

# Journal of the Senate

FORTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 15, 2011, 2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with thirty-nine senators present.  
Senator Donovan was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father

Legislators get all kinds of messages.

Messages by letters,  
Messages by phone.  
Message by Email,  
With varying tones.

Messages by visits,  
Messages by texts,  
Making them wonder  
What's coming next?

Some messages are pleasant,  
Some of them bland.  
Some meant for Washington  
For Jenkins or Moran.

There are at least hundreds,  
On that we could bet.  
But there's always one  
They seldom get.

So I'm asking You, Lord,  
When folks like their vote,  
Would You inspire them to send  
A little "Thank You" note?

I pray in the Name of Jesus Christ, AMEN

The pledge of allegiance was led by Vice President John Vratil.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 235**, AN ACT enacting the university engineering initiative act; amending K.S.A. 2010 Supp. 74-8768 and repealing the existing section, by Committee on Ways and Means.

**SB 236**, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, by Committee on Ways and Means.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HCR 5016**.

Judiciary: **Sub HB 2318**.

### REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

*Central Interstate Low-Level Radioactive Waste Commission*: Shari Feist-Albrect, Member, serves at the pleasure of the Governor  
(Natural Resources)

*Corrections*: Raymond Roberts, Secretary, serves at the pleasure of the Governor  
(Federal and State Affairs)

*Historical Society*: Jeannie Chinn, Executive Director, serves at the pleasure of the Governor  
(Federal and State Affairs)

*Racing and Gaming Commission*: Dennis McKinney, Member, to serve a four year term expiring March 15, 2015  
(Federal and State Affairs)

*Racing and Gaming Commission*: Jay Shadwick, Member, to serve a four year term, expiring January 15, 2015  
(Federal and State Affairs)

*Racing and Gaming Commission*: Tim Shultz, Member, to serve a four year term expiring January 15, 2013  
(Federal and State Affairs)

*State Banking Board:* Kurt Knutson, Member, to serve a three year term expiring March 15, 2013

(Financial Institutions and Insurance)

*State Banking Board:* Larry Williams, Member, to serve a three year term, expiring March 15, 2013

(Financial Institutions and Insurance)

**COMMUNICATIONS FROM STATE OFFICERS**

DEPARTMENT OF CORRECTIONS

March 4, 2011

In accordance with the provisions of KSA 60-4117, Ray Roberts, Secretary of Corrections, submitted the report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2009 through December 1, 2010.

DEPARTMENT OF REVENUE

March 15, 2011

In compliance with KSA 79-1490, Mark S. Beck, Director, Division of Property Valuation, submitted the 2010 Preliminary Real Estate Appraisal/Sales Ratio Study.

The Vice 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.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2339**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2339** was thereupon introduced and introduced and read by title.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

On motion of Senator Huntington the Senate nonconcurred in the House amendments to **SB 67** and requested a conference committee be appointed.

The Vice President appointed Senators Huntington, V. Schmidt and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 77** and requested a conference committee be appointed.

The Vice President appointed Senators Wagle, Lynn and Holland as a conference committee on the part of the Senate.

**CONFIRMATION OF APPOINTMENTS**

In accordance with Senate Rule 56, the following appointments submitted by the Governor, were considered.

Senator Emler moved the following appointments be confirmed as recommended by the Standing Senate Committees:

*By the Governor of the State of Kansas*

On the appointment to the:

*Kansas Highway Patrol:*

Ernest Garcia, Superintendent, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

*Kansas Water Office:*

Tracy Streeter, Director, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

*Lottery Commission:*

Mike King, Member, to serve a four year term to expire on March 15, 2014.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

On the appointment to the:

*State Bank Commissioner:*

Edwin Splichal, serves at the pleasure of the Governor.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The appointment was confirmed.

### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. SR 1828—

A RESOLUTION recognizing and commending sculptor Elden Tefft.

