

# Journal of the Senate

FIFTY-NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 29, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There are some time-honored proverbs and maxims which have been helpful in making decisions. But some of them are not always appropriate for our situation. For instance:

They tell us to let sleeping dogs lie. But some sleeping dogs really should be awakened.

They tell us that the squeaking wheel gets the grease. But some squeaking wheels do not deserve the grease.

They tell us not to rock the boat. But there are some boats which not only need to be rocked, but need to be sunk.

Please give us the wisdom, O God, to decide  
Which dogs to wake up;  
Which squeaks to ignore;  
Which boats to sink.

I pray in the name of Jesus Christ,

AMEN

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Committee of the Whole: **SR 1862; HB 2537.**

Public Health and Welfare: **SB 314.**

## MESSAGE FROM THE HOUSE

Announcing the House herewith transmits certificate of action by the House of Representatives on **Senate Bill 123**, An act concerning the state treasurer; authority to charge certain fees.

The veto message from the Governor having been received, a motion was made that notwithstanding the Governor's objections to **Senate Bill 123**, the bill be passed. By a vote of 82 Yeas and 42 Nays, the motion not having received the required two-thirds majority of the members elected to the House of Representatives voting in the affirmative, the bill not pass and the veto was sustained.

## CERTIFICATE

In accordance with K.S.A. 45-08, it is certified that, **Senate Bill 123**, was not approved by the Governor on April 8, 2005; was returned by her with her objections and approved on April 27, 2005 by two-thirds of the members elected to the Senate notwithstanding the

objections of the governor; was reconsidered by the House of Representatives but failed to be approved on April 28, 2005, by two-thirds of the members elected to the House as required by the Constitution and laws of the State of Kansas.

This certificate is made this 29th day of April 2005 by the Chief Clerk and Speaker of the House of Representatives and the President and Secretary of the Senate.

JANET E. JONES

*Chief Clerk of the House of Representatives of the State of Kansas*

DOUG MAYS

*Speaker of the House of Representatives of the State of Kansas*

#### **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 72, SB 304; HB 2314.**

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

Senator Jordan moved the Senate concur in house amendments to **SB 304.**

**SB 304.** An act concerning the development finance authority; regarding authority to issue bonds; amending K.S.A. 2004 Supp. 74-8905 and repealing the existing section.

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

Yeas: 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 Senate concurred.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 72**, 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 2, by striking all in lines 42 and 43;

By striking all on pages 3 through 13 and inserting the following:

“New Sec. 2. (a) Trafficking is:

(1) Recruiting, harboring, transporting, providing or obtaining, by any means, another person knowing that force, fraud, threat or coercion will be used to cause the person to engage in forced labor or involuntary servitude; or

(2) benefitting financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in subsection (a)(1).

(b) Trafficking is a severity level 2, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 3. (a) Aggravated trafficking is:

(1) Trafficking, as defined in section 1, and amendments thereto:

(A) Involving the commission or attempted commission of kidnapping, as defined in K.S.A 21-3420, and amendments thereto;

(B) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

(C) resulting in a death; or

(2) recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

(b) Aggravated trafficking is a severity level 1, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.”;  
 And by renumbering the remaining sections accordingly;  
 On page 14, in line 1, by striking “19-1910, 19-4444,”; also in line 1, by striking the third comma; in line 2, by striking all before “hereby” and inserting “is”;  
 In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking “19-1910, 19-”; in line 17, by striking “4444.”; also in line 17, by striking “, 21-4603d and 21-4729”; in line 18, by striking “sections” and inserting “section”;  
 And your committee on conference recommends the adoption of this report.

