

# Journal of the Senate

FIFTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 28, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with forty senators present.  
President Morris introduced as guest pastor, Rev. Dean E. Schmitt, North Topeka Wesleyan Church, Topeka, Kansas, who delivered the invocation.

Our Father who art in heaven, You that have made the earth, sea and everything that exists. You are the light of the world, the hope of eternity. Right now we ask You to forgive us for not placing You first in our lives. Forgive us for the sin and grief we have caused in the lives of innocent people.

I would ask that You bless and stimulate the minds of these men and women that have been elected to state offices. May they consider Your concerns. May they draw from their local districts concerns. May they organize their thoughts in such a way that the people of Kansas will be the recipients of Your glory. May these leaders grow spiritually so as to know the things that please You.

I give You great praise for allowing us to draw on Your strength today. These thoughts and concerns I pray through the blessed name of Jesus the Christ, the Son of God. Amen!

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 313**.

## REFERRAL OF APPOINTMENTS

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

*Member, Kansas Public Employees' Retirement System Board of Trustees*, Michael Braude, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Ways and Means)

*Member, Kansas Public Employees' Retirement System Board of Trustees*, Rachel Lipman Reiber, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Ways and Means)

*Member, Kansas Racing and Gaming Commission*, William J. Falstad, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Federal and State Affairs)

## COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS  
Kansas Judicial Center

April 14, 2005

In accordance with KSA Supp. 5-506, Howard Schwartz, Judicial Administrator, submitted the 2004 Annual Dispute Resolution Report.

## KANSAS TECHNOLOGY ENTERPRISE CORPORATION

Tracy Taylor, President and CEO, and Lindsay Olsen, Chairman of the Board, submitted the 2004 Annual Report.

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 the House adopts the conference committee report on **SB 181**.

Announcing the House adopts the conference committee report on **SB 216**.

The House adopts the conference committee report on **HB 2109**.

The House adopts the conference committee report on **HB 2116**.

The House adopts the conference committee report on **HB 2262**.

The House adopts the conference committee report on **HB 2338**.

The House adopts the conference committee report on **HB 2386**.

The House concurs in Senate amendments to **HB 2253** and requests the Senate to return the bill.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Committee on Health Care Strategies introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1862—

A RESOLUTION memorializing the Congress of the United States to continue the current federal moratorium on specialty hospitals.

WHEREAS, Provisions of the Medicare Modernization Act of 2003 (MMA) called for an 18-month moratorium on new specialty hospitals, while the Department of Health and Human Services (HHS) and the Medicare Payment Advisory Commission (MedPAC) study related issues; and

WHEREAS, The State of Kansas has seen more growth in the number of specialty hospitals compared to neighboring states; and

WHEREAS, MedPAC has defined criteria that categorizes a specialty hospital as one that receives at least 45% of its Medicare cases in cardiac, orthopedic, or surgical services or at least 66% of its Medicare cases in two of these categories; and

WHEREAS, The Senate Committee on Health Care Strategies held numerous hearings this 2005 session on the issue of specialty hospitals and concluded that the Kansas legislature needs to study the issue in more detail, including possible changes to the Kansas hospital licensure law; and

WHEREAS, MedPAC has unanimously endorsed the extension of the current federal moratorium on specialty hospitals: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Senate memorializes the Congress of the United States to support the recommendations and guidelines provided by the Medicare Payment Advisory Commission and extend the current federal moratorium on specialty hospitals; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

**POINT OF PERSONAL PRIVILEGE**

President Morris congratulated Carol Parrett, who is celebrating her 20th year as a Senate Journal Clerk. Carol has served under five Senate Presidents—Senators Talkington, Burke, Bond, Kerr, and Morris. Carol began her first session in 1986. She has helped put together over 3,000 journals.

**REPORTS OF STANDING COMMITTEES**

Committee on **Assessment and Taxation** recommends **HB 2480**, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2480,” as follows:

“SENATE Substitute for HOUSE BILL No. 2480

By Committee on Assessment and Taxation

AN ACT concerning property taxation; relating to oil and gas leases or properties; changes in determination of value of production; amending K.S.A. 2004 Supp. 79-331 and repealing the existing section.”;

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2228**, as amended by House Committee, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2228,” as follows:

“SENATE Substitute for HOUSE BILL No. 2228

By Committee on Ways and Means

“AN ACT concerning state procurement; relating to state purchase of products from certain qualified vendors; amending K.S.A. 75-3317 and 75-3319 and K.S.A. 2004 Supp. 75-3320 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **Substitute for HB 2512** be amended on page 1, after line 21, by inserting the following:

“Sec. 2. K.S.A. 40-3406 is hereby amended to read as follows: 40-3406. After consultation with the board of governors the director of investments may invest and reinvest moneys in the fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the following:

(a) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, including investments in mortgage-backed securities;

(b) repurchase agreements with a Kansas bank or primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(c) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm;

(d) interest-bearing time deposits in any commercial bank located in Kansas;  $\pi$

(e) the municipal investment pool fund, under K.S.A. 12-1677a, and amendments thereto;

or

(f) corporate bonds that are rated in one of the two highest credit rating categories by a nationally recognized investment rating firm.

Sec. 3. K.S.A. 40-3406 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, before the period by inserting “and investments; amending K.S.A. 40-3406 and repealing the existing section”; and the substitute bill be passed as amended.

#### ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 117, SB 181, SB 216, SB 296; S Sub for HB 2037; HB 2108, HB 2308, HB 2320, HB 2399; S for Sub HB 2507; HCR 5014.**

#### COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, 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.

Recommended **HB 2108, HB 2320, HB 2399** be passed.

**HCR 5014** be adopted.

**SB 296** be amended by motion of Senator D. Schmidt on page 13, in line 13, by striking “\$133,528” and inserting “\$131,389”; in line 16, by striking “\$130,033” and inserting “\$128,212”; in line 22, by striking “\$113,555” and inserting “\$113,232”; in line 25, by striking “\$117,005” and inserting “\$114,368”; in line 34, by striking “\$128,847” and inserting “\$127,134”; in line 37, by striking “\$125,530” and inserting “\$124,118”;

On page 14, in line 1, by striking “\$53,722” and inserting “\$58,838”

Senator Wagle moved to rerefer the bill to the Committee on Ways and Means.

On the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 16, Nays 21, Present and Passing 2, Absent or Not Voting 1.

Yeas: Barone, Brownlee, Donovan, Hensley, Huelskamp, Jordan, Kelly, Lee, McGinn, O’Connor, Ostmeyer, Palmer, Petersen, Schodorf, Steineger, Wagle.

Nays: Apple, Barnett, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Journey, Morris, Pine, Pyle, Reitz, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Present and Passing: Schmidt D, Schmidt V.

