

# Journal of the Senate

SIXTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, April 26, 2007—10:00 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Palmer was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,  
All of us are human,  
But we have different names.  
Our DNA and fingerprints  
Are not at all the same.  
We have different interests,  
And to give us all a lift  
You, O God, have given us  
Different talents and gifts.  
With these gifts and talents  
It is most essential  
That we put them all to work  
To accomplish our potential.  
Help us use these gifts and talents  
That You have given us to bless  
All of those who look to us  
To make Kansas a success.  
I thank You and I pray in Jesus' Name,  
AMEN

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:  
Ways and Means: **SB 392, SB 393.**

## CHANGE OF REFERENCE

The President withdrew **S Sub for HB 2237, S Sub for HB 2422** from the Calendar under the heading of General Orders, and referred the bills to the Committee on Assessment and Taxation.

## REFERRAL OF APPOINTMENTS

The following appointments made by the Attorney General and Senate Minority Leader and submitted to the senate for confirmation, were referred to Committees as indicated:

*By the Attorney General:*

*Crime Victims Compensation Board, Member*

Nan Porter, effective April 2, 2007, and will expire March 15, 2009.  
(Judiciary)

*By the Senate Minority Leader:*

*Kansas Bioscience Authority, Member*

Ed McKechnie, effective immediately.  
(Commerce)

#### **POINT OF PERSONAL PRIVILEGE**

Senator Wysong rose on a Point of Personal Privilege to introduce Tyler Kavanaugh, an eighth grade student at Shawnee Mission Public Schools and an honor roll student at Mission Valley Middle School in the Gifted Program.

Senator Lynn rose on a Point of Personal Privilege to introduce Aalok Patel, a 2007 graduate of the Leadership Olathe Program and is a junior honor student at Olathe North High.

#### **MESSAGE FROM THE HOUSE**

Announcing the House accedes to the request of the Senate for a conference on **SB 30** and has appointed Representatives Siegfried, Huebert and Peterson as conferees on the part of the House.

The House announces the appointment of Representative Patton to replace Representative Mast as a conferee on **SB 138**.

The House announces the appointment of Representative Patton to replace Representative Mast as a conferee on **HB 2531**.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Umbarger, Emler, Kelly, Barone, Betts, McGinn, Morris, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman and Wysong introduced the following Senate resolution, which was read:

##### SENATE RESOLUTION No. 1875—

A RESOLUTION congratulating and commending Judy Bromich for her many years of distinguished service to the Senate Ways and Means Committee and the Senators who have chaired that committee.

WHEREAS, Judy Bromich retired in December 2006 after serving the Kansas Legislature for 22 years as the chief of staff to the Senate Ways and Means Committee; and

WHEREAS, Judy Bromich commenced working for Senator Gus Bogina in 1981 as a session secretary; and when Senator Bogina became chairman of the Ways and Means Committee in 1985, he naturally turned to the brightest, hardest working person he knew of to take on the committee work; and

WHEREAS, In her capacity as chief of staff to that demanding, complex committee, Judy Bromich served Senator Bogina for ten years, then “broke in” three other Chairmen: Senator Dave Kerr (1996-2000), Senator Steve Morris (2001-2004) and Senator Dwayne Umbarger who has been chair since 2005; and

WHEREAS, Judy Bromich, graduated cum laude from Washburn University with a Business Degree in Finance, attended graduate school at the University of Kansas and, since retiring, is continuing work towards a Masters in Business Administration; and

WHEREAS, Judy Bromich is the owner and manager of an investment property company; and

WHEREAS, Judy Bromich is married to Bud Bromich; they are the proud parents of four children: Brad (Greensboro, NC), Becky (Leawood, Kan.), Brett (Gilbert, Ariz.) and Jim (Gainesville, Fla.), who between them have blessed Judy and Bud with 11 grandchildren; and

WHEREAS, Judy Bromich has served the legislative branch with commitment, developing an encyclopedic knowledge of the people and the budget process and now is embarking on a new chapter in her life: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* We thank and congratulate Judy Bromich for her 26 years of devoted, conscientious service to the state of Kansas and for her knowledgeable, efficient and indefatigable assistance to the men and women who have served on the Senate Ways and Means Committee; and

*Be it further resolved:* That the Secretary of the Senate provide six enrolled copies of this resolution to Judy and Bud Bromich at: 6967 S.W. Fountaindale Rd., Topeka, KS 66614.

On emergency motion of Senator Umbarger **SR 1875** was adopted unanimously.

Senator Umbarger thanked and congratulated Judy for her 26 years of service to the Senate Ways and Means Committee and the senators who have chaired the committee. Accompanying Judy was her husband, Bud Bromich.

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

SENATE RESOLUTION No. 1876—

A RESOLUTION congratulating and commending Jammie Layman for winning the title of Kansas Junior Miss 2007.

