

# Journal of the Senate

TWENTY-SECOND DAY

---

SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 12, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Nine score and fourteen years ago a boy named Abraham Lincoln was born in Kentucky. In 1858 he campaigned against the extension of slavery in his famous debates with Stephan Douglas. In 1861 he was elected president of the United States. He is generally considered to be one of the greatest, if not the greatest president, we have ever had.

On January 1, 1863, he signed the Emancipation Proclamation. On November 19, 1863 he gave his Gettysburg Address, one of the most famous speeches of all time, in which he said, "The government of the people, by the people, and for the people shall not perish from the earth."

He was assassinated in 1865. Many believe that if he had lived he would have led the fight to grant blacks the right to vote and equal protection under the law.

But, I believe, O God, that the most profound statement he ever made was during the Civil War when he observed, "While I know that God is always on the side of right and that he hates injustice, I am less concerned about whether God is on our side, than I am that we be found on His."

God grant that this will always be our concern.

I pray in the Name of Christ,

AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**SB 207**, An act concerning lotteries; authorizing electronic gaming machines and other lottery games at certain locations; amending K.S.A. 74-8702, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, by Committee on Ways and Means.

**SB 208**, An act concerning lotteries; authorizing electronic gaming machines at certain locations; amending K.S.A. 74-8702, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, by Senator Corbin.

**SB 209**, An act concerning counties; relating to expenses incurred by fire districts in response to a fire that has been determined to be arson; amending K.S.A. 2002 Supp. 19-3601a and repealing the existing section, by Committee on Judiciary.

**SB 210**, An act concerning marriage; relating to counseling and fees; amending K.S.A. 2002 Supp. 23-106 and 23-108a and repealing the existing sections, by Senator Lyon.

**SB 211**, An act enacting the Kansas parent control of education act; amending K.S.A. 72-1046a and 72-6407 and repealing the existing sections; also repealing K.S.A. 72-6407a, by Committee on Federal and State Affairs.

**SB 212**, An act concerning campaign finance; relating to corrupt political advertising; amending K.S.A. 25-4156 and repealing the existing section, by Senator Hensley.

**SB 213**, An act concerning prearranged agreements for burial plots; duty of medicaid assistance recipients to inform the secretary of social and rehabilitation services thereof; amending K.S.A. 2002 Supp. 16-311 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 214**, An act concerning taxation; relating to local retailers sales tax authority in Wyandotte county; amending K.S.A. 12-192 and K.S.A. 2002 Supp. 12-187 and 12-189 and repealing the existing sections, by Senator Steineger.

**SB 215**, An act authorizing certain cities to impose an earnings tax; distributing revenue to school districts therein; prescribing procedures therefor and duties and authorities for the state department of revenue; amending K.S.A. 12-140 and repealing the existing section, by Senator Steineger.

**SB 216**, An act concerning solid waste; relating to construction and demolition landfills; also concerning the burning of untreated wood and untreated sawdust; amending K.S.A. 65-3402 and repealing the existing section, by Committee on Natural Resources.

**SB 217**, An act transferring the powers and duties of the governmental ethics commission to the secretary of state; requiring the attorney general to provide enforcement support; repealing K.S.A. 2002 Supp. 25-4119a, by Senator Haley.

**SB 218**, An act transferring the duties of the Kansas sentencing commission to the department of corrections; creating a division of sentencing in the department of corrections; repealing K.S.A. 74-9101, 74-9102, 74-9103, 74-9104, 74-9105 and 74-9106, by Senator Haley.

**SB 219**, An act creating the department of financial institutions; transferring the duties of the state bank commissioner to the department of financial institutions; transferring the duties of the securities commissioner to the department of financial institutions; transferring the duties of the credit union administrator to the department of financial institutions; repealing K.S.A. 17-2234 and K.S.A. 2002 Supp. 75-1304 and 75-6301, by Senator Haley.

**SB 220**, An act transferring the offices of the state treasurer and the commissioner of insurance to the department of administration; amending K.S.A. 25-101b, 25-4001 and 40-106 and repealing the existing sections; also repealing K.S.A. 75-601, by Senator Haley.

