

Journal of the Senate

FORTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 8, 2001—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

There was a time not too many decades ago that the most violence public schools experienced consisted of students accidentally running into each other where the halls intersect. Cemeteries and churches were generally considered off limits by vandals and thieves.

Now we have five year olds bringing loaded pistols to school, and teenagers gunning down their class mates. Cemeteries are surrounded by high fences and gates are locked at night to keep vandals from desecrating tombstones and monuments. Churches which used to be open day and night are now locked around the clock and have security systems installed to keep their video and sound equipment and computers from being stolen.

Our fourth president, James Madison, once said, "If people lack sufficient virtue. . . . for self-government, nothing less than the chains of despotism can restrain them from destroying and devouring each other."

Lord, restore our concept of right and wrong, good and bad, truth and error.

Once again let Your divine principles be written on our hearts so locks are no longer needed, we can walk all our streets safely at night, and see no need to increase our police force.

I pray this is not an unrealistic dream. And I pray in the Name of Christ who imputes his righteousness on every believer.

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 353. An act concerning school districts; relating to payment of bonded debt on schedule; creating the school district bond payment guarantee fund; prescribing certain powers, duties and functions for the state board of education and the state treasurer and other paying agents; prescribing certain procedures, interest payments and taxes for repayments by school districts, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HCR 5014.**

Elections and Local Government: **SB 352.**

MESSAGE FROM THE GOVERNOR

March 6, 2001

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 01-307 for your information.

Sincerely,
Bill Graves
Governor

The President announced Executive Directive No. 01-307, Authorizing Certain Personnel Transactions, is on file in the office of the Secretary of the Senate and is available for review at anytime.

MESSAGE FROM THE HOUSEAnnouncing passage of **HB 2406**.Also, passage of **SB 86, SB 87, SB 148**.**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS****HB 2406** was thereupon introduced and read by title.**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**Senator Umbarger moved the Senate Concur in house amendments to **SB 5**.

SB 5, An act concerning the Kansas higher education coordination act; revising the definition of postsecondary educational institution; amending K.S.A. 2000 Supp. 74-3201b 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT AND MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2038**, 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 1, in line 35, by striking "2004" and inserting "2008";

On page 14, in line 37, by striking "subsection (a)" and inserting "this section"; by striking all in lines 38 and 39 and inserting:

"Sec. 5. K.S.A. 74-8702 is hereby amended to read as follows: 74-8702. As used in ~~this~~ *the Kansas lottery* act, unless the context otherwise requires:

(a) "Commission" means the Kansas lottery commission.

(b) "Executive director" means the executive director of the Kansas lottery.

(c) "Gaming equipment" means any electric, electronic or mechanical device or other equipment unique to the Kansas lottery used directly in the operation of any lottery and in the determination of winners pursuant to this act.

(d) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.

(e) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.

(f) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.

(g) "Major procurement" means any gaming product or service, including but not limited to facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.

(h) "Person" means any natural person, association, corporation or partnership.

(i) "Prize" means any prize paid directly by the Kansas lottery pursuant to its rules and regulations.

(j) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game.

(k) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game.

(l) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

(m) "Returned ticket" means any ticket which was transferred to a lottery retailer, which was not sold by the lottery retailer and which was returned to the Kansas lottery for refund by issuance of a credit or otherwise.

(n) "Video lottery machine" means any electronic video game machine that, upon insertion of cash, is available to play or simulate the play of a video game authorized by the commission, including but not limited to bingo, poker, black jack and keno, and which uses a video display and microprocessors and in which, by chance, the player may receive free games or credits that can be redeemed for cash.

(o) (1) "Lottery machine" means any machine or device that allows a player to insert cash or other form of consideration and may deliver as the result of an element of chance, regardless of the skill required by the player, a prize or evidence of a prize, including, but not limited to:

(A) Any machine or device in which the prize or evidence of a prize is determined by both chance and the player's or players' skill, including, but not limited to, any machine or device on which a lottery game or lottery games, such as poker or blackjack, are played;

(B) any machine or device in which the prize or evidence of a prize is determined only by chance, including, but not limited to, any slot machine or bingo machine; or

(C) any lottery ticket vending machine, such as a keno ticket vending machine, pull-tab vending machine or an instant-bingo vending machine.