WHEREAS, Marshall County Junior Miss Jammie Layman of Marysville was named the 2007-2008 Kansas Junior Miss at the 47th annual Kansas Junior Miss Scholarship program at Belleville on March 17, 2007; and

WHEREAS, Kansas' Junior Miss scholarship program is an official preliminary of America's Junior Miss, the oldest and largest scholarship program for high school senior girls. The nonprofit program's goal is to honor young women who excel and encourage them to obtain a college education and assume roles of leadership in their communities and professions; and

WHEREAS, The categories in which the contestants were evaluated were scholastics, interview, talent, fitness and self-expression. Jammie, was named the winner from a field of 11 high school seniors by a panel of five judges and is the first winner ever from Marshall County. In addition to winning the title, Jammie was winner of the interview category and self-expression category; and

WHEREAS, Jammie will now proceed to compete in the National Junior Miss Scholarship program, which will be televised nationally, in June in Mobile, Alabama. At Mobile, Jammie will compete for a share of more than \$100,000 in cash scholarships and, as a participant of the Junior Miss program, will be eligible for scholarships from nearly 200 colleges and universities; and

WHEREAS, Jammie is a Senior at Marysville High School who is active in forensics, debate, chorus line and drama club and was a football cheerleader. Before her trip to the National Junior Miss Final, Jammie will compete in public forum debate at the National Catholic Forensics Grand National Tournament in May in Houston, Texas. Jammie is also active in Marysville Area Community Theatre; and

WHEREAS, Jammie is the daughter of Joe and Amy Krogman and the granddaughter of Ron and Dee Layman, all of Marysville: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Jammie Layman for winning the title of Kansas Junior Miss 2007 and that we wish her continued success as she represents the state of Kansas at the National Junior Miss Scholarship program and beyond; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Taddiken.

On emergency motion of Senator Taddiken **SR 1876** was adopted unanimously.

Senator Taddiken introduced Jammie, who was accompanied by her mother, Amy Krogman, and grandmother, Dee Layman, and senators honored her with a standing ovation.

On motion of Senator D. Schmidt, the Senate recessed until 10:45 p.m.

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

**CONFIRMATION OF APPOINTMENTS**

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the senate for confirmation, was considered.

Senator D. Schmidt moved the following appointment be confirmed as recommended by the Standing Senate Committee:

*By the Governor:*

On the appointment to the:

*Employment Security Board of Review, Member:*

Harry Helsler, term expires March 15, 2011.

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

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

Absent or Not Voting: Palmer.

The appointment was confirmed.

**ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2145, S Sub for HB 2556.**

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2145**, submits the following report:

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

On page 3, by striking all in lines 7 through 43;

By striking all on page 4;

On page 5, by striking lines 1 through 5;

And by renumbering the remaining sections accordingly;

On page 8, after line 19, by inserting the following:

“New Sec. 7. As used in sections 7 through 12, and amendments thereto:

(a) “Biodiesel” means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets the specifications adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto. Such specification shall meet American society for testing and materials specification D6751-07 for biodiesel fuel (B100) blend stock for distillate fuels, but may be more stringent regarding biodiesel quality and usability than specification D6751-07;

(b) “diesel” means any liquid, other than gasoline and biodiesel, which is used as fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark;

(c) “gasoline” means any liquid product sold as motor fuel for use in a spark-ignition internal combustion engine;

(d) “motor fuel” means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal combustion engine for the generation of power;

(e) “motor fuel pump” means a commercial measuring device used to measure and dispense motor fuel or special fuels on a retail basis at a fixed retail motor fuel site;

(f) “renewable fuels” means a combustible liquid derived from grain starch, oil seed, animal fat or other biomass; or produced from biogas source, including any nonfossilized, decaying, organic matter which is capable of powering spark-ignition machinery; and

(g) “retail dealer” means a licensed seller of motor fuel or special fuels at retail at a fixed retail motor fuel site.

New Sec. 8. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of sections 7 through 12, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of sections 7 through 12, and amendments thereto, shall be credited by the state treasurer to the state general fund.

New Sec. 9. (a) A retail dealer of motor fuel shall be paid an incentive for the selling or dispensing of renewable fuels through a motor fuel pump as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses renewable fuels through a motor fuel pump in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate all of the following:

(1) The retail dealer's renewable fuels distribution percentage which is the sum of the retail dealer's total renewable fuels blended into gasoline expressed as a percentage of the retail dealer's total gasoline gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's renewable fuels threshold percentage is as follows:

(A) Ten percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) eleven percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) twelve percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) thirteen percent for any quarter of the determination period beginning on January 1, 2012, and ending December 31, 2012;

(E) fourteen percent for any quarter of the determination period beginning on January 1, 2013, and ending December 31, 2013;

(F) fifteen percent for any quarter of the determination period beginning on January 1, 2014, and ending December 31, 2014;

(G) sixteen percent for any quarter of the determination period beginning on January 1, 2015, and ending December 31, 2015;

(H) seventeen percent for any quarter of the determination period beginning on January 1, 2016, and ending December 31, 2016;

(I) eighteen percent for any quarter of the determination period beginning on January 1, 2017, and ending December 31, 2017;

(J) nineteen percent for any quarter of the determination period beginning on January 1, 2018, and ending December 31, 2018;

(K) twenty percent for any quarter of the determination period beginning on January 1, 2019, and ending December 31, 2019;

(L) twenty-one percent for any quarter of the determination period beginning on January 1, 2020, and ending December 31, 2020;

(M) twenty-two percent for any quarter of the determination period beginning on January 1, 2021, and ending December 31, 2021;

(N) twenty-three percent for any quarter of the determination period beginning on January 1, 2022, and ending December 31, 2022;

(O) twenty-four percent for any quarter of the determination period beginning on January 1, 2023, and ending December 31, 2023;

(P) twenty-five percent for any quarter of the determination period beginning on January 1, 2024, and ending December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on and after January 1, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses renewable fuel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses renewable fuels.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's total renewable fuel gallonage by an incentive rate, which may be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The incentive rate is as follows:

(1) For any quarter in which the retail dealer has attained a renewable fuels threshold percentage for the determination period, the incentive rate is 6 1/2 cents.