Absent or Not Voting: Allen.

The motion failed.

Senator Francisco moved to amend **SB 296** by receding from Senator Schmidt’s amendment, and amend **SB 296** as originally introduced, on page 13, line 13, by striking “133,528” and inserting “130,389”; in line 16, by striking “130,033” and inserting “127,212”; in line 22, by striking “113,555” and inserting “112,232”; in line 25, by striking “117,005” and inserting “113,368”; and in line 34, by striking “128,847” and inserting “126,134”; and in line 37, by striking “125,530” and inserting “123,118”; on page 14, in line 1, by striking “53,722” and inserting “57,838”; and **SB 296** be passed as amended.

**SB 117** be passed over and retain a place on the calendar.

The Committee rose and reported progress (see Committee of the Whole, afternoon session).

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

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## AFTERNOON SESSION

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 314**, An act concerning office-based surgeries; providing for regulation of physicians who perform office-based surgeries and special procedures, by Committee on Ways and Means.

### MESSAGE FROM THE HOUSE

Announcing passage of **SB 272**, as amended by House Substitute for **SB 272**.

### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1861—

A RESOLUTION commending 60 years of cooperative efforts by the state of Kansas and The American Legion and Veterans of Foreign Wars.

WHEREAS, The State of Kansas, through the Kansas Commission on Veterans Affairs (KCVA) and its predecessors, and The American Legion and Veterans of Foreign Wars have a sixty-year historic public-private partnership dedicated to serving veterans of the State of Kansas in obtaining their earned Veterans Administration (VA) benefits; and

WHEREAS, This partnership has assisted hundreds of thousands of veterans while saving Kansas tax revenues through American Legion and Veterans of Foreign Wars provided office space for KCVA personnel in the Department of Veterans Affairs Medical Centers and Regional Office located in the State of Kansas; and

WHEREAS, The American Legion and Veterans of Foreign Wars provides equipment, manuals, training, Veteran Service Representative Accreditation and their respective national Veterans Affairs Appeals networks to Kansas veterans and their families through the Kansas Commission on Veterans Affairs; and

WHEREAS, The American Legion and Veterans of Foreign Wars local volunteer Service Officers provide veterans and their families initial assistance and make referrals to the Kansas Commission on Veterans Affairs Field Offices in filing VA claims; and

WHEREAS, The 512 local community-based posts of The American Legion and Veterans of Foreign Wars routinely provide their facilities for the dissemination of information pertaining to veterans' benefits in support of the Kansas Commission on Veterans Affairs' mission; and

WHEREAS, The members of The American Legion and Veterans of Foreign Wars and their Auxiliaries annually volunteer thousands of hours in Kansas' three Department of Veterans Affairs Medical Centers, the Kansas Soldiers Home at Ft. Dodge, and the Kansas Veterans Home at Winfield, and donate significant sums to provide material support to veterans confined to the aforementioned facilities; and

WHEREAS, The Kansas Commission on Veterans Affairs has traditionally provided adequate staffing in American Legion and Veterans of Foreign Wars offices and other support in their unique public-private partnership: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the body commends the Kansas Commission on Veterans Affairs, The American Legion and Veterans of Foreign Wars on their sixty-year history of cooperative service to Kansas veterans and their families; and

*Be it further resolved:* It is the wish of this legislative body that the public-private partnership described in this resolution between the Kansas Commission on Veterans Affairs, The American Legion and Veterans of Foreign Wars continue for an additional 60 years.

On emergency motion of Senator Ostmeyer **SR 1861** was adopted unanimously.

President Morris and members of the Senate joined Senator Ostmeyer in a standing ovation honoring fellow Senators and doormen who are Veterans, along with special guests, Chuck Yunker, Lee Stolfus, Jeff Lawson, Gene Heiman, Ron O'Leary and Ernie Cooper.

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

SENATE RESOLUTION No. 1863—

A RESOLUTION declaring April 28, 2005, as Workers' Memorial Day in Kansas.

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

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

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

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

WHEREAS, Despite OSHA's best efforts, an American worker is injured on the job every six seconds and is killed by a job-related injury every 47 minutes—more than 10,000 deaths each year. A hundred thousand more die a slow death from cancer, lung disease or other disabling conditions caused by exposure to toxics at work; and

WHEREAS, Last year, 44 of our fellow Kansas lost their lives in the workplace; and

WHEREAS, Today, April 28, 2005, Kansas workers will remember those who have suffered and died in the workplace. They will also join their brothers and sisters all across this country in a renewed commitment to prevent those tragedies from happening again: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we remember the American workers who have been injured, disabled or killed on the job by declaring April 28, 2005, as Workers' Memorial Day in Kansas; and

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

On emergency motion of Senator Hensley **SR 1863** was adopted unanimously.

#### REPORT ON ENGROSSED BILLS

SB 151 reported correctly engrossed April 28, 2005.

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Racing and Gaming Commission: K.S.A. 74-8803

William J. Falstad, term expires January 15, 2008

Kansas Racing and Gaming Commission, Executive Director: K.S.A. 74-8805

Stephen L. Martino, serves at the pleasure of the Governor

Committee on **Ways and Means** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Public Employees' Retirement System Board of Trustees: K.S.A. 74-4905

Rachel Lipman Reiber, term expires January 15, 2009

Michael Braude, term expires January 15, 2009

#### COMMITTEE OF THE WHOLE

The Senate returned to 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 morning report and the following afternoon report were adopted:

The committee report on **HB 2507** recommending a **S Sub for HB 2507** be adopted, and the substitute bill be passed.

**SB 117** be amended by adoption of the committee amendments, be further amended by motion of Senator Barnett, as further amended by Senate Committee, on page 10, after line 33 by inserting the following:

"(b) Any information posted on an internet website sponsored or created by a sheriff's office or the Kansas bureau of investigation shall be separated by the type of crime committed that requires the offender to register. Such website report shall clearly categorize and state whether the offender has committed a crime against persons, a sex offense, a crime affecting family relationships and children or any other type of crime."

And by relettering the remaining subsections accordingly, and **SB 117** be passed as further amended.

**S Sub for HB 2482** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Umbarger, on page 18, in line 32, by striking all after "subsection"; by striking all in lines 33 and 34; in line 35, by striking all before the period

Senator Emler amended **S Sub for HB 2482**, on page 7, following line 37 by inserting the following:

"(h) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or

from any special revenue fund for fiscal year 2005 or for fiscal year 2006 as authorized by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 or for fiscal year 2006 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to expand capacity at Ellsworth correctional facility, including related infrastructure improvements: *Provided*, That such capital improvement project is hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$3,505,800, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of corrections and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.”

