

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 22, 2007—8:30 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,

As we celebrate the two hundred and seventy-fifth anniversary of the birth of George Washington, it has been pointed out that he no longer demands the attention he deserves.

The evidence is overwhelming that You hand-picked him to be the first President of the United States. You did that by miraculously protecting him during his service in the French and Indian War and as Commanding General of the army during the Revolutionary War.

Henry Muhlenberg, one of the founders of the Lutheran Church in America, observed, "...the Lord God has...marvelously preserved [George Washington] from harm in the midst of countless perils...and has...graciously held him in His hand as a chosen vessel."

On July 18, 1755, Washington himself wrote to his brother, John A. Washington, "...by the all-powerful dispensations of Providence, I have been protected beyond all human probability and expectation: for I had four bullets through my coat, and two horses shot under me, yet escaped unhurt, although death was leveling my companions on every side of me."

Thank you, Lord, for making sure that a man of integrity and strong faith in God was miraculously preserved so he could be elected the leader of our nation which guaranteed it was born by Your will, and not by the will of man.

I thank You in Jesus' Name,

AMEN

Quotations are from *America's God and Country Encyclopedia Of Quotations* by William J. Federer.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 362, An act concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2009; providing terms, conditions and requirements related thereto for certain new members; benefit enhancements for existing members; amending K.S.A. 74-4911 and 74-4917 and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

SB 363, An act concerning the rural housing incentive act; pertaining to certain definitions; amending K.S.A. 2006 Supp. 12-5242 and repealing the existing section, by Committee on Federal and State Affairs.

SB 364, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; providing a permanent cost-of-living adjustment; employee contributions; amending K.S.A. 74-4919 and repealing the existing section, by Joint Committee on Pensions, Investments and Benefits.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2294**.

Elections and Local Government: **Sub HB 2129**.

Federal and State Affairs: **HB 2140, HB 2202**.

Public Health and Welfare: **HB 2096**.

MESSAGE FROM THE GOVERNOR

SB 33 approved on February 22, 2007.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2095, HB 2185, HB 2186, HB 2191, HB 2210, HB 2283, HB 2316, HB 2318, HB 2360, HB 2363, HB 2368, HB 2393, HB 2425, HB 2476, HB 2485**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2095, HB 2185, HB 2186, HB 2191, HB 2210, HB 2283, HB 2316, HB 2318, HB 2360, HB 2363, HB 2368, HB 2393, HB 2425, HB 2476, HB 2485 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 115, An act concerning sales taxation; relating to registration certificates; prescribing certain unlawful acts and providing penalties therefor; amending K.S.A. 2006 Supp. 79-3608 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 128, An act concerning the state corporation commission; relating to providing energy conservation information to consumers by certain electric utilities; establishing the energy conservation education advisory group, was considered on final action.

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

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

The bill passed, as amended.

SB 143, An act concerning school districts; relating to school finance; relating to local option budgets; amending K.S.A. 2006 Supp. 72-6433 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 184. An act concerning sexually violent predators; relating to costs of determination; amending K.S.A. 59-29a04 and repealing the existing section, 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: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Huelskamp, Jordan, Kelly, Lee, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Haley, Hensley, Journey, Lynn, Ostmeyer, Pyle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote No on **SB 184**. I understand the burden placed upon counties to pay the costs of defense in civil commitment hearings. We are constitutionally mandated to pay for the defense when individuals released from custody are to be determined to be a danger to themselves or others. I support the law. The fact that the prosecution will have the purse strings of the defense is not appropriate. The image of impropriety is self evident. We should refer this topic for interim consideration and create the equivalent to the Board of Indigents Defense Services for these civil commitment hearings. The Attorney General has no rule and regulation authority. There are no limits. There is no way to estimate the costs. I oppose **SB 184**.—PHILLIP B. JOURNEY

Senators Betts, Hensley, Ostmeyer and Pyle request the record to show they concur with the “Explanation of Vote” offered by Senator Journey on **SB 184**.

SB 203. An act concerning criminal procedure; relating to appearance bonds; amending K.S.A. 22-2803 and K.S.A. 2006 Supp. 22-2802 and 22-2807 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 2, Absent or Not Voting 0.

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

Present and Passing: Allen, Teichman.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: Many valid questions have been raised about the legality of the “Own Recognizance Cash Deposit” (ORCD) bond program, the court bonding program for local, low- risk criminal offenders. Yet the Chief Judge of the 10th Judicial District, Johnson County, has given valid reasons why the ORCD program should be allowed to continue, and has expressed opposition to passage of **SB 203**.

In J.C., in the last 15 months, Johnson County courts bonded out 347 people through the ORCD program. Of these, the failure to appear rate has been substantially lower than cash/surety bond cases.

ORCD is a tool judges can use in limited circumstances to monitor defendants. It usually involves bond supervision through the Court Services Dept. Bond supervision requires the defendant to report to a bond supervisor while the case is pending; this supervision enhances rehabilitation of the defendant during the court process. It may include random drug testing, monitoring of employment and no contact orders, and substance abuse and mental health evaluation and treatment. Eliminating ORCD bonds could deter the rehabilitation of said defendants, and thus harm community safety in Johnson County.

Because of my unanswered questions on the ORCD program in Johnson County, I pass on **SB 203**.—BARBARA P. ALLEN

MR. PRESIDENT: **SB 203** brought forth many voices on both sides of the issue. I do not believe this bill is about money but the underlying issue is who sets and has the responsibility of the public policy for our state.

The legislature is the body which formulates the funding policies for the government and the public policy for our state.

We must be willing to show leadership and do the right thing, which is to reaffirm our role as policy makers.

Therefore I vote *yes* on **SB 203**.—GRETA GOODWIN

Senators Barone and Francisco request the record to show they concur with the “Explanation of Vote” offered by Senator Goodwin on **SB 203**.

