

Journal of the Senate

FIFTY-FOURTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 29, 2006—10:00 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 chaplain, Rabbi Lawrence P. Karol, Temple Beth Sholom, Topeka, Kansas, who delivered the invocation:

Eternal One, Creator and Sustainer of the Universe,
Gracious Sovereign of Existence,
we thank You for this opportunity to engage in the work
of serving the citizens of our state.
It is You, Compassionate One, to whom we turn
when we consider laws and policies that will govern the lives
of children and those less fortunate among us.
It is You, Guide and Teacher, who grants us
knowledge to discern the meanings and
implications of proposals and budgets.
It is You, the True Judge, who sharpens
our sense of justice in creating a welcoming community
that promotes both order and fairness.
It is You, Merciful and Patient One,
who gives us the ability
to speak to one another with respect and consideration.
It is You, our Guardian, who will grant us safety wherever we are.
And we pray that You, the Caring Presence in our lives,
will be with us each day
to give us hope that the work done here makes a
positive impact on the lives of all Kansans
to grant us courage to stand up for personal convictions,
to bestow upon us blessing
when we are a blessing to each other,
In Your name, we pray, each of us in our own way.
And let us say Amen.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:
Assessment and Taxation: **Sub HB 2023; Sub for Sub HB 2689; HB 3017.**
Education: **Sub HB 2986; HB 3012.**
Judiciary: **HB 2819.**
Public Health and Welfare: **HB 2792.**

CHANGE OF REFERENCE

The President withdrew **HB 2753** from the Committee on Ways and Means, and rereferred the bill to the Committee on Commerce.

The President withdrew **SB 501**, **HB 2986** from the Committee on Education, and referred the bills to the calendar under the heading of General Orders.

The President withdrew **Sub HB 2088** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

March 20, 2006

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 2006-04 for your information.

KATHLEEN SEBELIUS
Governor

The President announced Executive Order 06-04, declaring a Drought Warning or Drought Watch for counties in designated areas, is on file in the office of the Secretary of the Senate and is available for review at any time.

SB 436 approved on, March 27, 2006.

COMMUNICATIONS FROM STATE OFFICERS

SUPREME COURT OF KANSAS
Kansas Judicial Center
March 24, 2006

In accordance with KSA 1998 Supp. 5-506, Howard Schwartz, Judicial Administrator, presented the 2005 Annual Dispute Resolution Report.

UNIVERSITY OF KANSAS

Chancellor Robert E. Hemenway submitted the University of Kansas Annual Report 2005.

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 passage of **SB 431**, as amended by **House Substitute for SB 431; Substitute SB 323**, as amended.

Adoption of **SCR 1625**.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2105**, requests a conference and has appointed Representatives Neufeld, Landwehr and Henry as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2366**, requests a conference and has appointed Representatives Shultz, Carter and Dillmore as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2529**, requests a conference and has appointed Representatives Vickrey, Huebert and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2553**, requests a conference and has appointed Representatives Shultz, Carter and Dillmore as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2582**, requests a conference and has appointed Representatives Vickrey, Huebert and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2583**, requests a conference and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2585**, requests a conference and has appointed Representatives Decker, Horst and Storm as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Substitute HB 2727**, requests a conference and has appointed Representatives Edmonds, Siegfried and Burroughs as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2874**, requests a conference and has appointed Representatives Cox, Humerickhouse and Grant as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2949**, requests a conference and has appointed Representatives Neufeld, Powell 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 52** and has appointed Representatives Neufeld, Landwehr and Freeborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 180** and has appointed Representatives O'Neal, Kinzer and Pauls 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 196** and has appointed Representatives Cox, Humerickhouse and Grant 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 217** and has appointed Representatives Jim Morrison, Mast and Kirk as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 260** and has appointed Representatives Gordon, Huntington and Winn 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 270** 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 **SB 324** and has appointed Representatives Gordon, Huntington and Winn 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 337** and has appointed Representatives O'Neal, Kinzer and Winn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 352** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 365** and has appointed Representatives Wilk, Huff and Thull as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 366** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 404** and has appointed Representatives Wilk, Huff and Thull as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 435** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 442** and has appointed Representatives Shultz, Carter and Dillmore as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **Substitute SB 449** and has appointed Representatives C. Holmes, Krehbiel and Kuether as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 475** and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **SB 505** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **SB 506** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 574** and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 579** and has appointed Representatives Neufeld, Landwehr and Feuerborn as conferees on the part of House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **Sub SB 323** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **H Sub for SB 431** and requested a conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **H Sub for SB 522** and requested a conference committee be appointed.