WARD LOYD  
 THOMAS C. OWENS  
 PAUL T. DAVIS  
*Conferees on part of House*

JOHN VRATIL  
 TERRY BRUCE  
 GRETA GOODWIN  
*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 72**.  
 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 2314**, 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 amendments, as follows:

On page 1, by striking all in lines 17 through 43;  
 By striking all on pages 2 and 3;  
 On page 4, by striking all in lines 1 through 27;  
 And by renumbering the remaining sections accordingly;  
 On page 5, by striking all in lines 38 through 43;  
 On page 6, by striking all in lines 1 through 27;  
 And by renumbering the remaining sections accordingly;  
 Also on page 6, in line 28, by striking “22-4902,”; also in line 6, by striking “and 22-4909 are” and inserting “is”;  
 In the title, in line 12, before “amending” by inserting “relating to timing.”; in line 13, by striking “22-4902,”; also in line 13, by striking “and 22-4909”; in line 14, by striking “sections” and inserting “section”;

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

JOHN VRATIL  
 TERRY BRUCE  
 GRETA GOODWIN  
*Conferees on part of Senate*

WARD LOYD  
 THOMAS C. OWENS  
 PAUL T. DAVIS  
*Conferees on part of House*

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2314**.

Senator Brownlee offered a substitute motion to not adopt the conference committee report and a new conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate on **HB 2314**.

#### CONFIRMATION OF APPOINTMENTS

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

Senator D. Schmidt moved the following appointments be confirmed as recommended by the Standing Senate Committees:

On the appointment to the:

*By the Attorney General:*

*Crime Victims Compensation Board:*

Paula Suzanne Salazar, term expires March 15, 2009.

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 appointment was confirmed.

On the appointment to the:

*By the Governor:*

*Kansas Public Employees' Retirement System Board of Trustees, Member:*

Michael Braude, term expires January 15, 2009.

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 appointment was confirmed.

On the appointment to the:

*Kansas Public Employees' Retirement System Board of Trustees, Member:*

Rachel Lipman Reiber, term expires January 15, 2009.

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 appointment was confirmed.

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Stephen L. Martino, Executive Director, to serve at the pleasure of the Governor.

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, Francisco, Gilstrap, Goodwin, Haley, Hensley, 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.

Nays: Emler, Huelskamp.

The appointment was confirmed.

On the appointment to the:

*Kansas Racing and Gaming Commission:*

William J. Falstad, Member, term expires January 15, 2008.

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, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

On the appointment to the:

*Kansas Racing and Gaming Commission:*

Kristine A.K. McKechnie, Member, term expires January 15, 2009.

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, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

#### **REPORT ON ENGROSSED BILLS**

**SB 215** reported correctly re-engrossed April 29, 2005.

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 Vice President Vratil in the chair.

#### **POINT OF PERSONAL PRIVILEGE**

Senator Haley rose on a Point of Personal Privilege to introduce the Honorable Joe Reardon, newly elected Mayor/CEO of the Unified Government of Wyandotte County/Kansas City, Kansas, who was visiting in the Senate Chamber.

#### **COMMUNICATIONS FROM STATE OFFICERS**

##### **HOUSE OF REPRESENTATIVES**

April 28, 2005

On behalf of the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project Committee, Representative Ward Loyd, Chairman, submitted the 2005 Committee Report to the Kansas Legislature.

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

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

Announcing the House accedes to the request of the Senate for a conference on **SB 298** and has appointed Representatives Edmonds, Siegfried and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **HB 2314** and has appointed Representatives Loyd, Owens and Davis as second conferees on the part of the House.

**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: **S Sub for HB 2228; HB 2299; S Sub for HB 2480; S Sub for HB 2481; Sub HB 2512.**

**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 Emler in the chair.

On motion of Senator Emler the following report was adopted:

On emergency motion of Senator D. Schmidt, **HB 2537** was advanced to the first order of business.

Recommended **HB 2537** be passed.

The committee report on **HB 2480** recommending a **S Sub for HB 2480** be adopted, and the substitute bill be passed.

