

Journal of the Senate

SIXTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 10, 2002—2:00 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Rev. Kevin Graham, Senior Pastor, St. Matthew Christian Methodist Episcopal Church, Wichita, and President of the Wichita Ministerial League, who delivered the invocation:

O Lord, I come now asking you in the name of Jesus to bless this house.

Bless this body, The Kansas State Legislator, to be a beacon light in the midst of so much darkness in our world.

Bless those in the House and the Senate to serve Kansas and all humanity with humility.

Help them Lord to make the decisions you would have them to make on the various issues that confront them.

Enable them to better the lives of all people regardless of race, sex, denomination, religion, political affiliation and social standing in life.

Bless the President of the United States, our Governor, our lawmakers in Washington, the victims of September 11, and our nations military and bring peace to our world.

In the name of Jesus Christ I pray, Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 662, An act concerning the Kansas Lottery; creating the electronic gaming commission to study the operation of electronic gaming machines at parimutuel racetrack facilities and provide a mechanism for the implementation thereof; amending K.S.A. 46-247 and K.S.A. 2001 Supp. 46-237a and 74-8702 and repealing the existing sections, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 661**.

Judiciary: **HB 3010**.

Ways and Means: **HB 2575**, **HB 2770**, **HB 2991**.

MESSAGE FROM THE GOVERNOR

Sub SB 339; **SB 391**, **SB 407**, **SB 433**, **SB 449**, **SB 463**, **SB 477**, **SB 491**, **SB 642** approved on April 9, 2002.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 517**, as amended.

The House concurs in Senate amendments to **HB 2602** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2768** and requests the Senate to return the bill.

The House announces the appointment of Representative McClure to replace Representative Flora as a conferee on **HB 2703**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Corbin moved the Senate concur in house amendments to **SB 129**.

SB 129, An act relating to annual reports concerning certain tax incentive effectiveness; amending K.S.A. 2001 Supp. 74-8017 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, 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.

Present and Passing: Haley.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 439**, submits the following report:

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

On page 10, by striking all in lines 6 through 18 and inserting:

“(c) The commission may reinstate and renew the license of a licensee who has failed to comply with the requirements of subsection (b)(1) if within six months following the date of the expiration of the license, the licensee submits to the commission an application for late renewal. Such application shall be made on a form provided by the commission and shall be signed by the licensee. Except for late renewal of a license on deactivated status pursuant to K.S.A. 58-3849, and amendments thereto, such application also shall be signed by the licensee’s supervising broker or branch broker, if applicable. Such application shall be accompanied by (1) evidence of compliance with K.S.A. 58-3046a, and amendments thereto, or a written request that such license be renewed on deactivated status pursuant to K.S.A. 58-3849, and amendments thereto, and (2) payment of the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, plus a late fee of \$50.”;

On page 11, in line 2 by striking all after “for”; by striking all in lines 3 and 4 and inserting “. Such application shall be made on a form provided by the commission and shall be signed by the licensee and the licensee’s supervising broker or branch broker, if applicable.”

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

AL LANE
PEGGY LONG
L. CANDY RUFF
Conferees on part of House

NANCEY HARRINGTON
KAY O’CONNOR
U.L. GOOCH
Conferees on part of Senate

Senator Harrington moved the Senate adopt the Conference Committee Report on **SB 439**.

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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2123**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2123, as amended by Senate Committee of the Whole, as follows:

By striking all after the enacting clause and inserting the following:

“Section 1. (a) As used in this section: (1) “Contractor” means a person who owns poultry that is raised or cared for by a poultry producer;

(2) “poultry” means posthatched to finished live chickens or turkeys that are raised by a poultry producer for slaughter by another;

(3) “poultry producer” means any individual or group of individuals that raise or care for live poultry for slaughter by another under terms of a written production contract;

(4) “production contract” means any written agreement that provides for the raising and care of poultry by a poultry producer for a contractor; and

(5) “production” means to raise and care for poultry under the terms of a poultry production contract.

(b) Poultry production contracts shall: (1) Be written in a readable form and shall be accompanied by a clearly written disclosure statement setting forth the nature of the material risks faced by the poultry producer if the poultry producer enters into such poultry production contract;

(2) be negotiated and entered into in an environment free from unfair or deceptive trade practices or other violations of law;

(3) not require disclosure of trade secrets and not be contrary to the uniform trade secrets act, K.S.A. 60-3320 *et seq.*, and amendments thereto;

(4) not require poultry producers to reveal intellectual property rights nor disclose personal financial information or production practices;

(5) not prohibit nor discourage poultry producers from associating with other poultry producers to compare contract terms or address concerns or problems;

(6) not prohibit nor discourage poultry producers from seeking professional, legal, financial and agricultural production advice and counsel related to production contract terms, obligations and responsibilities;

(7) not allow a contractor to terminate any poultry production contract with a poultry producer that has complied with the provisions of the poultry production contract; and

(8) not deny poultry producers of the ability to address a dispute in the Kansas courts. The poultry production contract may contain a provision to have the option of submitting any dispute arising under a poultry production contract to arbitration.

