

Journal of the Senate

THIRTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, February 25, 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,

Contrary to what most people think,
Lawmakers are quite busy.
Just keeping up with all the mail
Can make a person dizzy.

The faxes and the phone calls
Usually need explaining,
Letters and the E-Mail:
Many of them complaining.

Conferences and caucuses,
And there's a whole lot more:
Getting prepared to carry bills
With questions from the floor.

Every week there're news letters
Plus committees and sub committees.
News from home which is not good,
And we're down to the nitty-gritty.

Trouble in the job back home,
Speeches to prepare;
Social events most every night,
Hardly time for prayer.

Though busy, help them find, O God,
A time each day to pray,
Even if they only find
Five minutes every day.

I speak from some experience, Lord,
When I find time to pray,
You always seem to help me
Accomplish more each day.

I ask this in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 244, An act concerning district coroners; amending K.S.A. 2002 Supp. 22a-215 and repealing the existing section, by Committee on Ways and Means.

SB 245, An act concerning the state fire marshal; relating to the powers and duties thereof; amending K.S.A. 31-133 and repealing the existing section, by Committee on Federal and State Affairs.

SB 246, An act authorizing the establishment of state charter schools; repealing K.S.A. 72-1903, 72-1904, 72-1906, 72-1907, 72-1908, 72-1909, 72-1910 and 72-1911, by Committee on Federal and State Affairs.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT ON AGING

Janis L. Deboer, Acting Secretary, Department on Aging, submitted the SFY 2002 Annual Report for July 1, 2001 through June 30, 2002. Also included is the 2002 Client Assessment Referral and Evaluation (CARE) Annual Report. The CARE Annual Report provides specific program data, not addressed in the 2002 Kansas Department on Aging's Annual Report.

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2112, HB 2131, HB 2158, HB 2159, HB 2166, HB 2186, HB 2191, HB 2201, HB 2220, HB 2245, HB 2280**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2112, HB 2131, HB 2158, HB 2159, HB 2166, HB 2186, HB 2191, HB 2201, HB 2220, HB 2245, HB 2280 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Vratil moved the Senate concur in house amendments to **SB 16**.

SB 16, An act concerning drivers' licenses and other identification cards; relating to application requirements; photograph fees; amending K.S.A. 8-240, 8-243 and 8-1324 and repealing the existing sections.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Brownlee, Clark, Huelskamp, Lyon, O'Connor, Pugh, Tyson.

The Senate concurred.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1821—

A RESOLUTION congratulating and commending Alicia Cabrera.

WHEREAS, Alicia Cabrera, Miss Leawood USA, was crowned Miss Kansas USA for 2003 at ceremonies held on December 1, 2002, in Wichita. She will represent Kansas in the 2003 Miss USA Pageant which will be broadcast live on the NBC network. A prior participant in beauty pageants, she was Miss Kansas Teen Hostess in 1990, a semi-finalist in the Miss Scholastic Beauty Pageant in 1995 and held the title of A.G.I.F. National Queen in 1997. She plans to use her title to speak to elementary, middle and high school students

on the importance of education and to be a positive role model for others, especially members of the Latino community; and

WHEREAS, Alicia Cabrera is a 2002 Cum Laude graduate of Avila College where she is currently pursuing an MBA degree in International Business. At Avila she has received the Spirit of Avila Award, the Theater Award, Who's Who Among College Graduates, an Irene Ryan nominee and a finalist for the Avila Aniston Award. In 2001 she studied in Seville, Spain, and in 2002 in Madrid, Spain, in intensive conversational and grammatical studies in Spanish plus Spanish culture and society; and

WHEREAS, At age 19 she was diagnosed with multiple connective tissue disease. She hopes to start a charity to create more awareness of the disease and to educate others concerning this condition; and

WHEREAS, Alicia, originally from the Oakland community of Topeka where her grandmother still resides, is to be an honoree at the 2003 Hispanic Day on the Hill at the Kansas Legislature on February 28: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Alicia Cabrera upon being named Miss Kansas USA and wish her success at the national competition; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Alicia Cabrera, 5503 West 133 Terrace, Apartment 905, Overland Park, KS 66213; Elvira Cabrera, 120 N.E. Lake Street, Topeka, KS 66616 and to Jenny Bartlett, 1717 S.W. Topeka, Topeka, KS 66612.

