

# Journal of the Senate

FIFTY-EIGHTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 27, 2006—10:00 a.m.

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

Heavenly Father,

Twenty-five years of observation  
Have given me some perspective  
On what happens here  
To people who get elected.

People who get frustrated  
Sit down and write a letter  
Telling legislators  
That they can do it better.

But those who get elected  
Discover that their dream  
To make a lot of changes  
Is not as simple as it seems.

They find the job's not easy,  
There's so much to consider;  
Without a sense of humor  
It's easy to get bitter.

In this Wrap-Up session  
All three branches are involved;  
Making it more difficult  
To get thorny issues solved.

Remind them all, O God,  
As long as they are staying,  
They shouldn't expect the Chaplain  
To do all the praying.

Motivate them to pray, O God,  
That "Thy will be done"  
I think You might surprise them  
How You can inspire unison.

I pray in the Name of Jesus Christ,  
AMEN

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Transportation: **SB 599**.

Ways and Means: **SB 600**.

**REFERRAL OF APPOINTMENTS**

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

*Kansas Lottery Commission, Member:*

Jeanine McKenna, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Federal and State Affairs)

*Pooled Money Investment Board, Member:*

John Cleland, effective upon the date of confirmation by the Senate, to serve a term of four years.

John Lehman, effective upon the date of confirmation by the Senate, to serve a term of four years.

(Financial Institutions and Insurance)

*State Banking Board, Member:*

Mark Parman, effective upon the date of confirmation by the Senate, to serve a term of three years.

Jane Schnellbacher, effective upon the date of confirmation by the Senate, to serve a term of three years.

Joseph Smith, effective upon the date of confirmation by the Senate, to serve a term of three years.

(Financial Institutions and Insurance)

**MESSAGE FROM THE HOUSE**

Announcing the House nonconcurs in Senate amendments to **Senate Substitute for HB 2928**, requests a conference and has appointed Representatives Dahl, Schwab and Ruff as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 3004**, requests a conference and has appointed Representatives Dahl, Brunk and Ruff as conferees on the part of the House.

The House adopts the conference committee report on **SB 261**.

The House adopts the conference committee report on **SB 375**.

The House adopts the conference committee report on **SB 481**.

The House adopts the conference committee report on **SB 485**.

The House adopts the conference committee report on **HB 2578**.

The House concurs in Senate amendments to **HB 2856** and requests the Senate to return the bill.

**ORIGINAL MOTION**

Senator D. Schmidt 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: **H Sub for SB 47, H Sub for SB 243; SB 261, SB 375, SB 481, SB 485**.

**ORIGINAL MOTION**

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2928**.

The President appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 3004**.

The President appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Brungardt moved the Senate concur in house amendments to **H Sub for SB 47**.

**H Sub for SB 47**, An act concerning juveniles; relating to the reduction of racial, geographic and other biases in the juvenile justice system; amending K.S.A. 75-7038, 75-7043, 75-7046 and 75-7048 and K.S.A. 2005 Supp. 75-7007 and 75-7056 and repealing the existing sections.

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

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

Absent or Not Voting: Allen.

The Senate concurred.

Senator Umbarger moved the Senate concur in house amendments to **H Sub for SB 243**.

**H Sub for SB 243**, An act concerning public assistance; relating to persons convicted of a controlled substance related felony.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Petersen, Pine, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Palmer, Pyle, Schmidt D, Taddiken.

Absent or Not Voting: Allen.

The Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 261**, 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 59, following line 21, by inserting:

“(i) Except as further provided, if a juvenile has been adjudged to be a juvenile offender for an offense that if committed by an adult would constitute the commission of: (1) Aggravated trafficking, as defined in K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age; (2) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto; (3) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto; (4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto; (5) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age; (6) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto; or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in parts (1) through (6); the court shall issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends. If only one attendance center exists, for which the victim and juvenile are eligible to attend, in the school district where the victim and the juvenile reside, the court shall hear testimony and take evidence from the victim, the juvenile, their families and a representative of the school district as to why the juvenile should or should not be allowed to remain at the attendance center attended by the victim. After such hearing, the court may issue an order prohibiting the juvenile from attending the attendance center that the victim of the offense attends.”;

And by relettering the remaining subsection accordingly;

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

MICHAEL O'NEAL  
LANCE KINZER  
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 261**.

