on the job by declaring April 28, 2010, as Workers' Memorial Day in Kansas; and

*Be it further resolved:* That the Secretary of the Senate be directed to send five enrolled copies of this resolution to the Kansas AFL-CIO, 2131 S.W. 31st St., Topeka, KS 66611.

On emergency motion of Senator Hensley **SR 1869** was adopted unanimously.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce** recommends **SCR 1630** be amended on page 2, in line 24, by striking "Reggie Robinson" and inserting "Andy Tompkins"; and the concurrent resolution be adopted as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Thursday, April 29, 2010.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