**SB 221**, An act concerning wildlife and parks; relating to conservation stamps; amending K.S.A. 2002 Supp. 32-988 and repealing the existing section, by Committee on Natural Resources.

SENATE CONCURRENT RESOLUTION No. 1609—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States department of agriculture to enter into an agreement with the state of Kansas in which landowners who discover sericea lespedeza on CRP lands are not penalized.

WHEREAS, Sericea lespedeza is a prevalent, destructive, noxious weed which has established itself on more than 500,000 acres in the state of Kansas; and

WHEREAS, the secretary of agriculture for the state of Kansas has been given the authority to declare counties sericea lespedeza disaster areas; and

WHEREAS, many people in the state of Kansas are unfamiliar with sericea lespedeza, its destructive abilities and how to identify it; and

WHEREAS, when federal employees discover sericea lespedeza on Kansas landowners' CRP lands, they are penalized without first having the opportunity to attempt to eradicate this noxious weed: NOW, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* that the United States department of agriculture be urged to enter into an agreement with the state of Kansas to avoid penalizing Kansas landowners who discover sericea lespedeza on CRP lands without first being given the opportunity to eradicate the noxious weed.

*Be it further resolved:* that the Secretary of State be directed to send an enrolled copy of this resolution to the United States secretary of agriculture and to each member of the Kansas congressional delegation.

SENATE CONCURRENT RESOLUTION No. 1610—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging that Federal noxious weed cost share dollars be made available for the control of noxious weeds on CRP land in the state of Kansas.

WHEREAS, noxious weeds are a continuing problem in the state of Kansas; and

WHEREAS, noxious weeds are a drain on the state of Kansas' economy; and

WHEREAS, the government of the United States has already recognized the threat of noxious weeds to agriculture and instituted several assistance programs for battling noxious weeds: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the United States department of agriculture make cost-share dollars available to the state of Kansas for the control of noxious weeds on CRP land.

*Be it further resolved:* That the secretary of state be directed to send enrolled copies of this resolution to the United States secretary of agriculture and to each member of the Kansas congressional delegation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2055.**

Assessment and Taxation: **SB 198, SB 203.**

Commerce: **SB 202; ERO 30.**

Elections and Local Government: **SB 196.**

Federal and State Affairs: **SB 205.**

Financial Institutions & Insurance: **SB 201.**

Judiciary: **SB 188, SB 195, SB 197, SB 206.**

Public Health and Welfare: **SB 199, SB 200, SB 204.**

Transportation: **SB 194.**

#### MESSAGE FROM THE GOVERNOR

February 11, 2003

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 2003-04 for your information.

KATHLEEN SEBELIUS  
Governor

Executive Order 03-04 regards:

The Secretary of Administration shall maximize the efficient and economical operation of all state-owned and state-leased vehicles. Effective April 1, 2003 and continuing until amendment of the Kansas administrative regulation governing commuting, the head of each executive branch state agency under the jurisdiction of the Governor shall maximize the efficient and economical operation of state-owned and state-leased vehicles by prohibiting commuting in state vehicles by employees of that agency except under limited circumstances.

February 11, 2003

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 2003-05 for your information.

KATHLEEN SEBELIUS  
Governor

Executive Order 03-05 regards:

An offer of reward of five thousand dollars (\$5000) for information leading to the arrest and conviction of the individual or individuals who committed the homicides at the Great Bend Dolly Madison Cake-Discount Bakery.

The President announced Executive Order Nos. 03-04 and 03-05 are on file in the office of the Secretary of the Senate and are available for review at anytime.

#### COMMUNICATIONS FROM STATE OFFICERS

KANSAS CORPORATION COMMISSION  
Kansas State Energy Program

John Wine, Chairman, Kansas Corporation Commission, submitted the 2002 Annual Report.

#### KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

February 5, 2003

In accordance with the Kansas Health Occupations Credentialing Act (K.S.A. 65-5001, *et seq.*), Roderick L. Bremby, Secretary, submitted final findings and recommendations to the Legislature on the Kansas Physical Therapy Association's application seeking a change in the level of credentialing, from the current level of registration to licensure, of physical therapists.

