

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 2, 2008—9:00 a.m.

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

Heavenly Father,

I pray today as if I were a Senator.

I am a Senator, Lord.

I was elected by the people of my district.

I believed I could do something for my people.

I still believe I can help them.

Sometimes I am tempted to quit trying.

But I do not want to lose my vision for my people.

I have opportunities to cut corners that should not be cut.

But I am not that kind of person.

I will not sacrifice my integrity for any kind of victory.

I will not make promises I do not intend to keep.

I may not accomplish all that I had hoped for.

But I will keep on trying.

And most of all, Lord, I will do my best to keep my commitment to You.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Federal and State Affairs: **HB 2978**.

Ways and Means: **HB 2685, HB 2983, HB 2991**.

MESSAGE FROM THE HOUSE

Announcing rejection of **House Substitute for SB 15; House Substitute for Substitute for SB 214; House Substitute for SB 294; SB 401, SB 426, SB 498, SB 511, SB 519, SB 561, SB 563; Substitute SB 549, Substitute SB 596; SB 612**.

The House announces the appointment of Representative Ruff to replace Representative Peterson as a conferee on **SB 46**.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Hensley as a member of the Conference Committees on **HB 2217, HB 2307** to replace Senator Betts.

The President announced the appointment of Senators Schodorf, Teichman and Lee as members of the Conference Committee on **HB 2858** to replace Senators Umbarger, Emler and Kelly.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 620, An act concerning school districts; relating to funding for special education, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barone, Betts, Bruce, Brungardt, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Journey, Kelly, Lee, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Allen, Brownlee, Donovan, Jordan, Lynn, Schmidt D, Vratil, Wilson, Wysong.

Absent or Not Voting: Barnett.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: We vote no on **SB 620**. This bill does not address the inequities in funding that our schools suffer in Johnson County. A school funding formula that pays some school districts much more than 100% of actual costs while denying adequate funding to others should be amended. We have for so long argued and voted for more money for all Kansas schools although Johnson County continues to be number 269 out of 298 in per pupil funding. We can no longer support a flawed funding formula. — BARBARA P. ALLEN

Senators Brownlee, Jordan, Lynn, Vratil, Wilson and Wysong request the record to show they concur with the “Explanation of Vote” offered by Senator Allen on **SB 620**.

MR. PRESIDENT: I vote “no” on **SB 620**. There is a mindset that seems to say that Johnson county school districts are not entitled to their share of the special education funds that should be guaranteed by state law. State statute indicates that 92% of excess costs should be provided by the state. The post audit reveals all six Johnson county districts receive less than this; five districts receive less than 70%. Compare this to the districts which receive as much as 200%. This must be addressed. — KARIN BROWNLEE

Senators Allen, Jordan, Lynn, Vratil and Wilson request the record to show they concur with the “Explanation of Vote” offered by Senator Allen on **SB 620**.

MR. PRESIDENT: Ending my 4th year in the Senate, it has amazed me and continues to amaze me how this body continues to vote against additional monies for my students in the Shawnee Mission School District.

This body knows how much money we send out-state, yet my district continues to be underfunded. Yesterday’s amendment cost my district \$3.5 million.

In my four years, I haven’t heard Johnson County Legislators ask for much.

For my School District and my students, this Senator is extremely disappointed. — DAVID WYSONG

Senator Vratil requests the record to show he concurs with the “Explanation of Vote” offered by Senator Wysong on **SB 620**.

SB 672, An act relating to public finance; creating the Kansas taxpayer transparency act; concerning the Kansas governmental operations accountability law; relating to audits; amending K.S.A. 74-7284, 74-7285 and 74-7287 and K.S.A. 2007 Supp. 46-1226 and repealing the existing sections; also repealing K.S.A. 74-7286, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 74-7295 and 74-72,103, was considered on final action.

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

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

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

Absent or Not Voting: Barnett.

The bill passed, as amended.

SB 693. An act concerning transportation; relating to intermodal transportation projects, and providing for the financing thereof, was considered on final action. On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Francisco, Huelskamp, Palmer, Pyle.

Present and Passing: Wysong.

Absent or Not Voting: Barnett.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1852—

A RESOLUTION honoring Arden K. Ensley.