Senator Barnett amended **S Sub for HB 2482**, on page 20, following line 23, by inserting the following:

“(g) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year or years specified, the following:

Smoking prevention  
 For the fiscal year ending June 30, 2006..... \$500,000

(h) On July 1, 2005, or as soon thereafter as moneys are available the director of accounts and reports shall transfer \$375,000 from the state general fund to the children’s initiative fund.”

Senator Kelly amended **S Sub for HB 2482**, on page 38, following line 42, by inserting the following:

“(d) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year or years specified, the following:

After school competitive grants program  
 For the fiscal year ending June 30, 2006..... \$375,000

(e) On July 1, 2005, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2101 and amendments thereto or any other statute to the contrary, the director of accounts and reports shall transfer \$375,000 from the Kansas endowment for youth fund to the children’s initiatives fund.”

Senator Umberger amended **S Sub for HB 2482**, on page 25, following line 21, by inserting the following material to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the adjutant general from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 as authorized by section 131 of 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature, expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2006 to adopt policies and procedures for the administration and implementation of the payment of a death benefit in the amount of \$250,000 to the beneficiary or beneficiaries of each member of the Kansas national guard who, after November 1, 2004, dies as a result of federal active duty in a combat area in the line of duty, which death benefit is hereby authorized to be paid to the beneficiary or beneficiaries of such member pursuant to this subsection: *Provided*, That

such death benefit shall not be payable in any such case if such member dies as a result of committing suicide: *Provided further*, That such death benefit shall be in addition to all other benefits provided to members of the Kansas national guard: *And provided further*, That, if such member has not designated one or more beneficiaries in accordance with the policies and procedures adopted by the adjutant general for such death benefit pursuant to this subsection, then a death benefit payable for such member's death pursuant to this subsection shall be paid into such member's estate and shall be disbursed or otherwise distributed as provided by law as part of such estate: *And provided further*, That the payment of a death benefit pursuant to this subsection shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval shall be by unanimous vote of all of the members of the state finance council: *And provided further*, That the payment of a death benefit pursuant to this subsection shall be made by the adjutant general from the allocation to the adjutant general from the state emergency fund by the state finance council for such purpose pursuant to this subsection: *And provided further*, That upon a determination by the director of the budget that the unencumbered balance in the state emergency fund is insufficient to pay a death benefit pursuant to this subsection during fiscal year 2006, the director of the budget shall certify that determination to the director of accounts and reports: *And provided further*, That, upon receipt of such certification by the director of the budget, the director of accounts and reports shall transfer an amount equal to the insufficient amount from the state general fund to the state emergency fund, except that the total of all amounts transferred during fiscal year 2006 pursuant to this subsection and all amounts transferred during fiscal year 2006 pursuant to subsection (b) of K.S.A. 2004 Supp. 75-3712, and amendments thereto, shall not exceed \$10,000,000.

(d) (1) There is appropriated for the above agency from the state general fund as a death benefit for Kansas national guard members who died as a result of federal active duty in a combat area, to the following national guard members' beneficiaries for the fiscal year or years specified, the following:

Janet K. Wisdom  
915 N. 5th  
Atchison, KS 66002

For the fiscal year ending June 30, 2006..... \$250,000

*Provided*, That any unencumbered balance in the Janet K. Wisdom, 915 N. 5th Atchison, KS 66002 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

Kristy A. Clary  
3307 Newport RD  
St. Joseph, MO 64505

For the fiscal year ending June 30, 2006..... \$250,000

*Provided*, That any unencumbered balance in the Kristy A. Clary, 3307 Newport RD, St. Joseph, MO 64505 account in excess of \$100 as of June 30, 2006, is hereby reappropriated for fiscal year 2007.

(2) The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this subsection (d), upon vouchers duly executed by the adjutant general directed to pay the amounts specified to the claimants or their legal representatives or duly authorized agents, as provided by law."

Senator Umbarger further amended **S Sub for HB 2482**, on page 17, following line 1, by inserting the following:

"(c) On the effective date of this act, the amount of \$1,654,514 authorized by section 26(b) of 2005 Senate Bill No. 225 to be transferred by the director of accounts and reports from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund on June 30, 2005, is hereby increased to \$2,030,471."

Senator Umbarger further amended the **S Sub for HB 2482**, on page 18, in line 38, by striking "state general" and inserting "state economic development initiatives"

Senator Hensley moved to amend **S Sub for HB 2482**, on page 38, following line 42, by inserting the following:

“Sec. 82. (a) In addition to the other purposes for which expenditures may be made by the governor’s department from the governor’s department account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the governor’s department from the governor’s department account of the state general fund for fiscal year 2006 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,992.81 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2006 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,129.36 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2006, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for fiscal year 2006 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2006 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,567.00 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2006, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2006 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (e) for

such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2006, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2006 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,101.81 per biweekly pay period for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2006, expenditures shall be made by each state agency from the appropriations made for fiscal year 2006 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of a board for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2006, by this act or any other appropriation act of the 2005 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 5, 2005, and ending June 30, 2006, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, and prior to July 1, 2006, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 5, 2005, which is chargeable to fiscal year 2006; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(j) (1) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$332.10 for (A) the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2006 and for each of the 14 ensuing two-week periods thereafter, and (B) the two-week period which coincides with the biweekly payroll period which includes April 1, 2006, which is chargeable to fiscal year 2006 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2006, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (j)(1) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(1) and which are chargeable to fiscal year 2006.

(2) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2007, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2007 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$332.10, except as otherwise provided in this subsection (j)(2), for (A) the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2007 and for each of the 15 ensuing two-week periods thereafter, and (B) for the two-week period which coincides with the biweekly payroll period which includes April 1, 2007, which is chargeable to fiscal year 2007 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage,

telephone, office and other incidental expenses, which are chargeable to fiscal year 2007, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That, if the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for the payroll periods chargeable to the fiscal year ending June 30, 2007, then the aggregate amount of allowance payable under this subsection (j)(2) for the two-week period which coincides with the first biweekly pay period that such increase is effective and each of the two-week periods thereafter, which are chargeable to fiscal year 2007 and for which such allowance is payable under this subsection (j)(2), shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the aggregate amount of allowance otherwise payable under this subsection (j)(2): *Provided further*, That all expenditures under this subsection (j)(2) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(2) and which are chargeable to fiscal year 2007.

(k) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2006 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide an aggregate amount of \$506.34 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$258.43 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide an aggregate amount of \$407.19 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$456.80 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$456.80 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 5, 2005, which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council — operations account of the

state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for fiscal year 2006 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2006:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 5, 2005, and which are chargeable to fiscal year 2006.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2006, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2006:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2006; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 5, 2005, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2006, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2006 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$83.14 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 5, 2005, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2006: *Provided*, That all expenditures under this subsection (o) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 5, 2005, is payable and which are chargeable to fiscal year 2006.