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

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2008, HB 2009, HB 2014, HB 2044.**

Also, adoption of **HCR 5007.**

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2008, HB 2009, HB 2014, HB 2044; HCR 5007** were thereupon introduced and read by title.

#### CONFIRMATION OF APPOINTMENTS

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

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

On the appointment to the:

*Secretary, Department of Administration:*

Howard Fricke, to serve at the pleasure of the Governor.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Schmidt.

The appointment was confirmed.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I reluctantly vote no on the nomination of Howard Fricke to serve as Secretary of the Department of Administration. By all accounts, Mr. Fricke brings outstanding business management skills to the office—and that is desirable. But I question whether we want to set the precedent of confirming a cabinet secretary who also continues to serve as chairman of the board of a major corporation that historically has had financial relationships with the State of Kansas. Even the greatest among us cannot well serve two masters.

I have remaining questions about this matter that apparently cannot be resolved prior to today's vote, and accordingly I vote "no". —DEREK SCHMIDT

On the appointment to the:

*Secretary, Department of Commerce and Housing:*

John Moore, to serve at the pleasure of the Governor.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Secretary, Department of Corrections:*

Roger Werholtz, to serve at the pleasure of the Governor.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

On the appointment to the:

*Secretary, Department of Transportation:*

Deb Miller, to serve at the pleasure of the Governor.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

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

**SB 53** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 53.** An act concerning counties; relating to statements of expenditures; amending K.S.A. 2002 Supp. 19-228 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 9.** An act concerning jurisdiction of certain law enforcement officers; relating to Native American tribal law enforcement officers, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Clark, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle.

Nays: Bunten, Corbin, Donovan, Teichman, Tyson.

The bill passed, as amended.

**SB 11**, An act concerning the juvenile justice authority; relating to the annual budget planning process; creating a community advisory committee; relating to community graduated sanctions and prevention programs, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Morris, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Haley, Lyon, O'Connor, Pugh.

The bill passed.

#### EXPLANATION OF VOTE

MR. PRESIDENT, I vote no on **SB 11**. This legislation simply gives "formal" permission to do what the agency can already do—have advisory meetings. The advisory board formally established by this bill cannot vote. However, this is a great opportunity for resume' building! This legislation is nothing more than unnecessary expansion of government.—KAY O'CONNOR

**SB 21**, An act concerning the judicial branch of state government; relating to the nomination and selection of justices and judges; amending K.S.A. 20-119, 20-120, 20-122, 20-123, 20-124, 20-125, 20-126, 20-129, 20-133, 20-138, 20-2904, 20-2905, 20-2906, 20-2909, 20-2914 and 20-3004 and K.S.A. 2002 Supp. 20-2915 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**SB 28**, An act concerning professional corporations; amending K.S.A. 17-2709, 17-2711, 17-2712, 17-2713, 17-2714, 17-2716, 17-2717, 17-2719, 65-1425 and 65-1522 and K.S.A. 2002 Supp. 17-2707, 17-2708, 17-2710, 17-2718 and 17-7668 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 33**, An act concerning driving under the influence of alcohol or drugs; relating to penalties therefor; amending K.S.A. 2002 Supp. 8-1567 and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington,

Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Pugh.  
The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT, I vote yes on **SB 33**. This bill will enhance the tools available to combat the crime of drunk driving. While I believe we should take additional action to enact legislation to require the forfeiture of a drunk driver's vehicle upon conviction of third offense, this bill is a step in that direction. My vote on this measure is offered in memory of an outstanding Kansan, Casey Beaver, whose life was ended too soon at the hands of a criminal who chose to repeatedly drive drunk. The work of his family in advocating for this legislation is a fitting tribute to their enduring love for their son. May those who act in his name continue to make a difference in making Kansas streets safer.—DAVID ADKINS

**SB 40**, An act concerning fire protection; relating to the powers and duties of certain municipalities; amending K.S.A. 19-3612a and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 46**, An act concerning the Kansas pet animal act; relating to seizure and impoundment of animals, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 73**, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 117**, An act concerning school districts; relating to hearings provided for teachers upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438 and 72-5440 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Donovan, Kerr, Pugh.

The bill passed, as amended.