(2) "Lottery machine" shall not mean:

(A) Any food vending machine defined by K.S.A. 36-501, and amendments thereto;

(B) any nonprescription drug machine authorized under K.S.A. 65-650, and amendments thereto;

(C) any machine which dispenses only bottled or canned soft drinks, chewing gum, nuts or candies; or

(D) any machine excluded from the definition of gambling devices under subsection (d) of K.S.A. 21-4302, and amendments thereto.

Sec. 6. K.S.A. 2000 Supp. 74-8710 is hereby amended to read as follows: 74-8710. (a) The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery as necessary to carry out the purposes of this act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the secretary of state and published in the Kansas register. Temporary and permanent rules and regulations may include but shall not be limited to:

(1) Subject to the provisions of subsection ~~(b)~~ (c), the types of lottery games to be conducted, including but not limited to instant lottery, on-line and traditional games, but not including games on video lottery machines or lottery machines.

(2) The manner of selecting the winning tickets or shares, except that, if a lottery game utilizes a drawing of winning numbers, a drawing among entries or a drawing among finalists, such drawings shall always be open to the public and shall be recorded on both video and audio tape.

- (3) The manner of payment of prizes to the holders of winning tickets or shares.
- (4) The frequency of the drawings or selections of winning tickets or shares.
- (5) The type or types of locations at which tickets or shares may be sold.
- (6) The method or methods to be used in selling tickets or shares.
- (7) Additional qualifications for the selection of lottery retailers and the amount of application fees to be paid by each.
- (8) The amount and method of compensation to be paid to lottery retailers, including special bonuses and incentives.
- (9) Deadlines for claims for prizes by winners of each lottery game.
- (10) Provisions for confidentiality of information submitted by vendors pursuant to K.S.A. 74-8705, and amendments thereto.
- (11) Information required to be submitted by vendors, in addition to that required by K.S.A. 74-8705, and amendments thereto.
- (12) The major procurement contracts or portions thereof to be awarded to minority business enterprises pursuant to subsection (a) of K.S.A. 74-8705, and amendments thereto, and procedures for the award thereof.

(b) No new lottery game shall commence operation after the effective date of this act unless first approved by the governor or, in the governor's absence or disability, the lieutenant governor.

(c) *The lottery shall adopt rules and regulations concerning the game of keno. Such rules and regulations shall require that the amount of time which elapses between the start of games shall not be less than four minutes.*

Sec. 7. K.S.A. 2000 Supp. 74-8718 is hereby amended to read as follows: 74-8718. (a) It is unlawful ~~for~~:

- (1) ~~Any person~~ To sell a lottery ticket or share at a price other than that fixed by rules and regulations adopted pursuant to this act;
- (2) ~~for~~ any person other than a lottery retailer authorized by the Kansas lottery to sell or resell any lottery ticket or share; ~~or~~
- (3) ~~any person~~ to sell a lottery ticket or share to any person, knowing such person to be under 18 years of age; ~~or~~
- (4) *to sell a lottery ticket at retail by electronic mail, the internet or telephone.*

(b) (1) Violation of this section is a class A nonperson misdemeanor upon conviction for a first offense; and

(2) violation of this section is a severity level 9, nonperson felony upon conviction for a second or subsequent offense.

Sec. 8. K.S.A. 74-8722 is hereby amended to read as follows: 74-8722. (a) The Kansas lottery shall not recruit for employment or as a volunteer any person under 18 years of age for the purpose of appearing, being heard or being quoted in any advertising or promotion of any lottery in any electronic or print media.

(b) *The unsolicited advertisement or promotion of any lottery by the Kansas lottery through electronic mail or telephone is prohibited.*

(c) *All advertising and marketing practices of the Kansas lottery shall meet or exceed the standards of the North American association of state and provincial lotteries (NASPL) which are in effect on July 1, 2001, or any later version as adopted by the commission in rules and regulations.*

Sec. 9. K.S.A. 74-8702, 74-8706 and 74-8722 and K.S.A. 2000 Supp. 74-8705, 74-8707, 74-8710, 74-8718 and 74-8723 are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 25, by striking “74-8706” and inserting “74-8702, 74-8706 and 74-8722”; in line 26, by striking “and 74-8723” and inserting “74-8710, 74-8718 and 74-8723”;

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

NANCEY HARRINGTON

PETE BRUNGARDT

U.L. GOOCH

Conferees on part of Senate

DOUG MAYS
BECKY HUTCHINS
Conferees on part of House

Senator Harrington moved the Senate adopt the Conference Committee Report on **HB 2038**.