(2) For any quarter in which the retail dealer has not attained a renewable fuels threshold percentage for the determination period, the incentive rate shall be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The amount of the adjusted incentive rate is as follows:

(A) If the retail dealer's renewable fuels threshold percentage disparity equals 2% or less, the incentive rate is 4 1/2 cents.

(B) A retail dealer is not eligible for an incentive if the retail dealer's renewable fuels threshold percentage disparity equals more than 2%.

New Sec. 10. (a) A retail dealer of biodiesel shall be paid an incentive for the selling or dispensing of biodiesel as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses biodiesel in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate the following:

(1) The retail dealer's biodiesel distribution percentage which is the sum of the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total diesel and biodiesel gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's biodiesel threshold percentage is as follows:

(A) Two percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) four percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) six percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) eight percent for any quarter of the determination period beginning on January 1, 2012, and ending July 1, 2012;

(E) ten percent for any quarter of the determination period beginning on January 1, 2013, and ending on December 31, 2013;

(F) twelve percent for any quarter of the determination period beginning on January 1, 2014, and ending on December 31, 2014;

(G) fourteen percent for any quarter of the determination period beginning on January 1, 2015, and ending on December 31, 2015;

(H) sixteen percent for any quarter of the determination period beginning on January 1, 2016, and ending on December 31, 2016;

(I) seventeen percent for any quarter of the determination period beginning on January 1, 2017, and ending on December 31, 2017;

(J) eighteen percent for any quarter of the determination period beginning on January 1, 2018, and ending on December 31, 2018;

(K) nineteen percent for any quarter of the determination period beginning on January 1, 2019, and ending on December 31, 2019;

(L) twenty percent for any quarter of the determination period beginning on January 1, 2020, and ending on December 31, 2020;

(M) twenty-one percent for any quarter of the determination period beginning on January 1, 2021, and ending on December 31, 2021;

(N) twenty-two percent for any quarter of the determination period beginning on January 1, 2022, and ending on December 31, 2022;

(O) twenty-three percent for any quarter of the determination period beginning on January 1, 2023, and ending on December 31, 2023;

(P) twenty-four percent for any quarter of the determination period beginning on January 1, 2024, and ending on December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on January 1, 2025, and ending on December 31, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses biodiesel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses biodiesel.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's biodiesel gallonage by the incentive rate for any quarter in which the retail dealer has attained a biodiesel threshold percentage for the determination period, the incentive rate is three cents.

New Sec. 11. (a) The retail dealer shall file electronically for the incentive for selling or dispensing of renewable fuels or biodiesel beginning January 1, 2009, and quarterly thereafter in the manner required by the department of revenue. The retail dealer shall file such information as the secretary of revenue may require by rules and regulations, but shall include the total number of gallons of renewable fuels or biodiesel sold.

(b) The secretary of revenue may adopt rules and regulations necessary to administer the provisions of sections 7 through 12, and amendments thereto, including the development of a procedure for the payment of the incentive on a pro rata basis if the unobligated balance in the fund is insufficient to pay all incentives.

New Sec. 12. The secretary of revenue shall annually submit a written report to the house appropriations and energy and utilities committees and to the senate ways and means and agriculture committees, or the successors to those committees, beginning with the 2010 legislative session. The report shall contain information regarding the amount of incentives claimed and paid pursuant to sections 7 through 12, and amendments thereto, and information regarding the amount of renewable fuels and biodiesel sold in the state. The secretary also may include in the report any recommendations for changes to law necessary to implement sections 7 through 12, and amendments thereto.

New Sec. 13. The provisions of sections 7 through 12, and amendments thereto, shall expire on January 1, 2026.

Sec. 14. K.S.A. 2006 Supp. 79-32,201 is hereby amended to read as follows: 79-32,201.

(a) Any taxpayer who makes expenditures for a qualified alternative-fueled motor vehicle or alternative-fuel fueling station shall be allowed a credit against the income tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, as follows:

(1) For any qualified alternative-fueled motor vehicle placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle but not to exceed \$3,000 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$5,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$50,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(2) for any qualified alternative-fueled motor vehicle placed in service on or after January 1, 2005, an amount equal to 40% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle, but not to exceed \$2,400 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$4,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$40,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(3) for any qualified alternative-fuel fueling station placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the total amount expended for each qualified alternative-fuel fueling station but not to exceed \$200,000 for each fueling station;

(4) for any qualified alternative-fuel fueling station placed in service on or after January 1, 2005, and before January 1, 2009, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$160,000 for each fueling station;

(5) for any qualified alternative-fuel fueling station placed in service on or after January 1, 2009, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$100,000 for each fueling station.

(b) If no credit has been claimed pursuant to subsection (a), a credit in an amount not exceeding the lesser of 5% of the cost of the vehicle or \$750 shall be allowed to a taxpayer who purchases a motor vehicle equipped by the vehicle manufacturer with an alternative fuel system and who is unable or elects not to determine the exact basis attributable to such property. The credit under this subsection shall be allowed only to the first individual to take title to such motor vehicle, other than for resale. The credit under this subsection for motor vehicles which are capable of operating on a blend of 85% ethanol and 15% gasoline shall be allowed for taxable years commencing after December 31, 1999, only if the individual claiming the credit furnishes evidence of the purchase, during the period of time beginning with the date of purchase of such vehicle and ending on December 31 of the next succeeding calendar year, of 500 gallons of such ethanol and gasoline blend as may be required or is satisfactory to the secretary of revenue.