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

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

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 375**, 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 20, by striking all in lines 12 through 23, following line 23 by inserting:

“New Sec. 6. (a) As used in this section:

(1) “State board” means the state board of regents.  
(2) “State educational institution” has the meaning ascribed thereto in K.S.A. 76-711, and amendments thereto.

(3) “Leave time” means vacation leave and discretionary day leave.

(b) The state board may adopt a policy which authorizes state educational institutions to provide leave time to the classified employees of any such institution in an amount not to exceed the amount of leave time provided to unclassified employees of such institution.

(c) Subject to the policy of the state board adopted pursuant to this section, each state educational institution may provide leave time to classified employees of such institution. The amount of leave time may vary from the amount of leave time provided to classified employees of state agencies that are not state educational institutions.

(d) The state board shall adopt any rules and regulations necessary to implement the provisions of this act.

Sec. 7. K.S.A. 2005 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;

(3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);

(4) persons having special domestic relations circumstances;

(5) persons who have lost their resident status within six months of enrollment;

(6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto;

(7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; ~~and~~

(8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state; if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse; *and*

(9) *persons who have retired or have been honorably discharged from military service, had a permanent change of station order for active duty in Kansas during such military service and live in Kansas at the time of enrollment.*

(c) (1) The state board of regents shall authorize the following class of persons to pay an amount equal to resident fees: Any dependent or spouse of a person in military service who is reassigned from Kansas to another duty station so long as such dependent or spouse continues to reside in Kansas.

(2) So long as a person remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce or the death of a spouse.

(d) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 59-3051, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(6) "Dependent" means: (A) A birth child, adopted child or stepchild; or

(B) any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity.

(7) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

Sec. 8. K.S.A. 72-116 is hereby amended to read as follows: 72-116. (a) Any person who ~~completes a four-year course of study in~~ *graduates from* any high school accredited by the state board of education and who meets the admission requirements established by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto, shall be entitled to admission to the freshman class of the state educational institutions which are under the control and supervision of the state board of regents upon presenting a statement containing a transcript of the high school record of the person signed by the principal of the school or superintendent of the school district and certifying that the person has satisfactorily completed the course requirements of the state board of education necessary for graduation from high school.

(b) *Any person who is a resident of the state of Kansas, who graduates from an accredited high school located outside the state of Kansas and who meets the admission requirements established by the state board of regents pursuant to K.S.A. 76-717, and amendments thereto, for persons who have graduated from an accredited Kansas high school shall be entitled to admission to the freshman class of the state educational institutions which are under the control and supervision of the state board of regents upon presenting a statement containing a transcript of the high school record of the person signed by the principal of the school or superintendent of the school district and certifying that the person has satisfactorily completed the course requirements necessary for graduation from high school.*

Sec. 9. K.S.A. 72-60b02 is hereby amended to read as follows: 72-60b02. The members of the midwestern higher education commission representing the state of Kansas shall be the following: (a) The governor or a designee of the governor; (b) two members of the legislature appointed by the legislative coordinating council so that one is a member of the senate and one is a member of the house of representatives and such members are not members of the same political party; and (c) two members of the state board of regents selected by the state board or, at the discretion of the state board, designees thereof. One such member shall be representative of the four-year institutions of higher education and one such member shall be representative of the two-year institutions of higher education. The term of the member serving under subpart (a) shall expire concurrently with the term of the governor. The terms of members serving under subpart (b) shall expire concurrently with their terms as state officers or two years after the date of their appointment to membership on the commission, whichever occurs sooner, *except that legislative members serving on the commission's executive committee may serve up to one additional two-year term while serving on such executive committee.* The term of each member serving under subpart (c), if such member is a state officer, shall expire concurrently with such member's term as a state officer or four years after the date of appointment to membership on the commission, whichever occurs sooner. If such member is not a state officer, the term of such member shall expire four years after the date of appointment to membership on the commission. All vacancies in the membership of the commission shall be filled in the same manner as originally filled, except that vacancies created for reasons other than expiration of terms of office shall be filled for the unexpired terms.”;