WHEREAS, Elden Tefft was born December 1919, in Hartford, Kansas. He served in the United States Army Air Forces from 1942 to 1946; received a bachelor's degree in fine arts in 1949 and a master's degree in fine arts in 1950 at the University of Kansas; and initiated the major and master's sculpture programs at the University of Kansas. Presently, he is a Professor Emeritus of Art at the University of Kansas; and

WHEREAS, Mr. Tefft has used his talents to become a nationally recognized sculptor of bronze. His famous pieces include "Moses," which is located outside Smith Hall at the University of Kansas; "Jayhawk," which is located outside Strong Hall at the University of Kansas and stands as the school's symbol; "Ichabod," which is located at the Washburn University stadium; "Wildcat," which is located at Baker University; "James Naismith," which is located at Springfield College in Massachusetts and a second, identical statue is scheduled for installation this spring at Naismith's hometown in Almonte, Ontario; "Keepers of the Universe," which is located at Burcham Park in Lawrence; "Trails West," which was first located at the former Kansas Travel Information Center in Olathe but is now located at Lone Elm Park in Olathe; "Chesty Lion," which is located at Lawrence High School; and "Hawk," which is located at Olathe East High School; and

WHEREAS, In addition to his sculpture work, Mr. Tefft redesigned the University of Kansas' seal, which is now the current seal of the university; and

WHEREAS, Mr. Tefft began experimenting with bronze work in the 1940's. In the early 1950's, he received permission to establish a sculpture foundry while teaching sculpture classes on the third floor of Strong Hall at the University of Kansas. The foundry was first built in Bailey Annex and the sculpture classes were then moved to that facility. In 1960, he established a biennial conference that brought together sculptors from around the world and founded what would eventually become the International Sculpture Center based in New Jersey; and

WHEREAS, Since 1960, Mr. Tefft has published numerous books and articles on sculpture and bronze casting, wax sculpting, waste mold casting and head and figure molding; he has documented his research in techniques, sculpture founding and finished sculptures in film and has edited and compiled the first nine biennial International

Sculpture Conferences; and

WHEREAS, During his accomplished career, Mr. Tefft helped to further establish educational sculpture foundries throughout the United States, Latin America and Asia. He has a monumental sculpture in Tianjin, China, titled "Peace Star," which was placed in 2009 as part of "The China and the United States Memorial Sculpture of Peace and Friendship Project," in commemoration of the 30th anniversary of opening diplomatic relations between China and the United States; and

WHEREAS, Mr. Tefft is the recipient of the Phoenix Award in exceptional artistic achievement from the Lawrence Cultural Arts Commission in 2008, an honorary Doctorate of Fine Arts from Baker University in 1999, the state of Kansas Governor's Artist Award for Lifetime Achievement in 1997, Recognition of Contribution to City Enhancement and Cultural Interchange from the Lawrence Cultural Arts Commission in 1982, the Outstanding Service to Contemporary Sculpture citation from the Southern Association of Sculptors in 1977, and is listed in *Who's Who in American Art*; and

WHEREAS, Mr. Tefft continues to create bronze and stone artwork on a daily basis out of his and his son's studio, Tefft Terra Studios: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Elden Tefft for his outstanding accomplishments and thank him for his many contributions to Kansas; and

*Be it further resolved:* That the Secretary of the Senate shall be directed to provide 15 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1828** was adopted unanimously.

Senator Holland and members of the Senate welcomed and recognized Elden Tefft with a standing ovation for his outstanding talents of becoming a nationally recognized sculptor of bronze. His son and wife, Kim and Wanda Tefft, and their children Jared, Janell, Jonathan and Jonanna were introduced as well as guests Mary Weisert, Maura Landry, Chuck Schlitter and John and Teresa McCoy.

Senators Abrams, Apple, Faust-Goudeau, Francisco, Hensley, Holland, Kelly, Kelsey, Kultala, Masterson, Owens, Petersen, Schodorf, Teichman, Umbarger and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. SR 1829—

A RESOLUTION recognizing the Kansas Small Business Development Center's 2010 Businesses of the Year.

