

Journal of the Senate

SEVENTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, May 9, 2002—9:30 a.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,

When we face a crisis such as a Three quarter billion dollar shortfall, the tendency is to look for somebody or something on which to place the blame. There is almost an endless number of scapegoats we might come up with:

We could try to blame the Governor

Or the Democrats.

We could try to blame Republicans

Or some bureaucrats.

We might blame the weather

Or try to blame ENRON,

Or maybe global warming

Or Prime Minister Sharon.

We could try to blame Bush

Or Yassar Arafat.

Maybe Saddam Hussein

Or someone like that.

There are lots of people

Who blame it on God.

For others the devil

Would get the nod.

How about the majority

And minority leaders?

Or perhaps the Chaplain

Or even the Reader!

It's a fruitless effort

To try to place blame;

To find a solution

Is why we came.

By the way, Lord, I'm sure You have noticed...

I've deliberately omitted

The Senate President's name.

I may not be smart,

But I'm not insane!

I pray in the Name of Christ,

AMEN

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Gooch, Barone, Downey, Feleciano, Gilstrap, Goodwin, Haley, Hensley, Lee and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1862—

A RESOLUTION in memory of Velda Duette.

WHEREAS, Velda Duette, 60, of Topeka died Saturday May 4 of an unknown cause; and

WHEREAS, Mrs. Duette was a long-time worker for the Democratic Party. She served as the vice-chairwoman of the Kansas Democratic Party from 1993 to 1999. She also was a member of the Democratic National Committee and a member of the Association of State Democratic Chairs for the same years. She was the recipient of the 1997 John D. Montgomery Distinguished Service Award, the highest honor that can be bestowed on a non-publicly elected Kansas Democrat by the Kansas Democratic Party; and

WHEREAS, Mrs. Duette worked for more than 15 years as a staff member for the Kansas Legislature. She began in 1985 working for Senator Anderson and later for Senator Ward, both of Wichita. Since 1993 she has worked as the secretary for Senator Gooch, also from Wichita. Her grace and contagious smile will be missed by all members of the senate and by all others involved in the legislative process in Kansas; and

WHEREAS, Mrs. Duette was a member of the Mount Carmel Missionary Baptist Church where she served as a Sunday school teacher and was a member of the deaconess board and headed the church building fund committee; and

WHEREAS, Velda Duette married Charles Duette on December 19, 1960. He survives; also surviving are four daughters, Velerie Duette, Lisa Duette-King, Jennifer Duette-Goode and Diana Wandix, and three grandchildren, Mariauna Lesette Hernandez, Jordan Alexander Wandix and Syndey Danielle Wandix: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate honors the memory of Velda Duette and the public service she gave to her community and the state of Kansas and extends our deepest sympathy to her family and friends; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Charles Duette, 1535 S.W. Cheyenne Hills Road, Topeka, Kansas 66604.

On emergency motion of Senator Gooch **SR 1862** was adopted unanimously.

Senator Gooch and members of the senate offered their condolences to family and friends visiting the Senate today in memory of Velda Duette. Among the guests were her husband, Charles, and three of her daughters, Lisa Duette-King, Jennifer Duette-Goode and Diana Wandix.

POINT OF PERSONAL PRIVILEGE

Senator Kerr rose on a point of personal privilege to recognize and congratulate Helen Moreland, who is celebrating her 20th year as a Senate Journal Clerk. Helen began in 1983. She has served under five Senate Presidents—Doyen, Talkington, Burke, Bond and Kerr.

On motion of Senator Oleen, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing, the House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 422** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 438** and has appointed Representatives Johnson, Schwartz and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 499** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 647** and has appointed Representatives Benlon, Krehbiel and Storm as conferees on the part of the House.

The House announces the appointment of Representative Rehorn to replace Representative Thimesch as a conferee on **HB 2020**.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 297, SB 429, SB 489, SB 499; Sub SB 545; H Sub for SB 605; SCR 1623; HB 2718, HB 2746; Sub HB 2872**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Vratil moved the Senate concur in house amendments to **SB 297**.