MR. PRESIDENT: I vote “Yes” on **SB 203**. I am troubled that our courts are more concerned about generating revenues from cash deposit bonds than fulfilling their mission as a trial court. The legislature created laws for the courts to follow on appearance bonds. These laws were written to ensure that defendants appear in court and are designed to protect the public. The courts have decided to defy the law, legislate from the bench and have established their own rules, which they disregard. When an entity can’t follow the laws of this state or its own rules, it is our responsibility to correct the problem.—PHILLIP B. JOURNEY

Senators Lynn and Petersen request the record to show they concur with the “Explanation of Vote” offered by Senator Journey on **SB 203**.

SB 210, An act relating to county treasurers; concerning drivers’ license examinations; relating to vehicle registration; relating to county treasurers acting as agents of the state; amending K.S.A. 8-234a and K.S.A. 2006 Supp. 8-126 and repealing the existing sections, was considered on final action.

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

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

SB 249, An act concerning cities and counties; relating to natural resource development districts, was considered on final action.

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

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

SB 255, An act concerning insurance; pertaining to the use of lapse rates; amending K.S.A. 2006 Supp. 40-409 and repealing the existing section, was considered on final action.

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

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

SB 259, An act relating to the secretary of state; concerning corporations and partnerships; amending K.S.A. 56-1a104, 56-1a504, 56-1a606, 56-1a607, 56a-1201 and 56a-1202 and K.S.A. 2006 Supp. 17-2036, 17-2718, 17-4634, 17-4677, 17-6202, 17-7002, 17-7304, 17-7666, 17-76,123 and 17-76,139 and repealing the existing sections, was considered on final action.

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

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

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

The bill passed, as amended.

Sub SB 266, An act relating to wildlife; concerning big game; amending K.S.A. 2006 Supp. 32-937 and repealing the existing section, was considered on final action.

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

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

The substitute bill passed, as amended.

SB 269, An act amending the revised Kansas code for care of children; relating to service of process; amending K.S.A. 2006 Supp. 38-2237 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 273, An act concerning insurance; related to the prompt payment of certain claims; amending K.S.A. 40-2441 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 283, An act concerning election boards; relating to the operation thereof; amending K.S.A. 25-2810 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 292, An act concerning collection of employer payments under the employment security law; amending K.S.A. 2006 Supp. 44-717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Francisco, Hensley.

The bill passed.

SB 320, An act concerning the presidential primary; establishing the date thereof; amending K.S.A. 25-4502 and 25-4503 and K.S.A. 2006 Supp. 25-4501 and repealing the existing sections, was considered on final action.

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

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

EXPLANATION OF VOTE

MR. PRESIDENT: I could not be more pleased than I am today to vote "AYE" on **SB 320**. **SB 320** puts in legislative motion the actuality of that exercise in democracy which Kansans have been deprived for far, far too long; *A Presidential Preference Primary!*

As the nominee for change in the Secretary of State's Office in 2006, I can accurately attest to Kansans across the state being clearly alarmed over our being denied the opportunity to vote in a "P.P.P." due to the Secretary of State's assertion that the election costs too much.

Four years ago; eight years ago and twelve years ago...each time his pleas were successful in defeating Kansans' opportunity to vote in a P.P.P.

Each of those years, my comments opposing this exercise in "anti-democracy" have been recorded in first the House and then the Senate Journals. Today, now with the Secretary of State and the Governor on board, we, in the legislature should *all* unanimously follow suit; fund and hold a Presidential Preference Primary in Kansas in 2008.

The overwhelming majority of Kansans, anxious to decide who will succeed George Bush as President, will applaud our actions...Oh Happy Day! Again, I eagerly support this bill, Mr. President.—DAVID HALEY

SB 356. An act ceding to the United States concurrent legislative jurisdiction over crimes and offenses under the laws of the state of Kansas over and within certain lands dedicated to national parks purposes; amending K.S.A. 27-120 and repealing the existing section, was considered on final action.

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

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1821—

A RESOLUTION congratulating and commending the Olathe South High School girls soccer team.

WHEREAS, The Olathe South High School girls soccer team is the 2006 Class 6A state soccer champion; and

WHEREAS, The Lady Falcons, coached by head coach Will Stoskopf, finished the season with a record of 19 wins and 2 losses and won their second state championship in four years with a 2 to 1 sudden death overtime victory over Shawnee Mission West High School. The team played against a stiff 40 mph wind during the second half and entire overtime to beat Shawnee Mission West and avenge a mid-season 1 to 0 loss. Throughout the course of the season, the Lady Falcons scored 76 goals, allowed only 13 goals against it, and recorded 11 shutout games; and

WHEREAS, The team success was due to a tremendous team effort and included several remarkable athletic achievements. The championship team consisted of: Team Captains Leslie Clark, Kery Firestone, and Kylee Schuhler; and team members Lexie Bristow, Shelby Buttron, Courtney Cowan, Kelsie Cowan, Brittany Goosen, Morgan Griffin, Kelsie Hanson, Andi Howard, Ashley Hynek, Savannah LaMar, Nicole Logan, Stephanie Ludwig, Amanda Miano, Paige Murphy, Adrianna O'Neill, Kylie Revelle, Alyssa Rhodes, Courtney Russell, and Kourtney Vassar. Nicole Logan, who scored the winning goal in the championship game,

became the school's all time leading scorer. Brittany Goosen was selected to the National Soccer Coaches Association of America Midwest Region team. Of the twelve players who graduated, five are playing college soccer and one college volleyball; and

WHEREAS, Coach Will Stoskopf was recently named the 2006 NSCAA Midwest Region Girls High School Coach of the Year. He was also honored as a finalist for the National Coach of the Year Award in Indianapolis in January: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Olathe South High School girls soccer team and head coach Will Stoskopf for winning the 2006 Class 6A state soccer championship; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Mr. Phil Clark, Principal, Olathe South Senior High School, 1640 E. 151st St., Olathe, KS 66062-2851.

On emergency motion of Senator Brownlee **SR 1821** was adopted unanimously.

Team members, their coach and assistant coach were guests and were recognized with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 355** be amended on page 1, following the enacting clause by inserting the following:

“Section 1. K.S.A. 2006 Supp. 75-53,111 is hereby amended to read as follows: 75-53,111. (a) K.S.A. 2006 Supp. 75-53,111 through 75-53,120, *and amendments thereto*, shall be known and may be cited as the Kansas foster child educational assistance act.