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

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **Sub SB 539** and requested a conference committee be appointed.

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

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 547** and requested a conference committee be appointed.

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

ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2105**.

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

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **S Sub for HB 2366**.

The President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2529**.

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

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2553**.

The President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2582**.

The President appointed Senators Huelskamp, O'Connor and Betts as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2583**.

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

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2585**.

The President appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **Sub HB 2727**.

The President appointed Senators Brungardt, Reitz and Hensley as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2874**.

The President appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2949**.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2576**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Senator Vratil, the Senate adopted the conference committee report on **HB 2576**, and requested a new conference committee be appointed.

The President appointed Senators Vratil, Bruce and Goodwin as a second Conference Committee on the part of the Senate on **HB 2576**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1825—

A RESOLUTION congratulating and commending the Iola High School girls basketball team and Coach Becky Carlson for winning the 2006 Class 4A State Basketball Championship.

WHEREAS, The Iola High School girls basketball team won the 2006 Kansas State High School Activities Association Class 4A State Basketball Championship with a thrilling 46 to 40 victory over Andover Central High School in the state championship game at Salina's Bicentennial Center on March 11; and

WHEREAS, The Iola High School "Fillies" basketball team finished the season with a record of 24 wins and two losses; and

WHEREAS, The team defeated Baldwin High School 56 to 21 to become the Class 4A substate champion and advance to the state tournament. At the state tournament the team defeated Hayden High School 34 to 21 in their first game of the tournament. In the semi-finals they defeated Kingman High School 53 to 36 to advance to the championship game; and

WHEREAS, The members of this team were Kayleigh Strickler, Rosalyn Lewallen, Molly Stanley, Melissa Miller, Heather Rourk, Emily Larson, Tyner Apt, Sabrina Strickler, Marissa Scott, Misty Powelson, Emily Middleton, Alana Middleton and Megan Catron; and

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

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

Be it resolved by the Senate of the State of Kansas: That the Iola High School girls basketball team and Coach Becky Carlson be congratulated and commended for winning the 2006 Kansas State High School Activities Association Class 4A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate provide 17 enrolled copies of this resolution to Senator Schmidt.

On emergency motion of Senator D. Schmidt **SR 1825** was adopted unanimously.

Senator D. Schmidt and members of the Senate welcomed and congratulated team members Sabrina Strickler, Kayleigh Strickler, Rosalyn Lewallen, Molly Stanley, Melissa Miller, Heather Rourk, Emily Larson, Tyner Apt, Marissa Scott, Misty Powelson, Emily Middleton, Alana Middleton and Megan Catron. Accompanying the players were Coach Becky Carlson, Asst. Coach Dennis Nevin, Managers, Courtney Collins and Reine Loflin.

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

SENATE RESOLUTION No. 1826—

A RESOLUTION congratulating and commending Krista Spindler.

WHEREAS, Krista Spindler, a fifth grade student at Mission Trail Elementary School in Leawood, is the Kansas winner in the 2005 "Box Top for Kids' Caucus Essay Contest"; and

WHEREAS, The "Box Top for Kids' Caucus Essay Contest" was sponsored by General Mills. School children in grades 5 through 8 were invited to submit a 250 to 500 word essay describing what they would do to increase parental involvement at their school if they were the principal for a day; and

WHEREAS, Krista's essay proposed a mentorship program at school. Parents would be asked to complete a questionnaire in which they indicated skills or activities which they possessed, and the school children would compile a list of things they wanted to do or learn but which were not taught at school. A committee would then schedule parents as mentors to teach children interested in their particular skill on Saturdays. In this way parents would contribute to the overall knowledge of the children, and the children would gain respect for the special skills possessed by their parents; and

WHEREAS, Finalists from each state received a \$1,000 grant for their school to use for implementation of their ideas. Also, ten selected finalists will visit Washington, D.C. to read their essays to key policymakers in the Congress; and

WHEREAS, Krista, who was 11 years old on February 27, is described as a person who always does her best and is well liked by everyone. Upon considering her essay it is apparent she is a person who is working to make her world a better place to live: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Krista Spindler upon being the 2005 Kansas "Box Top for Kids' Caucus Essay Contest" winner and wish her great success as she progresses in school and her life's activities; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Shirley Pinnick, Principal, Mission Trail Elementary School, 13200 Mission Road, Leawood, KS 66209-1750 for presentation to Krista Spindler.

