

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 30, 2003—10:00 a.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,

As we try to pass a budget
Which will put us to the test,
This is one of those prayers we pray
To get things off our chest.

Once again we face our task
With a certain trepidation:
It's what is commonly called
A "No-win Situation".

We are told we have no courage
If we don't increase taxation,
But if we do raise taxes
We'll face wholesale condemnation.

The alternate still remains. . .
To reduce expenditures;
"Just so the agency affected
Is not mine, but YOURS!"

If we rearrange bookkeeping
To balance it this year,
Then we're told that next year's budget
Will be much more to fear.

The truth is, Lord, we're not surprised
When all things seem to run amuck,
To deal with this is why we're paid
All those wonderful big bucks!!

In the end no doubt we'll find
That old saying is still true yet:
"When we're right no one remembers,
When we're wrong, no one forgets!"

Thank You for letting us get this off our chest, O God,
In the name of Your Son Jesus, AMEN

GUESTS

Senator Oleen introduced special guest, Pfc. Patrick Wayne Miller, one of seven POWs recently freed on April 13 near Tikrit. Pfc. Miller was one of four other members of the 507th Maintenance Company based at Fort Bliss, Texas, held in captivity for 22 days.

He was accompanied by his wife, Jessa. The couple resides in Park City with their four-year-old son, Tyler, and eight-month-old daughter, Makenzie.

On behalf of Kansas State University, Senator Oleen presented Pfc. Miller a K-State money clip.

President Kerr and members of the Senate honored Pfc. Miller with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 284, An act reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 44-704b and 44-709, K.S.A. 2002 Supp. 79-3271, K.S.A. 8-240, as amended by section 1 of 2003 Senate Bill No. 16, K.S.A. 8-1324, as amended by section 3 of 2003 Senate Bill No. 16, K.S.A. 38-1602, as amended by section 2 of 2003 House Bill No. 2314, K.S.A. 2002 Supp. 44-706, as amended by section 6 of 2003 House Bill No. 2353, K.S.A. 72-6409, as amended by section 1 of 2003 House Bill No. 2006, K.S.A. 72-8205, as amended by section 1 of 2003 Senate Bill No. 57, and K.S.A. 2002 Supp. 75-6102, as amended by section 1 of 2003 Senate Bill No. 34, and repealing the existing sections; also repealing K.S.A. 2002 Supp. 75-6102b, 79-1476b, 79-3226c and 79-3271a, K.S.A. 8-240, as amended by section 2 of 2003 House Bill No. 2192, K.S.A. 8-1324, as amended by section 4 of 2003 House Bill No. 2192, K.S.A. 38-1602, as amended by section 1 of 2003 House Bill No. 2016, K.S.A. 2002 Supp. 44-706, as amended by section 2 of 2003 House Bill No. 2332, K.S.A. 72-6409, as amended by section 8 of 2003 Substitute for Senate Bill No. 83, K.S.A. 72-8205, as amended by section 1 of 2003 Senate Bill No. 55, K.S.A. 72-9901, as amended by section 12 of 2003 House Bill No. 2006, and K.S.A. 2002 Supp. 75-6102, as amended by section 1 of 2003 House Bill No. 2068, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Ways and Means: **HB 2423; HB 2461**.

MESSAGE FROM THE GOVERNOR

SB 11, SB 37, SB 57, SB 70, SB 74, SB 132, SB 151, SB 199; Sub SB 204; SB 240 approved on April 10, 2003.

SB 55, SB 63, SB 91, SB 119, SB 120, SB 159, SB 205, SB 206 approved on April 14, 2003.

SB 7, SB 14, SB 15, SB 21, SB 33, SB 36, SB 43, SB 61, SB 64, SB 71, SB 82; Sub SB 83; SB 102, SB 103, Sub SB 104, SB 110, SB 123, SB 131; H Sub for SB 145; SB 178, SB 223, SB 225, SB 237 approved on April 21, 2003.