(b) The purpose of the Kansas foster child educational assistance act is to establish an educational assistance program under which payment of the tuition *and required fees* charged to eligible foster children shall be waived.

Sec. 2. K.S.A. 2006 Supp. 75-53,114 is hereby amended to read as follows: 75-53,114. (a) No eligible foster child who is enrolled at a Kansas educational institution and who is participating in the program shall be charged the amount of tuition *or required fees* charged by the Kansas educational institution for enrollment in courses necessary to satisfy the requirements of an educational program.

(b) Notwithstanding the provisions of subsection (a) an eligible foster child shall not have waived the amount of tuition *or required fees* waived for any course repeated or taken in excess of the requirements for completion of the educational program in which such foster child is enrolled.

(c) Within the limits of appropriations available therefor, the secretary may make expenditures to reimburse each eligible foster child who is enrolled in a Kansas educational institution and who is participating in the program for room and board, technical equipment; *and* course required ~~fees and~~ books.

(d) Each eligible foster child who is enrolled in a Kansas educational institution and who is participating in the program shall be responsible for all fees charged by the Kansas educational institution that are not directly related to and required for the courses in the educational program of the eligible foster child.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 13, following “Supp.” by inserting “75-53,111, 75-53,114 and”; also in line 13, by striking “is” and inserting “are”;

In the title, in line 9, by striking “repealing K.S.A. 2006 Supp. 75-53,119;”; in line 10, preceding the period by inserting “; amending K.S.A. Supp. 2006 Supp. 75-53,111 and 75-53,114 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 75-53,119”; and the bill be passed as amended.

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 Brungardt in the chair.

On emergency motion of Senator D. Schmidt, **SB 77** was advanced on the calendar under the heading of General Orders to the first order of business.

The morning session recommended **SB 61** be passed.

HCR 5003 be amended by adoption of the committee amendments, and the concurrent resolution be adopted as amended.

SB 211 be amended by motion of Senator Donovan on page 2, by striking all in lines 4 through 9 and inserting “(a) (1) From and after July 1, 2007, and prior to January 1, 2008, a law enforcement officer shall issue a warning citation to anyone violating subsection (b) of K.S.A. 8-2503, and amendments thereto;

(2) persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined not more than \$60 including court costs; and

(3) from and after January 1, 2008, persons violating subsection (b) of K.S.A. 8-2503, and amendments thereto, shall be fined not more than \$60 including court costs.”;

Also on page 2, following line 14, by inserting the following:

“New Sec. 3. There is hereby created in the state treasury the traffic records enhancement fund. All moneys credited to the traffic records enhancement fund shall be used by the department of transportation for the purpose of enhancing and upgrading the traffic records systems in the state. All expenditures from traffic records enhancement fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of transportation or the secretary’s designee.

New Sec. 4. There is hereby created in the state treasury the EMS revolving fund. All moneys credited to the EMS revolving fund shall be used by the emergency medical services board to improve and enhance emergency medical services in the state. All expenditures from the EMS revolving fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board or by a person or persons designated by such chairperson.

Sec. 5. K.S.A. 2006 Supp. 8-1345 is hereby amended to read as follows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of \$60. ~~Notwithstanding any provision of law to the contrary, of each such fine received from clerks of the district court, the state treasurer shall credit \$40 to the children’s advocacy center fund established pursuant to K.S.A. 2006 Supp. 20-370, and amendments thereto.~~ The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) The \$60 fine provided for in subsection (a) shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2) of K.S.A. 8-1344, and amendments thereto.

Sec. 6. K.S.A. 2006 Supp. 20-350 is hereby amended to read as follows: 20-350. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e, and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and

amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto, ~~or K.S.A. 8-1345, and amendments thereto.~~

(b) Except as provided by K.S.A. 2006 Supp. 20-368, and amendments thereto, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(c) The chief judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the chief judge may invest such moneys in the same manner as provided by subsection (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

Sec. 7. K.S.A. 2006 Supp. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

- (1) 11.99% to the crime victims compensation fund;
- (2) 2.45% to the crime victims assistance fund;
- (3) 2.01% to the community alcoholism and intoxication programs fund;
- (4) 2.01% to the department of corrections alcohol and drug abuse treatment fund ~~and;~~
- (5) 0.17% to the boating fee fund. ~~The remainder of the remittances shall be credited to the state general fund.~~
- (6) 0.12% to the children's advocacy center fund;
- (7) 0.04% to the EMS revolving fund;
- (8) 0.04% to the trauma fund;
- (9) 0.04% to the traffic records enhancement fund; and
- (10) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 15, following “8-2504” by inserting “and K.S.A. 2006 Supp. 8-1345, 20-350 and 74-7336”;

On page 1, in the title, in line 9, by striking “safety belts; concerning enforcement” and inserting “motor vehicles; concerning the use of safety belts; providing for the disposition of certain fines”; in line 10, following “8-2504” by inserting “and K.S.A. 2006 Supp. 8-1345, 20-350 and 74-7336” and **SB 211** be passed as amended.

Senator Bruce moved to amend **SB 211** on page 1, line 42 and 43 by striking “subsection (a)” and replacing with “this section”

The motion failed and the amendment was rejected.

SB 294 be amended by motion of Senator Journey on page 3, in line 40, by striking “or”; On page 4, in line 2, before the period, by inserting “; or (E) while going directly to or from a school sponsored activity or event” Senator Huelskamp further amended **SB 294** on page 3, in line 40, by striking “or”; On page 4, in line 2, by striking the period and inserting: “; or (E) while going directly to or from any religious function.” and **SB 294** be passed as amended.

SB 77 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 1, in line 24, before the period, by inserting “, except while such motor vehicle is being loaded or unloaded”

Senator Barone further amended the bill as amended by Senate Committee, on page 1, line 23, by striking “eight” and inserting “five”

Senator Vratil further amended the bill as amended by Senate Committee, on page 1, in line 22, by striking all after “any” and inserting “person”

Senator Taddiken further amended the bill as amended by Senate Committee, on page 1, in line 24, before the period, by inserting “for more than five minutes” and **SB 77** be passed as further amended.