WHEREAS, Arden K. Ensley served as Revisor of Statutes from 1979 to 1989, and served more than 38 years in the Office of Revisor of Statutes, providing invaluable and dedicated service to the Kansas Legislature; and

WHEREAS, Arden Ensley was born on September 25, 1927, the son of Daniel D. and Sarah Henderson Ensley. He grew up in Columbus and Hepler, Kansas, where he graduated from high school in 1945; and

WHEREAS, Arden Ensley served in the United States Army and spent time as part of the occupation forces in Germany and Hungary following World War II; and

WHEREAS, Arden Ensley earned a Bachelor of Science degree from Kansas State University in 1951, and a law degree from Washburn University Law School in 1954; and

WHEREAS, Arden Ensley married Rita Knisel on October 2, 1954, in Topeka. They were blessed with four children and six grandchildren. Arden was a beloved husband, father and grandfather, and deeply loved his family; and

WHEREAS, Arden Ensley's long-standing interest in the area of local government law began when he took a job with the League of Kansas Municipalities in 1956. As a staff attorney and later as general counsel for the League, he was deeply involved in the drafting of the city Home Rule Amendment to the Kansas Constitution; and

WHEREAS, Arden Ensley began working in the Office of Revisor of Statutes in 1965 on a full-time basis as a Second Assistant Revisor, was appointed First Assistant Revisor in 1974 and was appointed Revisor of Statutes by the Legislative Coordinating Council on July 18, 1979; and

WHEREAS, As Revisor of Statutes, Arden Ensley provided leadership to his staff to enable them to provide to the Legislature of the State of Kansas the highest quality bill drafting services and legal consultation. His legal opinions were well respected and relied on by legislative members because of his consistent, accurate and nonpartisan approach to meeting needs of this institution; and

WHEREAS, Arden Ensley was responsible for editing the Kansas Statutes Annotated for many years, and is remembered for his conscientious attention to details and the high standards he maintained in the preparation and publication of the laws of the State of Kansas; and

WHEREAS, Over the years, attorneys in the Office of Revisor of Statutes developed their skills under his tutelage and owe their success and legal development to his legal and drafting expertise and his willingness to share his knowledge and experience with those he supervised; and

WHEREAS, Everyone who had contact with Arden Ensley appreciated his exceptional work ethic, patience, compassion, leadership, calmness, fairness, optimism and sense of humor but most of all his willingness to genuinely listen to anyone who needed to talk with him whether it was of a professional or personal nature; and

WHEREAS, Arden Ensley possessed significant legal knowledge and expertise in virtually all areas of law in which the Office of Revisor of Statutes provided drafting and legal services but was most recognized for his incomparable knowledge and command of the Constitution of the State of Kansas as the preeminent resource on that document in the Statehouse; and

WHEREAS, Although Arden K. Ensley is not physically present in the Statehouse, his influence and legacy remain ever present as a source of guidance for all: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor Arden K. Ensley for his many years of dedicated service to the Office of Revisor of Statutes, the Kansas Legislature and the State of Kansas; and

Be it further resolved: That the Secretary of the Senate be directed to provide ten enrolled copies of this resolution to Mrs. Rita Ensley.

On emergency motion of Senator Hensley **SR 1852** was adopted unanimously.

Guests introduced were Mr. Ensley's wife, Rita; sons, Jeff and J.D. Ensley, daughter, Charma Williams and her husband, Bruce, and son, Justin Williams; daughter-in-law, Libby Ensley; and granddaughter, Jessica Ensley. Also introduced were current members of the Revisor's staff. All were recognized with a standing ovation.

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

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending the Tipton Catholic High School boys' golf team and Coach Troy Tomne for winning the 2007 Class 1A State Sand Greens Golf Championship.

WHEREAS, The Tipton Catholic High School boys' golf team won the State Sand Greens Golf Championship at Leonardville Golf Course on May 21, 2007; and

WHEREAS, The Tipton team score was 284, which secured the top spot by a margin of eight strokes with Riley County and Lakeside tied for second; and

WHEREAS, No Tipton team had taken home the trophy at the State Sand Greens Tournament since 1991, but this year a combination of great talent and discipline allowed the Tipton Catholic High School boys' golf team to regain the title for the town of Tipton; and

WHEREAS, The State winning team consisted of juniors Alex Gasper, Derek Schroeder and Mike Richey, sophomore Travis Schroeder, and freshmen Matt Murrow and Junior Hollerich. The team alternates were freshman Garrett Greif and junior Jaron Hake; and

