

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 15, 2006—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator O'Connor was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I read somewhere that if a dog could talk he would tell his master, "You feed me, you protect me, you pet me, you must be God." On the other hand if a cat could talk he would tell his master, "You feed me, you protect me, you pet me, I must be God."

Sometimes we act more like cats than dogs. Senators may be tempted to act more like cats if they get to thinking that there are only forty Senators out of 2,800,000 people. But the Chaplain could act like a cat when he realizes, "So what! There's only one Senate Chaplain in the whole state of Kansas."

Then You remind me, Lord, that Senators have to be chosen by a majority of thousands of voters, and that has to happen every four years, while I have to be chosen by only one person, the Senate President.

Thank you, Lord, for continuing to remind us that there is only one God, and You are the One!

I pray in the Name of Jesus Christ,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

SB 567. An act concerning the Kansas law enforcement training act; amending K.S.A. 74-5603, 74-5604a, 74-5606, 74-5607a, 74-5608a, 74-5611, 74-5616, 74-5617, 74-5619 and 74-5620 and K.S.A. 2005 Supp. 12-4117, 20-362, 28-172a, 74-5602, 74-5605, 74-5607 and 74-5611a and repealing the existing sections, by Committee on Federal and State Affairs.

SB 568. An act concerning the court of appeals; amending K.S.A. 2005 Supp. 20-3002 and repealing the existing section, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1621—

By Senator Brungardt

A CONCURRENT RESOLUTION recognizing the establishment of the first Boy Scout troop in America at Salina and supporting the establishment of the Museum of Scouting at Salina.

WHEREAS, Fund raising efforts are underway to construct a Museum of Scouting at Salina to commemorate Boy Scouts and Girl Scouts. The 6,000 square foot building will be constructed on the Yesteryear Museum grounds on the north edge of town; and

WHEREAS, Although not widely known, the first Boy Scout troop in America was established in Salina in 1910. F. John Romanes, an Englishman, brought scouting to Salina

and America. Romanes had served in the English army and was acquainted with Lord Baden Powell, the originator of scouting. He had been involved in scouting in Beaulieu, Scotland, before coming to America on a visit with family members. While visiting a former classmate in Salina, he was persuaded to join the staff at St. John's Military School; and

WHEREAS, Mr. Romanes started promoting scouting shortly after joining the school staff in 1909. The first troop was formally organized on January 21, 1910, and was composed of the 10 boys in the church choir at Christ Cathedral church. A second troop was organized consisting of boys from Salina, and shortly thereafter a troop was established in Minneapolis. As today the scout troops existed to develop scouts physically, mentally and spiritually. Early activities consisted of camping organized in a military manner. Cooking was over an open fire, and a daily schedule was followed which included instruction in crafts and first-aid plus ample opportunity for singing, swimming and physical training; and

WHEREAS, With a large donation from Stewart and Ellen Horejsi, the project has generated \$300,000 in donations and pledges, enough to assure its completion but with further funds being required. The museum will have equal space for Boy Scouts and Girl Scouts but is not affiliated or sponsored by the scouting organizations: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Kansas legislature recognizes the establishment of the first Boy Scout troop in America at Salina and indicates its support for the establishment of the Museum of Scouting at Salina which will preserve memorabilia of the Boy Scouts and Girl Scouts and promote Salina and north-central Kansas as a tourist destination.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 564**.

Commerce: **SB 560**.

Education: **SB 563, SB 566; HB 2585**.

Federal and State Affairs: **SB 555; HB 2541**.

Financial Institutions & Insurance: **HB 2669, HB 2806**.

Health Care Strategies: **SB 557**.

Judiciary: **SB 556, SB 562**.

Natural Resources: **SB 561**.

Transportation: **SB 554, SB 558, SB 559**.

Utilities: **HB 2592**.

Ways and Means: **SB 553, SB 565**.