Senator Haley moved to amend **SB 77** as amended by Senate Committee, on page 2, after line 16, by inserting the following:

“New Sec. 4. (a) As used in this section “motor vehicle” shall have the meaning ascribed to it in K.S.A. 8-1437, and amendments thereto.

(b) No person shall smoke in any motor vehicle in which a child who is five years of age or less is being transported.

(c) Law enforcement officers shall not stop drivers for violations of this section in the absence of another violation of law. A citation for violation of this section shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

(d) (1) From and after the effective date of this act, and prior to July 1, 2008, a law enforcement officer shall issue a warning citation to anyone violating subsection (b); and

(2) on and after July 1, 2008, any person violating subsection (b) shall be fined not more than \$25 including court costs.

(e) For the first violation of subsection (b), the \$25 fine provided for in subsection (d)(2) shall be waived, if the person provides proof to the court that such person has entered into a smoking cessation program.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 42, after “section 1” by inserting “or 4”;

On page 1, in the title, in line 11, after the semicolon, by inserting “prohibiting smoking when certain children are in a motor vehicle;”

The motion failed and the amendment was rejected.

The committee rose and reported progress (see Committee of the Whole, afternoon session)

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

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1823—

A RESOLUTION recognizing the Kappa Alpha Psi Fraternity, Inc., especially the alumni who support the Wichita alumni chapter, and the Kappa Leadership League.

WHEREAS, In the waning years of the nineteenth century and too many years of the twentieth century, African-Americans were actively dissuaded from attending college; and

WHEREAS, Formidable obstacles were erected to prevent the few who were enrolled from assimilating into campus life; and

WHEREAS, Ten African-American graduates of the University of Indiana came together on January 15, 1911 in Bloomington, Indiana, to form a fraternal society not just as a social opportunity but also as a brotherhood dedicated to achievement, uniting college men of culture, patriotism and honor in a bond of fraternity; and

WHEREAS, Those founders went on to achievements in the realms of medicine, education, business, dentistry, politics, industry, journalism, and athletics; and

WHEREAS, Four of those founders served their country in the military during World War I; and

WHEREAS, The vision of these astute men sowed the seed of a fraternal tree whose fruit is available to, and now enjoyed by, college men everywhere, regardless of their color, religion, or national origin; and

WHEREAS, The Constitution of Kappa Alpha Psi has never contained any clause which either excluded or suggested the exclusion of a man from membership merely because of his color, creed, or national origin; and

WHEREAS, The Constitution of Kappa Alpha Psi is predicated upon, and dedicated to, the principles of achievement through a truly democratic Fraternity; and

WHEREAS, The Fraternity of Kappa Alpha Psi has been built on the basis of strong leadership and achievement in every aspect of human endeavor; and

WHEREAS, Kappa Alpha Psi is for those who possess intelligence, character, strength, and an unquenchable desire to achieve; and

WHEREAS, Kappa Alpha Psi emphasizes the quality and integrity of its membership, which manifests itself through an intangible element of brotherhood they call "That Good Old Kappa Spirit"; and

WHEREAS, "That Good Old Kappa Spirit" cannot be bought, bartered, sold or stolen but rather comes from a personal love of fraternity, a loyalty to purpose and ideals, the acceptance of responsibility, and an interest in the welfare of others; and

WHEREAS, Kappa Alpha Psi chapters are bands of men who are tied together by mutual association, common desires and aspiration, common suffering and hardships; and common love and willingness to make sacrifices for each other; and

WHEREAS, the objectives of the members of Kappa Alpha Psi are to reach within the community and educate young leaders of tomorrow, the leaders, of today, and the leaders of yesterday in respect to political and social issues; and

WHEREAS, The Kappa League serves as the service organization for members to offer guidance and support for teens as they deal with the turbulence that comes with changing from a child to an adult; and

WHEREAS, The Kappa League's goal is to guide young boys and girls of the local community, especially those of high school age, in the selection of courses leading to vocations compatible with their aptitudes, interests, and personalities; and

WHEREAS, The Kappa League seeks to assist students, while they are in training, to become started in employment and to go in the right direction by providing scholarships, leadership, and other necessities to students; and to progress successfully in their chosen fields; and

WHEREAS, The Kappa League seeks for the less fortunate youths a respite from the drudgery of the streets, through sponsored entertainment and cultural enrichment; and

WHEREAS, The Kappa League informs youth about the value of higher education and about opportunities for assistance available for continued educational pursuits, including scholarships, loans, professional counseling, and fellowships; and

WHEREAS, The League's goal also is to inform young people about the various professions and career options; and

WHEREAS, The Wichita chapter of the Kappa League has served over 100 young men since its inception in 2001; and

WHEREAS, Those young men have gone on to colleges all over the nation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the members of the Senate congratulate Kappa Alpha Psi for their 96 years of service to the youth of America; and

Be it further resolved: That February 22, 2007, is Kappa Day at the Capitol; and
Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Betts for presentation to the Kappa Alpha Psi Fraternity.
 On emergency motion of Senator Betts **SR 1823** was adopted unanimously.

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

SENATE RESOLUTION No. 1824—

A RESOLUTION recognizing Alpha Phi Alpha Fraternity's Centennial and its continued commitment to excellence and community service.

WHEREAS, Alpha Phi Alpha was founded on December 4, 1906 on the campus of Cornell University in Ithaca, New York; and

WHEREAS, The Fraternity has initiated over 175,000 men of all races in its 700 chapters across the United States; and

WHEREAS, Alpha Phi Alpha has evolved into a service organization and has provided leadership and service opportunities for its Members, including philanthropic initiatives with the March of Dimes, Head Start, Boy Scouts of America and Big Brothers and Big Sisters of America; and

WHEREAS, Former Members include Martin Luther King, Jr., former U.S. Vice President Hubert Humphrey, Jesse Owens, and Supreme Court Justice Thurgood Marshall: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That today be Alpha Phi Alpha Day at the Capitol celebrating the Fraternity's 100th year of existence and dedication to service and leadership; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Betts for presentation to the Alpha Phi Alpha fraternity.