On emergency motion of Senator Vratil **SR 1826** was adopted unanimously.

Senator Vratil introduced Kansas winner in the 2005 "Box Top for Kids' Caucus Essay Contest", Krista Spindler. Also introduced were her mother Leslie Anne Spindler and her brother Trenton James Spindler. Accompanying the family were Kathleen Kay Hansen, Gifted Education Teacher and Shirley Pinnick, Principal.

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION in support of the Inge Center for the Arts' rural arts initiative.

WHEREAS, The William Inge Festival Foundation was incorporated October 6, 1992, to support the activities of the William Inge Theatre Festival in Independence, Kansas; and

WHEREAS, The mission of the William Inge Center for the Arts is to nurture, celebrate and promote the achievements of playwrights, playwriting and the American theatre, in order to educate, entertain and culturally enrich the communities of Kansas, the region and beyond; and

WHEREAS, The Inge Center for the Arts and the William Inge Theatre Festival have served the arts and arts education communities of Independence, Kansas, and the surrounding area for 25 years. The newly-founded center promotes the life work of native son William Inge, and as an extension of that life work, the efforts of American playwrights, directors, designers, performers, teaching artists and arts educators. The community has benefited from many programs, workshops and productions annually, produced by the festival and the center; and

WHEREAS, As part of its rural arts initiative, the Inge Center for the Arts sponsors teaching artists and arts education in the public sector, and promotes arts in education programs for area teachers and teaching artists. The Inge Center for the Arts is a loyal and proud advocate for the state of Kansas; and

WHEREAS, The state of Kansas is in support of the educational advancements and personal growth proven in students of the arts: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend the work of the Inge Center's rural arts initiative as a positive and important program in Kansas public schools.

On emergency motion of Senator D. Schmidt **SR 1827** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 139, SB 319, SB 571 reported correctly engrossed March 24, 2006.

SB 386, SB 516, SB 544, SB 545, SB 546, SB 570, SB 573, SB 583, SB 588 reported correctly engrossed March 27, 2006.

SB 323 reported correctly engrossed March 28, 2006.

REPORT ON ENROLLED BILLS

SB 361, SB 405, SB 407, SB 420, SB 500, SB 510 reported correctly enrolled, properly signed and presented to the Governor on March 27, 2006.

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **HB 2088** from the Committee on Ways and Means, and rereferred the bill to the Committee on Public Health and Welfare.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

March 20, 2006

Tracy B. Taylor, KTEC President & CEO, submitted herewith for confirmation by the Senate the appointment of Dr. Raymond W. Smilor, Ph.D., to the Kansas Bioscience Authority Board, pursuant to KSA 74-99b for a four year term expiring March 15, 2010.

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

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **H Sub for SB 93**.

H Sub for SB 93, An act creating the Kansas petroleum education and marketing act.

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

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

Nays: Brownlee, Huelskamp, Journey, O'Connor, Ostmeyer, Palmer, Pyle.

The Senate concurred.

Senator Emler moved the Senate concur in house amendments to **SB 414**.

SB 414, An act concerning public utilities; relating to natural gas; enacting the gas safety and reliability policy act.

On roll call, the vote was: Yeas 26, Nays 14, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Goodwin, Huelskamp, Jordan, Morris, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Apple, Barone, Betts, Francisco, Gilstrap, Haley, Hensley, Journey, Kelly, Lee, McGinn, O'Connor, Ostmeyer, Wagle.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2513**, 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, in line 23, after the semicolon, by inserting "and"; in line 26, by striking "and"; by striking all in line 27; in line 28, by striking all before the period;

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

LESLIE D. DONOVAN

DENNIS M. WILSON

MARK GILSTRAP

Conferees on part of Senate

GARY K. HAYZLETT

JOHN FABER

MARGARET LONG

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **Sub HB 2513**.