(p) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2006, made by this or other appropriation act of the 2005 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which commences on or after June 5, 2005, and which is chargeable to the fiscal year ending June 30, 2006, and to be distributed from a salary increase pool: *Provided*, That the average of such increases shall not exceed 2.5% of the base salaries of such officers and employees; and

(2) each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which commences on or after June 5, 2005, and which is chargeable to the fiscal year ending June 30, 2006, and to be distributed from a salary increase pool: *Provided*, That the average of such increases shall not exceed 2.5% of the base salaries of such officers and employees of such official,

corporation or board. The provisions of this subsection (p)(2) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(q) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2006, the sum of \$10,230,154 to be used for the purpose of paying the <sup>13</sup>/<sub>27</sub> of the proportionate share of the cost to the state general fund of: (1) The salary increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act to provide for an increase of 2.5% in the pay rates of such pay plan for biweekly pay periods which are chargeable to the fiscal year ending June 30, 2006; and (2) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (p)(1) and subsection (p)(2).

(r) To pay <sup>13</sup>/<sub>27</sub> of the proportionate share of the cost to the state general fund of each state agency for the salary increases specified in subsection (q), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (q) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2006.

(s) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2006, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts <sup>13</sup>/<sub>27</sub> of the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases specified in subsection (q) for the fiscal year ending June 30, 2006.

(t) Each state agency of the executive branch of state government shall prepare and submit a budget estimate for <sup>13</sup>/<sub>27</sub> of such salary increases specified in subsection (q), and all amendments and revisions of such estimates, to the director of the budget on forms prescribed by the director of the budget. At the same time as each state agency submits such estimate, and all amendments and revisions thereof, each state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department.

Sec. 83.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Legislative coordinating council — operations .....	\$7,750
Legislative research department — operations .....	\$31,654
Office of revisor of statutes — operations .....	\$23,110

Sec. 84.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations (including official hospitality) .....	\$75,200
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Sec. 85.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Operations (including legislative post audit committee) ..... \$18,350  
 Sec. 86.

#### JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2006, the following:

Judiciary operations ..... \$1,070,024

Sec. 87. On the effective date of this act, Section 149 of 2005 Senate Bill. No. 225 is hereby repealed.”;

And by renumbering sections accordingly,

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

On roll call, the vote was: Yeas 21, Nays 18, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Barnett, Barone, Betts, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, Lee, McGinn, Petersen, Reitz, Schmidt V, Schodorf, Steineger, Wagle, Wysong.

Nays: Apple, Brownlee, Bruce, Brungardt, Donovan, Huelskamp, Jordan, Morris, O'Connor, Ostmeyer, Palmer, Pine, Pyle, Schmidt D, Taddiken, Umbarger, Vratil, Wilson. Absent or Not Voting: Teichman.

The motion carried and the amendment was adopted, and **S Sub for HB 2482** be passed as amended.

The following amendments offered to **S Sub for HB 2482** were rejected:

Senator O'Connor moved to amend the bill, on page 38, following line 42, by inserting the following:

“(d) During the fiscal year ending June 30, 2006, the department of education shall subtract from moneys appropriated in the special education services aid account of the state general fund an amount owed to a district for special education services equal to the amount required to provide scholarships for students who reside in the school district who qualify for a special needs scholarship in accordance with this subsection: *Provided*, That any parent of a public school special needs student who is dissatisfied with the student’s progress shall qualify for a scholarship from the state for the child to enroll in and attend a nonpublic school if: (a) The special needs student has had an individual education plan written in accordance with the rules of the department; (b) the student has been accepted for admission at a participating school; (c) the parent has requested a scholarship from the state before the deadline established by the department: *Provided further*, That the department shall notify the resident school district that a special needs student has requested a special needs scholarship. Within three business days of receipt of such notice, the resident school district shall provide the department with a copy of the student’s most current individual education plan: *And provided further*, That upon receipt of the special needs student’s request for a scholarship, the department shall review the individual education plan drafted by the student’s public school to determine the amount of the scholarship. The department shall provide the student’s parent with a timely written explanation of their determination for the amount of the scholarship: *And provided further*, That the maximum scholarship granted an eligible student shall be an amount equivalent to the cost of the educational program that would have been provided for the student in the resident school district. Although the scholarship amount is a function of a student’s individual education plan, the participating school is not required to abide by the individual education plan. The parent and the participating school mutually will determine the best services and educational plan for the student: *And provided further*, That the amount of the special needs scholarship shall be the lesser of the amount calculated under this subsection or the amount of the participating school’s estimated costs for serving the student. The costs of any assessment by the participating school of the student’s special needs may be included in the scholarship amount: *And provided further*, That the special needs scholarship shall remain in force until the student returns to a public school, graduates from high school or reaches the age of 21, whichever comes first: *And provided further*, That at any time, the student’s parent may remove the student from the participating school and place the student in another participating school or in a public school: *And provided further*, That a resident school district annually shall notify the parents of a special needs student of the special needs