(c) Any provision of a poultry production contract which violates the provisions of subsection (b) is void and unenforceable. This subsection shall not affect other provisions of a poultry production contract, including a contract or related document, policy or agreement which can be given effect without the voided provision.

(d) A poultry producer who suffers damages because of a contractor's violation of the provisions of subsection (b) may obtain appropriate legal and equitable relief, including, but not limited to, injunctive relief and punitive damages, as provided in K.S.A. 60-3702, and amendments thereto. In such a civil action against the contractor, the court may award the poultry producer who is the prevailing party, reasonable attorney fees and other litigation expenses.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all after “AN ACT” and inserting “concerning agriculture; relating to poultry production contracts; prohibited acts and relief therefrom.”;

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

DEREK SCHMIDT
TIM HUELSKAMP
CHRISTINE DOWNEY
Conferees on part of Senate

DAN JOHNSON
DONALD L. DAHL
DANIEL J. THIMESCH
Conferees on part of House

Senator Schmidt moved the Senate adopt the Conference Committee Report on **S Sub for HB 2123**.

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, 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: Corbin.

The Conference Committee report was adopted.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor 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 Indigents' Defense Services:

J. Roy Holliday, Jr., term expires January 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.

On the appointment to the:

Kansas Technology Enterprise Corporation, Board of Directors:

Douglas C. Brush, term expires January 15, 2006.

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.

On the appointment to the:

Kansas Technology Enterprise Corporation, Board of Directors:

David E. Shulenburg, term expires January 15, 2006.

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 OF BILLS AND CONCURRENT RESOLUTIONS

SB 641, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

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

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

Nays: Brownlee, Huelskamp, Steineger, Tyson.

The bill passed, as amended.

Sub HB 2653, An act relating to antique vehicles; concerning certificates of title; amending K.S.A. 8-170 and repealing the existing section, was considered on final action.

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

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

Nays: Downey, Feleciano, Jordan, Tyson.

The substitute bill passed, as amended.

HB 2947, An act concerning municipal bonds; relating to interest thereon; amending K.S.A. 10-1009 and repealing the existing section, was considered on final action.

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.

HB 2949, An act concerning cities and counties; relating to transportation development districts; amending K.S.A. 12-194 and 25-432 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schodorf, Taddiken, Umbarger, Vratil.

Nays: Barnett, Downey, Haley, Hensley, Huelskamp, Lee, Schmidt, Steineger, Teichman, Tyson, Wagle.

The bill passed, as amended.

HB 2982, An act concerning the affixing of cigarette tax stamps and meter impressions and payment of tax on roll-your-own tobacco, was considered on final action.

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, Huelkamp, 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.

HB 3021, An act concerning the employment security law; amending K.S.A. 44-705 and K.S.A. 2001 Supp. 44-703 and 44-710 and repealing the existing sections, was considered on final action.

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, Huelkamp, 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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Barone and Huelkamp introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1839—

A RESOLUTION congratulating and commending the Kansas Association of Retired School Personnel upon its 50th anniversary.

WHEREAS, The Kansas Association of Retired School Personnel, formerly known as the Kansas Retired Teachers Association, will be celebrating its 50th anniversary at its annual convention which is to be held June 13 and 14 in Pittsburg; and

WHEREAS, The Kansas Association of Retired School Personnel welcomes all retired teachers, administrators, school personnel and support staff as members, as well as active educators and school system employees plus others interested in the objectives of the organization; and

WHEREAS, The association is affiliated with the National Retired Teachers Association. Its members join together to enhance the quality of life and to promote independence, dignity and purpose for its members. The association publishes THE MEADOWLARK, the association's state newsletter. Its motto is "To serve, not to be served"; and

WHEREAS, The association has been the voice of retired school personnel since 1952 and advocates for education, relevant societal issues and the needs of retirees. It maintains professional relationships and facilitates fellowship with colleagues. The organization is proud to serve Kansas communities through flexible, meaningful service projects which produce at least 360,000 volunteer hours annually. The Manhattan and Emporia units have won National Purpose of America Awards with their ongoing "With our Youth" projects: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That it congratulates and commends the Kansas Association of Retired School Personnel upon its 50th anniversary; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Carolyn Kuhn, 2040 West 12th, Emporia, Kansas 66801.