On emergency motion of Senator Betts **SR 1824** was adopted unanimously.

Members of the Alpha Phi Alpha Fraternity were guests and were welcomed.

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

SENATE RESOLUTION No. 1825—

A RESOLUTION recognizing the works and efforts of the Wichita Chapter of Links, Inc. through their continued dedication to the Beautillion education program and its 32nd annual program aimed toward enriching the lives of local African-American males.

WHEREAS, The mission and goal of the Wichita Chapter of Links, Inc. is to provide scholarships to deserving students and to develop programs, such as the 32nd annual Beautillion event, which combat issues that would otherwise limit the healthy growth and development of residents in our community; and

WHEREAS, Service projects sponsored by Links, Inc. are dedicated to promoting health, education and the arts; and

WHEREAS, Over 40 professional women of color from Wichita volunteer their time to this not-for-profit organization, which has 274 chapters in 42 states and 3 countries; and

WHEREAS, The 32nd annual Beautillion event will serve 22 local African-American men; and

WHEREAS, The 22 participants will have the opportunity to raise money for college and earn scholarships from Links, Inc. and the other corporate sponsors, as well as compete for the title of "Mr. Beau"; and

WHEREAS, That the 32nd annual Beautillion event will be Saturday, March 24, 2007 at 7 p.m.; and

WHEREAS, That through the Beautillion program, over 700 African-American males from Wichita and the surrounding community have been afforded the opportunity to obtain funds to further their education after successfully completing high school; and

WHEREAS, During the six month Beautillion season, participants will engage in a number of cultural, social and educational events all designed to aid them in making the successful transition from high school to college and beyond: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Wichita Chapter of Links, Inc. for hosting Beautillion for 32 years and wish it continued success in helping to educate young African-American men; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to the Honorable Jennifer Jones, 2420 N. Dellrose, Wichita, Kansas 67220.

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

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

SENATE RESOLUTION No. 1826—

A RESOLUTION recognizing the Urban League of Kansas.

WHEREAS, The mission of the Urban League of Kansas is to empower those striving toward the mainstream to become economically self reliant; and

WHEREAS, The Urban League of Kansas provides a program entitled NULITES, which stands for National Urban League Incentives to Excel and Succeed; and

WHEREAS, The goal of the NULITES program is to strengthen the academic and social development of young people by reducing the disparities in education and to provide them with post-secondary options; and

WHEREAS, After two years of providing the NULITES program, 176 first-generation college students entered a college or university, 22 entered the military, and 42 entered the workforce upon high school graduation: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we commend and thank the Urban League of Kansas for its NULITES Program and honor all of the young people and parents that participate in the program; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Betts for presentation to the Urban League of Kansas.

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

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

SENATE RESOLUTION No. 1827—

A RESOLUTION congratulating and commending Lynette Woodard.

WHEREAS, Lynette Woodard, a Wichita native, enjoyed a phenomenal basketball career at the scholastic, collegiate, professional, and international level. Widely considered one of the greatest female players of all time, her magnetic personality and warm smile could not hide her intense desire to outdo her opponent and win basketball games; and

WHEREAS, Woodard graduated from Wichita North High School in 1977, where she led her team to state championships in 1975 and 1977, and was selected as a National All-American in 1977; and

WHEREAS, Woodard continued to dominate the women's game at the University of Kansas, where she led the nation in scoring in 1979, rebounding in 1978, and steals in 1979, 1980 and 1981. She was a four-time Big 8 selection, MVP of the Big 8 Tournament in 1979, 1980 and 1981, and was later named Conference Player of the Decade for the 1980s. Woodard scored in double figures in 138 of 139 career games, and completed her college career ranking first in eight statistical categories at Kansas including points, rebounds and steals. Woodard received the Wade Trophy as the nation's top female basketball player in 1981 and the Broderick Award as the nation's top female athlete in 1982. Woodard ended her collegiate career as a four-time All-American and the leading scorer in the history of women's basketball with 3,649 points, a 26.2 point per game average; and

WHEREAS, After her playing days as a Jayhawk were over, Woodard excelled as a professional player both internationally and in the United States. While playing in the Italian Professional League, she led the league in scoring in 1982 and took her team to an Italian League Championship in 1989. Twice a member of the United States Olympic team, Woodard was a captain of the 1984 squad which captured the gold medal in Los Angeles. In 1997, Woodard came out of retirement as an elite draft selection to play two seasons with the WNBA's Cleveland Rockers and Detroit Shock; and

WHEREAS, Woodard paved the way for countless other female athletes and made history by becoming the first woman to receive the NCAA's Top Five Award in 1982, and

by joining the world-famous Harlem Globetrotters in 1985 as the first female team member; and

WHEREAS, In September 2004, Woodard was inducted into the Basketball Hall of Fame in Springfield, Massachusetts; and in June 2005, she was inducted into the Women's Basketball Hall of Fame in Knoxville, Tennessee: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Lynette Woodard for her long and distinguished career in women's basketball; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Betts for presentation to Lynette Woodard.

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

REPORT ON ENGROSSED BILLS

SB 115, SB 128, SB 143, SB 184, SB 203, SB 210, SB 249, SB 255, SB 259; Sub SB 266; SB 273, SB 283, SB 320, SB 356 reported correctly engrossed February 22, 2007.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Brungardt in the chair.

On emergency motion of Senator D. Schmidt, **SB 240** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Brungardt the morning report and the following afternoon report were adopted:

Recommended **SB 240, SB 302** be passed.