WHEREAS, The mission of the Kansas Small Business Development Center (KSBDC) is to increase the economic prosperity in Kansas by helping entrepreneurs and small business owners start and grow their businesses through professional consulting, training and resources; and

WHEREAS, The KSBDC regional directors and staff select up to eight Emerging Business of the Year award recipients and up to eight Existing Business of the Year award recipients; and

WHEREAS, The Kansas Small Business Development Center's Business of the Year awards are designed to recognize KSBDC clients for superior performance; and

WHEREAS, Existing Business of the Year Award recipients have achieved major accomplishments, overcome significant obstacles, shown growth and demonstrated

good corporate citizenship through community contributions; and

WHEREAS, The 2010 KSBDC Emerging Businesses of the Year are The New Breck, in Americus, Kansas, owned by Jena Johnson and Doug Disney; Couture for Men in Hays, Kansas, owned by Leland Olive; Accelacare Physical Therapy in Garden City, Kansas, owned by Wes and Amy Wickwar; The Next Step in Lenexa, Kansas, owned by John L. White; Audio/Video Concepts in Ottawa, Kansas, owned by Shawn Markley; SayCheez PhotoBooth in Topeka, Kansas, owned by Scott and Nikki Lewien; Thiessen-Elise Salon in Salina, Kansas, owned by John and Amber Klassen; and

WHEREAS, The 2010 KSBDC Existing Businesses of the Year are Granada Coffee Company in Emporia, Kansas, owned by Rocky Slaymaker and managed by Bev Beers; T&C Manufacturing & Operating, Inc. in Great Bend, Kansas, owned by Craig Pangburn and Thomas McGlenn; Fleener Funeral Home in Greensburg, Kansas, owned by J. Wynn Fleener; Weather or Not, Inc. in Shawnee, Kansas, owned by Sara Croke; Printpop.com in Lawrence, Kansas, owned by Devin Walker and Ladd Epp; TLC Garden Center in LaHarpe, Kansas, owned by Savanna Flory; Lifetime Eye Care in Holton, Kansas, owned by Dr. Leslie Gallagher and Dr. Nicole Meerpohl; Intake Studio in Wichita, Kansas, owned by Troy Lott, Roberta Feist, Heath Balderson and Todd Schwartz; and

WHEREAS, the KSBDC Businesses of the Year serve as examples of the success that the KSBDC and small business owners across Kansas can achieve: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize the Kansas Small Business Development Center's 2010 Emerging and Existing Businesses of the Year and wish all of them and the KSBDC continued success in the future; and

*Be it further resolved:* That the Secretary of the Senate shall be directed to send 20 enrolled copies of this resolution to Senator Holland.

On emergency motion of Senator Holland **SR 1829** was adopted unanimously.

Senator Holland recognized the participants of the Kansas Small Business Development Center's 2010 Businesses of the year.

## REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2130** be amended on page 1, in line 7, by striking "other"; also in line 7, by striking "required of a member or to"; in line 8 by striking "deduct" and inserting "deducted"; in line 8, by striking "any moneys"; in line 9, after "(c)" by inserting "without first receiving from the member annually written authorization to do so"; in line 23, by striking "established by the labor organization"; in line 27, by striking "whose activities are not pertinent to the labor"; by striking all in line 28, by striking all before the period; in line 33, by striking "other"; also in line 33, by striking "required"; in line 34, by striking "of a member or to deduct" and inserting "deducted"; also in line 34, by striking "any moneys";

On page 2, in line 14, by striking "established by the professional employees"; in line 15, by striking "organization"; in line 18, by striking "whose activities are not pertinent"; by striking all in line 19; in line 20, by striking all before the period;

On page 3, in line 24, after "income" by inserting "in the form of or"; in line 25, by striking "required of its members"; in line 35, by striking "established by the public employee"; in line 36 by striking "organization"; in line 39, by striking "whose activities are not"; by striking all in line 40; in line 41, by striking all before the period;

On page 4, in line 12, by striking "and 2 and" and inserting "or 2 or"; after line 32, by

inserting:

"New Sec. 5. If any provision of this act, including any amendment made by this act, or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this act, or the application of such provision to other persons and circumstances, shall not be affected thereby.";

And renumbering sections accordingly; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2076** be amended on page 3, after line 35, by inserting the following:

"New Sec. 3. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in paragraph (2) of this subsection unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229, and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2016, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2016.