WHEREAS, Junior Alex Gasper finished in first place with a score of 66. Sophomore Travis Schroeder placed seventh with a score of 70. Freshman Matt Murrow tied for 12th place with a score of 72 and junior Derek Schroeder tied for 18th place with a score of 76. Junior Mike Richey was one shot from medaling with a score of 77, and Junior Hollerich played consistent golf to round out the team; and

WHEREAS, The eight dedicated Tipton golfers have put in many long hours of practice and deserved to have their hard work pay off in the season's grand finale: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Tipton Catholic High School boys' team for winning the 2007 Class 1A State Sand Greens Golf Championship; and

Be it further resolved: That the Secretary of the Senate be directed to provide 10 enrolled copies of this resolution to Senator Janis Lee for presentation to the team and its coach.

On emergency motion of Senator Lee **SR 1853** was adopted unanimously.

REPORT ON ENROLLED BILLS

SR 1849, SR 1850, SR 1851 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 2, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **Substitute for HB 2133** be amended by substituting a new bill to be designated as "SENATE Substitute for Substitute for HOUSE BILL No. 2133," as follows:

"SENATE Substitute for Substitute for HOUSE BILL No. 2133

By Committee on Ways and Means"

"AN ACT concerning surplus property of the state; amending K.S.A. 2007 Supp. 75-6606 and repealing the existing section."; and the substitute bill be passed.

Also, **HB 2421** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2421," as follows:

"SENATE Substitute for HOUSE BILL No. 2421

By Committee on Ways and Means.

"AN ACT concerning tort claims; expanding the definition of employee; amending K.S.A. 2007 Supp. 75-6102 and repealing the existing section."; and the substitute bill be passed.

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice President John Vratil in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2601, Substitute HB 2694, HB 2928.**

Also, passage of **SB 417, as amended.**

The House accedes to the request of the Senate for a conference on **House Substitute for SB 189** and has appointed Representatives Faber, Knox and Svaty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 387** and has appointed Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 444** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 485** and has appointed Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 510** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 531** and has appointed Representatives Aurand, Horst and Storm as conferees on the part of the House.

The House concurs in Senate amendments to **Senate Substitute for HB 2634** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2657** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2692** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2601, Substitute HB 2694, HB 2928 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brungardt moved the Senate concur in house amendments to **SB 410**.

SB 410, An act concerning juvenile corrections; amending K.S.A. 76-2101, 76-2125 and 76-2128 and K.S.A. 2007 Supp. 38-2302, 76-2101a, 76-3201 and 76-3202 and repealing the existing sections; also repealing K.S.A. 76-2111.

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 Senate concurred.

Senator Bruce moved the Senate concur in house amendments to **SB 565**.

SB 565, An act relating to the state fair board; concerning background investigations for certain employees; amending K.S.A. 2-205 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 Senate concurred.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **SB 417** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Emler and Hensley as a conference committee on the part of the Senate.

On motion of Senator Emler the Senate nonconcurred in the House amendments to **SB 570** and requested a conference committee be appointed.

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

On motion of Senator Emler the Senate nonconcurred in the House amendments to **SB 586** and requested a conference committee be appointed.

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

CHANGE OF CONFERENCE

The President announced the appointment of Senators McGinn, Taddiken and Hensley to replace Umbarger, Emler and Kelly as members of the Conference Committee on **SB 485**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2280**, submits the following report:

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

On page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 7 and inserting the following:

“New Section 1. (a) No officer or employee of the state or any political subdivision thereof, member of the Kansas national guard in the service of the state, or any person operating pursuant to or under color of state law, receiving state funds, under control of any official of the state or political subdivision thereof, or providing services to such officer, employee or other person, while acting during a declared official state of emergency, may:

- (1) Temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under state law, other than as evidence in a criminal investigation; or
- (2) require registration of any firearm for which registration is not required by state law.
- (b) Any individual aggrieved by a violation of this section may seek in the courts of this state relief in an action at law or in equity or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges or immunities provided by this section.
- (c) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return of such firearm in the district court of the county in which that individual resides or in which such firearm is located. In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the state or political subdivision thereof, reasonable attorneys' fees.
- (d) "Seize" shall mean the act of forcible dispossessing an owner of property under actual or apparent authority of law.