COMMUNICATIONS FROM STATE OFFICERS

HOUSE OF REPRESENTATIVES

Kansas Criminal Justice Recodification,
Rehabilitation and Restoration Project

January 20, 2006

As required by KSA 2005 Supp. 22-5101, Ward Loyd, Chairman, submitted the Kansas Criminal Justice Recodification, Rehabilitation and Restoration Project 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 passage of **Substitute HB 2525; HB 2619, HB 2634, HB 2678, HB 2705, HB 2856**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2525; HB 2619, HB 2634, HB 2678, HB 2705, HB 2856 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Teichman the Senate nonconcurrred in the House amendments to **SB 269** and requested a conference committee be appointed.

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

FINAL ACTION ON CONSENT CALENDAR

SB 510; HB 2608 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

SB 510, An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 2005 Supp. 68-101 and 68-402b 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, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: O'Connor.

The bill passed.

HB 2608, An act concerning the Kansas health policy authority; relating to administrative hearings; amending K.S.A. 2005 Supp. 75-37,121, 75-7413 and 75-7414 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, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: O'Connor.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 221, An act concerning mentally ill persons subject to involuntary commitment for care and treatment; unlawful acts; restoration of certain rights; docket fee; amending K.S.A. 59-104, 59-2948, 59-2966 and 59-2974 and K.S.A. 2005 Supp. 21-4203 and 21-4204 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 374, An act relating to the registration of vehicles; concerning self-propelled cranes; amending K.S.A. 8-128 and K.S.A. 2005 Supp. 8-142 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 379. An act concerning governmental consolidation and reorganization; amending K.S.A. 12-301, 12-302, 12-3901, 12-3903, 12-3904, 12-3909 and 18-202 and K.S.A. 2005 Supp. 19-101a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 37, Nays 2, 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, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Lee, Pyle.

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 381. An act concerning criminal proceedings before trial; relating to pleas; amending K.S.A. 2005 Supp. 22-3210 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 384. An act concerning income taxation; providing a checkoff for Kansas military emergency relief; providing a checkoff for breast cancer research, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 386. An act concerning air contaminant emission sources; amending K.S.A. 65-3002 and 65-3005 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

SB 392. An act concerning drainage districts; relating to the board of directors; relating to the membership thereof; amending K.S.A. 24-409 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

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

Present and Passing: Francisco.

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 405, An act concerning certain foreign insurance companies doing business in this state; pertaining to the commissioner's waiver of certain requirements; amending K.S.A. 40-209 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 464, An act concerning the Kansas underground utility damage prevention act; providing for rules and regulations, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed, as amended.

SB 495, An act concerning the credit union administrator; relating to the appointment thereof; amending K.S.A. 17-2233 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

HB 2628, An act relating to motor vehicles; concerning the license plates; amending K.S.A. 2005 Supp. 8-132 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

HB 2629, An act regulating traffic; concerning the size limitations of certain vehicles; amending K.S.A. 8-1904 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

HB 2630, An act regulating traffic; concerning the weight limitations of certain vehicles; amending K.S.A. 8-1909a and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

HB 2631, An act relating to motor vehicles; concerning firefighter license plates; amending K.S.A. 2005 Supp. 8-1,155 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: O'Connor.

The bill passed.

REPORT ON ENROLLED BILLS

SB 349 reported correctly enrolled, properly signed and presented to the Governor on February 13, 2006.