**Sub HB 2512** be amended by adoption of the committee amendments, and the bill be passed as amended.

**S Sub for HB 2228** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Teichman, on page 3, after line 28 by inserting the following:

“Sec. 4. K.S.A. 75-3322 is hereby amended to read as follows: 75-3322. (a) Whenever the ~~Kansas industries for the blind division and rehabilitation services and rehabilitation facilities~~ *qualified vendors* are unable to supply the products or services needed or are unable to meet delivery requirements on any order or requisition, a written waiver shall immediately be forwarded to the director of purchases *by the state agency procurement officer or purchasing officer of the unified school district by the secretary of social and rehabilitation services or the secretary's designee and that. If approved by the director of purchases, such* waiver shall relieve and exempt the state or unified school district purchasing authority from the mandatory provisions of K.S.A. 75-3317 to 75-3322, inclusive, and amendments thereto, in the case of the specific order, request or requisition.

(b) *Whenever a unified school district has purchased or has entered into contracts for purchase for a substantial amount of a product or products, as described in K.S.A. 75-3320, and amendments thereto, from a qualified vendor or vendors during a unified school district fiscal year, the unified school district may petition the director of purchases for a waiver. A waiver may be granted to a unified school district from any further compliance with the state use law for the remainder of such unified school district fiscal year if the director of purchases, with the recommendation and approval of the committee, finds that purchases have been made or contracts for purchase have been entered into for a substantial amount of such product or products from a qualified vendor or vendors during such unified school district fiscal year. In determining whether a unified school district has purchased or has entered into contracts for purchase for a substantial amount of such product or products, the director of purchases and the committee shall consider the overall need for such product or products by such unified school district.”;*

And by renumbering the remaining sections accordingly;

On page 5, in line 17, by striking the first “and” and inserting a comma; also in line 17, after “75-3319” by inserting “and 75-3322”;

In the title, in line 10, by striking “and” and inserting a comma; in line 11, after “75-3319” by inserting “and 75-3322”

Senator Brownlee amended **S Sub for HB 2228**, on page 5, following line 16, by inserting the following:

“(h) On July 1, 2009, the state use law committee is hereby abolished.”, and **S Sub for HB 2228** be passed as amended.

**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator D. Schmidt an emergency was declared by a ⅔ constitutional majority, and **S Sub for HB 2228, S Sub for HB 2480; Sub HB 2512; HB 2537** were advanced to Final Action and roll call.

**S Sub HB 2228**, An act concerning state procurement; relating to state purchase of products from certain qualified vendors; amending K.S.A. 75-3317, 75-3319 and 75-3322 and K.S.A. 2004 Supp. 75-3320 and repealing the existing sections.

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

Yeas: 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, Wilson, Wysong.  
Absent or Not Voting: Wagle.

The substitute bill passed, as amended.

**S Sub HB 2480**, 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.

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

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, Wilson, Wysong.  
Absent or Not Voting: Wagle.

The substitute bill passed.

**Sub HB 2512**, An act concerning the health care stabilization fund; relating to certain expenditures and investments; amending K.S.A. 40-3406 and repealing the existing section.

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

Yeas: 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, Wilson, Wysong.  
Absent or Not Voting: Wagle.

The substitute bill passed, as amended.

**HB 2537**, An act reconciling amendments to certain statutes; amending K.S.A. 2004 Supp. 19-101a, 44-661, 44-820, 65-5703, 74-2622, 74-32,151, 8-135, as amended by section 1 of 2005 Senate Bill No. 23, 12-187, as amended by section 1 of 2005 Senate Bill No. 58, 12-189, as amended by section 2 of 2005 Senate Bill No. 58, 12-189, as amended by section 3 of this act; 12-192, as amended by section 3 of 2005 Senate Bill No. 58, K.S.A. 12-520, as amended by section 11 of 2005 House Bill No. 2083, K.S.A. 2004 Supp. 12-1770a, as amended by section 1 of 2005 Senate Substitute for House Bill No. 2144, 21-4619, as amended by section 2 of 2005 House Bill No. 2128, 21-4619, as amended by section 9 of this act, K.S.A. 40-3641, as amended by section 5 of 2005 House Bill No. 2326, K.S.A. 2004 Supp. 44-706, as amended by section 5 of 2005 Senate Bill No. 108, 60-1103b, as amended by section 15 of 2005 Senate Bill No. 258, 65-5603, as amended by section 1 of 2005 House Bill No. 2130, 74-50,115, as amended by section 1 of 2005 House Bill No. 2102 and 79-32,117, as amended by section 10 of 2005 House Bill No. 2222, and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, 44-661a, 44-820a, 65-688a, 65-5703a, 74-567a, 74-2622a, 74-32,151a, 74-4911h, 82a-714a, 8-135, as amended by section 1 of 2005 House Bill No. 2124, 12-187, as amended by section 1 of 2005 Senate Bill No. 105, 12-187, as amended by section 1 of 2005 Senate Bill No. 295, 12-189, as amended by section 1 of 2005 Senate Bill No. 13, 12-189, as amended by section 2 of 2005 Senate Bill No. 295, 12-192, as amended by section 3 of 2005 Senate Bill No. 295, 12-520, as amended by section 1 of 2005 House Substitute for Senate Bill No. 24, 12-1770a, as amended by section 1 of