scholarship program and offer that student's parent an opportunity to enroll the student in a participating school of their choice: *And provided further*, That the resident school district shall provide a participating school that has admitted an eligible student with a complete copy of the student's school records while complying with the family educational rights and privacy act of 1974 (20 U.S.C. 1232g): *And provided further*, That the resident school district shall provide transportation for an eligible student to and from the participating school in the same manner as the resident school district is required by law to provide transportation for other resident students to nonpublic schools. The resident school district shall qualify for state transportation aid for each student so transported: *And provided further*, That if the parent of an eligible student participating in this program requests that the student take the state assessments, the resident school district shall provide locations and times for the student to take all state assessments if they are not offered at the student's participating school: *And provided further*, That the department shall adopt any rules and procedures relating to the following: (a) The eligibility and participation of nonpublic schools, including timelines that will maximize student and public and nonpublic school participation; (b) the calculation and distribution of scholarships to eligible students and participating schools; (c) the application and approval procedures for eligible students and participating schools: *And provided further*, That no liability shall arise on the part of the department or the state based on the award or use of a special needs scholarship: *And provided further*, That the department may bar a school from participation in the program if the department establishes that the participating school has: (a) Intentionally and substantially misrepresented information required under section 6, and amendments thereto; (b) failed to refund to the state any scholarship overpayments in a timely manner: *And provided further*, That if the department decides to bar a participating school from the program, it shall notify eligible students and their parents of this decision as quickly as possible: *And provided further*, That to be eligible to participate in the special needs scholarship program, a nonpublic school must: (a) Operate in this state; (b) demonstrate administrative accountability; (c) ensure that students are treated fairly and kept safe; (d) comply with all health and safety laws that apply to nonpublic schools; (e) hold a valid occupancy permit, if required; (f) certify that the school will not discriminate in admissions on the basis of race, color, national origin or religion; (g) comply with all state laws that apply to nonpublic schools regarding criminal background checks for employees and exclude from employment any people not permitted by state law to work in a nonpublic school; (h) demonstrate financial accountability; (i) submit a financial information report for the school that complies with uniform financial accounting standards established by the department and conducted by a certified public accountant and certified that the report is free of material misstatements. The auditor's report shall be limited in scope to those records that are necessary for the department to make payments to schools for scholarships; (j) demonstrate financial viability by showing that the school can pay any funds owed the state, if they are to receive \$50,000 or more during the school year; (k) file with the department prior to the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of the special needs scholarships expected to be paid during the school year to students admitted to the participating school; or prior to the start of the school year, file with the department financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the special needs scholarships expected to be paid during the school year to students admitted to the participating school; (l) regularly report to the parent on the student's progress: *And provided further*, That a participating school is autonomous and not an agent of the state or federal government therefore. The department and any other state agency may not in any way regulate the educational program of a participating school that accepts a special needs scholarship. The creation of the special needs scholarship program does not expand the regulatory authority of the state, its officers or any school district to impose any additional regulation of nonpublic schools beyond those reasonably necessary to enforce the requirements of the program; and participating schools shall be given the maximum freedom to provide for the educational needs of their students without governmental control: *And provided further*, That it shall be the responsibility of a parent to select their child's school, apply for admission and apply for a special needs scholarship: *And provided further*, That any student participating in the program must comply fully with

a participating school's written code of conduct and shall remain in attendance throughout the school year, unless excused by the school for illness or other good cause. A parent may transfer an eligible student to another participating school at any time. The scholarship amount shall be prorated between participating schools according to the period of attendance at each school: *And provided further*, That a parent's decision for their student to participate in the program constitutes a nonpublic placement for purposes of the individuals with disabilities education act: *And provided further*, That as used in this subsection: (a) "Program" means the special needs scholarship program; (b) "eligible student" means any elementary or secondary student attending public school in our state with an individual education plan, including but not limited to, students who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, autistic, or hospitalized or homebound due to illness or disability; (c) "parent" has the meaning ascribed thereto in K.S.A. 72-962, and amendments thereto; (d) "resident school district" means the public school district in which the student resides; (e) "department" means the state department of education; (f) "participating school" means either a public school outside of the resident school district or any nonpublic school that: (1) Provides education to elementary and secondary students; (2) has notified the department of their intention to participate in the program; and (3) complies with the requirements of the program."

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

On roll call, the vote was: Yeas 7, Nays 28, Present and Passing 5, Absent or Not Voting 0.

Yeas: Haley, Huelskamp, Journey, O'Connor, Ostmeier, Palmer, Petersen.

Nays: Allen, Apple, Barnett, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Hensley, Kelly, Lee, McGinn, Morris, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wilson, Wysong.

Present and Passing: Brownlee, Donovan, Jordan, Taddiken, Wagle.

The motion failed and the amendment was rejected.

#### EXPLANATION OF VOTE

MR. CHAIRMAN: I vote no on the amendment because of the lack of accountability of those that receive tax dollars for private use under this amendment. The participating school is "autonomous" under this amendment. A fiscal note is not available at this time and we cannot determine the cost to the taxpayers of Kansas.—PAT APPLE

Senators Barnett, Barone, Betts, Bruce, Kelly, McGinn, Umbarger and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Apple.

MR. CHAIRMAN: I vote "AYE" on the amendment.

The cliché: "If it ain't broke, don't fix it" may seem like a cute quirky grammatical anomaly, but when it comes to many public school districts in Kansas providing students with a competent learning environment, the system "be broke."

As a product of public schools and of a 35 plus public high school English teacher, I have consistently supported full funding of public education and will continue to do so.

But, the same legislators who will not vote for adequate funding to improve the lot of the functionally illiterate (because only an additional \$127 million just won't get it done, Mr. Chair, and I, and probably the Kansas Supreme Court, know that for a fact) will not vote for alternatives for their potentially brighter academic options.

Our children's learning opportunities are in free fall crisis.

It is broken and though trial vouchers may not be the solution, we should vote consistently to try and fix it.—DAVID HALEY

Senator Brownlee moved to amend **S Sub for HB 2482**, on page 38, following line 42, by inserting the following:

"Sec. 82. (a) During the fiscal year ending June 30, 2006, no moneys appropriated from the state general fund or any special revenue fund by 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature shall be expended by any state agency in the executive branch of state government to pay for the salaries and wages or any other operating expenses for any officer or employee of such state agency in

the executive branch of state government if such state officer or employee is a family member of a state officer or employee of any state agency within the judicial branch of state government.

(b) During the fiscal year ending June 30, 2006, no moneys appropriated from the state general fund or any special revenue fund by 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature shall be expended by any state agency in the judicial branch of state government to pay for the salaries and wages or any other operating expenses for any officer or employee of such state agency in the executive branch of state government if such state officer or employee is a family member of a state officer or employee of any state agency within the judicial branch of state government.

(c) As used in this section, "family member" means (1) spouse, parent, child, or sibling; (2) sibling as denoted by the prefix half; (3) parent, child, or sibling as denoted by the prefix step; (4) foster child; (5) uncle, aunt, nephew, or niece; (6) any parent or child of a preceding or subsequent generation as denoted by the prefix of grand or great; or (7) parent, child or sibling related by marriage as denoted by the suffix of in-law.";

And by renumbering sections accordingly

Senator Huelskamp moved to amend **S Sub for HB 2482**, on page 18, by striking all in lines 7 through 35

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SB 117, SB 296; HB 2108, HB 2320, HB 2399; S Sub for HB 2482, S Sub for HB 2507; HCR 5014** were advanced to Final Action and roll call.

**SB 117**, An act concerning offender registration; amending K.S.A. 2004 Supp. 22-4902, 22-4906 and 22-4909 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I now support **SB 117** and vote in favor of this legislation. I also wish to commend the Senator from Johnson, Senator Brownlee for her tireless efforts working on this important issue. This legislation accomplishes all the major goals of legislation previously voted down by this body in the earlier form of **SB 117**. While some might misinterpret my vote and efforts regarding **SB 117**, I want to be clear. **SB 117** if adopted in its original form placed the entire offender registration system at a real risk of being declared unconstitutional. Now **SB 117** in its new form requires notice of informational services available by the Kansas Bureau of Investigation be given to every school and day care center in the State annually. **SB 117** also improves the quality of information available to Kansans. **SB 117** closes a loophole that convicted predators currently in Prison must register for 10 years or for life upon release. Kansas parents, teachers and day care providers need this information and I urge them to use it often.—PHILLIP B. JOURNEY

Senators Barnett, Barone, Betts, Brownlee, Donovan, Haley, Huelskamp, Jordan, Kelly, McGinn, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, V. Schmidt, Schodorf, Taddiken, Teichman, Wilson, Wysong request the record to show they concur with the Explanation of Vote offered by Senator Journey.