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

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Haley, Huelskamp, Lyon, Salmans, Tyson.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: Since following the will of a referendum placed before Kansas voters, this legislature has had several years now to study the social and economic impact of the lottery on our state.

Certain conclusions are irrefutable.

- 1) The habitual lottery player is low income.
- 2) Habitual players spend over time *more and increasingly more money* and/or purchase lottery chances more and more frequently.
- 3) The statewide return *winning rate for all games* is approximately 50%.

I assert the following:

- 1) No "real" dollars are directly returned to the bulk of the people but instead finance or supplement corporate welfare or "pork" projects—
- 2) An imperceptible percentage of low income players ever come out ahead or, even "break-even".
- 3) And, once in the routine, very few "kick the habit" for good.

So, In that poor people have become or will become addicted to this governmentally regulated and overwhelmingly governmentally profitable drain on their (the poor's) meager funds. . . . I vote "No" for the third time this year on the extension of this dishonorable practice.

In Equity, and as a Supporter of adult freedom of choice, I will vote for this measure or any other gaming measure when it is clearly shown that there is, statistically, a greater actual chance of "winning" *and/or* programs directly benefitting the bulk of the people who actually play are financed from their cash loss.—DAVID HALEY

CONFIRMATION OF APPOINTMENTS

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

Senator Oleen moved the following appointments be confirmed as recommended by the Standing Senate Committees:

By the Governor:

On the appointment to the:

Board of Tax Appeals:

Calvin T. Roberts, term expires January 15, 2004.

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

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

The appointment was confirmed.

By the Attorney General:

On the appointment to the:

Crime Victims Compensation Board:

Paula S. Salazar, term expires March 15, 2005.

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

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

The appointment was confirmed.

FINAL ACTION ON CONSENT CALENDAR

HB 2036, HB 2049, HB 2052, HB 2053, HB 2184 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2036. An act concerning rules and regulations; relating to the rules and regulations filing act; amending K.S.A. 77-416 and K.S.A. 2000 Supp. 77-420a and repealing the existing sections.

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

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

The bill passed.

HB 2049. An act repealing K.S.A. 72-1106c and 72-1106d, concerning the school term and special exceptions thereto.

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

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

The bill passed.

HB 2052. An act repealing K.S.A. 12-1769, relating to issuance of bonds for joint acquisition and operation by a city and a school district of community buildings.

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

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

The bill passed.

HB 2053. An act repealing K.S.A. 72-67,109, relating to equitable payments under agreements or court orders made pursuant to the second unification act.

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

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

The bill passed.

HB 2184, An act regulating traffic; concerning the width of certain vehicles; amending K.S.A. 2000 Supp. 8-126, 8-1486 and 8-1902 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 128, An act concerning election crimes; amending K.S.A. 25-2415 and 25-2430 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

SB 205, An act concerning crimes, criminal procedure and punishment; relating to appearance bonds; conditions; amending K.S.A. 22-2802 and K.S.A. 2000 Supp. 12-4301 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2001, An act authorizing establishment of the Northwest Kansas technical college; amending K.S.A. 2000 Supp. 72-4412 and repealing the existing section, was considered on final action.

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

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

The bill passed.

HB 2045, An act relating to railroads; concerning railroad crossings; amending K.S.A. 66-227 and 66-229 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2050, An act relating to adoption, amendment or revocation of rules and regulations by the state board of education; amending K.S.A. 72-7514b and repealing the existing section; also repealing K.S.A. 72-7514a, was considered on final action.

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

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

The bill passed, as amended.

HB 2190, An act concerning institutions of postsecondary education; relating to buildings and structures located on the land of such institutions; amending K.S.A. 31-150 and 58-1304 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2217, An act concerning school districts; relating to transportation of nonresident pupils; amending K.S.A. 2000 Supp. 72-1046b, 72-8303 and 72-8309 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2015**, as amended by House Committee, be amended on page 1, in line 26, after "75-3701", by inserting a comma; in line 28, by striking "is"; in line 29, by striking "Operated" and inserting "Is operated"; in line 30, after "74-32,120", by inserting ", and amendments thereto."; in line 31, after "74-3201b", by inserting ", and amendments thereto."; in line 32, after "(2)", by inserting "is"; in line 35, after "(4)", by inserting "is";

In the title, in line 10, by striking all after "concerning"; in line 11, by striking all before "child"; in line 12, after "ities";, by inserting "exempting certain residential facilities, hospitals and summer camps from licensure requirements;"; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2068**, **HB 2185**; **HB 2246**, as amended by House Committee, be passed.