(c) The tax credit under subsection ~~(a)~~ (a)(1) through (a)(4) or (b) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the expenditures are made.

(d) The tax credit under subsection (a)(5) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year in which the expenditures are made.

~~(e)~~ (e) As used in this section:

(1) "Alternative fuel" ~~has the meaning provided by 42 U.S.C. 13211~~ means a combustible liquid derived from grain starch, oil seed, animal fat or other biomass; or produced from biogas source, including any nonfossilized, decaying, organic matter.

(2) "Qualified alternative-fueled motor vehicle" means a motor vehicle that operates on an alternative fuel, meets or exceeds the clean fuel vehicle standards in the federal clean air act amendments of 1990, Title II and meets one of the following categories:

(A) Bi-fuel motor vehicle: A motor vehicle with two separate fuel systems designed to run on either an alternative fuel or conventional fuel, using only one fuel at a time;

(B) dedicated motor vehicle: A motor vehicle with an engine designed to operate on a single alternative fuel only; or

(C) flexible fuel motor vehicle: A motor vehicle that may operate on a blend of an alternative fuel with a conventional fuel, such as E-85 (85% ethanol and 15% gasoline) or M-85 (85% methanol and 15% gasoline), as long as such motor vehicle is capable of operating on at least an 85% alternative fuel blend.

(3) "Qualified alternative-fuel fueling station" means the property which is directly related to the delivery of alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, including the compression equipment, storage vessels and dispensers for such fuel at the point where such fuel is delivered but only if such property is primarily used to deliver such fuel for use in a qualified alternative-fueled motor vehicle.

(4) "Incremental cost" means the cost that results from subtracting the manufacturer's list price of the motor vehicle operating on conventional gasoline or diesel fuel from the



manufacturer's list price of the same model motor vehicle designed to operate on an alternative fuel.

(5) "Conversion cost" means the cost that results from modifying a motor vehicle which is propelled by gasoline or diesel to be propelled by an alternative fuel.

(6) "Taxpayer" means any person who owns and operates a qualified alternative-fueled vehicle licensed in the state of Kansas or who makes an expenditure for a qualified alternative-fuel fueling station.

(7) "Person" means every natural person, association, partnership, limited liability company, limited partnership or corporation.

~~(f)~~ (f) Except as otherwise more specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 1995.

Sec. 15. K.S.A. 2006 Supp. 79-34,155 is hereby amended to read as follows: 79-34,155. As used in K.S.A. 2006 Supp. 79-34,155 through 79-34,158, and amendments thereto:

(a) "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets ~~American society for testing and materials specification D6751-02 for biodiesel fuel (B100) blend stock for distillate fuels~~ *the specifications adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto. Such specification shall meet American society for testing and materials specification D6751-07 for biodiesel fuel (B100) blend stock for distillate fuels, but may be more stringent regarding biodiesel quality and usability than specification D6751-07.*

(b) "Kansas qualified biodiesel fuel producer" means any producer of biodiesel fuel whose principal place of business and facility for the production of biodiesel fuel are located within the state of Kansas and who has made formal application to and conformed to the requirements by the department of revenue pursuant to this act.

(c) "Secretary" means the secretary of the department of revenue of the state of Kansas.

(d) "Kansas qualified biodiesel fuel producer incentive fund" means a fund created in K.S.A. 2006 Supp. 79-34,157, and amendments thereto, from which producer incentives shall be provided pursuant to this act to Kansas qualified biodiesel fuel producers.

Sec. 16. K.S.A. 2006 Supp. 65-34,132, as amended by section 4 of 2007 Senate Bill No. 190, is hereby amended to read as follows: 65-34,132. (a) The secretary may provide for the reimbursement to eligible owners of aboveground storage tanks or bulk plants in accordance with the provisions of this section and subject to the availability of moneys in the Kansas essential fuels supply trust fund. An aboveground storage tank or bulk plant shall be eligible for reimbursement under this section, if such aboveground storage tank or bulk plant is used for the storage of petroleum products for resale.

(b) The secretary may reimburse the owner of an aboveground storage tank facility or bulk plant for upgrade expenses or permanent closure expenses, in the amount specified in subsection (c), if all of the following criteria are met:

(1) The aboveground storage tank facility was registered with the department on or after November 22, 1993;

(2) the aboveground storage tank contains petroleum products;

(3) application is made on or before January 1, ~~2009~~ 2011, on a form provided by the department;

(4) upgrade expenses must be incurred after August 1, 2001, and not later than July 1, 2009. Upgrade expenses are limited to reasonable and necessary to the installation or improvement of equipment or systems required for compliance with 40 CFR 112. Such expenses shall include, but are not limited to, installation or upgrade of the following:

(A) Secondary containment;

(B) integrity testing;

(C) corrosion protection;

(D) loss prevention;

(E) engineering costs;

(F) security;

(G) drainage; and

(H) removal of noncompliant tanks;

(5) expenses for permanent closure activities, must be incurred after August 1, 2001, and not later than July 1, 2009. Only expenses for activities reasonable and necessary to permanently close an aboveground storage tank facility are eligible for reimbursement. Reasonable and necessary activities eligible for reimbursement include, but are not limited to, the following:

- (A) Removal of the tank and piping system;
- (B) removal of tank support and confinement systems;
- (C) removal of security systems;
- (D) cleaning of tanks; and
- (E) disposal of waste petroleum and other waste material including concrete.