**SB 296**, An act concerning docket fees; relating to compensation for certain judicial personnel; amending K.S.A. 75-3120f and 75-3120h and K.S.A. 2004 Supp. 20-367, 21-4619, 22-2410, 28-172a, 60-2001, 61-2704, 61-4001, 75-3120g and 75-3120k and repealing the existing sections; also repealing K.S.A. 2003 Supp. 21-4619 as amended by section 59 of the 2004 session laws of Kansas.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Morris, Petersen, Pine, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Brownlee, Huelskamp, Lee, McGinn, O'Connor, Ostmeyer, Palmer, Pyle, Schmidt D.

Present and Passing: Journey.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: In light of the time and discussion given on the difficulty in funding education and our state employees, I cannot support **SB 296**. Although I agree with adjustment to the judicial salaries, the substantial pay increase is inequitable when compared to other employees in the state.—CAROLYN MCGINN

**HB 2108**, An act amending the state water plan storage act; amending K.S.A. 2004 Supp. 82a-1308a, 82a-1315b and 82a-1315c 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**HB 2320**, An act concerning the Kansas judicial center; providing for a seal of justice in the supreme court courtroom; authorizing certain gifts and donations.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**HB 2399**, An act concerning state capital improvement projects; relating to architectural and engineering services; amending K.S.A. 75-1251 and 75-1269 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**S Sub for HB 2482**, An act making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2004 Supp. 82a-953a and section 187 of 2005 Senate Bill No. 225, and repealing the existing sections; also repealing K.S.A. 2004 Supp. 82a-953a, as amended by section 186 of 2005 Senate Bill No. 225.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

Nays: Brownlee, Donovan, Huelskamp, Jordan, Journey, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Taddiken, Wagle, Wilson.

The substitute bill passed, as amended.

**S Sub for HB 2507**, An act providing for appointment of the legislative counsel; amending K.S.A. 46-1222 and repealing the existing section; also repealing K.S.A. 46-1223.

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

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Steineger.

The substitute bill passed.

**HCR 5014**, Concurrent resolution urging the United States Congress to enact a multi-year reauthorization of federal-aid highway, public transit, safety and motor carrier programs.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Steineger.

The resolution was adopted.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **H Sub for SB 272** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Barnett and Barone as a conference committee on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 216**, submits the following report:

The Senate accedes to all House 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, by striking lines 21 through 43;

By striking all on pages 2 through 9;

On page 10, by striking lines 1 through 27 and inserting:

"Section 1. K.S.A. 22-3001 is hereby amended to read as follows: 22-3001. (1) A majority of the district judges in any judicial district may order a grand jury to be summoned in any county in the district when it is determined to be in the public interest.

(2) A grand jury shall be summoned in any county within 60 days after a petition praying therefor is presented to the district court, bearing the signatures of a number of electors equal to 100 plus 2% of the total number of votes cast for governor in the county in the last preceding election. The petition shall be in substantially the following form:

The undersigned qualified electors of the county of \_\_\_\_\_ and state of Kansas hereby request that the district court of \_\_\_\_\_ county, Kansas, within 60 days after the filing of this petition, cause a grand jury to be summoned in the county to investigate alleged violations of law and to perform such other duties as may be authorized by law.

The signatures to the petition need not all be affixed to one paper, but each paper to which signatures are affixed shall have substantially the foregoing form written or printed

at the top thereof. Each signer shall add to such signer's signature such signer's place of residence, giving the street and number or rural route number, if any, ~~and shall show the precinct and ward or township of which such signer is an elector.~~ One of the signers of each paper shall verify upon oath that each signature appearing on the paper is the genuine signature of the person whose name it purports to be and that such signer believes that the statements in the petition are true. The petition shall be filed in the office of the clerk of the district court who shall forthwith transmit it to the county election officer, who shall determine whether the persons whose signatures are affixed to the petition are qualified electors of the county. Thereupon, the county election officer shall return the petition to the clerk of the district court, together with such election officer's certificate stating the number of qualified electors of the county whose signatures appear on the petition and the aggregate number of votes cast for all candidates for governor in the county in the last preceding election. The judge or judges of the district court of the county shall then consider the petition and, if it is found that the petition is in proper form and bears the signatures of the required number of electors, a grand jury shall be ordered to be summoned.

(3) The grand jury shall consist of 15 members and shall be drawn and summoned in the same manner as petit jurors for the district court. Twelve members thereof shall constitute a quorum. The judge or judges ordering the grand jury shall direct that a sufficient number of legally qualified persons be summoned for service as grand jurors.

Sec. 2. K.S.A. 22-3001 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 18 and inserting:  
 “AN ACT concerning grand juries; relating to petitions; amending K.S.A. 22-3001 and repealing the existing section.”;

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

JENE VICKREY  
 BONNIE HUY  
 TOM HOLLAND  
*Conferees on part of House*

TIM HUELSKAMP  
 KAY O'CONNOR  
 MARCI FRANCISCO  
*Conferees on part of Senate*

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **SB 216**.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2037**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2037, as follows:

On page 4, in line 34, by striking all after “have” and inserting “been eligible for normal retirement pursuant to subsection (a) of K.S.A. 20-2608, and amendments thereto, or would have been eligible for early retirement pursuant to subsection (b) or (c) of K.S.A. 20-2608, and amendments thereto, if such early retirement date occurs earlier”;

On page 18, in line 14, by striking all after “have” and inserting “been eligible for normal retirement pursuant to subsection (1) of K.S.A. 74-4914, and amendments thereto, or would have been eligible for early retirement pursuant to subsection (4) of K.S.A. 74-4914, and amendments thereto, if such early retirement date occurs earlier”;

On page 21, in line 2, after “Kansas” by inserting “and to the participating employers under K.S.A. 74-4931, and amendments thereto”; in line 34, by striking “an” and inserting “a separate”; in line 38, by striking “and”; in line 40, after “thereto” by inserting “, and a separate employer rate of contribution calculated for all other participating employers”; also in line 40, by striking all after the period; by striking all in lines 41 through 43;

On page 22, by striking all in lines 1 through 9 and inserting the following:

“(vi) There shall be a separate employer rate of contribution certified to the state of Kansas. There shall be a separate employer rate of contribution certified to participating employers under K.S.A. 74-4931, and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers.