(e) Except as otherwise specifically provided in K.S.A. 21-3718, and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall



constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 4. K.S.A. 2010 Supp. 44-584 is hereby amended to read as follows: 44-584.

(a) The application for a new certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in subsections (a)(6) through (a)(14) of K.S.A. 44-582, and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) An approved certificate of authority shall remain in full force and effect until such certificate is suspended or revoked by the commissioner. An existing pool operating under an approved certificate of authority must file with the commissioner, within 120 days following the close of the pool's fiscal year, a current financial statement on a form approved by the commissioner showing the financial ability of the pool to meet its obligations under the worker compensation act and confirmation of specific and aggregate excess insurance as required by law for the pool. If an existing pool's certificate of authority is suspended or revoked, such pool shall have the same rights to a hearing by the commissioner as for applicants for new certificates of authority as set forth in subsection (a) above.

(c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool in accordance with K.S.A. 40-222 and 40-223, and amendments thereto, except that once every five years the commissioner shall conduct an examination of the affairs and financial condition of each pool. Each pool shall submit a certified independent audited financial statement no later than ~~90~~ 150 days after the end of the pool's fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file payroll records, accident experience and compensation reports and such other reports and statements at such times and in such manner as the commissioner shall require. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the solvency of any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to

pay or cause to be paid the compensation in the amount, manner and time due as provided for in the Kansas workers compensation act, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing in accordance with the provisions of the Kansas administrative procedure act, and, if on such hearing the report be confirmed, the commissioner shall suspend the certificate of authority for such pool until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such pool and in complying with the law, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall apply to group workers compensation pools.";

And by renumbering sections accordingly;

Also on page 3, in line 36, after "12-2618" by inserting ", 40-2,118 and 44-584";

On page 1, in the title, in line 1, after "pools;" by inserting "relating to group-funded pool filings with the insurance commissioner; relating to the extension of the insurance department's anti-fraud divisions exception to disclosure of records under the open records act;"; in line 2, after "12-2618" by inserting "and 44-584"; in line 3, after "sections" by inserting "; also repealing K.S.A. 2010 Supp. 40-2,118";

And the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2082**; **HB 2182**, as amended by House Committee, be passed; and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2172** be amended on page 1, following line 5, by inserting:

"Section 1. K.S.A. 2010 Supp. 8-116a is hereby amended to read as follows: 8-116a. (a) Except as provided in K.S.A. 8-170, and amendments thereto, when an application is made for a vehicle which has been assembled, reconstructed, reconstituted or restored from one or more vehicles, or the proper identification number of a vehicle is in doubt, the procedure in this section shall be followed. The owner of the vehicle shall request the Kansas highway patrol to check the vehicle and the highway patrol shall within a reasonable period of time perform such vehicle check. At the time of such check the owner shall supply the highway patrol with information concerning the history of the various parts of the vehicle. Such information shall be supplied by affidavit of the owner, if so requested by the highway patrol. If the highway patrol is satisfied that the vehicle contains no stolen parts, it shall assign an existing or new identification number to the vehicle and direct the places and manner in which the identification number is to be located and affixed or implanted. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20, shall be made to the owner of a vehicle requesting check under this subsection, and such charge shall

be paid prior to the check under this section. When a check has been made under subsection (b), not more than 60 days prior to a check of the same vehicle identification number, requested by the owner of the vehicle to obtain a regular certificate of title in lieu of a nonhighway certificate of title or *to* obtain a rebuilt salvage title in lieu of a salvage title, no charge shall be made for such second check.