On emergency motion of Senator Hensley **SR 1821** was adopted unanimously.

Senator Hensley introduced Miss Cabrera and Senators joined him in welcoming her to the Senate. Accompanying Miss Kansas USA were her fianc, Josh Hill, and Elias Garcia.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 131** be passed.

Also **SCR 1604** be adopted.

SB 145 be amended on page 2, by striking all in lines 7 through 33;

And by renumbering sections accordingly;

Also on page 2, in line 34, by striking all after "74-560"; in line 35 by striking "74-567 are" and inserting "is";

On page 1, in the title, in line 10, by striking "and 74-562"; also in line 10, by striking all after "existing"; in line 11, by striking all before the period and inserting "section"; and the bill be passed as amended.

SB 191 be amended on page 1, in line 18, after the period, by inserting "No state agency shall spend more than ten cents per gallon more on fuel blends containing at least 10% ethanol than the current price per gallon of regular fuel on bulk motor vehicle fuel purchases."; in line 21, after the period, by inserting "Individual motor vehicle fuel purchases for state-owned motor vehicles shall not be more than ten cents per gallon more on fuel blends containing at least 10% ethanol than the current price per gallon of regular fuel."; and the bill be passed as amended.

SCR 1606 be amended on page 1, in the title, in line 9, by striking "legislature of the"; and the concurrent resolution be adopted as amended.

Committee on **Commerce** recommends **SB 134** be amended on page 1, in line 30, by striking "horseback riding."; in line 31, by striking all after "sites"; in line 32, by striking all before "provided" and inserting "equine riding, recreational farming activities and recreational ranching activities"; also in line 32, after the period, by inserting: "Recreational farming activities shall include all activities of farming identified in subsection (f) when performed on a recreational basis except a person's operation of farm equipment as defined by subsection (a) of K.S.A. 16-1202 and amendments thereto."; and the bill be passed as amended.

Committee on **Education** recommends **SB 83** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 83," as follows:

"Substitute for SENATE BILL No. 83

By Committee on Education

"AN ACT concerning school districts; relating to certain funds; amending K.S.A. 12-2615, 44-505c, 72-4141, 72-5390, 72-6409, 72-6425, 72-6428, 72-8209, 72-8302, 72-8316, 72-

8317, 72-8415a, 72-8415b, 75-6110 and 79-2927 and repealing the existing sections; also repealing K.S.A. 72-3703.”;

and the substitute bill be passed.

Committee on **Elections and Local Government** recommends **SB 178** be passed.

Also **SB 209** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 209,” as follows:

“Substitute for SENATE BILL No. 209

By Committee on Elections and Local Government

“AN ACT concerning fire districts, fire departments and fire companies; relating to expenses incurred in response to a fire that has been determined to be arson; amending K.S.A. 2002 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 21-4603d, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections.”;

and the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 230** be amended on page 4, following line 13, by inserting:

“Sec. 3. K.S.A. 74-8821 is hereby amended to read as follows: 74-8821. (a) The breakage deducted from the amounts paid to winning ticket holders for each parimutuel pool shall be computed by the organization licensee and disbursed as set forth in ~~subsections (b); (c) and (d) this section.~~ An accounting of the amount and disposition of the breakage shall be made by each organization licensee as directed by the commission. Except as otherwise provided by K.S.A. 74-8836, and amendments thereto, the breakage on minus pools shall be calculated in multiples of \$.05 rather than \$.10.

(b) All breakage proceeds from parimutuel wagering conducted by the organization licensee on live horse races conducted by the licensee shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived. The commission shall remit any such proceeds received 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 Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(c) *Except as provided by subsection (e),* all breakage proceeds from parimutuel wagering conducted by the organization licensee on live greyhound races conducted by the licensee shall be distributed by the licensee not later than the 15th day of the month following the race from which the breakage is derived as follows:

(1) An amount equal to 50% of the breakage shall be used at racetrack facilities where derived to supplement open stakes races as approved by the commission; and

(2) an amount equal to 50% of the breakage shall be paid as purses directly to the breeders of Kansas-whelped greyhounds pursuant to rules and regulations of the commission.