And by renumbering the remaining sections accordingly;

Also on page 20, in line 24, after “44-576” by inserting “, 72-116, 72-60b02”; in line 25, by striking “74-4927 and 74-4925h” and inserting “74-4925h, 74-4927 and 76-729”;

On page 1, in the title, in line 17, after “concerning” by inserting “state educational institutions and other”; in line 18, after the semicolon, by inserting “relating to admission to such institutions; relating to certain commissions;”; also in line 18, after “44-576” by inserting “, 72-116, 72-60b02”; in line 19, by striking “and 74-4927” and inserting “, 74-4927 and 76-729”;

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

TOM SLOAN  
EVERETT JOHNSON  
SYDNEY CARLIN  
*Conferees on part of House*

JEAN SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 375**.

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

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

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 481**, 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 8, following line 40, by inserting:

“New Sec. 9. (a) As used in this section:

(1) “School district” means unified school district No. 507 and unified school district No. 374.

(2) “Property” means the following described property, and improvements thereon, comprised of 1,120 acres, more or less, located in Haskell county: All of Section 34, Township 29 South, Range 33 West and the West 1/2 of Section 3, Township 30 South, Range 33 West and the Northeast Quarter of Section 3, Township 30 South, Range 33 West.

(3) “State aid” means general state aid, supplemental general state aid, capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts under the school district finance and quality performance act or other law, and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts.

(b) For the purposes of computing the assessed valuation of school districts for the payment, distribution or allocation of state aid and the levying of school taxes, 1/2 of the assessed valuation of such property shall be assigned to each of the school districts.

(c) The provisions of this section shall not apply if the property is not or ceases to be used for the production of ethanol.”;

And by renumbering the remaining sections accordingly;

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

KATHE DECKER

DEENA HORST

SUE STORM

*Conferees on part of House*

JEAN SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 481**.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn,

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

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 485**, submits the following report:

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

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

KATHE DECKER

DEENA HORST

SUE STORM

*Conferees on part of House*

JEAN SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 485**.

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

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

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

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#### AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 601**, An act reconciling amendments to certain statutes; amending K.S.A. 40-955, as amended by section 2 of 2006 Substitute for Senate Bill No. 539 and 60-4104, as amended by section 9 of 2006 House Substitute for Senate Bill No. 196 and K.S.A. 2005 Supp. 8-135, as amended by section 1 of 2006 Senate Bill No. 496, 8-2118, as amended by section 3 of 2006 Senate Bill No. 411, 21-3110, 45-229, as amended by section 1 of 2006 Senate Bill No. 499 and 75-5133 and repealing the existing sections; also repealing K.S.A. 40-955, as amended by section 1 of 2006 Senate Bill No. 442 and 60-4104, as amended by section 11 of 2006 House Bill No. 25 and K.S.A. 2005 Supp. 8-135, as amended by section 2 of 2006 Senate Bill No. 558, 8-2118, as amended by section 5 of 2006 Senate Bill No. 344, 21-3110b and 45-229, as amended by section 1 of 2006 Senate Bill No. 453, by Committee on Ways and Means.

#### ORIGINAL MOTION

Senator D. Schmidt 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: **HB 2541**, **HB 3005**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2541**, 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 41, by striking all after "years"; by striking all in lines 42 and 43;  
On page 2, in line 1, by striking all before the semicolon;

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

PETE BRUNGARDT  
ROGER P. REITZ  
ANTHONY HENSLEY  
*Conferees on part of Senate*

JOHN T. EDMONDS  
ARLEN SIEGFREID  
TOM BURROUGHS  
*Conferees on part of House*

Senator Brungardt moved the Senate adopt the Conference Committee Report on **HB 2541**.