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 2590**, 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 2, in line 15, following "3." by inserting "(a)"; in line 17, preceding the period by inserting ", including, but not limited to, assessing civil penalties"; preceding line 18, by inserting:

"(b) No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a VoIP provider. Such order shall state the violation, the penalty to be imposed and the right of such VoIP provider to appeal to the secretary. Any such VoIP provider, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(c) Any VoIP provider aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(d) Any civil penalty recovered pursuant to this section shall be deposited with the local collection point administrator and subsequently routed back to the corresponding PSAP and shall be used solely for those expenses allowed by this act.":

On page 7, in line 36, by striking "mon-"; by striking all in lines 37 through 39; in line 40, by striking all before "shall" and inserting "civil penalties.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the secretary or the secretary's duly authorized agent to a wireless carrier. Such order shall state the violation, the penalty to be imposed and the right of such wireless carrier to appeal to the secretary. Any such wireless carrier, within 20 days after notification, may make written request to the secretary for a hearing or informal conference hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.

(e) Any wireless carrier aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(f) Any civil penalty recovered pursuant to this section";

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

JAY SCOTT EMLER
PAT APPLE
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES
CARL C. KREHBIEL
ANNIE KUETHER
Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2590**.

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

Nays: O'Connor.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2592**, 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 2, after line 2, by inserting the following:

“(d) A municipality may require a single deposit to be paid by a customer for all utility services, except that such deposit shall not exceed an amount equal to the expected average bills for a three month period for such utility services.”

And by lettering the remaining subsection accordingly;

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

JAY SCOTT EMLER

PAT APPLE

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

CARL C. KREHBIEL

ANNIE KUETHER

Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2592**.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Gilstrap, Haley, Journey, Lee.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2709**, 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 3, after line 13, by inserting the following:

“Sec. 3. K.S.A. 2005 Supp. 66-525 is hereby amended to read as follows: 66-525. (a) For purposes of this section, a railroad right-of-way shall be considered abandoned when:

(1) The tracks, ties, and other components necessary for operation of the rail line are removed from the right-of-way following the issuance of an abandonment order by the appropriate federal or state authority;

(2) if, within two years after the exercise of such an order, removal of such components is not completed and railroad operating authority is not restored or reissued by an appropriate court or other federal or state authority; or

(3) if no rail line is placed on the right-of-way within 10 years after the right-of-way is acquired. A railroad right-of-way shall not be considered abandoned if the railroad company or any other entity continues to use the right-of-way for railroad purposes after abandonment authority has been issued.

(b) If the grantee or assignee of record of a recorded railroad right-of-way abandons such right-of-way, such grantee or assignee shall:

(1) Remove crossbucks and modify signal devices or install “exempt” signs at all locations within 90 days of abandonment; and

(2) file a release of all right, title and interest in the right-of-way with the register of deeds of the counties in which the property is located, within 180 days after being requested by any owner of property servient to the right-of-way.

(c) If a grantee or assignee of record of a railroad right-of-way refuses or neglects to file a release when required by subsection (b), the owner of the servient property may bring an action in a court of competent jurisdiction to recover from the grantee or assignee of

record damages in the amount of \$500, together with costs and reasonable attorney fees for preparing and prosecuting the action. The owner may recover such additional damages as the evidence warrants, and may obtain injunctive relief to quiet the title and eject any unauthorized parties from the property.

(d) A grantee or assignee of railroad right-of-way, at any time, may file a general release of all right, title and interest in the right-of-way of one or more particular rail lines or portions thereof with the register of deeds of the county or counties in which such property is located. If such action has been taken, the grantee or assignee shall be relieved of any further obligation under this section to file individual releases of any right-of-way included in such a general release.

(e) Within 30 days after entering abandoned railroad right-of-way property upon the tax rolls pursuant to K.S.A. 79-401 *et seq.*, and amendments thereto, the county clerk of each county in which such property is so entered shall forward to the most recent railroad company holder of such property for right-of-way purposes, a certified list of the names and addresses of all property owners so entered upon the tax rolls following abandonment.