Committee on **Federal and State Affairs** recommends **SB 156** be amended on page 3, by striking all in lines 21 and 22; following line 22, by inserting:

"(t) "Organization licensee" means an organization licensee as defined by K.S.A. 74-8802, and amendments thereto."

On page 5, in line 25, by striking "section 8" and inserting "this act";

On page 6, in line 36, following "operator" by inserting "or such operator's agents or employees"; in line 37, following "operator" by inserting "or such operator's agents or employees";

On page 9, by striking all in lines 8 through 43;

On page 10, in line 1, by striking "(b)" and inserting "New Sec. 7. (a)"; in line 12, by striking "(c)" and inserting "(b)"; in line 26, by striking "(d)" and inserting "(c)"; in line 36, following the period, by inserting "Each lottery gaming machine operator shall remit all net machine income to the executive director not less than once each week.";

On page 11, in line 3, by striking all after "fund"; by striking all in lines 4 and 5; in line 6, by striking all before the semicolon; by striking all in lines 25 and 26; following line 26, by inserting:

"(5) Thirty percent to the state general fund.";

On page 21, by striking all in lines 17 through 24;

By renumbering sections accordingly;

Also on page 21, in line 25, by striking "and 74-8723"; in line 28, by striking "statute book" and inserting "Kansas register";

In the title, in line 11, by striking "and 74-8723"; and the bill be passed as amended.

Also **HB 2300** be amended on page 1, in line 15, preceding "The" by inserting "(a)"; in line 17, preceding "each" by inserting "and amendments thereto,"; in line 23, by striking "Each" and inserting "Except as provided by subsection (b), each"; by striking all in lines 25 through 30 and inserting:

"(b) The terms of all members of the committee shall expire on June 30, 2001. Of the members appointed to fill vacancies due to expiration of terms on June 30, 2001, two shall be appointed to terms of one year, two shall be appointed for terms of two years and three shall be appointed for terms of three years. Thereafter members shall be appointed for terms of three years and until successors are appointed and qualified.

Nothing in this subsection shall be construed as prohibiting the reappointment of members of the committee who had been appointed prior to the effective date of this act.

Sec. 2. K.S.A. 2000 Supp. 74-5202 is hereby amended to read as follows: 74-5202. (a) There is hereby created a Kansas arts commission which shall be composed of twelve members to be appointed by the governor ~~and to serve~~. *Except as provided by subsection (b), members shall be appointed for terms of three years. Upon expiration of the term of each member serving on the commission on the effective date of this act, the governor shall appoint a successor for a term of three years. Members serving on the commission on the effective date of this act may be reappointed to a term of three years. Members may not serve more than two terms and are not eligible for reappointment following the end of their second term of office. The commission shall have a chairperson, vice-chairperson, and secretary-treasurer, which officers shall be designated by the governor from the membership of the commission. The commission shall meet upon call of the chairperson, but at least once each quarter. Members of the Kansas arts commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto. Employment by the state, or any instrumentality or subdivision of the state, shall not prevent any person from accepting appointment to and serving on the commission.*

(b) *The terms of all members of the commission shall expire on June 30, 2001. Of the members appointed due to expiration of terms on June 30, 2001, four members shall be appointed for terms of one year, four members shall be appointed for terms of two years and four members shall be appointed for terms of three years. Thereafter, members shall be appointed for terms of three years and until successors are appointed and qualified.*

Nothing in this subsection shall be construed as prohibiting the reappointment of members of the commission who had been appointed prior to the effective date of this act except no member may be appointed to serve more than six consecutive years.;

By renumbering sections accordingly;

Also on page 1, in line 31, by striking "is" and inserting "and K.S.A. 2000 Supp. 74-5202 are";

In the title, in line 10, following "74-6502" by inserting "and K.S.A. 2000 Supp. 74-5202"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 193; HB 2193**, as further amended by House Committee, be passed.

Also **HB 2033**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2033," as follows:

“SENATE Substitute for HOUSE BILL No. 2033

By Committee on Financial Institutions and Insurance

“AN ACT concerning insurance; providing coverage for certain mental health conditions; amending K.S.A. 40-2,103, 40-2,105 and 40-19c09 and repealing the existing sections.”; and the substitute bill be passed.