SB 101 be amended by motion of Senator Bruce on page 4, following line 7, by inserting the following:

"Sec. 3. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and ~~K.S.A. 25-4153b~~ sections 6 and 7, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 4. K.S.A. 2006 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event; or

(E) *the transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a, and amendments thereto.*

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

- (8) “defeat” accompanied by a picture of one or more candidates; or
- (9) “Smith’s the one.”
- (i) “Party committee” means:
- (1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
 - (2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;
 - (3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;
 - (4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;
 - (5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or
 - (6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.
- (j) “Person” means any individual, committee, corporation, partnership, trust, organization or association.
- (k) (1) “Political committee” means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.
- (2) “Political committee” shall not include a candidate committee or a party committee.
- (l) “Receipt” means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer’s official capacity.
- (m) *“Public office” means a state or local office.*
- (n) *“Local office” means:*
- (1) *A member of the governing body of a city of the first class;*
 - (2) *an elected office of:*
 - (A) *A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;*
 - (B) *a county; or*
 - (C) *the board of public utilities.*
- ~~(m)~~ (o) “State office” means any state office as defined in K.S.A. 25-2505, and amendments thereto.
- ~~(n)~~ (p) “Testimonial event” means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate’s campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.
- ~~(o)~~ (q) “Treasurer” means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.
- ~~(p)~~ “Local office” means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.
- Sec. 5. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:
- (1) Legitimate campaign purposes;
 - (2) expenses of holding political office;

(3) contributions to the party committees of the political party of which such candidate is a member;

(4) any membership dues or donations paid to a community service, *charitable* or civic organization in the name of the candidate or candidate committee of any candidate;

(5) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or

(6) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

~~(d) At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:~~

~~(1) Contributed to a charitable organization, as defined by the laws of the state; or~~

~~(2) contributed to a party committee; or~~

~~(3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received; or~~

~~(4) paid into the general fund of the state; or~~

~~(5) transferred to a bona fide successor committee or candidacy established by the candidate; or~~

~~(6) transferred for the purpose of retiring the remaining debt to the original committee or candidacy from which funds were transferred pursuant to paragraph (2) of subsection (e).~~

~~Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy.~~

~~(e) For the purposes of this section, "bona fide successor committee or candidacy" means:~~

~~(1) The candidate's campaign committee or candidacy for a public office initiated at the termination of the original candidacy; or~~

~~(2) the candidate's campaign committee or candidacy initiated at the time of the transfer of all moneys to a new campaign committee or candidacy for public office when there is~~

debt in the original campaign at the time of the transfer and the candidate does not terminate the original campaign committee or candidacy.

New Sec. 6. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by paragraph (2) of subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may only accept contributions to the original candidacy sufficient to retire the debt. Such contributions shall be subject to the contribution limits for the original office sought as set forth in K.S.A. 25-4153, and amendments thereto. Once the candidate has received sufficient contributions to retire the debt, the candidate must terminate the candidacy pursuant to the provisions set forth in subsection (d) of K.S.A. 25-4157a, and amendments thereto.

(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 7. (a) For the period commencing on January 1, 1976, and ending on the day preceding the effective date of this act, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer is made and such transfer is hereby validated.

(b) This section shall be part of and supplemental to the campaign finance act.”;

By renumbering the remaining sections accordingly;

Also on page 4, in line 8, by striking “25-4148 and 25-4151” and inserting “25-4142, 25-4148, 25-4151 and 25-4157a and K.S.A. 2006 Supp. 25-4143”;

On page 1, in the title, in line 10, following the semicolon by inserting “pertaining to use of unexpended campaign funds; pertaining to certain public officers and employees;”; also in line 10, by striking “25-4148 and 25-4151” and inserting “25-4142, 25-4148, 25-4151 and 25-4157a and K.S.A. 2006 Supp. 25-4143” and **SB 101** be passed as amended.

SB 100, SB 129, SB 133, SB 195, SB 196, SB 226, SB 232, SB 262, SB 270, SB 271 be amended by adoption of the committee amendments, and the bills be passed as amended.

Sub SB 152 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator D. Schmidt on page 3, after line 13, by inserting the following:

“Sec. 11. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. At the general election held in 1978 and each four (~~4~~) years thereafter, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four (~~4~~) years beginning on the second Monday in January next succeeding such treasurer’s election. In case of a vacancy in such office, ~~the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified~~ a successor shall be elected in accordance with section 13 and amendments thereto.

Sec. 12. K.S.A. 40-106 is hereby amended to read as follows: 40-106. At the general election held in 1978 and each four (~~4~~) years thereafter, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four (~~4~~) years beginning on the second Monday in January next succeeding such commissioner’s election. In case of a vacancy in such office ~~the governor shall appoint some suitable person to serve for the unexpired term and until a successor is elected and qualified~~, a successor shall be elected in accordance with section 13 and amendments thereto.

New Sec. 13. Whenever any vacancy shall occur in the office of commissioner of insurance or state treasurer, a successor shall be elected in accordance with this section. The election shall be held in substantial compliance with the procedures established in the act except as provided in this section.

(a) The governor shall issue a proclamation in accordance with section 1 of the act and amendments thereto.

(b) The governor shall set the date for the election of the successor state official in accordance with sections 2 and 3 of the act and amendments thereto. The secretary of state shall publish the proclamation in the state register as required in section 2 of the act, and amendments thereto, except that a copy of the proclamation shall be sent to the chairperson of the state political party which elected the state official whose office is vacant and such vacancy is being filled in accordance with this section and amendments thereto.

(c) The state chairperson of the state political party that elected the state official whose office is vacant shall notify the party members of the need for one or more candidates for the purpose of electing a successor state official. Each person seeking nomination for the vacant office shall file a certificate of nomination in substantial compliance with the manner specified in article 3 of chapter 25 of the Kansas Statutes Annotated and amendments thereto and acts supplemental thereto. At the election, the name of the person receiving the most votes shall be sent to the governor for appointment to fill the unexpired term of the official whose office is vacant.

(d) The secretary of state shall conduct an election for the successor to the state official whose office is vacant. The election shall be conducted in substantial compliance with sections 5, 6, 7 and 8, of the act and amendments thereto.

(e) For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context requires otherwise:

(1) "Act" means the vacancy in the United States senate act for Kansas.

(2) "State official" means the commissioner of insurance or state treasurer as the context requires.