April 10, 2003

To the Senate of the State of Kansas:

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

Kathleen Sebelius
Governor

Member, Board of Directors of the Kansas Development Finance Authority, Brett A. Reber, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

Member, Board of Directors of the Kansas Development Finance Authority, Daniel L. Watkins, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to fulfill an unexpired term.

April 16, 2003

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 03-339 for your information.

Sincerely,

Kathleen Sebelius
Governor

The President announced Executive Directive No. 03-339, Authorizing a Transfer of Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

April 24, 2003

To the Senate of the State of Kansas:

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

Kathleen Sebelius
Governor

Executive Director of the State Gaming Agency, John E. McElroy III, pursuant to the authority vested in me by K.S.A. 74-9804, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

April 28, 2003

To the Senate of the State of Kansas:

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

Kathleen Sebelius
Governor

Member, State Corporation Commission, Robert E. Krehbiel, pursuant to the authority vested in me by K.S.A. 74-603, effective upon the date of confirmation by the Senate, to serve a term of 4 years.

State Bank Commissioner, Clarence W. Norris, pursuant to the authority vested in me by K.S.A. 75-1304, effective upon the date of confirmation by the Senate, to serve at the pleasure of the Governor.

Veto Message from the Governor
SB 134

I enthusiastically support expanding tourism in Kansas, including tourism tied to agriculture. However, **Senate Bill 134** would endanger tourists and others seeking recreation by removing any duty of care for those who offer their lands for "agritourism" or "ecotourism," even if it is for profit. This bill could actually make agritourism less attractive as a result. Therefore, I veto **Senate Bill 134**.

Under **Senate Bill 134**, an irresponsible individual could charge families to enter agricultural land, and then introduce them to dangerous conditions and equipment without having to observe even the slightest duty of care for these families' safety. Even if that individual knew of an exceedingly dangerous condition on the land or that a piece of farm equipment were damaged and unsafe, this individual would have no responsibility whatsoever to warn his patrons or take any steps to protect them from harm. These patrons would only be protected against intentionally and maliciously caused injuries. If this bill became

law, I fear we would regret it once the first child was injured while riding on unsafe farm equipment or playing in a dangerous area.

Some level of immunity may be appropriate for agritourism. But relieving the tourism industry from any duty of care simply makes no sense. I believe we can find a better balance between promoting tourism and protecting families who seek an educational and enjoyable experience on agricultural land.

Kathleen Sebelius, Governor

Dated: April 14, 2003

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **Senate Bill No. 6** with my signature approving the bill, except for the items enumerated below.

Attorney General

Interstate Water Rights Transfer Authority

Section 29(d) has been line-item vetoed in its entirety.

This section would allow the Attorney General to transfer funds between line-item appropriations to provide funds for the Colorado or Nebraska litigation. Similar authority allowing the Attorney General to transfer money to water litigation accounts has been passed in **HB 2456**. Therefore, this language is an unnecessary part of the appropriation bill. I veto this section to remove the duplication.

Judicial Council

State General Fund Appropriation

Section 33(a) has been line-item vetoed in its entirety.

SB 6 appropriates \$60,000 from the State General Fund for FY 2004 for operating expenditures of the Council. However, **SB 36**, which has been signed into law, will raise \$230,000 of new revenue from docket fee increases. Therefore, the State General Fund appropriation is not needed. For this reason, I veto this section.

Board of Regents

Human Sexuality Proviso

Section 67(i) has been line-item vetoed in its entirety.

In a democracy, academic freedom in higher education is essential. Nevertheless, every institution of higher learning in Kansas has an obligation to exercise its academic freedom responsibly. The Kansas Board of Regents has in place well-established policies and procedures to provide redress for students, parents, and taxpayers who question the educational value or appropriateness of any material used in the institutions of higher learning under the authority of the Board of Regents. Following such policies and procedures will resolve concerns within the appropriate exercise of academic freedom. Therefore, I veto the above proviso as an inappropriate use of legislative powers designed to impinge upon academic freedom in the State of Kansas.