SB 151, as amended by Senate Committee, be amended on page 1, in line 24, by striking all after the period; by striking all in lines 25 through 27; after line 40, by inserting the following:

“(d) The secretary of administration is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, the Sunflower Foundation: Healthcare for Kansas, or any other source whatsoever for the purposes of the pilot program established under this section and amendments thereto, and any moneys so received shall be deposited in the state treasury and credited to the cafeteria benefits fund established by K.S.A. 75-6513 and amendments thereto. All funds received pursuant to this section shall be placed in a separate account within the cafeteria benefits fund. All expenditures made from such fund for the purposes of this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued by the secretary of administration or a person designated by the secretary of administration.” and the bill be passed as amended.

HB 2169 be amended on page 2, in line 41, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 159** be amended on page 1, in line 22, before the period by inserting “and shall adopt rules or orders to govern the form of pleadings, other documents to be filed and such other matters as is necessary under the code of civil procedure for limited actions”;

On page 2, after line 5, by inserting a new paragraph to read as follows:

“(c) The filing of pleadings and other papers with the court as required or permitted by this act shall be done in accordance with rules or orders of the supreme court.”;

Also on page 2, in line 8, by striking “in the”; in line 9, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 15, by striking “in the”; in line 16, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 5, in line 8, by striking “in the”; also in line 8, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 10, by striking “in the”; in line 11, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 34, by striking “in the”; also in line 34, by striking “appendix”; in line 35, by striking “of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 6, in line 38, by striking “in the”; also in line 38, by striking “appendix”; in line 39, by striking “of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 8, in line 16, by striking “in the”; also in line 16, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 43, by striking “in the”;

On page 9, in line 1, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 14, by striking “in the”; in line 15, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 10, in line 27, by striking “in”; in line 28, by striking “the appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 11, in line 14, by striking “in”; also in line 14, by striking “the” the second time it appears; in line 15, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 12, in line 10, by striking “in the”; in line 11, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 18, by striking “in the”; in line 19, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 26, by striking “in the”; in line 27, by striking “appendix of forms” and inserting “pursuant to rules or orders of the supreme court”; in line 39, by

striking "contained in the"; in line 40, by striking "appendix of forms" and inserting "set forth pursuant to rules or orders of the supreme court";

By striking all on pages 13 through 89; and the bill be passed as amended.

Also **SB 263** be amended on page 3, after line 23, by inserting:

"Sec. 2. K.S.A. 2000 Supp. 21-3106 is hereby amended to read as follows: 21-3106. (1)

A prosecution for murder may be commenced at any time.

(2) Except as provided by ~~subsection~~ *subsections (7) and (8)*, a prosecution for any of the following crimes must be commenced within five years after its commission if the victim is less than 16 years of age: (a) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (b) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (c) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (d) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (e) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (f) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; or (g) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto.

(3) Except as provided in subsection (8), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(4) Except as provided by subsection (8), a prosecution for rape, as defined in K.S.A. 21-3502 and amendments thereto, or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, must be commenced within five years after its commission.

(5) Except as provided in subsection (8), a prosecution for any crime found in the Kansas medicaid fraud control act must be commenced within five years after its commission.

(6) Except as provided by subsection (8), a prosecution for the crime of arson, as defined in K.S.A. 21-3718 and amendments thereto, or aggravated arson, as defined in K.S.A. 21-3719 and amendments thereto, must be commenced within five years after its commission.

(7) *(a) Except as provided in subsection (8), and notwithstanding any other limitation of time provided by law, a prosecution for any offense provided in subsection (2) or a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, where the limitations period has not expired as of July 1, 2001, or the offense is committed on or after July 1, 2001, must be commenced 10 years from the commission of the offense, or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later. The one-year period from the establishment of the identity of the suspect shall only apply when either of the following conditions is met:*

(i) For an offense committed prior to January 1, 2001, biological evidence collected in connection with the offense is analyzed for DNA type no later than January 1, 2004; and

(ii) for an offense committed on or after January 1, 2001, biological evidence collected in connection with the offense is analyzed for DNA type no later than two years from the date of the offense.

(b) In the event the conditions set forth in subsection (7)(a)(i) or (7)(a)(ii) are not met, a prosecution for any offense provided in subsection (2) or a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, where the limitations period provided in this section has not expired as of January 1, 2001, or the offense is committed on or after January 1, 2001, must be commenced 10 years from the commission of the offense.

(c) For purposes of this section, "DNA" means deoxyribonucleic acid.

(8) Except as provided by subsection (8), a prosecution for any crime not governed by subsections (1), (2), (3), (4), (5) ~~and~~, (6) and (7) must be commenced within two years after it is committed.