(d) All breakage proceeds from parimutuel wagering conducted by a simulcast licensee on simulcast races displayed by the licensee shall be distributed as provided by K.S.A. 74-8836, and amendments thereto.

(e) *If a racetrack facility closes or discontinues conducting races and there are undistributed breakage proceeds from parimutuel wagering conducted by the organization licensee on live greyhound races, the licensee shall distribute such proceeds to charitable organizations who apply to the organizational licensee. Such proceeds shall be distributed in accordance with the licensee’s charitable distribution guidelines. Within 30 days of such distribution, the licensee shall file a report with the commission disclosing the amounts of the distributions, the names of the distributees and the date on which the distributions were made.*

The provisions of this subsection shall apply to any racetrack facility conducting races on or before October 31, 2001.”;

By renumbering sections accordingly;

Also on page 4, in line 14, by striking “and 74-8711” and inserting “, 74-8711 and 74-8821”;

In the title, in line 9, by striking all after the semicolon; by striking all in lines 10 and 11 and inserting “relating to the regulation thereof and the distribution of moneys derived therefrom; amending K.S.A. 74-8708, 74-8711 and 74-8821 and repealing”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 66** be passed.

Also **SB 144** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 144,” as follows:

“Substitute for SENATE BILL No. 144

By Committee on Financial Institutions and Insurance

“AN ACT concerning insurance; relating to the use of credit scores in issuing certain policies.”;

and the substitute bill be passed.

Committee on **Judiciary** recommends **SB 63, SB 70, SB 111, SB 171** be passed.

Also **SB 67** be amended on page 4, in line 5, by striking “life”; in line 6, by striking all before “of” and inserting “near fatality or fatality”; in line 8, by striking all after “suffers” and inserting “a near fatality or fatality”; in line 9, before “child” by inserting “alleged”;

On page 5, in line 23, by striking “and”; after line 23, by inserting the following:

“(h) the department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purposes of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto; and”;

Also on page 5, in line 24, by striking “(h)” and inserting “(i)”; also in line 24, by striking “life threatening injury or death” and inserting “a near fatality or fatality”; and the bill be passed as amended.

SB 110 be amended on page 10, in line 10, after “of” by inserting “at least”; in line 13, after “of” by inserting “at least”;

On page 12, in line 34, by striking “\$10,000” and inserting “\$25,000”; also in line 34, before the semicolon, by inserting: “. If any person is found to have violated any provision of this act, and such violation is committed against elder or disabled persons, as defined in K.S.A. 50-676, and amendments thereto, in addition to any civil penalty otherwise provided by law, the court may impose an additional penalty not to exceed \$15,000 for each such violation”; and the bill be passed as amended.

SB 187 be amended on page 1, in line 23, before “(2)” by inserting “and”; in line 25, after “center” by inserting “, the Kansas City, Kansas community college forensic laboratory”;

On page 2, in line 2, after “fund” by inserting “, the fee for services rendered or administered by the Kansas City, Kansas community college forensic laboratory shall be deposited in the Wyandotte county general fund”; by striking all in lines 10 through 24; and the bill be passed as amended.

SB 206 be amended on page 1, in line 21, by striking “at any time” and inserting “, pursuant to the time limitations imposed by subsection (f),”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 125** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 125,” as follows:

“Substitute for SENATE BILL No. 125

By Committee on Natural Resources

“AN ACT relating to wildlife and parks; creating the big game management fund; also creating the big game management stamp; amending K.S.A. 2002 Supp. 32-988 and 32-1047 and repealing the existing sections.”;

and the substitute bill be passed.