(f) The secretary of state shall adopt rules and regulations necessary to implement the provisions of this section. Such rules and regulations shall include any filing deadlines or other details necessary to establish the election procedure required by this section.";

And by renumbering sections accordingly:

Also on page 3, in line 14, by striking "25-318 is" and inserting "25-101b, 25-318 and 40-106 are";

On page 1, in the title, in line 9, by striking "elections" and inserting "filling vacancies in certain elected offices"; in line 10, after the semicolon, by inserting "pertaining to the office of commissioner of insurance; pertaining to the office of state treasurer;"; also in line 10, by striking "25-318" and inserting "25-101b, 25-318 and 40-106"; in line 11, by striking "section" and inserting "sections"

Senator Wysong further amended **Sub SB 152** on page 2, in line 28, after the period, by inserting: "The state shall reimburse each county for the expenses incurred when conducting any election held pursuant to this act." and **Sub SB 152** be passed as amended.

The following amendment offered by Senator D. Schmidt to **Sub SB 152** was rejected: on page 3, following line 13, by inserting the following:

"Sec. 11. K.S.A. 75-127 is hereby amended to read as follows: 75-127. (a) Whenever the lieutenant governor is provided by law to be a member or officer, or both, of any board, commission, council or other statutory body, and the office of lieutenant governor is vacant, the president of the senate shall be such member or officer, unless some other provision of law provides to the contrary.

(b) *Whenever the office of lieutenant governor is vacant, the president of the senate shall assume the powers and duties of the lieutenant governor.*";

By renumbering the remaining sections accordingly;

Also on page 3, in line 14, by striking "is" and inserting "and 75-127 are";

On page 1, in the title, in line 9, by striking "elections" and inserting "filling vacancies in certain elected offices"; in line 10, following the semicolon by inserting "pertaining to the office of lieutenant governor;"; also in line 10, following "25-318" by inserting "and 75-127"; in line 11, by striking "section" and inserting "sections"

Sub SB 323 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Wagle on page 2, after line 6, by inserting the following:

"(d) As used in this section, "Kansas health policy authority" or "authority" means the Kansas health policy authority established by K.S.A. 2006 Supp. 75-7401, and amendments thereto.";

On page 1, in the title, in line 9, after the semicolon, by inserting "medicaid"; in line 10, by striking "on medicaid" and **Sub SB 323** be passed as amended.

SB 324 be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt as amended by Senate Committee, on page 1, after line 24, by inserting the following:

“Sec. 2. K.S.A. 47-604 is hereby amended to read as follows: 47-604. Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any order establishing or regulating a quarantine issued pursuant to article 6 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, upon a ~~first~~ conviction shall be guilty of a class A misdemeanor. On a second or subsequent conviction of a violation of this section, such person shall be guilty of a ~~class D~~ *severity level 7 nonperson felony*.”;

And by renumbering the remaining sections accordingly;

On page 1, in line 12, after “17-1311a” by inserting “, 47-604”; in line 13, by striking “47-”; in line 14, by striking “604,” and **SB 324** be passed as further amended.

SB 15; Sub SB 316 be passed over and retain a place on the calendar.

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 **SB 61, SB 77, SB 100, SB 101, SB 129, SB 133; Sub SB 152; SB 195, SB 196, SB 211, SB 226, SB 232, SB 240, SB 262, SB 270, SB 271, SB 294, SB 302; Sub SB 323; SB 324; HCR 5003** were advanced to Final Action and roll call.

SB 61, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6433 and repealing the existing section.

On roll call, the vote was: Yeas 15, Nays 25, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brownlee, Brungardt, Francisco, Jordan, Morris, Pine, Reitz, Schmidt V, Schodorf, Teichman, Vratil, Wilson, Wysong.

Nays: Apple, Barone, Betts, Bruce, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pyle, Schmidt D, Steineger, Taddiken, Umbarger, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 61** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I fully support raising the cap on the local budget and I believe our local districts should have this restriction removed. However, I cannot support this bill, as I am concerned with any measure which would remove voter approval in this regard, particularly over an issue so near and dear to my constituents as schools and their funding through taxes. In addition, over the last 24 hours, I have received incredible amounts of feedback in consultation with many constituents, the vast majority of whom stood in strong opposition to this bill. My hope is that these public votes will increase transparency and participation of the public in local school elections, and assist local school boards as to where the public stands when it comes to local funding. I vote NO on **SB 61**.—JULIA LYNN

Senators Barone and Haley request the record to show they concur with the “Explanation of Vote” offered by Senator Lynn on **SB 61**.

SB 77, An act relating to motor vehicles; enacting the unattended and unsupervised children in motor vehicles safety act; amending K.S.A. 8-2106 and repealing the existing section.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Barone, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Journey, McGinn, Morris, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Umbarger, Vratil, Wysong.

Nays: Apple, Betts, Brownlee, Bruce, Haley, Huelskamp, Jordan, Kelly, Lee, Lynn, Ostmeyer, Palmer, Pine, Pyle, Steineger, Taddiken, Teichman, Wagle, Wilson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “no” on **SB 77**. The stories of harm to children left unattended in cars are quite sad. Nonetheless, we must resist the urge to become a nanny state in which we assume the worst of every parent. No one had loved and cared for their children like a

good parent does. Good parents deserve some credit for exercising common sense in the care of their children.—KARIN BROWNLEE

Senators Bruce, Jordan, Lynn, Ostmeyer, Palmer, Pine, Taddiken, Teichman, Wilson request the record to show they concur with the “Explanation of Vote” offered by Senator Brownlee on **SB 77**.

MR. PRESIDENT: I vote “NO” on **SB 77**.

As a proud father of four active young children, I am especially sensitive to insuring their protection while in a moving or a parked vehicle.

This bill as amended mandates leaving any child under five in a vehicle for more than five minutes is a crime. That’s ridiculous, in practicality.

We are run amok, awash in paranoia with exceptions to the safe rule of thumb.

Yes, accidents have happened...horrible accidents to which we are all, understandably, grieved.

But, punishing good parents whose children are well behaved and safe is not the correct course of action. Again, I vote “NO”.—DAVID HALEY

SB 100, An act concerning campaign finance; pertaining to filing of reports.

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

The bill passed, as amended.