Senator Journey made a substitute motion to not adopt the Conference Committee Report and a second conference committee be appointed. The motion carried.

President Morris appointed Senators Brungardt, Reitz and Hensley as second conferees on **HB 2541**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 3005**, submits the following report:

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

On page 2, in line 12, by striking "25,000" and inserting "35,000";

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

DWAYNE UMBARGER  
JAY SCOTT EMLER  
JIM BARONE  
*Conferees on part of Senate*

DAN JOHNSON  
FRANK MILLER  
JOSHUA SVATY  
*Conferees on part of House*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **HB 3005**.

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

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

The Conference Committee report was adopted.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Kelly, Hensley and V. Schmidt introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1845—

A RESOLUTION congratulating and commending the Washburn University Lady Blues basketball team for winning a National Collegiate Athletic Association Division II record 51 consecutive games during the 2004-05 and 2005-06 seasons.

WHEREAS, The Washburn University Lady Blues basketball team finished the 2005-06 season with a record of 32 wins and one loss, won their fourth consecutive Mid-America Intercollegiate Athletics Association regular season championship and set the NCAA Division II record for most consecutive wins with 51; and

WHEREAS, The Washburn University Lady Blues basketball team finished the 2005-06 season as the MIAA regular season champion with a perfect 16-0 record and the MIAA postseason tournament champion; and

WHEREAS, The Washburn University Lady Blues basketball team set numerous school records including the most consecutive wins to start a season (32), and the most wins in Washburn single-season history (32); and

WHEREAS, The 2005-06 team members include: Seniors Jennifer Harris, Dani McHenry, April Roadhouse and Bojana Samardziska; Juniors Jessica Aebi, Holly Henrichs, Cindy Keeley, Megan Sullivan and Brooke Ubelaker; Sophomore Amanda Holmes; and Freshmen Kaydi Hooker, Jessica Mainz and Stephanie Wittman; and

WHEREAS, The four-year senior class of Dani McHenry and April Roadhouse had 123 wins and 12 losses over the past four years with two Elite Eight appearances, four MIAA regular season championships, three MIAA tournament championships and the first NCAA championship in any sport in Washburn's school history; and

WHEREAS, Individual player accomplishments were:

Jennifer Harris—Women's Basketball Coaches Association/Kodak NCAA Division II National Player of the Year, Women's Basketball Coaches Association/Kodak All-America Honors, Daktronics/College Sports Information Directors of America National Player of the Year, Daktronics/College Sports Information Directors of America South Central Regional Player of the Year, All-South Central Regional Tournament Team, Most Valuable Player in the MIAA, First Team All-MIAA and MIAA Tournament Most Valuable Player;

April Roadhouse—MIAA Defensive Player of the Year and All-MIAA All-defensive Team, Second Team All-MIAA;

Brooke Ubelaker—First Team All-MIAA, First Team Daktronics/College Sports Information Directors of America All-South Central Region, All-South Central Regional Team and Women's Basketball Coaches Association/Kodak NCAA Division II Honorable Mention All-American;

Additionally, Holly Henrichs, Cindy Keeley, Dani McHenry, Megan Sullivan and Brooke Ubelaker were all named to the MIAA Commissioner's Academic Honor Roll; and

WHEREAS, The Lady Blues were coached by Ron McHenry, and he was assisted by Dustin Odum; Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Washburn University Lady Blues basketball team and Coach McHenry be congratulated and commended for their success during the 2005-06 season and for their record of 51 consecutive victories; and

*Be it further resolved:* That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Dr. Jerry B. Farley, President, Washburn University, 1700 College, Topeka, Kansas 66621.

On emergency motion of Senator Kelly **SR 1845** was adopted unanimously.