Water Office

Authority for Internal Transfer of Funds

Section 82(d) has been line-item vetoed in its entirety.

A number of state agencies have the authority to shift funds, with the approval of the Director of the Budget, between their line-item appropriations to allow flexibility in the efficient management of fiscal resources, especially in times of reduced budgets. This authority has been in regular use for some time with no problems or complaints. This proviso departs from the authority granted to other agencies and grants authority to make budgetary decisions entirely to the Kansas Water Authority. There is no justifiable reason to remove

the Water Office from the same budgetary oversight in the prudent management of funds that other agencies are subject to. I therefore find it necessary to veto this section and request that the Legislature restore the original language.

Department of Administration

Information Technology Projects Proviso

Section 133 has been line-item vetoed in its entirety.

Section 133 would establish a procedure to restrict expenditures for information technology hardware, software, and network resources until the Director of the Budget certifies to the Director of Accounts and Reports that an agency has complied with KSA 75-7209. This statute prescribes the procedures by which agencies provide information about proposed information technology projects, including a project description, schedule, financial plan, and cost-benefit statement. This proviso duplicates the existing budget instructions that implement KSA 75-7209. Establishing an additional certification process is unduly burdensome and can result in costs to the taxpayers in both time and money. For these reasons, I veto this section.

Kathleen Sebelius, Governor

Dated: April 21, 2003

COMMUNICATIONS FROM STATE OFFICERS

STATE OF KANSAS
OFFICE OF THE ATTORNEY GENERAL

December 2, 2002

Carla J. Stovall, Attorney General, submitted the Crime Victims Compensation Board Annual Report for 2001-2002.

STATE LONG-TERM CARE OMBUDSMAN

April 24, 2003

Matthew Hickam, State Ombudsman, in accordance with the provisions of K.S.A. 75-7306, submitted the 2002 Annual Report.

KANSAS FOREST SERVICE

Kansas State University Agricultural Experiment Station and Cooperative Extension Service submitted the 2002 Annual Report.

KANSAS, INC.

Charles R. Ranson, President, submitted the Kansas, Inc. Annual Report for Fiscal Year 2002.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1855—

A RESOLUTION congratulating and commending the Washburn University mens basketball team and Coach Chipman for its success during the 2002-2003 basketball season and for being the MIAA champion.

WHEREAS, The Washburn University mens basketball team finished the 2002-2003 season with a record of 26 wins and 6 losses and with 15 wins and 3 losses during conference competition. The team won the MIAA championship, its 7th in the past 12 years. In tournament competition the team was among the final 32 teams in the NCAA Division II tournament having reached the finals of the MIAA tournament while competing in its 8th

NCAA national tournament. The Ichabods were ranked number 17 in the final poll having been as high as number 6 during the season; and

WHEREAS, The team roster consisted of the following players: Jeremy Cunningham, Norton Edmonds, John Crider, Ryan Tomlins, Matt Tinsley, Troy Douglas, Gary Woodland, Jerad Head, Alan Batiste, Steve Bonner, J.P. Meitner, Steven Kinney, Manny Clifton and Ryan Murphy;

WHEREAS, Individual player accomplishments were as follows:

Ryan Murphy—first team All-MIAA, MIAA All-Tournament team and second team All Region; and

Manny Clifton—second team All-MIAA.

Additionally, J.P. Meitner, Ryan Tomlins and Matt Tinsley were named to the MIAA Commissioner's Academic Honor Roll; and

WHEREAS, The Ichabods were coached by Head Coach Bob Chipman and Assistant Coaches Kerry Dickerson, Shannon Kruger and Matt Hundley: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Washburn University mens basketball team and Coach Chipman be congratulated and commended for its success during the 2002-2003 basketball season and for being the MIAA champion.

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Dr. Jerry B. Farley, President, Washburn University, 1700 College, Topeka, Kansas 66621.