**SB 118**, An act concerning the state board of education; relating to rules and regulations; amending K.S.A. 72-7514b and repealing the existing section; also repealing K.S.A. 72-7514a, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**SB 119**, An act concerning teachers employed at the state school for the blind or the state school for the deaf; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 76-11a05, 76-11a06, 76-11a07, 76-11a08, 76-11a09, 76-11a10, 76-11a11, 76-11a12, 76-11a13 and 76-11a14 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Kerr, Pugh.

The bill passed.

**SB 120**, An act concerning school districts; relating to the powers and duties of the board of education; relating to certain expenditures; amending K.S.A. 72-5126 and 72-6760 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 57** be amended on page 2, following line 18, by inserting the following:

“(2) The power granted by this subsection shall not be construed to relieve a board from compliance with state law.”;

Also on page 2, in line 19, by striking “(2)”; in line 24, by striking “powers of local control” and inserting “power”; and the bill be passed as amended.

Also **SB 82** be amended on page 1, following the enacting clause by inserting the following:

“Section 1. K.S.A. 72-1623 is hereby amended to read as follows: 72-1623. The board shall establish and maintain a system of free public schools for all children residing in the city school district and may make all necessary rules and regulations for the government and conduct of such schools, consistent with the laws of the state. *Provided*, The board of a city having a population of more than one hundred twenty thousand (120,000) and not more than two hundred thousand (200,000) of education of U.S.D. No. 500, Kansas City, Kansas, may establish and maintain a public library and branch libraries, expenditures for which shall be paid from the general, building, and retirement funds in like manner to the same manner as school expenditures. *Provided further*, That if any city is located within the boundaries of a community high school or rural high school district that is maintaining a high school, the board shall not establish or maintain a high school. The board may divide

the city school district into subdistricts for purposes of attendance by pupils. The board shall hold the title to, and have the care and keeping of all school buildings and other school properties belonging to the city school district. The board may, in its discretion, open any or all school buildings for community purposes, and may adopt rules and regulations covering such use of school buildings.

—School buildings and other school properties not needed by the city school district may be sold by the board, at private or public sale, upon the affirmative recorded vote of at least two-thirds of all the members of the board, at a regular meeting. Proceeds from the sale of any such school building or other property shall be placed in the general fund, bond and interest fund or in the building fund of the city school district, as determined by the board of education. Conveyances shall be executed by the president of the board and attested by the clerk.

—On or about October 1 of each year, in all cities of the first class, the board shall cause to be published in a newspaper printed and published in the city a statement showing the name, position and salary of the superintendent and department heads of said school system.

Sec. 2. K.S.A. 72-1623a is hereby amended to read as follows: 72-1623a. (a) *In order to maintain and support a library authorized by K.S.A. 72-1623, and amendments thereto*, the board of education of a city of the first class which has established and is maintaining a public library and branch libraries as provided for in K.S.A. 72-1623, and amendments thereto, or of a unified or city unified school district wherein is included a disorganized district which had established and was maintaining a public library and branch libraries at the time of inclusion in the unified district, may levy annually, not to exceed 2.5 mills on each dollar of the assessed tangible valuation of the property of such district in addition to any levy otherwise authorized or by law provided, and the ad valorem receipts resulting therefrom may be in addition to any budget limitation otherwise provided for. The funds derived from the tax levies imposed under this section shall be used for libraries and library services of the school district and for the purpose of paying a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the school district.

(b) Whenever the board of education desires to increase the mill levy above 2.5 mills and such board ~~shall determine~~ *determines* that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy in an amount which together with the current levy shall not exceed a total of 4 mills. Whenever the board of education desires to increase the mill levy above 4 mills and such board ~~shall determine~~ *determines* that the current tax levy is insufficient to maintain and support the library, such board may adopt a resolution declaring it necessary to increase such annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any one year up to a total amount which shall not exceed 6 mills in any year. Any such resolution shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official city newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by not less than 5% of the qualified electors who voted at the last preceding regular city election, as shown by the poll books, is filed with the county election officer within 60 days following the date of the last publication of the resolution. ~~In the event~~ *If* a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the qualified electors voting at an election called and held thereon. All such elections shall be called and held in the manner prescribed for the calling and holding of elections upon the question of the issuance of bonds under the general bond law.