(b) Any person making application for any original Kansas title for a used vehicle which, at the time of making application, is titled in another jurisdiction, as a condition precedent to obtaining any Kansas title, shall have such vehicle checked by the Kansas highway patrol for verification that the vehicle identification number shown on the foreign title is genuine and agrees with the identification number on the vehicle. Checks under this section may include inspection for possible violation of K.S.A. 21-3757, and amendments thereto, or other evidence of possible fraud. The verification shall be made upon forms prescribed by the division of vehicles which shall contain such information as the secretary of revenue shall require by rules and regulations. A charge of ~~\$10~~ \$15 per hour or part thereof, with a minimum charge of ~~\$10~~ \$15, and on and after July 1, 2012, a charge of \$20 per hour or part thereof, with a minimum charge of \$20, shall be made for checks under this subsection. When a vehicle is registered in another state, but is financed by a Kansas financial institution and is repossessed in another state and such vehicle will not be returned to Kansas, the check required by this subsection ~~(b)~~ shall not be required to obtain a valid Kansas title or registration.

(c) As used in this act, "identification number" or "vehicle identification number" means an identifying number, serial number, engine number, transmission number or other distinguishing number or mark, placed on a vehicle, engine, transmission or other essential part by its manufacturer or by authority of the division of vehicles or the Kansas highway patrol or in accordance with the laws of another state or country.

(d) The checks made under subsection (b) may be made by:

(1) A designee of the superintendent of the Kansas highway patrol; or  
(2) an employee of a new vehicle dealer, as defined in subsection (b) of K.S.A. 8-2401, and amendments thereto, for the purposes provided for in subsection (f). For checks made by a designee *or new vehicle dealer*, ~~\$10~~ 10% of each charge shall be remitted to the Kansas highway patrol and the balance of such charges shall be retained by such designee *or new vehicle dealer*. *If the designee is a city or county law enforcement agency, then the balance shall be paid to the law enforcement agency that conducted the inspection.* When a check is made under either subsection (a) or (b) by personnel of the Kansas highway patrol ~~or when a check is made under subsection (b) by an employee of a new vehicle dealer~~, the entire amount of the charge therefor shall be paid to the highway patrol.

(e) There is hereby created the vehicle identification number fee fund. The Kansas highway patrol shall remit all moneys received by the Kansas highway patrol from fees collected under subsection (d) 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 vehicle identification number fee fund. All expenditures from the vehicle identification number fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the Kansas highway patrol or by a person or persons designated by the superintendent.

(f) An employee of a new vehicle dealer, who has received initial training and certification from the highway patrol, and has met continuing certification requirements, in accordance with rules and regulations adopted by the superintendent of the highway patrol, may provide the checks under subsection (b), in accordance with rules and regulations adopted by the superintendent of the highway patrol, on motor vehicles *that a new vehicle dealer purchases through a manufacturer's sponsored auction or on motor vehicles* repurchased or reacquired by a manufacturer, distributor or financing subsidiary of such manufacturer and which are purchased by the new vehicle dealer. At any time, after a hearing in accordance with the provisions of the Kansas administrative procedure act, the superintendent of the highway patrol may revoke, suspend, decline to renew or decline to issue certification for failure to comply with the provisions of this subsection, including any rules and regulations.";

And by renumbering sections accordingly;

On page 2, in line 19, after "Supp." by inserting "8-116a and"; also, in line 19, by striking "is " and inserting "are";

On page 1, in the title, in line 1, by striking all following "motor"; in line 2, by striking "financial security" and inserting " vehicles; relating to vehicle registration; VIN inspection fees"; also, in line 2, after "Supp." by inserting "8-116a and"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

Also, **HB 2192**, as amended by House Committee of the Whole, be amended on page 3, following line 16, by inserting:

"Sec. 2. K.S.A. 8-1516 is hereby amended to read as follows: 8-1516. The following rules shall govern the overtaking and passing of vehicles *and bicycles* proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(a) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(b) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

(c) (1) *The driver of a vehicle overtaking a bicycle proceeding in the same direction shall pass to the left thereof at a distance of not less than three feet and shall not again drive to the right side of the roadway until safely clear of the overtaken bicycle.*