SB 101, An act concerning campaign finance; pertaining to campaign treasurer’s reports; pertaining to use of unexpended campaign funds; pertaining to certain public officers and employees; amending K.S.A. 25-4142, 25-4148, 25-4151 and 25-4157a and K.S.A. 2006 Supp. 25-4143 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Goodwin, Haley, Huelskamp, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Francisco, Gilstrap, Hensley, Jordan, Kelly, Lee, Schodorf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 101**. The amendment that was added to this bill on the floor that allows a candidate or candidate committee to transfer campaign funds to a bonafide successor committee or candidacy is a more substantial change to our campaign laws than the underlying bill. The amendment seems to make it possible for a candidate to have more than one open campaign committee or candidacy and perhaps circumvent our campaign finance limits. In addition, contributors making a contribution to a candidate for one office may not have intended to contribute to a campaign for a different office. If this had been introduced as a separate bill there would have been an opportunity for the hearings and discussion needed on this issue.—MARCI FRANCISCO

SB 129, An act concerning schools; relating to certain school safety violations; amending K.S.A. 72-89c01 and 72-89c02 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 133, An act concerning elections; relating to election crimes; relating to advance voting suppression.

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

The bill passed, as amended.

Sub SB 152, An act concerning filling vacancies in certain elected offices; pertaining to vacancy in the position of United States senator; pertaining to the office of commissioner of insurance; pertaining to the office of state treasurer; amending K.S.A. 25-101b, 25-318 and 40-106 and repealing the existing sections.

On roll call, the vote was: Yeas 25, Nays 15, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Brownlee, Bruce, Donovan, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Allen, Barone, Betts, Brungardt, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Reitz, Schodorf, Steineger, Wysong.

The substitute bill passed, as amended.

SB 195, An act concerning certain automated telephone calls; pertaining to the use of automated telephone calls for political purposes; amending K.S.A. 25-4156 and repealing the existing section.

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

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

The bill passed, as amended.

SB 196, An act concerning campaign finance; pertaining to reports of certain contributions; pertaining to reports of independent expenditures.

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

The bill passed, as amended.

SB 211, An act relating to motor vehicles; concerning the use of safety belts; providing for the disposition of certain fines; amending K.S.A. 8-2503 and 8-2504 and K.S.A. 2006 Supp. 8-1345, 20-350 and 74-7336 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Betts, Bruce, Haley, Huelskamp, Lynn, McGinn, Ostmeyer, Palmer, Pyle, Wagle.
The bill passed, as amended.

SB 226, An act cereal malt beverages; relating to discretion by cities in granting and suspending or revoking a retailer's license; amending K.S.A. 2006 Supp. 41-2703 and 41-2708 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 232. An act concerning taxing subdivisions; relating to pensions and other postemployment benefits; amending K.S.A. 10-1116 and 12-16,102 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 240. An act concerning income taxation; relating to apportionment of net income; amending K.S.A. 2006 Supp. 79-3279 and repealing the existing section.

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

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

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 240**. This bill would establish a single-factor corporation income tax apportionment formula option for a manufacturer which constructs a new facility in Kansas that costs \$100 million, employs 100 new employees, and pays higher than average wages.

This bill gives our community an opportunity to employ 100 new employees through the construction of a new facility for the Hill's Pet Nutrition company.

If our community is selected as the site for this new facility, we will begin the reversal of bad news our community recently received with the closure of the Payless Distribution Center and the loss of 550 jobs.

I express my appreciation to my fellow Senators for helping us keep this bill on a fast track.—ANTHONY HENSLEY

Senator Kelly requests the record to show she concurs with the "Explanation of Vote" offered by Senator Hensley on **SB 240**.

SB 262. An act relating to motor vehicle purchases and leases by state agencies.

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

The bill passed, as amended.

SB 270. An act concerning controlled substances; relating to ephedrine and pseudoephedrine; amending K.S.A. 2006 Supp. 65-1643, 65-4113 and 65-7006 and repealing the existing sections.

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

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

The bill passed, as amended.

SB 271. An act concerning insurance; relating to certain forms and rate filings; amending K.S.A. 2006 Supp. 40-216 and 40-955 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 40-955a.

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

The bill passed, as amended.

SB 294. An act relating to motor vehicles; concerning driver's licenses; relating to certain age requirements; providing certain limitations; providing penalties; amending K.S.A. 8-235d, 8-239, 8-297, 8-2,147 and 72-89c02 and K.S.A. 2006 Supp. 8-237 and 8-240 and repealing the existing sections.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Wilson.

Nays: Allen, Betts, Brownlee, Bruce, Haley, Huelskamp, Lynn, Morris, Ostmeyer, Palmer, Pine, Pyle, Steineger, Taddiken, Vratil, Wagle, Wysong.

The bill passed, as amended.

SB 302. An act creating a controlled substances monitoring task force; prescribing the duties thereof.

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

The bill passed.

Sub SB 323. An act related to the Kansas health policy authority; medicaid recovery and reimbursement from third parties.

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

The substitute bill passed, as amended.

SB 324. An act concerning certain crimes and punishments; relating to certain penalties; amending K.S.A. 17-1311a, 47-604 and 65-28,107 and repealing the existing sections; also repealing K.S.A. 21-3727, 66-276 and 75-7b19.

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

The bill passed, as amended.

HCR 5003. A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2007-2008 biennium.

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,

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

The resolution was adopted, as amended.

CHANGE OF REFERENCE

The President withdrew **SB 291, SB 305, SB 327, SB 331, SB 334, SB 341** from the Committee on **Assessment and Taxation**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 156, SB 333, SB 342** from the Committee on **Commerce**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 136** from the Committee on **Election and Local Government**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 234, SB 243** from the Committee on **Financial Institutions and Insurance**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 309** from the Committee on **Health Care Strategies** and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 32, SB 64, SB 110, SB 248** from the Committee on **Judiciary** and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 189, SB 267** from the Committee on **Natural Resources**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 1**, from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **SB 20, SB 325** from the Committee on **Utilities**, and referred the bills to the Committee on **Ways and Means**.

The President withdrew **SB 15, SB 60, SB 93, SB 144, SB 278, SB 298, SB 314; Sub SB 316** from the Calendar under the heading of General Orders and referred the bills to the Committee on **Ways and Means**.

On motion of Senator D. Schmidt the Senate adjourned until 8:30 a.m., Friday, February 23, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