Sec. 3. K.S.A. 72-9003 is hereby amended to read as follows: 72-9003. Every board shall adopt a written policy of personnel evaluation procedure in accordance with this act ~~and file the same with the state board~~. Every policy so adopted shall:

(a) Be prescribed in writing at the time of original adoption and at all times thereafter when amendments thereto are adopted. ~~The original policy and all amendments thereto shall be promptly filed with the state board.~~

(b) Include evaluation procedures applicable to all employees.

(c) Provide that all evaluations are to be made in writing and that evaluation documents and responses thereto are to be maintained in a personnel file for each employee for a period of not less than three years from the date each evaluation is made.

(d) (1) *Except as provided herein*, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester by not later than the 60th school day of the semester, ~~except that~~. Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee~~. During the third and fourth years of employment, *every employee* shall be evaluated at least one time each school year by not later than February 15, ~~and that~~. After the fourth year of employment, every employee shall be evaluated at least once in every three years ~~by~~ not later than February 15 of the school year in which the employee is evaluated.

(2) The provisions of this subsection apply to employees of school districts, nonpublic schools and area vocational-technical schools.

(e) (1) *Except as provided herein*, provide that every employee in the first two consecutive school years of employment shall be evaluated at least one time per semester, ~~except that~~. Any employee who is not employed for the entire semester shall not be required to be evaluated, ~~and that every employee~~. During the third and fourth years of employment, *every employee* shall be evaluated at least one time each school year, ~~and that~~. After the fourth year of employment every employee shall be evaluated at least once in every three years.

(2) The provisions of this subsection apply to full-time employees of community colleges.

Sec. 4. K.S.A. 72-9006 is hereby amended to read as follows: 72-9006. ~~(a)~~ Upon request of any board, the state board shall provide ~~for~~ assistance in the preparation of policies of personnel evaluation or amendments thereto.

~~(b) If, in the case of school districts and nonpublic schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of education may apply penalties as prescribed by rules and regulations applicable to accreditation of schools.~~

~~(c) If, in the case of community colleges and area vocational-technical schools, any board fails to file an adopted policy as provided by this act, or if any such board fails to file any adopted amendment to such policy within a reasonable time after adoption thereof, the state board of regents may apply penalties as prescribed by rules and regulations applicable to approval of community colleges and area vocational-technical schools.”;~~

By renumbering sections accordingly;

Also on page 1, in line 18, by striking “Section” and inserting “Sec.”; also in line 18, following “72-124a,” by inserting “72-1623, 72-1623a,”; in line 23, preceding “and” by inserting “, 72-9003, 72-9006”;

In the title, in line 9, following “ACT”, by inserting “concerning school districts; relating to the powers and duties of the board of education; amending K.S.A. 72-1623, 72-1623a, 72-9003 and 72-9006 and repealing the existing sections; also”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 95** be passed.

Also **SB 109** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 45** be amended on page 1, following line 13, by inserting the following:

“Section 1. K.S.A. 21-3836 is hereby amended to read as follows: 21-3836. (a) Any pretrial release of any criminal defendant, whether on bail or under another form of recognizance, shall be considered as a matter of law to include a condition that the defendant will not commit, cause to be committed or knowingly permit to be committed, on the defendant’s behalf, any violation of this act. Willful violation of that condition is subject to

the sanction provided by subsection (c) of K.S.A. 21-3835, whether or not the defendant was the subject of an order under K.S.A. 21-3834.

(b) Any receipt for any bail or bond given by any court, or by any surety or bondsman and any written promise to appear on one's own recognizance shall contain notice of the provisions of subsection (a) in a conspicuous location.