2005 House Bill No. 2140, K.S.A. 2003 Supp. 21-4619, as amended by section 59 of chapter 154 of the 2004 Session Laws of Kansas, K.S.A. 2004 Supp. 21-4619, as amended by section 1 of 2005 House Bill No. 2466, K.S.A. 40-3641, as amended by section 3 of 2005 House Bill No. 2325, K.S.A. 2004 Supp. 44-706, as amended by section 1 of 2005 House Bill No. 2157, 60-1103b, as amended by section 2 of 2005 Senate Bill No. 112, 65-5603, as amended by section 2 of 2005 Senate Bill No. 116, 74-50,115, as amended by section 1 of 2005 House Bill No. 2164 and 79-32,117, as amended by section 1 of 2005 Senate Bill No. 256.

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

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, Wilson, Wysong.

Absent or Not Voting: Wagle.

The bill passed.

#### CHANGE OF CONFERENCE

The Vice President announced the appointment of Senators Donovan, Wilson and Gilstrap as members of the Conference Committee on **HB 2122** to replace Senators Vratil, Bruce and Goodwin.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2299**, 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 amendments, as follows:

On page 3, by striking all in lines 31 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 36;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 37, by striking "and 44-596 are" and inserting "is";

In the title, in line 13, by striking "and advisory council"; in line 14, by striking "and 44-596"; also in line 14, by striking "sections" and inserting "section";

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

DONALD L. DAHL

TODD NOVASCONE

CANDY L. RUFF

*Conferees on part of Senate*

KARIN BROWNLEE

NICK JORDAN

LAURA KELLY

*Conferees on part of House*

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2299**.

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

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, Wilson, Wysong.

Absent or Not Voting: Wagle.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. VICE PRESIDENT: I support and vote in favor of **HB 2299**. This is a reversal of my

previous vote on this bill in its original form. Now this bill restores balance between the various interests represented and adds the new positions for medical professionals, a Physical Therapist and an Occupational Therapist. These additions will bring new and needed expertise to a committee intended to advise this body on one of our most difficult issues, workman's compensation.—PHILLIP B. JOURNEY

#### ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **S Sub for HB 2507**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2507**, 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. 2507, as follows:

On page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 46-912 is hereby amended to read as follows: 46-912. There is hereby established the joint committee on special claims against the state which shall have 13 members consisting of five members of the senate and eight members of the house of representatives. The representative members shall be appointed by the speaker, and the senator members shall be appointed by the senate committee on organization, calendar and rules. ~~Not less than two representative members and two senator members shall be attorneys licensed to practice law in the state of Kansas.~~ *Not less than one member shall be an attorney licensed to practice law in the state of Kansas.* Not less than one representative member shall be a member of the house committee on appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In the biennium commencing with the convening of the regular session of the legislature in 1979, and in the biennium commencing with the convening of the regular session of the legislature each four years thereafter, the chairperson of the joint committee shall be a representative member designated by the speaker of the house of representatives. In the biennium commencing with the convening of the regular session of the legislature in 1981, and in the biennium commencing with the regular session of the legislature each four years thereafter, the senate committee on organization, calendar and rules shall designate a senator member to be the chairperson of the joint committee. If a chairperson shall die, resign or otherwise be incapable of serving as chairperson for the full two-year period, a successor shall be designated to fill the unexpired portion of such period in the same manner as the original chairperson was selected. The members appointed from each house shall include minority party representation thereon. The joint committee shall meet in the interim between legislative sessions on the call of the chairperson as authorized by the legislative coordinating council. Any seven members of the joint committee shall constitute a quorum. Any action of such joint committee may be taken by an affirmative vote of a majority of the members present, if a quorum is present.