(vii) If the combined employer rate of contribution calculated for the state of Kansas and participating employers under K.S.A. 74-4931, and amendments thereto, is greater than the separate employer rate of contribution for the state of Kansas, the difference in the two rates applied to the actual payroll of the state of Kansas for the applicable fiscal year shall be calculated. This amount shall be certified by the board as additional employer contributions for the participating employers under K.S.A. 74-4931, and amendments thereto, to the division of budget and governor who shall include in the budget each year thereafter provisions for the transfer from the state general fund of sufficient sums to satisfy this obligation. This amount shall be distributed through the same procedure as followed for the employer contribution payments under K.S.A. 74-4939 and K.S.A. 74-4939a, and amendments thereto, and then remitted by the participating employers to the Kansas public employees retirement system for deposit as additional employer contributions to the retirement benefit accumulation reserve for the participating employers under K.S.A. 74-4931, and amendments thereto.”;

On page 36, in line 27, by striking “all periods thereafter” and inserting “ending June 30, 2006”; in line 30, by striking “1.0%” and inserting “.8%”; in line 32, after the period by inserting “For the period commencing July 1, 2006, and all periods thereafter, each participating employer shall appropriate and pay to the system in such manner as the board shall prescribe in addition to the employee and employer retirement contributions an amount equal to 1.0% of the amount of compensation on which the members’ contributions to the Kansas public employees retirement system are based for deposit in the group insurance reserve fund.”;

On page 47, after line 27, by inserting the following:

“New Sec. 15. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971 and amendments thereto, on or after the effective date of this act, the office of state fire marshal shall affiliate with the Kansas police and firemen’s retirement system established under the provisions of K.S.A. 74-4951 *et seq.*, and amendments thereto, pursuant to the provisions of this act for membership in the system of members of the staff of the office of state fire marshal who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto, and who are employed in a position which such certification is required. For purposes of such affiliation for membership in the system of such members, the office of state fire marshal shall be considered a new participating employer. The office of state fire marshal shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954 and amendments thereto, to be effective on July 1, next following application. The office of state fire marshal shall affiliate for membership in the system of such members for participating service credit.

(2) The office of state fire marshal shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the office of state fire marshal shall be as provided in subsection (1) of K.S.A. 74-4967, and amendments thereto.

(b) (1) Each such member of the staff employed by the office of state fire marshal on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the office of state fire marshal as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the office of state fire marshal as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the staff of the office of state fire marshal who is on an authorized leave of absence or is in the military service on the entry date of the office of state fire marshal as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the office of state fire marshal, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Each such member who is employed as a member of the staff of the office of state fire marshal on or after the entry date of the office of state fire marshal into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(d) If the office of state fire marshal affiliates as provided in this act and each such member of the staff of the office of state fire marshal who elects to become a member subject to the provisions of K.S.A. 74-4951 *et seq.*, and amendments thereto, as applicable.

(e) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of "credited service" as used in K.S.A. 74-4951 *et seq.*, and amendments thereto, but shall include only participating service with the person's participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and firemen's retirement system.

New Sec. 16. (a) Subject to the limitations of this section, during the fiscal year ending June 30, 2006, and each fiscal year thereafter, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the death and disability program as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the Kansas public employees retirement system sufficient funds to maintain the cash flow of the death and disability program upon approval of such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. No loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of the loan shall be submitted to the director of the legislative research department. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Each such loan shall bear interest at a rate equal to the net earnings rate of the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas.

(b) Upon certification by the pooled money investment board by the executive director of the Kansas public employees retirement system of the amount of each loan authorized pursuant to subsection (a), the pooled money investment board shall transfer each such

amount certified by the executive director of the Kansas public employees retirement system from the state bank account or accounts prescribed in subsection (a) to the group insurance reserve fund.

(c) The principal and interest of each loan authorized pursuant to subsection (a) shall be repaid in payments payable on or before June 30, 2007, or June 30 of each subsequent year where a loan to the system has occurred pursuant to this section.”;

And by renumbering sections accordingly;

Also on page 47, in line 32, by striking “statute book” and inserting “Kansas register”;

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

DWAYNE UMBARGER  
STEPHEN R. MORRIS  
JIM BARONE  
*Conferees on part of Senate*

MELVIN J. NEUFELD  
BRENDA LANDWEHR  
BILL FEUERBORN  
*Conferees on part of House*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **S Sub for HB 2037**.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2308**, submits the following report:

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

On page 4, in line 38, after the period, by inserting “A board of county commissioners which orders a correction and refund of taxes pursuant to this section, shall notify the secretary of revenue of the Kansas department of revenue of such action of the board within 30 days of taking such action.”; after line 38, by inserting the following:

“New Sec. 4. Notwithstanding the statute of limitations provisions in K.S.A. 79-3230, and amendments thereto, any taxpayer receiving a refund of property taxes pursuant to section 3, after having claimed any income tax business expense deductions or income tax credits with respect to any amount of such refunded property taxes, shall file amended returns for any tax years in which such deductions or credits were claimed. Such taxpayer shall be liable for any additional income tax owed on such amended returns. Nothing in this section shall allow the filing of an amended return for any purpose other than that specifically provided for in this section.

Sec. 5. On and after July 1, 2005, K.S.A. 2004 Supp. 79-201a, as amended by section 42 of 2005 House Bill No. 2247, is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas ~~unless otherwise more specifically provided.~~

*First.* All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

*Second.* All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase

agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 to 12-1749, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, ~~and prior to the effective date of this act~~ shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, ~~and prior to the effective date of this act~~ under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July

1, 1981, and prior to the effective date of this act under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. ~~Any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after the effective date of this act under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from all property or ad valorem taxes levied except the ad valorem tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. All such property shall be exempt from taxation to the extent herein provided only for a period of 10 calendar years after the calendar year in which the bonds were issued. Such exemption shall terminate upon the failure to pay all taxes levied upon the property, and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Any property constructed or purchased in part with the proceeds of revenue bonds issued on or after the effective date of this act under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, to the extent of the value of that portion of the property financed by the revenue bonds, shall be exempt from all property or ad valorem taxes levied, except the ad valorem tax levied by a school district pursuant to K.S.A. 72-6431, and amendments thereto. All such property to the extent herein provided shall be exempt from taxation to the extent herein provided only for a period of 10 calendar years after the calendar year in which the bonds were issued. Such exemption shall terminate upon the failure to pay all taxes levied on the property, and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under the standard industrial classification codes, major groups 52 through 59, inclusive, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "standard industrial classification code" means a standard industrial classification code published in the Standard Industrial Classification manual, 1987, as prepared by the statistical policy division of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation.~~

*Third.* All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by

any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

*Fourth.* All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

*Fifth.* All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

*Sixth.* Property acquired and held by any municipality under the municipal housing law (K.S.A. 17-2337 et seq.) and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

*Seventh.* All property of a municipality, acquired or held under and for the purposes of the urban renewal law (K.S.A. 17-4742 et seq.) and amendments thereto except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

*Eighth.* All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

*Ninth.* All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

*Tenth.* All property acquired and used for state park purposes by the Kansas department of wildlife and parks.