(c) *Any pretrial release of any criminal defendant whether on bail or under another form of recognizance who requests and is entitled to the assistance of counsel under the provisions of K.S.A. 22-4503, and amendments thereto, shall be considered as a matter of law to include a condition that the defendant shall pay the application prescribed by K.S.A. 2002 Supp. 22-4529, and amendments thereto, and the failure to pay such fee shall constitute a violation of this act. Willful violation of such condition is subject to the sanction provided by subsection (c) of K.S.A. 21-3835, and amendments thereto, whether or not the defendant was the subject of an order under K.S.A. 21-3834, and amendments thereto.*

Also on page 1, in line 14, by striking "Section 1" and inserting "Sec. 2"; in line 30 by striking "Sec. 2" and inserting "Sec. 3"; also in line 30, following "K.S.A." by inserting "21-3836 and K.S.A."; by striking "is" and inserting "are";

In line 31, by striking "Sec. 3" and inserting "Sec. 4";

In the title, in line 10, after the second "semicolon" by inserting "conditions of bond;" following "K.S.A.", by inserting "21-3836 and K.S.A."; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Salmans the following report was adopted:

Recommended **SB 37**, **SB 48** be passed.

**SB 38** be amended by adoption of the committee amendments, and the bill be passed as amended.

**SB 74** be amended by motion of Senator Schodorf on page 1, in line 26, by striking "for" and inserting "that"; also in line 26, by striking "to" and inserting "may", and **SB 74** be passed as amended.

**SB 36** be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil, as amended by Senate Committee, on page 1, in line 28, by striking "and" where it appears for the first time and inserting a comma; also in line 28, after "committee" by inserting "and the ranking minority member of the judiciary committee of the senate"; in line 33, by striking "and" where it appears for the first time and inserting a comma; also in line 33, after "committee" by inserting "and the ranking minority member of the judiciary committee of the senate"; in line 36, by striking "and" where it appears for the last time and inserting a comma; in line 37, after "committee" by inserting "and the ranking minority member of the judiciary committee of the senate"; in line 40 by striking "and" where it appears for the first time and inserting a comma; also in line 40, after "committee" by inserting "and the ranking minority member of the judiciary committee of the senate";, and **SB 36** be passed as further amended.

**SB 29** be amended by adoption of the committee amendments. The Committee recommended **SB 29** be passed over and retain a place on the calendar.

**SB 35** be passed over and retain a place on the calendar.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 36**, **SB 37**, **SB 38**, **SB 48**, **SB 74** were advanced to Final Action and roll call.

**SB 36**, An act concerning courts; relating to the judicial council; amending K.S.A. 20-2201, 20-2202, 20-2203, 20-2204 and 20-2206 and K.S.A. 2002 Supp. 20-2207 and repealing the existing sections; also repealing K.S.A. 20-2205.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 37**, An act concerning the uniform principal and income act; relating to minerals and other natural resources; amending K.S.A. 2002 Supp. 58-9-411 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**SB 38**, An act concerning business entities; relating to annual report; filing of certain documents; franchise tax; business activities; amending K.S.A. 56-1a156 and 56-1a502 and K.S.A. 2002 Supp. 17-2036, 17-7678, 17-76,121, 17-76,139, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 48**, An act concerning tobacco; relating to the master settlement agreement; appeal bonds in certain litigation.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Schmidt.

The bill passed.

#### EXPLANATION OF VOTE

MR. PRESIDENT, my objection to this bill is that it applies only to tobacco companies. If it is good policy to cap appeals bonds—and I believe it is—we should apply that policy to all businesses or other appellants and not create a special benefit on for tobacco companies.—DEREK SCHMIDT

**SB 74**, An act concerning schools; relating to the powers and duties of the state board of education; relating to personal financial literacy programs.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2026**, submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 37, by striking "and"; in line 38, by striking "June 30, 2005" and inserting "June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010"; following line 43, by inserting new material to read as follows:

"(c) This act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto. ";

On page 3, by striking all in lines 7 through 13;

And by renumbering sections accordingly;

Also on page 3, by striking all in lines 28 through 43;

On page 4, by striking all in lines 1 through 19, and inserting new material to read as follows:

"(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.";

Also on page 4, by striking all in lines 26 through 43;

On page 5, by striking all in lines 1 through 39;

And by renumbering sections accordingly;

On page 7, by striking all in lines 8 through 21 and inserting new material to read as follows:

"(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection

(d)(2) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(3) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(4) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(5) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

Also on page 7, by striking all in lines 28 through 43;

On page 8, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

Also on page 8, by striking all in lines 40 through 43;

On page 9, by striking all in lines 1 through 5; in line 6, by striking “(b) (1)” and inserting “(a) (1)”;

by striking all in lines 18 through 27 and inserting new material to read as follows:  
“(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