Also **SB 155** be amended on page 3, in line 30, following “of”, by inserting “or supplemental to”;

On page 5, in line 10, preceding “(B)”, by inserting “state wildlife area, or state fishing lake.”; in line 11, following “any”, by inserting “state”; also in line 11, preceding the semicolon, by inserting “, state wildlife area, or state fishing lake”; in line 12, preceding the semicolon, by inserting “, state wildlife area, or state fishing lake”; in line 17, by striking “a”

and inserting "an on-site"; also in line 17, by striking "on the premises of the feedlot"; in line 18, by striking "a" and inserting "an on-site"; also in line 18, by striking "on the premises of the feedlot"; in line 19, preceding "feedlot", by inserting "farm, ranch, or"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SB 199** be passed.

Also **SB 106** be amended on page 1, in line 14, before "This" by inserting "(a)"; in line 21, by striking "Sec. 2." and inserting "(b)"; in line 28, by striking "Sec. 3." and inserting "(c)"; also in line 28, by striking "Kansas Department of Health and Environment" and inserting "department of health and environment"; in line 30, by striking "Kan-"; in line 31, by striking all before "is" and inserting "department of health and environment"; in line 33, by striking the semicolon and inserting a comma; in line 37, by striking "Secretary of the Kansas"; in line 38, by striking all before the period and inserting "secretary of health and environment"; in line 39, by striking "Sec. 4." and inserting "(d)"; in line 40, by striking all after "The"; in line 41, by striking "Environment" and inserting "secretary of health and environment"; in line 42, by striking "Sec. 5." and inserting "(e)"; also in line 42, by striking all after "The"; in line 43, by striking "vironment" and inserting "secretary of health and environment";

And by renumbering the remaining section accordingly; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 51** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 10 and inserting:

"(1) "Excessive compensation" shall have the meaning ascribed to such term as provided in rules and regulations adopted by the state corporation commission.";

Also on page 2, following line 12, by inserting:

"(3) "Compensation" has the same meaning as provided by 17 CFR 229.402, as in effect on July 1, 2003, or any later version as established in rules and regulations adopted by the state corporation commission.";

Also on page 2, in line 30, by striking "an increase" and inserting "a change"; following line 42, by inserting:

"(e) A publicly traded public utility shall file a clear, concise and understandable disclosure statement on or before April 1 of each year with the state corporation commission disclosing the compensation ranges of the officers of the public utility for the preceding calendar year. The disclosure statement required to be filed under this subsection shall be open for inspection by any person in accordance with K.S.A. 45-218, and amendments thereto.";

Also on page 2, in line 43, by striking "(e)" and inserting "(f)";

On page 3, in line 4, by striking "(f)" and inserting "(g)"; following line 6, by inserting:

"(h) The state corporation commission may adopt reasonable rules and regulations to implement the provisions of this section."; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 240** be passed.

REPORT ON ENROLLED BILLS

SB 8 reported correctly enrolled, properly signed and presented to the Governor on February 25, 2003.

SR 1816, SR 1817, SR 1818, SR 1819, SR 1820 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 25, 2003.

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 Brungardt in the chair.

On motion of Senator Brungardt the following report was adopted:

Recommended **SB 43, SB 55, SB 64, SB 71, SB 162** be passed.

SB 27, SB 45, SB 61, SB 91, SB 128, SB 132, SB 175 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 25 be amended by adoption of the committee amendments, be further amended by motion of Senator Allen, as amended by Senate Committee, on page 3, by striking all in lines 6 through 15, and **SB 25** be passed as further amended.

SB 130 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan, as amended by Senate Committee, on page 3, in line 15, by striking "statute book" and inserting "Kansas register", and **SB 130** be passed as further amended.

SB 29 as amended by adoption of the committee amendments, in Committee of the Whole on February 12, 2003, be further amended by motion of Senator Clark, as amended by Senate Committee, on page 100, in line 6, before "county" by inserting "location listed by section, range, township and"

The bill be further amended by motion of Senator Clark, as amended by Senate Committee, on page 96, in line 41, before "county" by inserting "location listed by section, range, township and";

On page 98, in line 15, before "county" by inserting "location listed by section, range, township and", and the Committee recommended **SB 29** 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 25**, **SB 27**, **SB 43**, **SB 45**, **SB 55**, **SB 61**, **SB 64**, **SB 71**, **SB 91**, **SB 128**, **SB 130**, **SB 132**, **SB 162**, **SB 175** were advanced to Final Action and roll call.