SB 297, An act enacting the Kansas uniform trust code; repealing K.S.A. 58-1201, 58-1202, 58-1203, 58-1205, 58-1206, 58-1207, 58-1208, 58-1209, 58-1210, 58-1211, 58-2404, 58-2405, 58-2409, 58-2410, 58-2411, 58-2412, 58-2413, 58-2415, 58-2417, 58-2420, 59-2295 and 59-2296 and K.S.A. 2001 Supp. 58-1204, 58-12a01, 58-12a02, 58-12a03, 58-12a04, 58-12a05 and 58-12a06.

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.

Senator Morris moved the Senate concur in house amendments to **SB 499**.

SB 499, An act concerning the secretary of state; establishing the technology communication fee fund.

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

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Gilstrap, Gooch, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Haley, Hensley, Huelskamp, Lee, O'Connor.

The Senate concurred.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" (Again) on **SB 499**.

In this bleak fiscal year, it is time for each state administration to exercise restraint in the levying and escalation of any fees.

Traditionally, this Senator opposes all tax or fee increases. The Secretary of State's office, with one of the highest budgets in Kansas government already, should be no exception; especially in creating yet another "fund" with no crystal-clear agenda benefitting the taxpayer...or voter.—DAVID HALEY

Senator Clark moved the Senate concur in house amendments to **Sub SB 545**.

Sub SB 545, An act relating to public utilities; concerning public right-of-way and certain fees and costs; providing for recovery of certain costs of security measures of certain public utilities.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon,

Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Donovan, Downey, Feleciano, Gooch, Harrington, Schodorf, Wagle.
The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 429**, submits the following report:

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

On page 1, in line 42, before the period, by inserting "except as provided in subsections (f) and (g)";

On page 2, by striking all in lines 34 through 43;

On page 3, by striking all in lines 1 through 10 and inserting in lieu thereof the following:
“(f) (1) (A) Each state agency shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions in that agency through increased efficiencies or other economies or savings in the operations of the state agency.

(B) The employee making the suggestion shall be paid a one time employee suggestion bonus of 10% of the documented cost reduction, up to a maximum of \$37,500. The bonus shall be paid solely upon documented cost reductions in the first 12 months following the implementation of the suggestion as documented to the division of the budget.

(C) The agency shall retain 10% of the documented cost reduction. Savings achieved through this cost reduction shall be placed in the Kansas savings incentive account or fund for that agency. The remaining balance of the savings achieved through this cost reduction shall revert to the state general fund.

(2) Each state agency shall submit each suggestion it receives, together with the state agency's estimated cost reduction, if any, and dispensation of the suggestion to the division of the budget. The director of the budget shall file copies with the director of the legislative research department, who shall report annually on the information to members of the legislative budget committee.

(g) (1) Salary bonus payments under the Kansas savings incentive program shall be made only for the following conditions:

(A) Suggestions made under subsection (f) for which a 10% suggestion bonus had not been awarded, or

(B) for awards and recognition provided pursuant to subsection (a).

(2) The director of personnel services shall establish guidelines and limitations for bonus payments under the Kansas savings incentive program.

(h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and any amendments thereto.”;

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

KENNY A. WILK
MELVIN NEUFELD
ROCKY NICHOLS
Conferees on part of House

STEPHEN R. MORRIS
NICK JORDAN
PAUL FELECIANO, JR.
Conferees on part of Senate

Senator Morris moved the Senate adopt the Conference Committee Report on **SB 429**.
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 House amendments to **SB 489**, submits the following report:

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

On page 1, in line 41, by striking "or any third"; in line 42, by striking "party"; by striking all in line 43;

On page 2, by striking all in line 1; in line 3, by striking "or any third-party suit"; in line 7, by striking "a tamperer"; also in line 7, by striking "or" the second time it appears; in line 8, by striking "relating to the act of tampering" and inserting "based on the tamperer's actions";

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

MICHAEL O'NEAL

WARD LOYD

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 489**.

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

The motion failed and the Conference Committee Report on **SB 489** was considered on final action.

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

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

Nays: Feleciano, Gooch, Haley, Hensley, O'Connor, Pugh, Wagle.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: The immunity provisions in this bill would hold harmless not only individual farmers, as it should, but also manufacturers, retailers, pipeline companies, and transporters of anhydrous ammonia. This broad immunity reduces the incentive for owners or sellers to secure pipelines and storage facilities against tampering.

Kansas laws should encourage owners or sellers of this dangerous chemical to be responsible by participating in proactive safety programs. Kansas laws should not make it easier to be less responsible and accountable.