~~(9)~~ (9) The period within which a prosecution must be commenced shall not include any period in which:

(a) The accused is absent from the state;

(b) the accused is concealed within the state so that process cannot be served upon the accused;

(c) the fact of the crime is concealed;

(d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(f) whether or not the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present: (i) The victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime. "Parent or other legal authority" shall include but not be limited to natural and stepparents, grandparents, aunts, uncles or siblings.

~~(9)~~ (10) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

~~(10)~~ (11) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

New Sec. 3. (a) Notwithstanding any other provision of law, a person in state custody, at any time after conviction for murder as defined by K.S.A. 21-3401, and amendments thereto, or for rape as defined by K.S.A. 21-3502, and amendments thereto, may petition the court that entered the judgment for forensic DNA testing (deoxyribonucleic acid testing) of any biological material that:

(1) Is related to the investigation or prosecution that resulted in the conviction;
 (2) is in the actual or constructive possession of the state; and
 (3) was not previously subjected to DNA testing, or can be subjected to retesting with new DNA techniques that provide a reasonable likelihood of more accurate and probative results.

(b) (1) The court shall notify the prosecuting attorney of a petition made under subsection (a) and shall afford the prosecuting attorney an opportunity to respond.

(2) Upon receiving notice of a petition made under subsection (a), the prosecuting attorney shall take such steps as are necessary to ensure that any remaining biological material that was secured in connection with the case is preserved pending the completion of proceedings under this section.

(c) The court shall order DNA testing pursuant to a petition made under subsection (a) upon a determination that testing may produce noncumulative, exculpatory evidence relevant to the claim of the petitioner that the petitioner was wrongfully convicted or sentenced.

(d) The cost of DNA testing ordered under subsection (c) shall be borne by the state or the petitioner, as the court may order in the interests of justice, if it is shown that the petitioner is not indigent and possesses the means to pay.

(e) The court may at any time appoint counsel for an indigent applicant under this section.

(f) (1) If the results of DNA testing conducted under this section are unfavorable to the petitioner, the court:

(A) Shall dismiss the petition; and

(B) in the case of a petitioner who is not indigent, may assess the petitioner for the cost of such testing.

(2) If the results of DNA testing conducted under this section are favorable to the petitioner, the court shall:

(A) order a hearing, notwithstanding any provision of law that would bar such a hearing; and

(B) enter any order that serves the interests of justice, including, but not limited to, an order:

(i) Vacating and setting aside the judgment;

(ii) discharging the petitioner if the petitioner is in custody;

(iii) resentencing the petitioner; or

(iv) granting a new trial.

(g) Nothing in this section shall be construed to limit the circumstances under which a person may obtain DNA testing or other postconviction relief under any other provision of law.”;

Any by renumbering sections accordingly;

Also on page 3, in line 24, by striking “is” and inserting “and 21-3106 are”;

On page 1, in the title, in line 10, after the semicolon, by inserting “limitation of actions; testing.”; in line 11, after “2511” by inserting “and 21-3106”; also in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2114**, as amended by House Committee, be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 33; in line 36, by striking “Sec. 2.” and inserting “Section 1.”;

On page 8, in line 30, following “buyer” by inserting “or seller”; in line 34, by striking “in the amount of \$30,000.”; in line 37, following “buyer” by inserting “or seller”; in line 39, preceding “To” by inserting “The amount of such bond shall be as follows: (1) For any new applicant \$30,000; or (2) for any current licensee, \$15,000, until the renewal date of the existing bond, then \$30,000.”;

Also on page 8, in line 43, following “buyer” by inserting “or seller”;

On page 11, by striking all in line 43 and inserting:

“Sec. 2. K.S.A. 2000 Supp. 8-2404 is hereby repealed.”;

On page 12, in line 1, by striking “4.” and inserting “3.”; also in line 1, following “after” by inserting “January 1, 2002, and”;

In the title, in line 11, by striking “8-2401 and”; in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **Substitute for HB 2129**, as amended by House Committee of the Whole, be amended on page 2, in line 18, after “commission” by inserting “who are not legislators”; in line 22, after the period, by inserting: “Legislative members of the commission shall be paid amounts provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, for attendance at any meeting of the commission or any subcommittee meeting authorized by the commission.”;

On page 3, in lines 9 and 10, by striking “not be eligible for”; in line 11, before “mileage,” by inserting “receive” and the substitute bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 5, SB 128 reported correctly engrossed March 8, 2001.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Recommended **SB 96, SB 170, SB 294, SB 309, SB 313; HB 2115** be passed.