SR 1810, SR 1811, SR 1812 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 14, 2006.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 436** be amended on page 2, in line 27, by striking all after "(b)"; in line 28, by striking "(c)"; in line 30, by striking "(d)" and inserting "(c)"; in line 35, by striking "(e)" and inserting "(d)";

On page 3, in line 32, by striking all after "procedure"; in line 33, by striking all before the period; in line 42, by striking "the state board of regents,";

On page 4, by striking all in lines 3 through 5;

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

Committee on **Utilities** recommends **HB 2590**, as amended by House Committee of the Whole, be amended on page 2, in line 20, after the period by inserting "Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 grant fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 grant fee is paid pursuant to K.S.A. 12-5234, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 grant fee established pursuant to K.S.A. 12-5324, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act"; in line 30, after the period, by inserting "Notwithstanding any other provision of this act, no VoIP service user shall be liable for, nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act"; in line 34, after the period, by inserting "Notwithstanding any other provision of this act, no VoIP service user shall be liable for,

nor shall any VoIP provider be required to collect, the VoIP enhanced 911 local fee on any interconnected VoIP service upon which an emergency telephone tax is paid pursuant to K.S.A. 12-5302, and amendments thereto, or upon which a wireless enhanced 911 local fee is paid pursuant to K.S.A. 12-5330, and amendments thereto. In addition, no service user shall be liable for, nor shall any service supplier, telecommunications public utility, telecommunications carrier or wireless carrier be required to collect the emergency telephone tax imposed pursuant to K.S.A. 12-5302, and amendments thereto, or the wireless enhanced 911 local fee established pursuant to K.S.A. 12-5330, and amendments thereto, for any interconnected VoIP service upon which a VoIP enhanced 911 fee is paid pursuant to this act"; and the bill be passed as amended.

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 Teichman in the chair.

On motion of Senator Teichman the following report was adopted:

Recommended **SB 397** be passed.

The committee report on **SB 358** recommending a **Sub SB 358** be adopted, and the substitute bill be passed.

The committee report on **SB 463** recommending a **Sub SB 463** be adopted, and the substitute bill be passed.

SB 332, SB 407, SB 470, SB 500 be amended by adoption of the committee amendments, and the bills be passed as amended.

The Committee recommended **HB 2284**, as amended by adoption of the committee amendments in Committee of the Whole, Wednesday, March 23, 2005, be passed as amended.

SB 481 be amended by motion of Senator Taddiken, on page 1, in line 18, by striking "K.S.A. 2005 Supp. 72-"; in line 19, by striking "6445a" and inserting "section 7";

On page 6, in line 37, before the period, by inserting ", except that all such transfers during the fiscal year ending June 30, 2007, shall be considered to be revenue transfers from the state general fund";

On page 7, following line 26, by inserting:

"New Sec. 7. (a) Unless the context otherwise requires, as used in this section, "district" means: (1) Any school district formed by consolidation in accordance with article 87 of chapter 72 of the Kansas Statutes Annotated; or (2) any school district formed by disorganization and attachment in accordance with article 73 of chapter 72 of the Kansas Statutes Annotated, and amendments thereto, if all the territory which comprised a disorganized district is attached to a single district.

(b) (1) For the purposes of determining the amount of supplemental general state aid, the state board shall determine the ranking of each of the former school districts of which the district is composed as required by subsection (a)(2) of K.S.A. 72-6434, and amendments thereto, for the school year prior to the effectuation of the consolidation or attachment.

(2) For the school year in which the consolidation or attachment is effectuated and the next succeeding two school years, the ranking of the district for the purposes of subsection (a)(2) of K.S.A. 72-6434, and amendments thereto, shall be the ranking of the district receiving the highest amount of supplemental general state aid determined under paragraph (1).";

By renumbering sections, and **SB 481** be passed as amended.

SB 388 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken, as amended by Senate Committee, on page 1, in line 30, after "(a)" by inserting "There is hereby created in the state treasury the Kansas qualified biodiesel fuel producer incentive fund.

(b)";

Also on page 1, in line 34, by striking "(b)" and inserting "(c)", and **SB 388** be passed as further amended.

A motion by Senator Barone to amend **SB 388** failed and the following amendment was rejected: as amended by Senate Committee, on page 1, in line 22, by striking "highway" and inserting "general"; in line 28, by striking "highway" and inserting "general"

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 16, 2006.

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

PAT SAVILLE, *Secretary of the Senate.*