An innocent person injured or killed due to the actions of a tamperer, even when there is negligence on the part of the owner or seller of the anhydrous ammonia, would have no remedy for their injuries.

The safety of Kansas families should be our paramount priority. In addition, a ruling on the negligence of an owner or seller of anhydrous ammonia should be made by our courts and by a jury, not by the Kansas Legislature.

This session alone, we have rejected 13 of the 14 immunity proposals made to the Kansas Legislature. I vote no on **SB 489** in hopes that we will reject this one as well.—ANTHONY HENSLEY

MR. PRESIDENT: I vote no on **SB 489** because I cannot condone forcing no recourse to the victim of a third party injury that may have been contributed to by the negligence of an owner. This liability question should be settled in the courts not by legislative fiat.—KAY O'CONNOR

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 605**, submits the following report:

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

On page 2, in line 15, after "amendments" by inserting "thereto"; in line 32, before the period by inserting "and the legislative research department";

On page 7, in line 21, before "Kansas", by inserting "securities commissioner of Kansas, attorney general.";

On page 8, before line 1, by inserting the following sections:

"Sec. 9. K.S.A. 46-925 is hereby amended to read as follows: 46-925. Any payment made pursuant to this act shall be reported to the director of accounts and reports along with appropriate documentation ~~thereof~~ of the payment as may be required by such director. Upon request of any legislator, legislative committee or the legislative research department or other legislative staff agency, the director of accounts and reports shall compile and maintain a report of all such payments and shall submit the same to the committee on ways and means of the senate and the committee on appropriations of the house of representatives and to the joint committee on special claims against the state at least 10 days prior to the convening of the regular session of the legislature provide to such legislator, committee or agency a report concerning all payments made pursuant to this act.

Sec. 10. K.S.A. 75-2566 is hereby amended to read as follows: 75-2566. (a) The state librarian is hereby authorized and directed to establish, operate and maintain a publication collection and depository system as provided in this act.

(b) Each state agency shall deposit with the Kansas state library ~~copies and the state historical society one printed copy~~ of any publication issued by such state agency ~~in such~~. If more copies are needed, the state librarian shall request the specified quantity ~~as shall be specified by the state librarian~~.

(c) The state librarian shall forward two ~~(2)~~ copies of all such publications to the library of congress, ~~one copy to the state historical society~~; one copy to the center for research libraries and one ~~copy~~ or more copies shall be retained permanently in the Kansas state library. Additional copies, as may be prescribed by rule and regulation, may be required for the depository system.";

And by renumbering remaining sections;

Also on page 8, in line 18, before the period, by inserting "or by electronic mail"; after line 19, by inserting a new subsection to read as follows:

"(b) Notwithstanding what the provisions of subsection (a) may provide or the provisions of any other statute, each state agency which produces a report, pamphlet, book or material available to the public on the internet shall notify and provide a printed copy to the Kansas state library and the state historical society.";

And by relettering the remaining subsection;

Also on page 8, in line 20, by striking the comma where it appears for the second time; in line 21, by striking ", such copies" and inserting "at least one shall be a printed copy of each publication and it"; in line 22, by striking the comma and inserting "and"; also in line 22, by striking "and"; by striking all of line 23; in line 24, by striking all before the period; also in line 24, after the period by inserting the following: "Printed copies or copies on CD-ROM of such publication shall be submitted to the legislature or the members thereof in accordance with K.S.A. 46-1212c, and amendments thereto."; in line 31, preceding "46-1212c", by inserting "46-925"; also in line 31, after "66-117b" by inserting ", 75-2566";

In the title, in line 11, preceding "46-1212c", by inserting "46-925"; also in line 11, after "66-117b" by inserting ", 75-2566";

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

DEENA L. HORST
JOHN M. FABER
TOM BURROUGHS
Conferees on part of House

KARIN BROWNLEE
NICK JORDAN
JIM BARONE
Conferees on part of Senate

Senator Brownlee moved the Senate adopt the Conference Committee Report on **H Sub for SB 605**.