(c) Applications for reimbursement must be made on forms supplied by the department. Applications for reimbursement must include documentation of the facility upgrade or permanent closure activities and expense. Proof of payment of all expenses for which reimbursement is requested must be provided. The department will review those expenses based on current industry costs and provide reimbursement of reasonable and necessary costs. The department shall reimburse an applicant for 90% of the approved cost of the facility upgrade or permanent closure not to exceed \$25,000 per facility. Disputes regarding application approval, reimbursements rates or reimbursement amounts will be referred to the Kansas essential fuel supply trust fund compensation advisory board.

(d) If the owner of an aboveground storage tank facility contracts with another individual or business entity to perform the upgrade or permanent closure activities, the expenses may be submitted to the department for reimbursement under this section. The department may deny any claim for reimbursement that fails to provide adequate proof of payment in full to the contracting party. The owner may obtain prior approval from the department of the activities to be performed and the expenses to be incurred.

(e) Owners of aboveground storage tanks or bulk plant may enter into an agreement with the department to perform upgrades or permanent closures after the deadline and receive reimbursement if they comply with the following criteria:

(1) The owner has signed a contract with a vendor to perform the work prior to the deadline; and

(2) the vendor indicates that they are unable to perform the work before the deadline.

(f) The secretary may adopt such rules and regulations deemed necessary to carry out the provisions of this section.

(g) The provisions of this section shall be part of and supplemental to the Kansas storage tank act.”;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 20, by striking “55-427,”; also in line 20, after “83-401” by inserting “and K.S.A. 2006 Supp. 65-34,132, as amended by section 4 of 2007 Senate Bill No. 190, 79-32,201 and 79-34,155”;

On page 1, in the title, in line 12, by striking all after the semicolon; by striking all in line 13 and inserting “relating to renewable fuel; providing for certain incentives relating to renewable fuels;”; in line 14, by striking “55-427,”; also in line 14, after “83-401” by inserting “and K.S.A. 2006 Supp. 65-34,132, as amended by section 4 of 2007 Senate Bill No. 190, 79-32,201 and 79-34,155”;

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

MARK TADDIKEN  
ROGER C. PINE  
MARC FRANCISCO  
*Conferees on part of Senate*

CARL DEAN HOLMES  
JOHN FABER  
JOSH SVATY  
*Conferees on part of House*

Senator Taddiken moved the Senate adopt the Conference Committee Report on **S Sub for HB 2145**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2556**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2556, as follows:

On page 1, in line 23, by striking "five" and inserting "three"; in line 24, by striking "Three" and inserting "One"; in line 25, by striking "and" where it appears the third time and inserting the following:

"(3) one member shall be appointed by the president of the senate and shall be a representative of business and industry;

(4) one member shall be appointed by the speaker of the house of representatives and shall be a representative of business and industry; and";

Also on page 1, in line 26, by striking "(3)" and inserting "(5)";

On page 3, by striking all in lines 8 through 27 and inserting the following:

"(b) Recommendations adopted by the authority pursuant to subsection (a) shall be submitted to the state board of regents. A recommendation of the authority shall be implemented by the state board unless the state board, by majority vote thereof, vetoes the recommendation within 45 days of the submission of the recommendation to the state board.

(c)(1) Subject to the provisions of paragraph (2), the state board of regents and the postsecondary technical education authority shall appoint a vice-president of workforce development who shall serve as the executive director of the postsecondary technical education authority. The vice-president for workforce development shall be in the unclassified service under the Kansas civil service act. Such person shall not be a member of the authority and shall serve at the pleasure of the state board of regents.

(2) The state board of regents shall develop a procedure for the appointment of the vice-president of workforce development. Such procedure shall provide for the participation of the Kansas association of community college trustees and the Kansas association of technical schools and colleges, or the successor organizations thereof, in the selection of the vice-president of workforce development."

On page 4, following line 2, by inserting:

"Sec. 6. (a) There is hereby established the Kansas technical college and technical school commission. Subject to the provisions of subsection (b), the commission shall consist of 10 members as follows:

(1) One member shall be a member of the state board of regents and shall be appointed by the state board of regents;

(2) one member shall be the president of a Kansas technical college and shall be appointed by the state board of regents;

(3) one member shall be a representative of the community colleges in the state which provide technical education and shall be appointed by the state board of regents;

(4) one member shall be appointed by the president of the senate;

(5) one member shall be appointed by the minority leader of the senate;

(6) one member shall be appointed by the speaker of the house of representatives;

(7) one member appointed by the minority leader of the house of representatives;

(8) two members appointed by the governor. One of the members appointed by the governor shall be a resident of the northeast area of the state; and

(9) the president of the state board of regents, or the designee thereof. Such member shall serve ex-officio and shall be a nonvoting member.

(b) When making appointments to the initial appointments to the commission, the governor and legislators shall appoint the same members appointed to the Kansas technical college and vocational school commission established pursuant to subsection (c) of section 2 of chapter 216 of the 2006 Session Laws of Kansas. If any of the members appointed to the Kansas technical college and vocational school commission declines to serve on the Kansas technical college and technical school commission established by this section, the appointing authority shall appoint another person as otherwise provided by this section. If a vacancy occurs in the membership of the commission created by this section, a successor shall be appointed in the same manner as the original appointment. When filling vacancies on the commission, the governor and legislators shall give consideration to persons representing businesses, industry and instructional staff of technical schools and colleges.