(2) *The driver of a vehicle may pass a bicycle proceeding in the same direction in a no-passing zone with the duty to execute the pass only when it is safe to do so.*";

And by renumbering subsections accordingly;

Also on page 3, by striking all in lines 17 through 43;

On page 4, by striking all in lines 1 through 34; in line 35, by striking "8-2204 and K.S.A. 2010 Supp. 8-2503 and"; in line 36, by striking "8-2504" and inserting "8-1516"; in line 38, by striking "Kansas register" and inserting "statute book";

On page 1, in the title, in line 2 by striking "safety belts;"; in line 3, after "lights;" by inserting "passing bicycles;"; also in line 3 by striking "8-2204 and K.S.A. 2010"; in line 4, by striking "Supp. 8-2503 and 8-2504" and inserting "8-1516" and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2258**, as amended by House Committee, be passed.

#### REPORT ON ENROLLED BILLS

**SR 1825, SR 1826, SR 1827** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 15, 2011.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Teichman the following report was adopted:

Recommended: **SB 154; HB 2001, HB 2023, HB 2029, HB 2030, HB 2038** be passed.

Senator Haley moved to amend **HB 2023**, on page 7, following line 10, by inserting:

"(6) Substituted cathinones

Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:

(A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.";

Also, on page 7, by striking all in lines 17 through 19;

And by redesignating subsections accordingly

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

On roll call, the vote was: Yeas 8, Nays 24, Present and Passing 1, Absent or Not Voting 7.

Yeas: Faust-Goudeau, Francisco, Haley, Hensley, Holland, King, Kultala, Petersen.

Nays: Abrams, Bruce, Brungardt, Emler, Huntington, Kelly, Kelsey, Longbine, Love, Lynn, Masterson, McGinn, Merrick, Olson, Ostmeyer, Owens, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Taddiken, Teichman, Vratil.

Present and Passing: Apple.

Absent or Not Voting: Donovan, Marshall, Morris, Schodorf, Steineger, Umbarger, Wagle.

The motion failed and the amendment was rejected.

**SB 51, SB 118, SB 201; HB 2105** be amended by adoption of the committee amendments, and the bills be passed as amended.

The committee report on **SB 81**, recommending a **Sub SB 81** be adopted, and the substitute bill be passed.

The committee report on **SB 138**, recommending a **Sub SB 138** be adopted, and the substitute bill be passed.

**Sub SB 92** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt, on page 5, in line 33, following “provided” by inserting “written” and **Sub SB 92** be passed as amended.

**HB 2151** be amended by motion of Senator Bruce, on page 1, in line 24, by striking "outside" and inserting "without the use of such device"; on page 2, in line 23, by striking ", but does not include a place to which the public has lawful"; in line 24, by striking all before the period and **HB 2151** be passed as amended.

**HB 2027** be amended by motion of Senator Taddiken, on page 9, following line 27, by inserting:

“(f) Any agency that issues a guidance document shall provide a copy of such document to the joint committee on administrative rules and regulation. Such document may be submitted electronically.” and **HB 2027** be passed as further amended.

**HB 2028** be amended by motion of Senator Owens, on page 1, in line 16, before the colon by inserting "that have"; in line 17, by striking "That have"; in line 19, before "if" by inserting "a substantial interest engendered by love and affection in the continuation of the life of the insured and," and **HB 2028** be passed as further amended.

The Committee report on **S Sub for HB 2049** was adopted, be passed over and retain a place on the calendar.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **SB 51, Sub SB 81; Sub SB 92, SB 118; Sub SB 138, SB 154, SB 201; HB 2001, HB 2023, HB 2027, HB 2028, HB 2029, HB 2030, HB 2038, HB 2105 and HB 2151** were advanced to Final Action and roll call.

**SB 51**, AN ACT concerning school districts; relating to the dispensing of medication.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Schmidt A.

Absent or Not Voting: Donovan.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote “NO” on Senate **Bill 51**.

I strongly support parents' rights in requesting school officials to administer OTC medications to their children when the parents authorize them to do so. I also support the local school district's authority and responsibility to establish both a policy and a list of approved medications that may or may not be administered. This ensures both the medical oversight and board responsibility necessary.