Within 30 days after receipt of such certified list by the railroad company, it shall send a notice of abandonment by first-class mail to each landowner at the address provided. The grantee or assignee of record of a recorded railroad right-of-way who abandons such right-of-way and provides the notice of such abandonment required by this subsection shall incur no civil or criminal liability for failure to notify any person who claims, or may claim, ownership of property servient to the abandoned right-of-way, nor shall such grantee or assignee incur any civil or criminal liability for notifying any person who has no legal claim to ownership of property servient to the abandoned right-of-way. The notice required by this subsection shall not create any legal right, be construed as a warranty or guarantee, nor shall such notice impair or cloud any lawful claim, right, title or interest of any person.

(f) *Except where a railroad company conveys its right, title and interest in and to railroad right-of-way which it owns in fee simple*, any conveyance by ~~any~~ a railroad company of any actual or purported right, title or interest in property acquired in strips for right-of-way to any party other than the owner of the servient estate shall be null and void, unless such conveyance is made with a manifestation of intent that the railroad company's successor shall maintain railroad operations on such right-of-way, ~~and the railroad owns marketable title for such purpose.~~

(g) As used in this section, "railroad company" has the meaning of such term as defined in K.S.A. 2005 Supp. 66-2,123, and amendments thereto.;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 14, after "Supp." by inserting "66-525 and";

In the title, by striking all in lines 12 through 15 and inserting "AN ACT concerning transportation; relating to railroads; concerning certain annual reports by the department of transportation; amending K.S.A. 68-2315 and K.S.A. 2005 Supp. 66-525 and 75-5048 and repealing the existing sections.;"

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

LESLIE D. DONOVAN

DENNIS M. WILSON

MARK GILSTRAP

Conferees on part of Senate

GARY K. HAYZLETT

JOHN FABER

MARGARET LONG

Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2709**.

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 2752**, 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, after line 31, by inserting the following:

“New Sec. 3. (a) Beginning with the first academic term commencing after July 1, 2007, and for each academic term thereafter, each college and university shall have in place policies and procedures requiring that all incoming students residing in student housing be vaccinated for meningitis. Such policies shall include appropriate waiver procedures for those who refuse to take the vaccine.

(b) Nothing in this section shall require or be construed to require any college or university to provide or to pay for any vaccination against meningitis.”;

And by renumbering the remaining sections accordingly;

In the title, in line 10, after “facilities” by inserting “and policies regarding vaccination for meningitis”;

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

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

JIM MORRISON
PEGGY MAST
NANCY A. KIRK
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **HB 2752**.

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 2798**, 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, in line 41, after the stricken material, by inserting “The provisions of this subsection shall expire on July 1, 2016.”;

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

MARK TADDIKEN
ROGER C. PINE
MARCI FRANCISCO
Conferees on part of Senate

DAN JOHNSON
C. FRANK MILLER
JOSHUA SAVTY

Conferees on part of House

Senator Taddiken moved the Senate adopt the Conference Committee Report on **HB 2798**.

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 2899**, 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 2, after line 26, by inserting the following subsection:

“(m) The livestock commissioner may adopt rules and regulations to carry out the provisions of this section.”;

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

MARK TADDIKEN
ROGER C. PINE
MARCI FRANCISCO

Conferees on part of Senate

DAN JOHNSON
C. FRANK MILLER
JOSHUA SVATY

Conferees on part of House

Senator Taddiken moved the Senate adopt the Conference Committee Report on **HB 2899**.

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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barnett and Kelly, Allen, Apple, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D Schmidt, V Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1828—

A RESOLUTION concerning the consumption of alcoholic beverages by persons
21 years of age or younger.