On emergency motion of Senator Barone **SR 1839** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2795**, as amended by House Committee, be amended on page 1, in line 19, by striking "and" and inserting "if";

On page 2, in line 1, by striking "of"; after line 11, by inserting a new section to read as follows:

“Sec. 3. K.S.A. 79-503a is hereby amended to read as follows: 79-503a. “Fair market value” means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. *In the determination of fair market value of any real property which is burdened by any special assessment, the sales value thereof, and the sales value of any comparable real property so burdened, shall not include the present value of any such special assessment.* For the purposes of this definition it will be assumed that consummation of a sale occurs as of January 1.

Sales in and of themselves shall not be the sole criteria of fair market value but shall be used in connection with cost, income and other factors including but not by way of exclusion:

- (a) The proper classification of lands and improvements;
- (b) the size thereof;
- (c) the effect of location on value;
- (d) depreciation, including physical deterioration or functional, economic or social obsolescence;
- (e) cost of reproduction of improvements;
- (f) productivity;
- (g) earning capacity as indicated by lease price, by capitalization of net income or by absorption or sell-out period;
- (h) rental or reasonable rental values;
- (i) sale value on open market with due allowance to abnormal inflationary factors influencing such values;
- (j) restrictions imposed upon the use of real estate by local governing bodies, including zoning and planning boards or commissions; and
- (k) comparison with values of other property of known or recognized value. The assessment-sales ratio study shall not be used as an appraisal for appraisal purposes.

The appraisal process utilized in the valuation of all real and tangible personal property for ad valorem tax purposes shall conform to generally accepted appraisal procedures which are adaptable to mass appraisal and consistent with the definition of fair market value unless otherwise specified by law.”;

Also, on page 2, in line 12, by striking “79-2803a is” and inserting “79-503a and 79-2803a are”;

By renumbering existing sections accordingly;

In the title, in line 10 after “ACT” by inserting “relating to property taxation;”; in line 11, by striking “relating to the procedure therefor” and inserting “concerning the determination of fair market value”; also, in line 11, after “K.S.A.” by inserting “79-503a and”; in line 12, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Commerce** recommends **Substitute for HB 2754**, as amended by Senate Committee, be further amended on page 2, in line 43, by striking all after “rates”;

On page 3, by striking all in lines 1 through 3; in line 4, by striking all before the period and inserting “, subject to the following:

- (1) Any reduction of a rural telephone company’s cost recovery due to reduction of its interstate access revenue shall be recovered from the KUSF;
- (2) any portion of rural telephone company reductions in intrastate switched access rates which would result in an increase in KUSF recovery in a single year which exceeds .75% of intrastate retail revenues used in determining sums which may be recovered from Kansas telecommunications customers pursuant to subsection (a) of K.S.A. 2001 Supp. 66-2008, and amendments thereto, shall be deferred until March 1 of the next following odd-numbered year; and
- (3) no rural company shall be required at any time to reduce its intrastate switched access rates below the level of its interstate switched access rates”;

On page 9, by striking all in lines 22 and 23; in line 24, by striking all before “but”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5051** be adopted.

REPORT ON ENGROSSED BILLS

SB 641 reported correctly engrossed April 10, 2002.

REPORT ON ENROLLED BILLS

Sub for SB 116; SB 547 reported correctly enrolled, properly signed and presented to the Governor on April 10, 2002.

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 Haley in the chair.

On motion of Senator Haley the following report was adopted:

Recommended **SB 652** be passed.

HB 2933 be amended by adoption of the committee amendments, and the bill be passed as amended.

Senator Umbarger offered to amend **HB 2337** as amended by House Committee of the Whole, on page 1, following line 15, by inserting:

“Section 1. K.S.A. 72-8205 is hereby amended to read as follows: 72-8205. (a) The board of *education* shall meet at least once each month. At some time during the month of July of each year, the board shall adopt a resolution specifying a regular meeting time of the board and such resolution shall specify the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution shall also provide that if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board, such regular meeting shall be held on the day following commencing at the same hour. Such resolution shall also specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. Special meetings may be called at any time by the president of the board or by joint action of any three members thereof. Written notice, stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided in the unification acts, the board of *education* shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class; and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board of *education* shall have authority to prescribe courses of study for each year of the school program and provide rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations formulated and recommended by the state board of education.

(d) The board of *education* may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed as any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) *The board of education shall have the power to transact business for the efficient and effective use of district resources in a manner and upon such terms and conditions as the board deems to be in the best interest of the school district.*

(2) *The power conferred by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities which are prescribed by law, nor to*

create any responsibility on the part of a board of education to assume the duties or responsibilities which are required of another unit of government.