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 Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SCR 1623**, submits the following report:

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

On page 1, in line 41, by striking "14" and inserting "15";

On page 2, in line 9, before "appointed" by inserting "and one person representing a foreign property and casualty insurance company"; in line 11, by striking "foreign"; in line 12, by striking all before "appointed" and inserting "a property and casualty insurance company"; in line 14, by striking "foreign mutual insurance companies" and inserting "a property and casualty insurance company";

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

ROBERT TOMLINSON
STANLEY DREHER
NANCY A. KIRK
Conferees on part of House

SANDY PRAEGER
RUTH TEICHMAN
PAUL FELECIANO, JR.
Conferees on part of Senate

Senator Praeger moved the Senate adopt the Conference Committee Report on **SCR 1623**.

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

Nays: Huelskamp.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2718**, submits the following report:

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

On page 4, in line 16, by striking "65-2409" and inserting "65-2409a"; in line 21, by striking "65-2409" and inserting "65-2409a";

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

SUSAN WAGLE
JIM BARNETT
DAVID HALEY

Conferees on part of Senate

GARRY BOSTON
JIM MORRISON
JUDY SHOWALTER

Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2718**.

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

Nays: Huelskamp.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDNET and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2746**, submits the following report:

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

On page 2, after line 22, by inserting:

"New Sec. 3. (a) As used in this section:

(1) "Electric public utility" has the meaning provided by K.S.A. 66-101a, and amendments thereto.

(2) "Renewable attributes" means tradeable renewable energy credits (with or without other features), tradeable emissions credits, emission offsets or other market instruments created or obtained by use of renewable energy resources or technologies.

(3) "Renewable resources or technologies" means wind, solar, thermal, photovoltaic, biomass, hydropower, geothermal, waste incineration and landfill gas resources or technologies located in Kansas.

(b) Upon application of an electric public utility, the state corporation commission may authorize such utility to:

(1) Retain 65% of the utility's net revenues from wholesale off-system sales of electricity generated from renewable resources or technologies or from sales of renewable attributes if such electricity or attributes are purchased by the utility at not less than the average price paid by such utility for electricity or renewable attributes purchased pursuant to contracts of five or more years' duration; and

(2) retain 50% of the utility's net revenues from all other wholesale off-system sales of purchased electricity generated from renewable resources or technologies or from sales of purchased renewable attributes from renewable energy procured or constructed principally to serve Kansas retail customers.";

By renumbering the remaining sections;

In the title, in line 12, by striking all after "concerning" and inserting "electricity; relating to retail electric service and station power; relating to revenues from certain sales of electricity generated from renewable resources or technologies and certain sales of renewable attributes;"

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

STAN CLARK
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

CARL DEAN HOLMES
TOM SLOAN
LAURA MCCLURE
Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2746**.

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, Huel-skamp, 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 2872**, 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 31, by striking "a" and inserting "an area vocational technical school, technical college, community college, vocational school coordinated under the state board of regents or associate degree programs at"; also in line 31, by striking "institution" and inserting "institutions";

On page 2, in line 2, before the period by inserting "or were released from foster care prior to their 18th birthday after having graduated from high school or completing the requirements for a general educational development (GED) certificate while in foster care"; in line 5, by striking "a" and inserting "area vocational technical schools, technical colleges, community colleges, area vocational schools or associate degree programs at"; also in line 5, by striking "institution" and inserting "institutions"; in line 30, before the semicolon by inserting "for the first three years and upon completion of the fourth year, the remaining balance of principal and interest of the loan shall be forgiven";

On page 7, by striking all in lines 17 through 26 and inserting the following:

"Sec. 11. K.S.A. 72-4433, as amended by section 1 of 2002 House Bill No. 2821, is hereby amended to read as follows: 72-4433. *Different rates per hour of tuition, fees and charges shall be fixed by each local board for the different postsecondary programs administered by such board.* The rate per hour of tuition for postsecondary students ~~shall be~~ fixed by each local board ~~shall be~~ subject to approval of the state board of regents ~~by the commencement of each school year.~~

New Sec. 12. (a) As used in this section:

(1) "Kansas educational institution" means and includes area vocational schools, area vocational-technical schools, community colleges, state educational institutions and technical colleges.

(2) "State board" means the state board of regents.