Sec. 2. K.S.A. 48-925 is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation thereof, the governor may issue orders and proclamations which shall have the force and effect of law during the period of a state of disaster emergency declared under subsection (b) of K.S.A. 48-924, and amendments thereto, and which orders and proclamations shall be null and void thereafter unless ratified by concurrent resolution of the legislature. Such orders and proclamations may be revoked at any time by concurrent resolution of the legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, and in addition to any other powers conferred upon the governor by law, the governor may:

- (1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;
- (2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;
- (3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;
- (4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;
- (5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;
- (6) prescribe routes, modes of transportation and destinations in connection with such evacuation;
- (7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;
- (8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~fire-arms~~, explosives and combustibles;
- (9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

(d) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). The adjutant general, subject to the direction of the governor, shall administer such orders.

Sec. 3. K.S.A. 48-925 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 13 and inserting the following:
“AN ACT concerning emergency powers of local government and other governmental entities; amending K.S.A. 48-925 and repealing the existing section.”;

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

TIM HUELSKAMP
ROGER P. REITZ
DONALD BETTS, JR.
Conferees on part of Senate

MIKE BURGESS
TED POWERS
TOM SAWYER
Conferees on part of House

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **HB 2280**.

On roll call, the vote was: Yeas 30, Nays 2, Present and Passing 7, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Donovan, Emler, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Schmidt D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Goodwin, Vratil.

Present and Passing: Allen, Brungardt, Francisco, Kelly, Reitz, Schmidt V, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “aye” on the Conference Committee Report for **HB 2280**.

The concept of the deprivation of a right (or rights) under the “color” (or pretext) of being law enforcement has been my solo advocacy in this legislature for many years. In fact, my bill (**SB 206**) continues to languish in the Senate Judiciary where it has *not* been scheduled for a hearing in many years.

My concern emanates from those sad, yet hopefully rare instances when duly authorized law enforcement flashes a badge and takes a right from someone who respects law enforcement. People have been robbed of money and other personal property; unlawfully detained and interrogated; and even sexually assaulted and raped by police officers . . . on duty and off duty.

And we, this legislature, should enhance penalties to those “crooked cops.” But, my bill (**SB 206**) yet languishes . . .

HB 2280 underscores the basic right of persons to be secure in their possessions and in their homes and even in their *person* from “legal” deprivation . . . in a limited example. “No taking of firearms during an emergency.” The longest philosophical journey to the parity of constitutionally protected rights sometimes begins in this legislature with a small step. —
DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2562**, submits the following report:

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

On page 4, following line 28, by inserting the following:

“Sec. 5. K.S.A. 2007 Supp. 73-1210a is hereby amended to read as follows: 73-1210a.

(a) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the commission, as are necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of Kansas Statutes Annotated, and amendments thereto.

(b) Upon the commencement of the interview process, every candidate for a position in a Kansas commission on veterans affairs office that interviews claimants and provides information advice and counseling to veterans, surviving spouses, their dependents concerning compensation, pension, education, vocational rehabilitation, insurance, hospitalization, outpatient care, home loans, housing, tax exemptions, burial benefits and other benefits to which they may be entitled, or any other sensitive position, as determined by the executive director shall be given a written notice that a criminal history records check is required. The Kansas commission on veterans affairs shall require such candidates to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the candidate and to determine whether the candidate has a record of criminal history in this state or another jurisdiction. The Kansas commission on veterans affairs shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the Kansas commission on veterans affairs in taking and processing of fingerprints of candidates. If the criminal history record information reveals any conviction of crimes of dishonesty, or violence such conviction may be used to disqualify a candidate for any position within the Kansas commission on veterans affairs. If the criminal history record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision.

(c) Persons employed by the Kansas soldiers home and Kansas veterans home shall be excluded from the provisions of subsection (b). No person who has been employed by the Kansas commission on veterans affairs for five consecutive years immediately prior to the effective date of this act shall be subject to the provisions of subsection (b) while employed by the Kansas commission on veterans affairs.

(d) All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the Kansas commission on veterans affairs and the executive director of the commission may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission and the executive director to the extent authority to do so is delegated by such commission or director.

(e) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the Kansas commission on veterans affairs, as shall be necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 19 of chapter 76 of Kansas Statutes Annotated, and amendments thereto. All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans'

home to the extent authority to do so is delegated by such commission, executive director or superintendent.