The committee recommended **SB 134** be passed.

A motion by Senator Umbarger to amend **SB 134** failed and the following amendment was rejected: on page 2, following line 18, by inserting two new sections as follows:

“Sec. 2. (a) There is established the Kansas council on school district finance and quality performance. The council shall be composed of 17 members.

(b) The following members of the council shall serve ex officio or shall designate a person to represent them on the council: The governor, the chairperson and ranking minority member of the committee on education of the house of representatives, the chairperson and ranking minority member of the committee on education of the senate, the chairperson and ranking minority member of the committee on taxation of the house of representatives, the chairperson and ranking minority member of the committee on assessment and taxation of the senate, the chairperson and ranking minority member of the committee on appropriations of the house of representatives, the chairperson and ranking minority member of the committee on ways and means of the senate, the chairperson of the state board of education. The remainder of the members of the council shall be representative of the general public and shall be appointed as follows: Two members shall be appointed by the governor and shall serve at the pleasure of the governor, and one member shall be appointed by the state board of education and shall serve at the pleasure of the state board.

(c) The council shall organize annually and elect a chairperson and vice-chairperson from among the members of the council. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of chairperson or vice-chairperson, another member of the council shall be elected by the members of the council to fill such vacancy. Within 30 days after the effective date of this act, the council shall organize and elect a chairperson and a vice-chairperson in accordance with the provisions of this subsection.

(d) A quorum of the council on school district finance and quality performance shall be nine.

(e) The council on school district finance and quality performance may meet at any time on the call of the chairperson.

(f) In accordance with K.S.A. 46-1204, and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the council on school district finance and quality performance.

(g) Members of the council on school district finance and quality performance attending meetings of the council or subcommittee meetings authorized by the council shall receive compensation, subsistence allowances and mileage provided for in K.S.A. 75-3223, and amendments thereto.

(h) The staff of the legislative research department, the office of the revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the council on school district finance and quality performance and authorized by the legislative coordinating council.

(i) The staff of the state department of education shall provide such assistance as may be requested by the council on school district finance and quality performance and authorized by the state board of education.

(j) The provisions of this section shall take effect and be in force from and after July 1, 2001, and shall expire on June 30, 2006.

Sec. 3. (a) The council on school district finance and quality performance shall:

(1) Monitor operation of the school district finance and quality performance act;

(2) evaluate the components of the act and determine whether there is a fair and equitable relationship between the costs of weighted components and the weightings assigned to such components;

(3) determine whether additional school district operations should be weighted;

(4) evaluate the effect of the act on local control;

(5) determine whether operation of the act fulfills the obligation of the state to provide a suitable education for Kansas children;

(6) evaluate the reform and restructuring components of the act and assess the impact of such components on the educational systems of school districts and on the educational system of the state as a whole;

(7) review and evaluate systems of financial support, reform and restructuring of public education in other states in an effort to ensure that the Kansas system is the most efficient and effective;

(8) review the amount of base state aid per pupil and, in conjunction therewith, determine whether the amount of state financial aid provided for school districts is sufficient to provide adequate educational opportunities for Kansas children;

(9) explore alternative funding sources;

(10) evaluate the state's policy regarding qualification of educational programs for categorical state aid and whether entitlement formulas therefor are equitable;

(11) make an annual report, together with any recommendations for legislation relating to school finance or restructuring deemed necessary, to the legislature, the governor, and the state board of education.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2001, and shall expire on June 30, 2006.”;

By renumbering section 2 as section 4;

In the title, in line 9, after “ACT”, by inserting “concerning school district finance;”; also in line 9, by striking “of school district finance” and inserting “thereof; establishing and imposing duties on the Kansas council on school district finance”

SB 8, SB 14, SB 118, SB 291; HB 2149, HB 2210 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 332 be amended by adoption of the committee amendments, be further amended by motion of Senator Jenkins as amended by Senate Committee, on page 5, in line 3, by striking “\$50,000” and inserting “\$25,000”; also, in line 3, by striking “50%” and inserting “25%”

Senator Jenkins further amended **SB 332** on page 2, line 5, by striking out “contributed” after the word moneys and inserting the words: “designated for contribution”, and **SB 332** be passed as further amended.

SB 305 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 8, SB 14, SB 96, SB 118, SB 134, SB 170, SB 291, SB 294, SB 309, SB 313 SB 332; HB 2115, HB 2149, HB 2210** were advanced to Final Action and roll call.