Also on page 9, in line 28, by striking “(c)” and inserting “(b) (1)”; by striking all in lines 41 through 43;

On page 10, by striking all in line 1 through 23 and inserting new material to read as follows:

“(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfer prescribed by this subsection (b)(2) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2007, shall be considered to be a demand transfer from the state general fund.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfer prescribed by this subsection (b)(3) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2008, shall be considered to be a demand transfer from the state general fund.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfers prescribed by this subsection (b)(4) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2009, shall be considered to be a demand transfer from the state general fund.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*,

That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfers prescribed by this subsection (b)(5) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2010, shall be considered to be a demand transfer from the state general fund.”;

On page 12, by striking all in lines 2 through 26; in line 27, by striking “(l)” and inserting “(g)”; by striking all in lines 31 through 38; in line 39, by striking “(o)” and inserting “(h)”; in line 43, by striking “(p)” and inserting “(i)”;

On page 13, by striking all in lines 4 through 11; in line 12, by striking “(s)” and inserting “(j)”; in line 16, by striking “(t)” and inserting “(k)”; in line 20, by striking “(u)” and inserting “(l)”; by striking all in lines 30 through 43;

On page 14, by striking all in lines 1 through 43;

On page 15, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

Also on page 15, by striking all in lines 11 through 41;

And by renumbering sections accordingly;

On page 16, by striking all in lines 1 through 7; by striking all in lines 16 through 43;

On page 17, by striking all in lines 1 through 38; by striking all in lines 41 through 43;

And by renumbering sections accordingly;

On page 18, by striking all in line 1; in line 2, by striking “(b)” and inserting “(a)”; by striking all in lines 6 through 15 and inserting new material to read as follows:

“(b) (1) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(2) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(3) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(4) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..”;

On page 19, by striking all in lines 27 through 43;

On page 20, by striking all in lines 1 through 13;

And by renumbering sections accordingly;

On page 21, in line 29, preceding "K.S.A.", by inserting "On the effective date of this act,";

On page 22, in line 13, by striking "K.S.A. 2-223 and";

On page 1, in the title, in line 13, by striking "June 30, 2005, and June 30, 2006" and inserting "June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010,"; in line 17, by striking "lieutenant governor,"; in line 18, by striking "de-"; in line 19, by striking all preceding "Kansas"; in line 20, by striking all following the comma, where it appears the first time; by striking all in lines 21 and 22; in line 23, by striking "affairs,"; in line 25, by striking all following the comma, where it appears the first time; in line 26, by striking all preceding "department"; in line 27, by striking all preceding "Kansas"; by striking all in line 28; in line 29, by striking all preceding "and"; in line 33, by striking "K.S.A. 2-223 and";

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

STEPHEN MORRIS

DAVID ADKINS

PAUL FELECIANO, JR.

*Conferees on part of Senate*

MELVIN NEUFELD

CLARK SHULTZ

ROCKY NICHOLS

*Conferees on part of House*

Senator Morris moved the Senate adopt the Conference Committee Report on **S Sub for HB 2026**.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Morris, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Corbin, Gilstrap, Harrington, Huelskamp, Lyon, O'Connor, Pugh, Tyson.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT, **S Sub for HB 2026** pretends to be a "cuts" bill designed to balance our 2003 budget. However, the content of this bill brings new meaning to the words "paper cuts".

This bill adds approximately \$43 million to the welfare budget, \$27 million to the education budget, and \$4 million to corrections.

Meanwhile the principal "cuts" in the bill are to withhold \$48 million from our cities and counties and to not repay our \$95 million loan to KDOT. Based on the results of this bill, the real budget work is yet to come.—TIM HUELSKAMP

Senator Lyon requests the record to show he concurs with the "Explanation of Vote" offered by Senator Huelskamp on **S Sub for HB 2026**.

#### REPORT ON ENGROSSED BILLS

**SB 9, SB 28, SB 33** reported correctly engrossed February 11, 2003.

**SB 40, SB 46, SB 73, SB 117, SB 120** reported correctly engrossed February 12, 2003.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, February 13, 2003.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