SB 25, An act concerning sport shooting ranges; relating to the regulation thereof; amending K.S.A. 2002 Supp. 58-3222, 58-3223 and 58-3224 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Buhler, Bunten, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Salmans, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Clark, Gilstrap, Harrington, Huelskamp, Lyon, Pugh, Schmidt, Schodorf, Tyson, Wagle.

The bill passed, as amended.

SB 27, An act relating to driving under the influence; creating requirements for alcohol and drug safety action education programs; amending K.S.A. 2002 Supp. 8-1567 and repealing the existing section.

On roll call, the vote was: Yeas 33, Nays 6, Present and Passing 1, Absent or Not Voting 0.

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

Nays: Brownlee, Clark, Donovan, Huelskamp, Lyon, Tyson.

Present and Passing: Pugh.

The bill passed, as amended.

SB 43, An act concerning the department of wildlife and parks; relating to service fees; amending K.S.A. 32-989 and repealing the existing section.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Goodwin, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Barone, Feleciano, Gilstrap, Gooch, Haley, Harrington, Huelskamp, Pugh, Steineger, Wagle.

The bill passed.

SB 45, An act concerning crimes, criminal procedure and punishment; relating to aid to indigent defendants; application fee; conditions of bond; amending K.S.A. 21-3836 and K.S.A. 2002 Supp. 22-4529 and repealing the existing sections.

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

Nays: Gooch, Haley.

The bill passed, as amended.

SB 55, An act concerning school districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 72-8205 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 61, An act enacting the uniform athlete agents act; amending K.S.A. 2002 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 44-1501, 44-1502, 44-1503, 44-1504, 44-1505, 44-1507, 44-1508, 44-1509, 44-1510, 44-1511, 44-1513, 44-1514 and 44-1515 and K.S.A. 2002 Supp. 44-1506 and 44-1512.

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, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, Pugh.

The bill passed, as amended.

SB 64, An act relating to crimes and punishment; concerning offender registration; amending K.S.A. 2002 Supp. 22-4902, 22-4903, 22-4904 and 22-4905 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.

SB 71, An act relating to the Kansas payment center; expiration thereof; amending K.S.A. 2002 Supp. 23-4,118 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 91, An act concerning law enforcement; relating to the law enforcement training center; qualifications and officer training requirements; amending K.S.A. 74-5605 and repealing the existing section.

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

Yeas: 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, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lyon, Tyson.

The bill passed, as amended.

SB 128, An act concerning schools; relating to communications between pupils and school counselors or psychologists.

On roll call, the vote was: Yeas 18, Nays 22, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Downey, Emler, Feleciano, Gooch, Goodwin, Hensley, Kerr, Morris, Oleen, Salmans, Teichman, Umbarger, Vratil.

Nays: Brownlee, Buhler, Bunten, Clark, Corbin, Donovan, Gilstrap, Haley, Harrington, Huelskamp, Jackson, Jordan, Lee, Lyon, O'Connor, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Tyson, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 128** did not pass.

SB 130, An act relating to apportioned registration of fleet vehicles; amending K.S.A. 8-1,100 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, as amended.

SB 132, An act concerning automated external defibrillators; amending K.S.A. 65-6149a 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, as amended.

SB 162, An act concerning property taxation; relating to school district ad valorem tax levy and exemption therefrom; amending K.S.A. 72-6431 and K.S.A. 2002 Supp. 79-201x 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.

SB 175, An act concerning the state general fund; relating to estimates of revenues; amending K.S.A. 75-6701 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, as amended.

CHANGE OF REFERENCE

The President withdrew **SB 7** from the Committee on Education, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 148**, **SB 233** from the Committee on Assessment and Taxation, and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 127** from the Committee on Financial Institutions and Insurance, and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 29** from the calendar under the heading of General Orders, and referred the bill to the Committee on Ways and Means.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Wednesday, February 26, 2003.

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

PAT SAVILLE, *Secretary of the Senate*.