The provisions of article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the joint committee on special claims against the state to the extent the same do not conflict with the specific provisions of this act applicable to such committee.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 25, after “K.S.A.” by inserting “46-912.”;

In the title, in line 9, after “ACT” by inserting “concerning the legislature;” also in line 9, after the semicolon by inserting “concerning the composition of the joint committee on special claims against the state;”; in line 10, after “K.S.A.” by inserting “46-912 and”; also in line 10, by striking “section” and inserting “sections”;

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

DWAYNE UMBARGER  
JAY SCOTT EMLER  
JIM BARONE  
*Conferees on part of Senate*

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

Senator D. Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for HB 2507**.

On roll call, the vote was: Yeas 31, Nays 8, Present and Passing 0, Absent or Not Voting 1.

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

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

Absent or Not Voting: Wagle.

The Conference Committee report was adopted.

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

Senator Betts, Donovan, Journey, McGinn, Petersen, Schodorf and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1864—

A RESOLUTION congratulating and commending the Wichita State University women's bowling team for winning the 2005 intercollegiate bowling national championship.

WHEREAS, The Wichita State University (WSU) women's bowling team won the 2005 intercollegiate national championship in Rockford, Illinois, on April 20-24, 2005; and

WHEREAS, WSU led after 32 Baker games on day one. On day two the team defeated Erie Community College 4 games to 1 in a best of 7 series, McKendree College 4.5 games to 2.5 and Morehead State University 4 games to 2 to advance to the semi-finals. The team defeated Western Illinois 4 games to 0 in the semi-finals and West Texas A&M 2 games to 0 in the finals to win the national championship; and

WHEREAS, The WSU women's team has won seven intercollegiate bowling national championships: 1975, 1977, 1978, 1986, 1990, 1994 and 2005, and has advanced to the national tournament a record 30 times; and

WHEREAS, Head Coach Gordon Vadakin has coached the team since 1978, leading them to the intercollegiate bowling national championship tournament 27 times and has coached the team to five national titles; and

WHEREAS, Women's Coach Mark Lewis and Assistant Women's Coach Kristal Scott directly coached the 2005 WSU women's team to the national championship at Rockford, Illinois; and

WHEREAS, WSU Senior Anita Manns was named to the All-American First Team and MVP of the All-American First Team, Player of the Year in Women's Collegiate Bowling, and MVP of the Intercollegiate Bowling Championships Tournament: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend the Wichita State University women's bowling team for winning the 2005 intercollegiate bowling national championship tournament; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Head Coach Gordon Vadakin, Assistant Head Coach Mark Lewis, Assistant Women's Coach Kristal Scott and team members Chelsie Bahr, Clara Guerrero, Caroline Lagrange, Diana Leal, Emily Maier, Anita Manns, Ruth Papa, Olivia Sandham, Cathy Westberg, Felicia Wong, Samantha Wong, and Jennifer Wright, all in care of Wichita State University, 1845 N. Fairmount, Wichita, KS 67260-0056.

On emergency motion of Senator Betts **SR 1864** was adopted unanimously. Senator Betts introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1865—

A RESOLUTION designating July 30, 2005, as E.C. Tyree Health Clinic Day.