SB 8, An act concerning Washburn university; relating to determination of operating grant entitlements; amending K.S.A. 2000 Supp. 72-6503 and repealing the existing section; also repealing K.S.A. 2000 Supp. 72-6503a and 72-6505.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Huelskamp, O'Connor, Pugh, Tyson.

The bill passed, as amended.

SB 14, An act concerning mediation; relating to disputes which may be ordered to mediation; relating to certain costs of mediation; amending K.S.A. 44-817 and K.S.A. 2000 Supp. 5-501 and 5-509 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Tyson.

The bill passed, as amended.

SB 96, An act concerning the department of corrections; relating to unclassified employees; amending K.S.A. 75-5205 and repealing the existing section.

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

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

Nays: Jackson.

The bill passed.

SB 118, An act relating to fetal alcohol syndrome; establishing a diagnostic and prevention network pilot program.

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

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

The bill passed, as amended.

SB 134, An act providing for a professional evaluation of school district finance.

On roll call, the vote was: Yeas 24, Nays 16, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jordan, Lee, O'Connor, Oleen, Praeger, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Brungardt, Clark, Corbin, Donovan, Harrington, Huelskamp, Jackson, Jenkins, Kerr, Lyon, Morris, Pugh, Salmans, Schmidt, Taddiken, Tyson.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I voted against **SB 134** because the premise is faulty. Most districts do provide a suitable education as defined in the bill. The effect of the study would likely be the certification of widely different dollar amounts in different districts as being reasonable and needed.—PETE BRUNGARDT

MR. PRESIDENT: I vote "no" on **SB 134** because it appears to lead us toward different funding for education based upon perceived differences in costs of living or on present expenditures. Having seen this happen before in the school finance formula used prior to 1992, I am very concerned about that possibility. It could result in inequality in education opportunity.

Furthermore, I believe the new council envisioned in the amendment is duplicative of the work we expect from the State Board of Education—DAVE KERR

Senator Salmans requests the record to show he concurs with the "Explanation of Vote" offered by Senator Kerr on **SB 134**.

MR. PRESIDENT: I vote yes on **SB 134** based on assurances from the Senator from Johnson to work on an appropriate reference to a grade specific legal definition of an

appropriate education in the bill as it moves to the House for consideration—KAY O'CONNOR

SB 170. An act concerning the Kansas children's cabinet; relating to agreements with not-for-profit foundations or other entity; concerning investment of certain moneys; requiring approval by the attorney general.

On roll call, the vote was: Yeas 32, Nays 8, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Donovan, Huelskamp, Lyon, O'Connor, Pugh, Tyson.

The bill passed.

SB 291. An act concerning crimes, criminal procedure and punishment; creating the crime of causing harm to another person by motor vehicle and prescribing penalties therefor.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Clark, Corbin, Harrington, Huelskamp, Jackson, Lyon, Pugh, Salmans, Tyson, Wagle.

The bill passed, as amended.

SB 294. An act concerning the Kansas chemical control act; relating to the chemical control fund; amending K.S.A. 2000 Supp. 65-7012 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 309. An act authorizing the state historical society to accept conveyance of certain real property on behalf of the state.

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

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

The bill passed.

SB 313. An act concerning school districts; authorizing boards of education to adopt policies providing for school days and school hours in addition to school days and school hours scheduled for the regular school term; amending K.S.A. 72-1106 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 332. An act establishing the individual development account program for assistive technology and an individual development account reserve fund therefore.

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

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

The bill passed, as amended.

HB 2115. An act concerning the Kansas life and health insurance guaranty association; relating to claim reimbursement; amending K.S.A. 40-3003, 40-3005 and 40-3008 and repealing the existing sections.

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

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

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HB 2115**. This bill allows the legislature to clarify and explain the application of the Kansas Life and Health Insurance Guaranty Fund on the reimbursement to health providers. I believe the bill reflects the legislature's original intent to include all health providers within the Fund and does not impair any vested right.

Furthermore, this legislation certainly furthers a compelling state interest to encourage providers to enter into network agreements which in turn hold down the cost of health care.—SANDY PRAEGER

HB 2149. An act relating to the state bank commissioner; providing for the sharing of certain information with agencies; amending K.S.A. 2000 Supp. 9-1303 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2210. An act concerning distribution and control of drugs in certain facilities; amending K.S.A. 65-1648 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: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, March 9, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