On emergency motion of Senator Jackson **SR 1855** was adopted unanimously.

Team members were introduced and congratulated on their outstanding record. Accompanying them were Coach Bob Chipman; Assistant Coaches Kerry Dickerson, Shannon Kruger and Matt Hundley; Washburn President Dr. Jerry B. Farley and Athletic Director Loren Ferré.

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

SENATE RESOLUTION No. 1856—

A RESOLUTION congratulating and commending the Washburn University womens basketball team for its success during the 2002-2003 basketball season and for being the MIAA champion.

WHEREAS, The Washburn University womens basketball team finished the 2002-2003 season with a record of 30 wins and 4 losses. The Washburn "Lady Blues" won the MIAA conference championship for the second time in school history with a 15 to 3 conference record and the MIAA tournament for the third time in school history. Additionally, the team won the South Central Regional title and finished the season ranked number 6 in WBCA national rankings after being number 4 during the season; and

WHEREAS, The team roster consisted of the following players: Karen DeDonder, Rebekah Mueller, April Roadhouse, Carissa Goeglein, Kristy Chapman, Jill Heiman, Bethany McGraw, Ineke Ingram, Gosia Czarnicka, Alison Garrett, Erica Redman, Crystal Walker, Lora Westling, Dani McHenry and Maggie Diehl; and

WHEREAS, Individual player accomplishments were as follows:

Crystal Walker—named WBCA first team All-American; MIAA Most Valuable Player and MIAA Defensive Player of the Year; MIAA Tournament Most Valuable Player and South Central Regional Most Valuable Player;

Lora Westling—MIAA All-Tournament team;

Carissa Goeglein—All-South Central Region Tournament team; and

Kristy Chapman—All-South Central Region Tournament team.

Additionally, Kristy Chapman, Maggie Diehl, Alison Garrett, Carissa Goeglein, Bethany McGraw, Crystal Walker and Lora Westling were named to the MIAA Commissioner's Academic Honor Roll; and

WHEREAS, The Lady Blues were coached by Head Coach Ron McHenry and Assistant Coaches Lisa Curliss, Dustin Odum and Jodi Rausch: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Washburn University womens basketball team and Coach McHenry be congratulated and commended for its success during the 2002-2003 basketball season and for being the MIAA champion; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Dr. Jerry B. Farley, President, Washburn University, 1700 College, Topeka, Kansas 66621

On emergency motion of Senator Jackson **SR 1856** was adopted unanimously.

Members of the basketball team were congratulated and welcomed as guests. They were accompanied by Coach Ron McHenry; Assistant Coaches Lisa Curliss, Dustin Odum and Jodi Rausch; Washburn President Jerry B. Farley and Athletic Director Loren Ferré.

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

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating and commending the Spring Hill High School girls basketball team and Coach Bernie Smith for winning the 2003 Class 4A State Basketball Championship.

WHEREAS, The Spring Hill High School girls basketball team won the 2003 Kansas State High School Activities Association Class 4A State Basketball Championship with a thrilling 56 to 45 victory over Hayden High School in the state championship game at the Bicentennial Center in Salina on March 15; and

WHEREAS, The Spring Hill High School “Broncos” basketball team finished the season with a record of 24 wins and 2 losses and the school’s first state championship. In the first round of tournament competition the team defeated the defending state champion Andale High School team 71 to 59. They then defeated the top seeded Iola High School team 56 to 43 to advance to the championship game; and

WHEREAS, The heart of this team was the senior girls who have been playing together since the eighth grade. They have been recognized as a talented group not only in Spring Hill but throughout the Frontier League. During their high school years this group has won three league championships and three substate titles in addition to this year’s state championship. The senior members of the team were Holly Gault, Josie Gehrt, Jessica Hocker, Charise Mellen, Tracy Newton, Chelsea Nipper, Amanda Smith and Megan Sullivan; other team members were Lacey Cunningham, Mallory Hammersmith, Patience Jackson, Nancy Odrowski, Lauren Sykes and Nichole Wessel. The team would have been even more amazing had they not lost two starters to injuries. Assisting head coach Bernie Smith were assistant coaches Clay Frigon and Alicia VonStein; and