WHEREAS, The E.C. Tyree Health Clinic was established in 1990 to meet the health care service needs of socio-economically disadvantaged families. The E.C. Tyree Health Clinic serves multiracial citizenry in Sedgwick county; and

WHEREAS, The E.C. Tyree Health Clinic's mission is "To reach all persons who know or need to know Jesus Christ through Praise, Fellowship and Empowerment as we grow and build for the Kingdom"; and

WHEREAS, The E.C. Tyree Health Clinic conducts annual health fairs to address healthy lifestyles, through nutrition and fitness, HIV/Aids awareness, diabetes screening and various other diseases, which negatively affect the minority community; and

WHEREAS, The E.C. Tyree Health Clinic operates solely with the assistance of volunteers from within the community including a physician, surgeon and a host of nurses; and

WHEREAS, The E.C. Tyree Health Clinic has served more than 690 patients with various illnesses in the past year; and

WHEREAS, The E.C. Tyree Health Clinic is celebrating 15 years of service to the community on July 30, 2005, and will continue to serve those in need of health and wellness: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the body designates July 30, 2005 as E.C. Tyree Health Clinic Day and asks that every citizen participate in any way to fight disease and help raise funds for those in need of health care; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Vickie McDaniel, 1658 N. Lorraine St., Wichita, KS 67214.

On emergency motion of Senator Betts **SR 1865** was adopted unanimously.

**REPORT ON ENROLLED BILLS**

**SR 1858, SR 1859, SR 1860, SR 1861, SR 1863** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 29, 2005.

**MESSAGE FROM THE HOUSE**

Announcing the House adopts the conference committee report on **SB 118**.

The House adopts the conference committee report on **Senate Substitute for HB 2037**.

The House adopts the conference committee report on **HB 2308**.

On motion of Senator D. Schmidt, the Senate recessed until 6:00 p.m.

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EVENING SESSION

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

**MESSAGE FROM THE HOUSE**

Announcing the House nonconcur in Senate amendments to **Senate Substitute for HB 2228**, requests a conference and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

The House announces the appointment of Representatives Hayzlett, Faber and Long to replace Representatives Loyd, Owens and Davis as conferees on **HB 2122**.

**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 bill: **SB 118**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 118**, 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 2, in line 18, after the semicolon by inserting "and"; in line 20, after the semicolon by striking "and"; by striking all in lines 21 and 22; by striking all in line 43;

On page 3, by striking all in line 1; in line 4, by striking all before "approve"; in line 41, before "di-" by inserting "list of products and services shall be certified by the"; in line 42, after "purchases" by inserting ", who"; also in line 42, by striking all after "list"; in line 43, by striking all before the period;

On page 4, by striking all in line 8; by striking all in line 9; in line 10, by striking "the committee"; by striking all in lines 18 and 19; in line 20, by striking "(e)" and inserting "(d)";

On page 5, by striking all in lines 7 through 43;

On page 6, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

In the title, in line 11, by striking "by" and inserting "from";

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

MELVIN NEUFELD

JO ANN POTTORFF

JERRY HENRY

*Conferees on part of House*

KARIN BROWNLEE

NICK JORDAN

LAURA KELLY

*Conferees on part of Senate*

Senator Brownlee moved the Senate adopt the Conference Committee Report on **SB 118**.

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.

**CHANGE OF CONFERENCE**

The Vice President announced the appointment of Senator Vratil as a member of the Conference Committee on **SB 298** to replace Senator Reitz.

**ORIGINAL MOTION**

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2228**.

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., Saturday, April 30, 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 758, under the heading of Reports of Standing Committees, to show the corrected standing committee report on **HB 2482**, to read as follows:

Committee on **Ways and Means** recommends **HB 2482**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2482," as follows:

"SENATE Substitute for HOUSE BILL No. 2482

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008 and June 30, 2009, 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."; and the substitute bill be passed.

Also, correct the Journal of the Senate for Thursday, April 28, page 800, under the heading of Final Action on Bills and Concurrent Resolutions, to reflect the corrected title on **S Sub for HB 2482** as shown above.