(3) *The board of education shall exercise the power conferred by this subsection by resolution of the board.*

(4) *The power conferred by this subsection shall be construed in a manner which gives a board of education the largest measure of authority to transact business of the school district.”;*

By renumbering sections 1 through 8 as New sections 2 through 9, respectively;

On page 3, following line 33, by inserting:

“Sec. 10. K.S.A. 72-8205 is hereby repealed.”;

By renumbering section 9 as section 11;

In the title, by striking all in lines 12 and 13 and inserting:

“AN ACT concerning cities, counties and school districts; relating to the powers and duties thereof; relating to the creation of the Kansas advisory council on intergovernmental relations and the powers and duties thereof; amending K.S.A. 72-8205 and repealing the existing section.”

A ruling of the chair was requested as to the germaneness of the amendment to the bill.

The Chair ruled the amendment to be germane.

On motion of Senator Umbarger the amendment was adopted.

Senator Brownlee amended **HB 2337**, on page 2, line 40, by inserting “or electronically” after “in writing”, and **HB 2337** be passed as amended.

Sub HB 2872 be amended by adoption of the committee amendments, be further amended by motion of Senator Oleen as amended by Senate Committee, on page 1, by striking all in lines 16 and 17; following line 17, by inserting:

“New Section 1. (a) This section and sections 2 through 9, and amendments thereto, shall be known and may be cited as the workforce development loan program act.

(b) As used in the workforce development loan act, “postsecondary educational institution” shall have the meaning ascribed thereto by K.S.A. 2001 Supp. 74-3201b, and amendments thereto.”;

By relettering subsections (b) through (f) as subsections (c) through (g), respectively;

Also on page 1, in line 21, by striking all after “to”; by striking all in line 22; in line 23, by striking “regents” and inserting “a postsecondary educational institution”; in line 37, by striking all after “attending”; in line 38, by striking all before the period and inserting “a postsecondary educational institution”;

On page 2, in line 33, by striking “Kansas” and inserting “postsecondary”.; and **Sub HB 2872** be passed as further amended.

SB 656 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 652**; **HB 2337**; **Sub HB 2872**; **HB 2933** were advanced to Final Action and roll call.

SB 652, An act concerning corrections; relating to inmate status and classification; amending K.S.A. 75-5210 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: 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: Adkins.

The bill passed.

HB 2337, An act concerning cities, counties and school districts; relating to the powers and duties thereof; relating to the creation of the Kansas advisory council on intergovernmental relations and the powers and duties thereof; amending K.S.A. 72-8205 and repealing the existing section.

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

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

Nays: Donovan, Harrington, Hensley, Huelskamp, Jackson, Lee, Lyon, Pugh.

The bill passed, as amended.

Sub HB 2872, An act establishing the workforce development loan program; concerning such loan; creating a fund; providing for loan repayment, forgiveness and administration thereof; amending K.S.A. 72-4433 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 4, 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, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, Pugh, Tyson.

The substitute bill passed, as amended.

HB 2933, An act concerning state officers and employees; relating to the drug screening program for certain state officers and employees and certain applicants for state employment; amending K.S.A. 2001 Supp. 75-4362 and repealing the existing section; also repealing K.S.A. 75-4363.

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, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Pugh.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2818**, submits the following report:

The Senate recedes from all of its amendments to the bill;

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

DEREK SCHMIDT
TIM HUELSKAMP
CHRISTINE DOWNEY
Conferees on part of Senate

DAN JOHNSON
DONALD L. DAHL
DANIEL J. THIMESCH
Conferees on part of House

Senator Schmidt moved the Senate adopt the Conference Committee Report on **HB 2818**.

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

Yeas: Adkins, Allen, Barnett, Barone, 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: Brownlee.

The Conference Committee report was adopted.

On motion of Senator Oleen, the Senate recessed until 3:45 p.m.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 663, An act providing for redistricting of state board of education member districts; repealing K.S.A. 4-502 through 4-513, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 663** to the Committee on Reapportionment.

MESSAGE FROM THE HOUSE

Announcing the House concurs in Senate amendments to **HB 2704** and requests the Senate to return the bill.

The House adopts the conference committee report on **SB 402**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Morris the Senate nonconcurred in the House amendments to **Sub SB 508** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Corbin the Senate nonconcurred in the House amendments to **SB 553** and requested a conference committee be appointed.

The President appointed Senators Corbin, Jenkins and Lee as a conference committee on the part of the Senate.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Thursday, April 11, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