WHEREAS, Jessica Hocker was named to the 1st team of all county, all metro, all league and all state teams, Lacy Cunningham was named as Freshman of the Year for Johnson County and Coach Bernie Smith was named all metro and all Johnson County Women’s Coach of the Year, and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school’s administrators, the faculty, the students, the players’ parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Spring Hill High School girls basketball team and Coach Smith be congratulated and commended for winning the 2003 Kansas State High School Activities Association Class 4A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Dr. Wayne Burk, Principal, Spring Hill High School, 217th Street and Bronco Blvd., Spring Hill, KS 66083.

On emergency motion of Senator Brownlee **SR 1857** was adopted unanimously.

Team members were congratulated on their championship win. Accompanying them were Coach Bernie Smith; Assistant Coaches Clay Frigon and Alicia VonStein; School Principal Dr. Wayne Burk; Athletic Director Jeff Miller; and Superintendent Dr. Barton Goering.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2399** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2399," as follows:

"SENATE Substitute for HOUSE BILL No. 2399

By Committee on Ways and Means

"AN ACT concerning school districts; relating to the powers and duties thereof; relating to the financing thereof; amending K.S.A. 10-1116a, as amended by section 2 of 2003 Senate Bill No. 4, 72-6417, 72-6431 and 72-6434 and K.S.A. 2002 Supp. 79-201x and repealing the existing sections."; and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 6, SB 21 reported correctly engrossed April 7, 2003.

SB 7, SB 43, SB 64, SB 94, SB 131; H Sub for SB 145; SB 178, SB 223 reported correctly engrossed April 8, 2003.

Also: **SB 82; Sub SB 83; SB 237** correctly re-engrossed April 8, 2003.

SB 272, SB 280 reported correctly engrossed April 9, 2003.

REPORT ON ENROLLED BILLS

SR 1841, SR 1842, SR 1844, SR 1846, SR 1847, SR 1848, SR 1849, SR 1850, SR 1851, SR 1852, SR 1853, SR 1854 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 8, 2003.

SR 1843, SR 1845 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 9, 2003.

SB 6, SB 7, SB 14, SB 15, SB 21, SB 33, SB 36, SB 43, SB 61, SB 64, SB 71, SB 82; Sub SB 83; SB 102, SB 103; Sub for SB 104; SB 110, SB 123, SB 131; Sub SB 145, SB 178, SB 223, SB 225, SB 237 reported correctly enrolled, properly signed and presented to the Governor on April 11, 2003.

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

POINT OF PERSONAL PRIVILEGE

Vice President Vratil rose on a Point of Personal Privilege to recognize and congratulate Betty Quarnstrom, who is celebrating her 20th year as Senate Bill Clerk. Betty has served under five Senate Presidents—Senators Doyen, Talkington, Burke, Bond and Kerr. Betty began in 1984 and has numbered over 9,000 Senate bills and resolutions over the last 20 years.

MESSAGE FROM THE HOUSE

The House announces the appointment of Representatives Holmes, Krehbiel and Kuether to replace Representatives Vickrey, Ostmeyer and Toelkes as conferees on **SB 109**.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 281**.

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 281** was advanced to Final Action, subject to amendment, debate and roll call.

SB 281, An act enacting the economic revitalization and reinvestment act; relating to the secretary of commerce and Kansas development finance authority; authorizing the issuance of bonds for certain economic development purposes.

SB 281 be amended by adoption of the committee amendments, be further amended by motion of Senator Barone as amended by Senate Committee, on page 2, in line 16, after the period, by inserting "Such agreement for benefits shall be subject to review and approval of the state finance council created by K.S.A. 75-3708, and amendments thereto."