(c) The governor shall designate the member who shall serve as chairperson of the commission. The commission shall meet on call of the chairperson or on the request of six or more members of the commission. Six voting members of the commission shall constitute a quorum. All actions of the commission shall be taken by a majority of all voting members of the commission.

(d) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the commission and authorized by the legislative coordinating council.

(e) Members of the commission attending meetings of such commission or subcommittee meetings thereof as authorized by such commission, shall be paid amounts as provided in subsection (e) of K.S.A. 75-3223, and amendments thereto, upon vouchers approved by the chairperson of the commission or the chairperson's designee.

(f) The commission shall:

(1) Study and conduct hearings on the governance, funding and the mission of Kansas technical colleges and technical schools; and

(2) submit reports of the commission's activities and recommendations regarding governance, funding and the mission of Kansas technical colleges and technical schools to the legislative educational planning committee. A preliminary report shall be submitted on or before November 15, 2007. The final report shall be submitted on or before November 15, 2008. Such reports shall include recommendations for legislative changes.

(g) The provisions of this section shall expire on December 31, 2008.”;

On page 1, in the title, in line 10, after the semicolon by inserting “and the Kansas technical college and technical school commission;”;

And by renumbering the remaining sections accordingly;

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

JEAN KURTIS SCHODORF  
RUTH TEICHMAN  
JANIS K. LEE  
*Conferees on part of Senate*

CLAY AURAND  
DEENA HORST  
ANN E. MAH  
*Conferees on part of House*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **S Sub for HB 2556**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

**ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2144**.

**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 motion of Senator Brungardt the following report was adopted:

Recommended **HB 2144** be passed.

**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SB 2144** was advanced to Final Action and roll call.

**HB 2144**, An act concerning certain nursing facilities; relating to reimbursement rates; amending K.S.A. 2006 Supp. 75-5958 and repealing the existing section.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The bill passed.

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

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**AFTERNOON SESSION**

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

**POINT OF PERSONAL PRIVILEGE**

Senator Haley rose on a Point of Personal Privilege to introduce his eldest child, Mariah Danielle Haley, age 11, who was visiting the Kansas Senate for National Take Your Child To Work Day.

**MESSAGE FROM THE HOUSE**

Announcing a veto message from the Governor on **House Bill No. 2528**, AN ACT concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections, was received on April 13, 2007 and read on April 25, 2007.

**Message from the Governor**

I have repeatedly demonstrated my support for gun ownership because it's an important part of our state's heritage and way of life. I myself am one of thousands of Kansans who enjoys hunting, and I believe all law-abiding Kansans have the right to own a weapon for their protection and the protection of their families. That's why I've supported common-sense improvements to Kansas gun laws, such as allowing retired law enforcement officers to carry concealed weapons.

I also have supported measures to make our gun laws more uniform so gun owners don't inadvertently violate an ordinance when traveling from one community to another. That's what this bill purports to do, however it actually sets up greater inconsistencies and creates new threats to public safety.

For example, concealed weapons currently may be banned at professional and school sporting events, however this bill would prevent communities from banning them at similar such events at city or county sports fields. If it is in the interest of public safety to not have weapons at school- sponsored sporting events, it makes little sense to then prohibit local officials from banning guns at other sporting events, as this bill would propose.

Local officials have the responsibility to keep their residents safe, and should have the authority to make reasonable decisions. Working with law enforcement officials and representatives from local communities, legislators had agreed on a compromise that would provide a balance between the interests of gun owners in consistent laws, and the interests in keeping Kansans safe, however this good-faith agreement was removed by an amendment on the Senate floor.

Therefore, since this bill diminishes the critical public safety authority of local officials, and creates further inconsistencies in the gun laws of Kansas, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto HB 2528. If the Legislature decides to take further action on this issue, I would strongly encourage them to pass the compromise language adopted by the Senate Committee Federal and State Affairs.

Signed Kathleen Sebelius, Governor

April 13, 2007

A motion was made that, notwithstanding the Governor's objections to **House Bill No. 2528**, be passed. By a vote of 98 Yeas and 26 Nays, the motion having received the required two-thirds majority of the elected members of the House of Representatives, voting in the affirmative to approve the bill did pass.

#### ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for Sub HB 2457**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2457**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for Substitute for House Bill No. 2457, as follows:

On page 6, in line 7, after "Sudan" by inserting ", and the supplying of such goods and services is done in conjunction with an international organization, the government of Sudan, the regional government of Southern Sudan or a non-profit entity, and is evaluated and certified by an independent third party to be substantial in relationship to the business operations of the company in Sudan and of benefit to one or more marginalized populations of Sudan";

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

DWAYNE UMBARGER  
DAVID WYSONG  
ANTHONY HENSLEY  
*Conferees on part of Senate*

JIM MORRISON  
STEPHANIE SHARP  
JUDITH LOGANBILL  
*Conferees on part of House*

Senator Umbarger moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2457**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1877—

A RESOLUTION congratulating and commending United Parcel Service of America, Inc. (UPS) on the company's 100th anniversary.