Senators Kelly, Hensley and V. Schmidt congratulated the Washburn Lady Blues for winning a NCAA Division II record 51 consecutive games during the 2004-05 and 2005-06 seasons. Team members introduced were Holly Henrichs, Amanda Holmes, Kaydi Hooker, April Roadhouse, Bojana Samardziska, Megan Sullivan, Brooke Ubelaker, Steph Wittman along with Head Coach Ron McHenry and Assistant Coach Dustin Odum. Accompanying the team were Dr. Jerry Farley, President, Washburn University; Tom Ellis, Special Assistant to the President; Janet Degginger, Assistant Director, athletics; Summer Broeckelman, Marketing/Ticket Sales Coordinator, athletics; Amanda Millard, Assistant Director of University Relations; and Peggy Clark, Photographer, University Relations.

Senators Journey, Apple, Barnett, Barone, Bruce, Donovan, Gilstrap, Hensley, Huelkamp, Jordan, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, Schodorf, Taddiken, Wagle and Wilson introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1846—

By Senator Journey, Apple, Barnett, Barone, Bruce, Donovan, Gilstrap, Hensley, Huelkamp, Jordan, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, Schodorf, Taddiken, Wagle, and Wilson

A RESOLUTION in support of recognizing March 31st as Terri's Day's of Remembrance and celebration of the culture of life.

WHEREAS, There are millions of Americans who live with profound or severe cognitive impairments and profound mental retardation or severe brain damage and who have parents, children and loved ones who wish to care for them; and

WHEREAS, Americans need to be informed about their individual and family options to obtain a "Living Will" also known as a "Will To Live"; and

WHEREAS, There is a need to encourage and support families to spend time pursuing culture of life events on this day that honor and respect some aspect of the culture of life in visiting, volunteering or supporting a nursing home, a school for disabled youth and adults, a long term care facility, or in prayer in their place of worship; and

WHEREAS, There is a need to support establishment of a state network of Terri Schindler Schiavo Foundation professional volunteers to assist families who are confronted with making life and death choices for their loved ones but lack the professional guidance to assist them; and

WHEREAS, We support the Schindler Schiavo Foundation in the establishment of health care facilities for brain-injured patients; and

*Be it resolved by the Senate of the State of Kansas:* That we support recognizing March 31st as **Terri's Day of Remembrance and celebration of the culture of life**, and we encourage activities that celebrate this designation; and

*Be it further resolved:* That Terri's Day shall be observed annually; and

*Be it further resolved:* That we urge Congress and the President to recognize March 31st as Terri's Day of Remembrance and celebration of the culture of life and encourage activities that celebrate this designation.

**REPORTS OF STANDING COMMITTEES**

Committee on Federal and State Affairs begs leave to submit the following report:

The following appointment was referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the Governor:

Lottery Commission: K.S.A. 74-8709

Jeanine McKenna, term expires March 15, 2010

**REPORT ON ENGROSSED BILLS**

**SB 546** reported correctly re-engrossed April 27, 2006.

**ORIGINAL MOTION**

Senator D. Schmidt 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 bill: **Sub SB 584**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Umbarger the following report was adopted:

Recommended **Sub SB 584** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Schodorf, on page 5, in line

20, by striking “and” where it appears for the second time and inserting “. A pupil attending full-day kindergarten shall be counted”

Senator Schodorf further amended **Sub SB 584**, on page 5, in line 20, by striking “and” where it appears for the second time and inserting “. A pupil attending full-day kindergarten shall be counted”;

On page 10, in line 34, after the stricken material by inserting “determined”

Senator D. Schmidt amended **Sub SB 584**, on page 5, in line 20, by striking “and” where it appears for the second time and inserting “. In districts which provide both half-day and full-day kindergarten, a pupil attending full-day kindergarten shall be counted”

Senator D. Schmidt further amended **Sub SB 584**, on page 12, by striking all in lines 15 and 16 and inserting:

“(3) As used in this subsection:

(A) “District” means any school district which provides both half-day and full-day kindergarten.

(B) “Cost” means that portion of the cost of providing full-day kindergarten which is not paid by the state.”