I feel **SB 51** is merely a recommendation. It lacks clarity, substance and direction to become an effective Kansas statute. – ALLEN SCHMIDT

**Sub Bill SB 81**, AN ACT concerning children and minors; relating to temporary custody; permanency planning; adoption; amending K.S.A. 2010 Supp. 38-2243, 38-2263 and 38-2270 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

**Sub SB 92**, AN ACT concerning the board of cosmetology; relating to licensing requirements; amending K.S.A. 2010 Supp. 65-1901, 65-1902, 65-1905 and 65-1912 and repealing the existing sections.

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

Yeas: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Abrams, Merrick, Olson, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**SB 118**, AN ACT concerning board of barbering; relating to fees; amending K.S.A. 2010 Supp. 65-1817 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**Sub SB 138**, AN ACT concerning pharmacy; creating the pharmacy audit integrity act.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Olson, Pilcher-Cook, Pyle, Steineger.

Absent or Not Voting: Donovan.

The substitute bill passed.

**SB 154**, AN ACT concerning abstracters; relating to license fees; amending K.S.A.

58-2801 and repealing the existing section.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lynn, Merrick, Olson, Pilcher-Cook, Pyle.

Absent or Not Voting: Donovan.

The bill passed.

**SB 201**, AN ACT concerning bingo games; relating to the operation thereof and prizes awarded; amending K.S.A. 2010 Supp. 79-4701 and 79-4706 and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Olson, Pyle.

Present and Passing: Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**HB 2001**, AN ACT concerning law enforcement; relating to the local law enforcement training reimbursement fund; amending K.S.A. 2010 Supp. 74-5620 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**HB 2023**, AN ACT concerning controlled substances; amending K.S.A. 65-4107, 65-4109 and 65-4111 and K.S.A. 2010 Supp. 65-4105 and 65-4113 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.



The bill passed.

#### EXPLANATION OF VOTE

MR. PRESIDENT: Based on the empirical data made available during testimony before our Committee, “bath salts” (a street name for currently legal compounds ingested as a recreational drug) pose an undue risk to health and to public safety and have even resulted in death.

The Kansas Senate should not delay another moment in taking action to make these proven dangerous compounds (sold as “bath salts” and “potpourri” among other names) illegal. I vote “AYE” to ban “bath salts” immediately and wonder why any other of my responsible colleagues might wait until some other, future, time to, hopefully, potentially, do the same? – DAVID HALEY

**HB 2027**, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**HB 2028**, AN ACT concerning trusts; relating to insurable interests of trustees.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**HB 2029**, AN ACT concerning the Kansas tort claims act; concerning charitable health care providers; amending K.S.A. 2010 Supp. 75-6102 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**HB 2030**, AN ACT concerning open records; relating to exceptions to disclosure; amending K.S.A. 12-2819 and, 2010 Supp. 9-513c, K.S.A. 2010 Supp. 12-5611, 12-5711, 12-5811, 40-2,118, 40-4913 and 45-229 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**HB 2038**, AN ACT concerning crimes, criminal procedure and punishment; amending section 298 of chapter 136 of the 2010 Session Laws of Kansas 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, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**HB 2105**, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

**HB 2151**, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 23, Nays 14, Present and Passing 2, Absent or Not Voting 1.

Yeas: Apple, Bruce, Brungardt, Emler, Holland, Kelsey, King, Kultala, Longbine, Lynn, Marshall, Masterson, Morris, Olson, Ostmeyer, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Nays: Abrams, Faust-Goudeau, Haley, Hensley, Huntington, Kelly, Love, Merrick, Owens, Petersen, Reitz, Steineger, Taddiken, Wagle.

Present and Passing: Francisco, McGinn.

Absent or Not Voting: Donovan.

The bill passed, as amended.

On motion of Senator Emler the Senate adjourned until 2:30 p.m., Wednesday, March 16, 2011.

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

PAT SAVILLE, *Secretary of the Senate.*