WHEREAS, On August 28, 2007, UPS will celebrate its 100th anniversary; and

WHEREAS, UPS has served Kansas since 1963 and today employs over 4,500 employees and operates 19 facilities across the state; and

WHEREAS, Each day, over 79,000 citizens of Kansas utilize the express delivery and specialized transportation and logistics services that UPS provides; and

WHEREAS, UPS delivers more than 185,000 packages every day to customers across Kansas, connecting people, communities and businesses; and

WHEREAS, The service UPS provides connects the people of Kansas to more than 200 countries through its expansive transportation network that truly synchronizes global commerce; and

WHEREAS, UPS has contributed more than \$6 million to philanthropic endeavors in the state of Kansas since 1995, reflecting the company's emphasis on community service and citizenship; and

WHEREAS, UPS will continue to provide both a substantial economic impact to the people of Kansas and focus on cultivating deep partnerships with the communities it serves: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend UPS on the company's 100th anniversary and recognize their contributions to the people of Kansas both economically and philanthropically; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Michael Eskew, Chairman and CEO, UPS, 55 Glenlake Parkway NE, Atlanta, GA 30328; Kimberly Johnson, West Region Public Affairs Manager, UPS, 11300 Tomahawk Creek Parkway, Leawood, KS 66211; Kansas Motor Carriers Association, P.O. Box 1673, Topeka, KS 66601.

On emergency motion of Senator Donovan **SR 1877** was adopted unanimously.

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

SENATE RESOLUTION No. 1878—

A RESOLUTION congratulating and commending Nola Ochs for being the world's oldest college graduate.

WHEREAS, Nola Ochs has earned a bachelor's degree in general studies with an emphasis in history and will be graduated from Fort Hays State University on May 12, 2007; and at 95 years of age is the oldest college graduate in the world; and

WHEREAS, Nola Ochs was born in Illinois in 1911, lived on a farm in northwestern Nebraska and then moved with her family to a farm in Hodgeman County, Kansas when she was sixteen years old. After finishing high school and obtaining a teaching certificate, Nola Ochs taught school for four years and then quit her job to marry Vernon Ochs, a local wheat farmer; and

WHEREAS, Nola Ochs resumed her academic career in 1978, a few years after her husband, Vernon, passed away and her four sons were on their own. Taking one or two classes in the fall and summer semesters for ten years, Nola Ochs earned an associate's degree in general studies from Dodge City Community College in 1988; and

WHEREAS, Always desiring to continue learning about things that interested her, Nola Ochs enrolled in St. Mary of the Plains College in Dodge City, and later Fort Hays State University with the intention of earning a bachelor's degree; and

WHEREAS, Nola Ochs' passion for learning is also evident in her extracurricular pursuits including listening to foreign language tapes; taking computer and tax preparation classes; traveling internationally with family and friends; doing genealogical research, gardening, crocheting and baking bread; and

WHEREAS, Nola Ochs is also active in her community by being a member of the Victory Electric Cooperative and a trustee on the Southwest Kansas Library Board; and

WHEREAS, Nola Ochs' four sons are Loren, Marion and Alan Ochs, all of Jetmore, and the late Charlie Ochs. She has been blessed with 13 grandchildren and 15 great-grandchildren; and

WHEREAS, Already an inspiration to the traditional students at Fort Hays, Nola Ochs also hopes to inspire other older people to continue to be active and learn new things no matter what their age; and

WHEREAS, Nola Ochs' graduation day will be all the more exciting because her granddaughter, Alexandra Ochs, will be graduating with her: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Nola Ochs for her inspiring attitude toward life and learning and for earning her bachelor's degree from Fort Hays State University on May 12, 2007, which makes her the world's oldest college graduate; and

*Be it further resolved:* That the Secretary of the Senate provide five enrolled copies of this resolution to Senator Lee for presentation to Nola Ochs and her family.

On emergency motion of Senator Lee **SR 1878** was adopted unanimously.

Nola Ochs was commended on her outstanding accomplishment and was honored with a standing ovation. Accompanying her were her sons, Alan, Marion and Loren Ochs.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SENATE Substitute for HB 2237** be amended by substituting a new bill to be designated as "Substitute for SENATE Substitute for HOUSE BILL No. 2237," as follows:

"Substitute for SENATE Substitute for HOUSE BILL No. 2237

By Committee on Assessment and Taxation

AN ACT concerning the infrastructure needs of postsecondary educational institutions and the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; income tax credits for certain contributions; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and K.S.A. 2006 Supp. 75-4209, and repealing the existing sections."; and the substitute bill be passed.

#### REPORT ON ENGROSSED BILLS

**SB 104** reported correctly engrossed March 29, 2007.

Also, **SB 66**, **SB 67**, **SB 146** correctly re-engrossed March 29, 2007.

**SB 15**, **SB 148**, **SB 365**, **SB 389** reported correctly engrossed March 30, 2007.

Also, **H Sub for SB 244**; **SB 321** correctly re-engrossed March 30, 2007.

#### REPORT ON ENROLLED BILLS

**SR 1867**, **SR 1868**, **SR 1869**, **SR 1870**, **SR 1871**, **SR 1872**, **SR 1873**, **SR 1874** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 26, 2007.

#### 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 motion of Senator Brungardt the following report was adopted:



Recommended **S Sub for HB 2542** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Umbarger on page 26, in line 8, by striking "2007" where it appears for the first time and inserting "2008";

On page 39, by striking all in lines 11 through 13, and inserting the following:

"(e) As used in this section, "sponsored research overhead fund" includes the research and institutional overhead fund of Emporia state university."

Senator Umbarger further amended **S Sub for HB 2542** on page 25, in line 14, by subtracting \$4,000,000 and adjusting the amount in line 14 accordingly; and **S Sub for HB 2542** be passed as amended.

The following amendments to **S Sub for HB 2542** were rejected.