WHEREAS, The consumption of alcoholic beverages by persons who are under the legal age to consume them is a critical health and safety issue; and

WHEREAS, Alcohol is a powerful, mood-altering drug that dramatically affects a child's development and behavior, and its use by children is not just another rite of passage on the way to adulthood; and

WHEREAS, Research shows that the brain continues developing through the teens and into the twenties, establishing important communication connections and refining its functions; scientists believe that this developmental period may explain the propensity of adolescents to seek new and potentially dangerous situations, sometimes including experimentation with alcohol, and the impulsivity of teens that often causes them to fail to recognize that their actions, such as drinking, have consequences; and

WHEREAS, Alcohol use is a leading risk factor in the main causes of death among youth, including suicide, homicide and motor vehicle crashes and other injuries such as falls, burns and drowning, and often leads to other adverse consequences such as engaging in risky sexual behavior, using other drugs such as marijuana and cocaine and earning poor grades in school; and

WHEREAS, The average age that Kansas youth begin drinking is 13, and 9% of sixth graders, 25% of eighth graders, 42% of tenth graders and 55% of twelfth graders have had beer, wine or liquor at least once in the past 30 days; and

WHEREAS, The Kansas Team on Underage Drinking is comprised of Shelley V. Bearman from the Office of Kansas Governor Kathleen Sebelius; Kelly Peak from the Department of Social and Rehabilitation Services, Addiction and Prevention Services, Mike Padilla and Joe Garman from the Department of Revenue, Alcoholic Beverage Control; Lori Haskett from the Department of Health and Environment, Office of Injury and Disability Prevention; Ramon W. Ramirez from the Kansas Highway Patrol; Tracie Kalic from the Kansas State Department of Education, Office of State and Federal Programs; Pete Bodyk from the Kansas Department of Transportation, Bureau of Traffic Safety; Michelle Voth from Kansas Family Partnership, Inc., a group that has worked with representatives of federal agencies and their counterparts from across the nation on the issue of prevention of underage drinking; and

WHEREAS, There is a nationwide effort for communities to hold town hall-style meetings on or around March 28, 2006, to learn about new research on underage drinking and to discuss ways to prevent underage alcohol use, and over 26 of these town hall meetings will be conducted in Kansas communities throughout the state; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we designate March 29, 2006, "Underage Drinking Prevention Day" in Kansas.

On emergency motion of Senator Barnett **SR 1828** was adopted unanimously.

Senator Barnett and members of the Senate welcomed Ramon Ramirez, Kansas Highway Patrol; Mike Padilla and Joe Garman, Department of Revenue, Alcoholic Beverage Control; Michelle Voth, Kansas Family Partnership, Inc.; Hope Sullivan McMickle, David Schwartz and Ismaila Ramon.

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

SENATE RESOLUTION No. 1829—

A RESOLUTION congratulating and commending the Oakley High School economics challenge team.

WHEREAS, A four-person team from Oakley High School has scored highest in the state in the 2006 National Economics Challenge sponsored by The Goldman Sachs Foundation; and

WHEREAS, This competition encourages students to apply their economics knowledge and to work as a team in a fun project which offers prizes. Teams from 35 states are competing this year. There are two levels of competition: The Adam Smith Division for students currently taking advanced placement economics or a two semester class and the David Ricardo Division for students enrolled in a one semester class. The Oakley High School team competed in the higher level competition; and

WHEREAS, The members of this team were Brenden Kincaid, Lisa Taylor, Jonathan Porter and Steven Kelly, and they were coached by Andy Starbuck; and

WHEREAS, The members of this team are eligible to compete in the Heartland Regional Economics Challenge competition which will take place April 23 in Minneapolis, Minnesota. Each regional finalist will receive a \$1,000 United States savings bond. Regional finalists will advance to the national finals in New York City on May 20 to May 22. The members of the national champion team will receive a \$3,000 United States savings bond: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Oakley economics challenge team upon being the state champion in this competition and wish them well in the regional competition; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Mr. Bill Steiner, Superintendent, Unified School District No. 274, 208 East 2nd, Oakley, KS 67748.

On emergency motion of Senator Ostmeyer **SR 1829** was adopted unanimously.

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

SENATE RESOLUTION No. 1830—

A RESOLUTION congratulating and commending the Norton Community High School wrestling team and Coach Bill Johnson for winning the 2006 Class 3-2-1A state wrestling championship.