Senator Oleen further amended **SB 281** as amended by Senate Committee, on page 3, after line 22, by inserting the following:

"(i) All hiring and use of the employees described in subsection (c)(3)(C) by an eligible business in connection with an eligible project, shall be subject to post audit under the legislative post audit act, and amendments thereto. All audit expenses incurred shall be charged to and paid by such eligible business. All moneys received for such audit expenses shall be deposited in the state treasury and credited to the audit services fund of the division of post audit. The division of post audit is hereby authorized to conduct the audit work authorized by this section in accordance with the provisions of the legislative post audit act, and amendments thereto.

(j) The agreement described in subsection (e) shall include a provision requiring the eligible business to agree that (1) the eligible business shall be subject to post audit under the legislative post audit act, and amendments thereto, (2) the eligible business shall pay audit expenses and (3) the eligible business shall not limit access to information required under the legislative post audit act, and amendments thereto."

Senator Brownlee further amended **SB 281** as amended by Senate Committee, on page 1, in line 26, before the semicolon, by inserting "satisfies conditions imposed by the secretary, which may include, among other conditions, that the person, corporation, partnership or other entity"; in line 36, by striking all before the period and inserting "as being in the manufacturing sector";

On page 2, in line 1, by striking all before "in" and inserting "invest not less than \$500,000,000 in Kansas"; in line 3, by striking "hire not less than" and inserting "employ up to"; in line 26, after "project" by inserting "which is necessary to pay the interest on such obligations"; in line 36, by striking "the eligible"; by striking all in line 37; in line 38, by striking all before the period and inserting "with respect to debt service, the eligible business shall remain responsible for payment of the entire outstanding principal as well as any interest still outstanding, and no moneys remaining in the special economic revitalization fund shall be made available for the purpose of paying the remaining interest portion of the eligible business' debt service obligation";

On page 3, in line 3, after the period by inserting "Notwithstanding the provisions of K.S.A. 74-8908, and amendments thereto, interest paid on bonds issued under this section shall be subject to Kansas income tax."; in line 20, before "79-32,160a" by inserting "74-50,133,"; also in line 20, after "79-32,160a" by inserting ", or K.S.A. 2002 Supp. 79-32,182b or 79-32,206,"; in line 21, after "ment" by inserting ", employment or training"; in line 22, after the period, by inserting "Nothing in this subsection (h) shall be construed to prohibit the eligible business from receiving tax credits allowed by law for any investment not related to obligations issued pursuant to this section."; and **SB 281** be passed as further amended.

On roll call, the vote was: Yeas 34, Nays 6, 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, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, Pugh, Schmidt, Steineger, Tyson.

The bill passed, as amended.

ACTION ON VETO MESSAGE

The Governor's objection to **SB 134** having been read, the time has arrived for reconsideration.

SB 134, An act concerning land and water recreational areas; relating to limited liability; agritourism and ecotourism; amending K.S.A. 58-3201 and 58-3202 and repealing the existing sections.

Senator Jordan moved that **SB 134** be passed notwithstanding the Governor's Veto.

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

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

Nays: Adkins, Hensley, Steineger.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2444**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2444," as follows:

"SENATE Substitute for HOUSE BILL No. 2444

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2004, June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, June 30, 2009, and June 30, 2010; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 2002 Supp. 82a-953a, as amended by section 131 of 2003 Senate Bill No. 6, and repealing the existing section."

and the substitute bill be passed.

CORRECTION OF THE JOURNAL

Correct the Journal of the Senate on Friday, April 4, 2003, page 790, under the heading of Committee of the Whole, by striking all reference to **SB 280** and inserting in lieu thereof the following corrected action.

"**SB 280** be amended by adoption of the committee amendments, be further amended by motion of Senator Morris as amended by Senate Committee, on page 1, in line 34, by striking "74-33,145" and inserting "74-32,145", and **SB 280** be passed as further amended."

On motion of Senator Oleen the Senate adjourned until 11:30 a.m., Thursday, May 1, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