Senator Lee moved to amend the bill on page 60, following line 35, by inserting the following:

"Sec. 82. K.S.A. 2006 Supp. 72-6433 is hereby amended to read as follows: 72-6433. ~~(a)~~ (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

— (A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the 2001-02 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

— (B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

— (C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

— (D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil

budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

— (2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

— (B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_,  
\_\_\_\_\_ County, Kansas.

RESOLUTION

Be It Resolved that:

— The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed \_\_\_\_\_ years in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

— This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.—

— All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of

education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

— (3) The provisions of this subsection are subject to the provisions of subsections (b) and (c):

— (b) (1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

— (2) No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district, or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

— (3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the

percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

— (B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

— (4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

— (5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

— (6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

— (7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

— (8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authori-

zation, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto; may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

— (B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

— (9) As used in this subsection:

— (A) “Authorized to increase a local option budget” means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2) (A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

— (B) “State prescribed percentage” means 30% for school year 2006-2007 and 31% for school year 2007-2008 and each school year thereafter.

— (c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

— (d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

— (2) Subject to the limitation imposed under provision (3), and subsection (c) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

— (3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

— (4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did

not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

— (c) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. Such resolution shall specify how the moneys will be expended and shall be published in the manner provided by this section. The election shall be called and held in the manner provided by this section:

(a) As used in this section:

(1) "State prescribed percentage" means 31% of state financial aid of the district in the current school year.

(2) "Authorized to adopt a local option budget" means that a district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed \_\_\_\_% of the amount

of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the day of \_\_\_\_\_

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(f) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(g) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(h) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(i) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund

of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(j) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

Sec. 83. K.S.A. 2006 Supp. 72-6433 is hereby repealed.

Sec. 84. On July 1, 2007, K.S.A. 2006 Supp. 72-6433, as amended by section 206 of 2007 House Bill No. 2368, is hereby repealed.”;

By renumbering the remaining sections accordingly;

In the title, in line 16, following “Supp.” by inserting “72-6433,”; in line 18, before the period, by inserting “; also repealing K.S.A. 2006 Supp. 72-6433, as amended by section 206 of 2007 House Bill No. 2368”

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

On roll call, the vote was: Yeas 17, Nays 19, Present and Passing 3, Absent or Not Voting 1.

Yeas: Apple, Barone, Betts, Bruce, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Journey, Lee, Ostmeyer, Petersen, Pyle, Taddiken, Teichman, Wagle.

Nays: Allen, Barnett, Brownlee, Brungardt, Donovan, Emler, Jordan, Lynn, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Umbarger, Vratil, Wilson, Wysong.

Present and Passing: Francisco, Kelly, Steineger.

Absent or Not Voting: Palmer.

The motion failed and the amendment was rejected.

Senator Huelskamp moved to amend **S Sub for HB 2542** on page 10, after line 43, by inserting the following:

“(1) On the effective date of this act, in addition to the other purposes for which expenditures may be made by the department of administration from the state general fund or by any special revenue fund for fiscal year 2007 as authorized by section 107 of 2007 House Bill No. 2368 or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration to prepare and submit a report containing a full accounting of capitol renovation funding including information concerning initial cost estimates, an estimate of the cost to complete all capitol renovations projects and reasons for any cost overruns: *Provided*, That such report shall not be longer than one legal size page, excluding additional documentation: *Provided further*, That one copy of such report shall be provided to secretary of the senate and the chief clerk of the house of representatives and shall be posted on the department of administration website on or before June 1, 2007.”

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

On roll call, the vote was: Yeas 18, Nays 19, Present and Passing 2, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Petersen, Pyle, Steineger, Taddiken, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Emler, Francisco, Goodwin, Hensley, Kelly, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Present and Passing: Donovan, Lee.



Absent or Not Voting: Palmer.

The motion failed and the amendment was rejected.

Senator Brownlee moved to amend **S Sub for HB 2542** on page 65, following line 6, by inserting the following:

Sec. 96. In addition to the other purposes for which expenditures may be made by any state agency which is named in 2007 House Bill No. 2368 or in this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by such state agency from moneys appropriated for fiscal year 2008 by 2007 House Bill No. 2368 or by this or other appropriation act of the 2007 regular session of the legislature to implement, plan for, or apply for KAN-ED connectivity: *Provided*, That any office or officer, department, bureau, division, board, authority, agency commission or institution of this state may submit an application to the director of the division of information systems and communications requesting connection to the KAN-ED network in a form approved by the director: *Provided further*, That upon receipt of any such application the director shall develop a plan and coordinate with the appropriate entities to determine the best connection of the applicant to the KAN-ED network: *And provided further*, That upon such determination, the director shall coordinate with the applying entity and with KAN-ED to establish such connection: *And provided further*, That the state board of regents and the department of administration shall, in consultation with the Kansas research and education network, develop and begin implementation of a plan for consolidation of the KAN-ED network, the Kansas research and education network, and the KAN-Win network for the purpose of eliminating duplication of services and inefficiencies existing between the networks.”;

And by renumbering the remaining section accordingly

**HB 2421, HB 2423** 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 **S Sub for HB 2542** was advanced to Final Action and roll call.

**S Sub for HB 2542**, An act making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and K.S.A. 2006 Supp. 75-4209 and 75-6702 and section 211 of 2007 House Bill No. 2368 and repealing the existing sections.

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

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

Nays: Brownlee, Huelskamp, Journey, Lynn, Pyle.

Absent or Not Voting: Palmer.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Friday, April 27, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