(b) Subject to appropriations therefor and except as otherwise provided by this section, every Kansas educational institution shall provide for enrollment without charge of tuition, undergraduate fees, including registration, matriculation and laboratory fees for any eligible applicant. No Kansas educational institution shall be required by this section to provide for the enrollment of more than three new applicants in any academic year. An applicant who was in the custody of social and rehabilitation services on the date such applicant reached 18 years of age and who is accepted to a Kansas educational institution within two years

following the date such applicant graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate shall be eligible for enrollment at a Kansas educational institution without charge of tuition or such fees not to exceed eight semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution which at the time of enrollment did not charge tuition or fees as prescribed by subsection (b), and amendments thereto, of the eligible applicant may file a claim with the state board for reimbursement of the amount of such tuition and fees. The state board shall be responsible for payment of reimbursements to Kansas educational institutions upon certification by each such institution of the amount of reimbursement to which the educational institution is entitled. Such payments to Kansas educational institutions shall be made upon vouchers approved by the state board and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas educational institution at which one or more eligible applicants are enrolled for the total amount of tuition and fees not charged eligible applicants for enrollment at that institution. The director of accounts and reports shall cause such warrant to be delivered to the Kansas educational institution at which such eligible applicant or applicants are enrolled. If an eligible applicant discontinues attendance before the end of any semester, after the Kansas educational institution has received payment under this subsection, the institution shall pay to the state the entire amount which such eligible applicant would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state on behalf of such applicant for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the tuition waiver gifts, grants and reimbursements fund.

(d) The chief executive officer of the state board shall submit a report to the house and senate committees on education during the 2004 and 2006 regular session of the legislature on the results, outcomes and effectiveness of the tuition waiver program authorized by this section.

(e) The state board is authorized to receive any grants, gifts, contributions or bequests made for the purpose of supporting the tuition waiver program authorized by this section and to expend the same.

(f) There is hereby established in the state treasury the tuition waiver gifts, grants and reimbursements fund. Expenditures from the fund may be made for the purpose of payment of claims of Kansas educational institutions pursuant to this section and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the chief executive officer of the state board, or such officer's designee and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief executive officer of the state board, or such officer's designee.

(g) During each year, the chief executive officer of the state board shall make one or more certifications of the amount or amounts required to pay claims received from Kansas educational institutions for tuition and fees under this section to the director of accounts and reports and the secretary of social and rehabilitation services. Upon receipt of each such certification, the director of accounts shall transfer the amount certified from moneys received under the federal Chafee foster care independence grant and credited to the foster care assistance federal fund of the department of social and rehabilitation services to the tuition waiver gifts, grants and reimbursements fund of the state board.

(h) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the tuition waiver gifts and grants fund interest earnings based on:

(1) The average daily balance of moneys in the tuition waiver gifts and grants fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(i) Applicants eligible for the benefits under this section shall be exempt from the provisions of K.S.A. 76-717, and amendments thereto.

(j) The state board shall adopt rules and regulations requiring eligible applicants to be enrolled as a full-time undergraduate student in good academic standing and to maintain part-time employment to remain eligible and other rules and regulations, as appropriate, for administration of the applicable provisions of this section and shall determine the eligibility of applicants for the benefits provided under this section.

(k) The provisions of this section shall expire on June 30, 2006, except that any eligible applicant who received a tuition waiver before June 30, 2006, and is deemed by the state board to be eligible pursuant to this section shall be allowed to remain eligible until such applicant completes such applicant's course of study or becomes ineligible pursuant to the provisions of this section.”;

And by renumbering the remaining sections accordingly;

Also on page 7, in line 27, after “72-4433”; by inserting “, as amended by section 1 of 2002 House Bill No. 2821,”;

In the title, on page 1, in line 12, after “ACT” by inserting “concerning postsecondary education;”; also in line 12, after “program” by inserting “and a tuition waiver program;”; in line 13, after “a” by inserting “workforce development loan fund and a tuition waiver gifts, grants and reimbursements”; also in line 13, after “for” by inserting “workforce development”; in line 14, after “72-4433” by inserting “, as amended by section 1 of 2002 House Bill No. 2821,”;

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

KARIN BROWNLEE
NICK JORDAN
JIM BARONE
Conferees on part of Senate

LISA BERLON
CARL C. KREHBIEL
SUE STROM
Conferees on part of House

Senator Brownlee moved the Senate adopt the Conference Committee Report on **Sub HB 2872**.

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

Nays: Huelskamp.

The Conference Committee report was adopted.

REPORT ON ENROLLED BILLS

SCR 1614 reported correctly enrolled, properly signed and presented to the Secretary of State on May 8, 2002.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, May 10, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