*Eleventh.* The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

*Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

*Thirteenth.* All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

*Fourteenth.* All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

*Fifteenth.* All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

*Sixteenth.* All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

*Seventeenth.* All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

*Eighteenth.* Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

*Nineteenth.* For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

*Twentieth.* For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2000.”;

And by renumbering sections accordingly;

Also on page 4, after line 40, by inserting the following:

“Sec. 3. On and after July 1, 2005, K.S.A. 2004 Supp. 79-201a, as amended by section 42 of 2005 House Bill No. 2247, is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, after “county” by inserting “, notification, relation to income tax deductions and credits”; also in line 12, by striking “concerning the”; in line 14, after the semicolon, by inserting “exemptions;”; also in line 14, after “Supp.” by inserting “79-201a, as amended by section 42 of 2005 House Bill No. 2247, and”;

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

LES DONOVAN  
DEREK SCHMIDT  
JANIS K. LEE  
*Conferees on part of Senate*

KENNY A. WILK  
DAVID HUFF  
TOM THULL  
*Conferees on part of House*

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2308**.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was adopted.

#### **MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2537**.

Also, passage of **SB 273**, as amended by **House Substitute for SB 273; SB 298**, as amended, **SB 304**, as amended.

The House adopts the conference committee report on **SB 72**.

The House adopts the conference committee report on **HB 2026**.

The House adopts the conference committee report on **Substitute HB 2457**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2537** was thereupon introduced and read by title.

#### **CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Umbarger moved the Senate concur in house amendments to **H Sub for SB 273**.

**H Sub for SB 273**, An act concerning the effective date of 2005 Senate Bill No. 225; amending section 198 of 2005 Senate Bill No. 225 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Journey, Pyle.

The Senate concurred.

On motion of Senator Brungardt the Senate nonconcurred in the House amendments to **SB 298** and requested a conference committee be appointed.

The President appointed Senators Brungardt, Reitz and Gilstrap as a conference committee on the part of the Senate.

#### MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **House Bill 2014**, AN ACT concerning the Kansas water authority; amending K.S.A. 2004 Supp. 74-2622 and repealing the existing section; also repealing K.S.A. 2004 Supp. 74-2622a, was received on April 4, 2005 and read on April 27, 2005.

#### Message from the Governor

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **House Bill 2014**.

For its continued prosperity, our state requires an adequate supply of clean water. Every business, farm and home in the state depends on water, yet our supplies are shrinking and our needs are growing. To meet this challenge, we depend on the Kansas Water Authority to help us manage our water supply and plan for the future.

The Kansas Water Authority has worked well for 24 years, acting in the best interests of Kansans, in a non-partisan, non-political way. There is no apparent reason to change its procedures, and certainly no evidence the changes proposed in this bill will improve the functioning of the Authority.

Indeed the proposed changes will damage the authority. This bill goes much further than simply adding limits on ex officio members' participation in the authority. It reduces these members to a peripheral role, one where they are merely to "act as a resource and support for other members."

If we are to meet the challenges facing our water supply, we must have all voices be heard and need everyone to have a seat at the table. Because **House Bill 2014** makes it more difficult to meet our state's challenges, I must veto it.

Signed KATHLEEN SEBELIUS  
Date April 4, 2004

A motion was made that, notwithstanding the Governor's objections, **House Bill 2014** be reconsidered. By a vote of 83 Yeas and 41 Nays, the motion failed to receive the necessary two-thirds constitutional majority vote of the elected members of the House of Representatives, and the veto of **House Bill 2014** was sustained.

#### MESSAGE FROM THE HOUSE

Announcing a veto message from the Governor on **House Bill 2503**, AN ACT concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, was received on April 15, 2005 and read on April 27, 2005.

#### MESSAGE FROM THE GOVERNOR

"Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **HB 2503**.

"As governor, nothing is more important to me than the safety and good health of our citizens. Kansans must be assured when they receive care in a hospital or clinic that their providers meet high standards of safety and responsibility. But these standards should be written and enforced by doctors, not politicians.

"I will continue to work closely with the Kansas Medical Society and the Board of Healing Arts in developing standards that will protect the well being of every Kansan who chooses the services of any surgical clinic, including those that would be covered in this bill. I am confident that strong standards, offering real protection across all procedures, will be adopted by the Board in the near future.

“Once again in 2005, the Legislature has chosen pure politics over good policy, has rejected uniform standards for all procedures, and has instead chosen to regulate only one procedure—abortion. As the number of outpatient surgeries grow rapidly in Kansas and throughout the country, it is wise to update our regulatory oversight to ensure the best possible treatment for all patients. Unfortunately, **HB 2503** falls far short of meeting this basic standard of care. I have stated repeatedly that I will sign this law when it includes all surgical procedures and all surgical centers to ensure the safety of all Kansans.

“For these reasons, I veto **HB 2503**. I strongly urge the Legislature, upon its return, to endorse the appropriate clinic standards that the Board of healing Arts is currently putting into place. We should encourage physicians and other health care professionals to work through the Board of Healing Arts for the speedy development of standards that apply to all surgical clinics and protect the health of every patient. There is no justifiable reason to do less.”

Signed KATHLEEN SEBELIUS

Date April 15, 2005

A motion was made that, notwithstanding the Governor’s objections, **House Bill 2503** be reconsidered. By a vote of 82 Yeas and 42 Nays, the motion failed to receive the necessary two-thirds constitutional majority vote of the elected members of the House of Representatives, and the veto of **House Bill** was sustained.

#### MESSAGE FROM THE HOUSE

Announcing the House nonconcurs in Senate amendments to **Senate Substitute for HB 2482**, requests a conference and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2507**, requests a conference and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 272** and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

#### ORIGINAL MOTION

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **S Sub for HB 2482**.

The President appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **S Sub for HB 2507**.

The President appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, April 29, 2005.

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

PAT SAVILLE, *Secretary of the Senate*.

#### CORRECTION OF THE JOURNAL

Correct the Journal of the Senate for Wednesday, April 27, 2005, page 760, by adding Senator Hensley’s name at the end of the protest and also to show Senator Lee concurs with the Protest offered by Senator Hensley on **SR 1859**.