Senator Vratil amended **Sub SB 584**, on page 5, in line 4, after “would” by inserting “not”

Senator Vratil further amended **Sub SB 584**, on page 26, following line 29, by inserting: “Sec. 21.

STATE DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

General state aid	
For the fiscal year ending June 30, 2007.....	\$120,450,000
For the fiscal year ending June 30, 2008.....	\$2,183,970,000
For the fiscal year ending June 30, 2009.....	\$2,452,777,000
Supplemental general state aid	
For the fiscal year ending June 30, 2007.....	\$11,000,000
For the fiscal year ending June 30, 2008.....	\$260,716,000
For the fiscal year ending June 30, 2009.....	\$270,687,000
Special education services aid	
For the fiscal year ending June 30, 2008.....	\$419,196,024
For the fiscal year ending June 30, 2009.....	\$609,596,024

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.”;

By renumbering sections accordingly;

In the title, in line 9, following “finance;” by inserting “making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, and June 30, 2009, for the department of education;”, and **Sub SB 584** be passed as amended.

The following amendments offered to **Sub SB 584** were rejected:

Senator Jordan moved to amend the bill, on page 21, by striking all in lines 1, 2 and 3; following line 3, by inserting:

“(B) “State prescribed percentage” means 29% in school year 2006-2007, 35% in school year 2007-2008 and 40% in school year 2008-2009 and each school year thereafter.”

On page 22, following line 23, by inserting:

“(e) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any resolution which authorizes a local option budget in excess of 30% of the state financial aid determined for the current school year shall not be effective unless such resolution has been submitted to and approved by the qualified electors of the school district. Such resolution shall be published, and such election shall be called, in the manner provided by this section.”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 9, Nays 28, Present and Passing 3, Absent or Not Voting 0.

Yeas: Allen, Brownlee, Jordan, McGinn, O'Connor, Steineger, Vratil, Wilson, Wysong.

Nays: Apple, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger.

Present and Passing: Barnett, Barone, Wagle.

The motion failed and the amendment was rejected.

Senator Brownlee moved to amend the bill, on page 2, in line 11, by striking “.04” and inserting “.038”; also in line 11, by striking “.05” and inserting “.048”; in line 12, by striking “.06” and inserting “.058”; in line 15, by striking “.08” and inserting “.076”; in line 16, by striking “.09” and inserting “.086”; also in line 16, by striking “.10” and inserting “.096”

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **Sub SB 584** was advanced to Final Action and roll call.

**Sub SB 584**, An act concerning school districts; relating to school finance; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, and June 30, 2009, for the department of education; amending K.S.A. 72-6441 and K.S.A. 2005 Supp. 72-978, 72-6405, 72-6407, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6426, 72-6433, 72-6434, 72-6442b and 72-9509 and repealing the existing sections.

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

Yeas: Apple, Barone, Betts, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Allen, Barnett, Brownlee, Bruce, Donovan, Huelskamp, Jordan, Journey, O'Connor, Ostmeyer, Palmer, Petersen, Pyle, Wagle, Wilson, Wysong.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote against **Substitute for SB 584** today because while I appreciate the hard work of the Education committee, this bill will put Kansas in red ink within three years.

Per Alan Conroy at Legislative Research this funding plan will create a \$44 million shortfall by year three.

We will be forced to raise taxes and put us even further behind in economic growth, become the only state in the union with government owned casinos, or scrap the plan before its completion.

Already, we have higher tax rates than California and Massachusetts. As we become more cash strapped by this bill, we will have no flexibility to help families, encourage investment or development of new jobs.

We have outstanding schools and the best educated kids in the country. It is important that we provide a high quality education for our youngsters. But these same kids deserve an opportunity for high paying jobs and a future in Kansas...for tomorrow.—JIM BARNETT

MR. PRESIDENT: There is only one reason we are here today voting for this enormous new spending plan—the Kansas Supreme Court. I refuse to surrender my constitutional responsibility to seven—or six—unelected judges.—TIM HUELSKAMP

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, April 28, 2006.

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

PAT SAVILLE, *Secretary of the Senate*.