WHEREAS, The Norton Community High School wrestling team won the 2006 Kansas State High School Activities Association Class 3-2-1A state wrestling championship held at the Gross Memorial Coliseum in Hays on February 24 and 25. Norton scored 186.5 points to easily outdistance Smith Center with 110 points. The team had a 35 to 6 win-loss record for the season; and

WHEREAS, This is the third consecutive year that the team has been the state champion, which is a school record for the Blue Jays. Clay Madden won the 119 pound championship, and he is the only wrestler in the school's history to win four state championships; and

WHEREAS, State medalists were:

112 pounds-Zach Bainter, second
 119 pounds-Clay Madden, first
 125 pounds-Nathan Broeckelman, first
 130 pounds-Kent Mann, third
 135 pounds-Jon Harding, fourth
 140 pounds-Blake Van Eaton, third
 145 pounds-Jeremy Harding, second
 152 pounds-Luke Pfannenstiel, first
 160 pounds-Lance Roe, first; and

WHEREAS, Assisting Head Coach Bill Johnson were Assistant Coaches Doug Ray and Deyton Hager, and the team managers were Jessica Sprigg, Alexi Wolf, Lacey Roe and Kayla Douglas; and

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

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Norton Community High School wrestling team and Coach Johnson be congratulated and commended for winning the 2006 Kansas State High School Activities Association Class 3-2-1A state wrestling championship; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Mr. Larry Stull, Principal, Norton Community High School, 513 W. Wilberforce Street, Norton, KS 67654-1298.

On emergency motion of Senator Ostmeyer **SR 1830** was adopted unanimously.

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

SENATE RESOLUTION No. 1831—

A RESOLUTION congratulating and commending the Trego Community High School boys basketball team and Coach Don Shubert for winning the 2006 Class 2A State Basketball Championship.

WHEREAS, The Trego Community High School boys basketball team won the 2006 Kansas State High School Activities Association Class 2A State Basketball Championship with a thrilling 48 to 47 victory over St. Mary's Colgan High School in the state championship game at K-State's Bramlage Coliseum on March 4; and

WHEREAS, The Trego High School "Golden Eagles" basketball team finished the season with a record of 23 wins and three losses and the school's first state championship; and

WHEREAS, To get to the championship game the team defeated Belleville 56 to 41 in the semifinal and Holton-Jackson Heights 65 to 43 in the quarterfinal game; and

WHEREAS, The members of this team were Jared Oborny, Nathan Locke, Matt Pfannenstiel, Tyler Ummel, Kevyn Goodman, Spencer Hemmert, Nolan Smith, Ryan Nowlin, Ben Schoenberger, Cameron Locke, Corey McGann and Nick Geist; assisting Head Coach Don Shubert was Assistant Coach Lance Ziegler; and the team manager was Elizabeth Schreiner; and

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

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

Be it resolved by the Senate of the State of Kansas: That the Trego Community High School boys basketball team and Coach Shubert be congratulated and commended for winning the 2006 Kansas State High School Activities Association Class 2A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Mr. Daryl Stegman, Principal, Trego Community High School, 1200 Russell Avenue, Wakeeney, KS 67672.

On emergency motion of Senator Ostmeyer **SR 1831** was adopted unanimously.

Senator introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION congratulating and commending the Scott City High School boys basketball team and Coach Glenn O'Neil for winning the 2006 Class 4A State Basketball Championship.

WHEREAS, The Scott City High School boys basketball team won the 2006 Kansas State High School Activities Association Class 4A State Basketball Championship with a thrilling 72 to 51 victory over Belle Plaine High School in the state championship game at Salina's Bicentennial Center on March 11; and

WHEREAS, The Scott City High School "Beavers" basketball team finished the season with a record of 24 wins and two losses; and

WHEREAS, The members of this team were: Drew Crist, Chance Chelemedos, David Heyd, Trace Kendrick, Gabe Acosta, Colby Dunagan, Justin Miller, Aric Reed, Corbin Kuntzsch, Tim Peintner, Ross Strube and Matt Summers; the head coach was Glenn O'Neil and the assistant coaches were Scott Holt and J. Johnson; and the team managers were Chisato Nasu, Travis Reece and Ethan Gechter; and

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

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

Be it resolved by the Senate of the State of Kansas: That the Scott City High School boys basketball team and Coach O'Neil be congratulated and commended for winning the

2006 Kansas State High School Activities Association Class 4A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Mr. Mike Norstrom, Principal, Scott City High School, 712 Main, Scott City, KS 67871.

On emergency motion of Senator Ostmeyer **SR 1832** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SR 1824** be adopted.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Thursday, March 30, 2006.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