(f) Any veterans service representative appointed by the executive director of the Kansas commission on veterans affairs shall be an honorably discharged veteran or retired from the United States armed forces. *No veterans service representative of the Kansas commission on veterans affairs shall take a power of attorney in the name of the Kansas commission on veterans affairs. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.*

Nothing in this subsection shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas commission on veterans affairs employed by such commission on the effective date of this act.

For the purpose of this subsection, "veterans service representative" means any officer or employee appointed pursuant to this section whose primary duties include:

(1) Assisting ~~and representing~~ veterans and their dependents in securing benefits from the federal government and the state of Kansas.

(2) Providing information and assistance to veterans and dependents in obtaining special services and benefits based on knowledge of federal and state laws, policies and regulations pertaining to veterans benefits and services.

(3) *Providing assistance to veterans service organizations participating in the veterans claims assistance program.*

(g) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas veterans' commission employed by such commission on the effective date of this act.;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 29, by striking "is" and inserting "and K.S.A. 2007 Supp. 73-1210a are";

In the title, in line 12, following "preference" by inserting "and powers of attorney"; in line 13, following "73-201" by inserting "and K.S.A. 2007 Supp. 73-1210a"; also in line 13, by striking "section" and inserting "sections";

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

PETE BRUNGARDT
ROGER P. REITZ
MARK S. GILSTRAP
Conferees on part of Senate

DON MYERS
MARIO GOICO
CANDY L. RUFF
Conferees on part of House

Senator Brungardt moved the Senate adopt the Conference Committee Report on **Sub HB 2562**.

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 Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2672**, submits the following report:

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

On page 1, in line 24, by striking “rate” and inserting “rates”; also in line 24, after “and” by inserting “create a”; in line 25, by striking “of” and inserting “on”; in line 27, after “but” by inserting “are”; in line 30, by striking the comma and inserting “and a”;

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

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

BRENDA LANDWEHR
PEGGY MAST
GERALDINE FLAHARTY
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **HB 2672**.

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, Scho-dorf, 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 amend-ments to **HB 2892**, submits the following report:

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

On page 1, in line 31, following “of” by inserting “a”; also in line 31, by striking “and mineral”; in line 32, by striking “interests” and inserting “interest”; in line 34, by striking “surface and” and inserting “a”; also in line 34, by striking “interests” and inserting “interest”;

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

CAROLYN MCGINN
RALPH OSTMEYER
MARCI FRANCISCO
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
ANNIE KUETHER
Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2892**.

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, Scho-dorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

SB 620, SB 672, SB 693 reported correctly engrossed April 2, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2827** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2827," as follows:

"SENATE Substitute for HOUSE BILL No. 2827

By Committee on Commerce

"AN ACT concerning tourism; creating the Kansas tourism corporation and providing for the powers and duties thereof; transferring the powers and duties of the division of travel and tourism development to the Kansas tourism corporation; providing for tourism development and funding; amending K.S.A. 73-2103 and K.S.A. 2007 Supp. 73-2402, 73-2404, 74-5005 and 79-3620 and repealing the existing sections; also repealing K.S.A. 74-5032, 74-5032a and 74-5090 and K.S.A. 2007 Supp. 74-5089, 74-5091, 74-9001, 74-9002, 74-9003, 74-9004 and 74-9005."; and the substitute bill be passed.

Committee on **Utilities** recommends **HB 2919** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2919," as follows:

"SENATE Substitute for HOUSE BILL No. 2919

By Committee on Utilities

"AN ACT concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections."; and the substitute bill be passed.

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 Schodorf in the Chair.

On motion of Senator Schodorf the following report was adopted:

Recommended **HB 2968** be passed.

The committee report on **HB 2412**, recommending a **Senate Sub for HB 2412** be adopted, and the substitute bill be passed.

A motion by Senator Lynn to amend **S Sub for HB 2412** failed and the following amendment was rejected: on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 40 and inserting the following:

"Section 1. K.S.A. 2007 Supp. 74-50,103 is hereby amended to read as follows: 74-50,103. As used in the IMPACT act unless the context clearly requires otherwise:

(a) "Act" means the Kansas investments in major projects and comprehensive training act.

(b) "Agreement" means the agreement among an employer, an educational institution and the secretary of commerce concerning a SKILL project or a combined SKILL project and major project investment and the agreement between an employer and the secretary of commerce concerning a major project investment.

(c) "Bond" means a public purpose bond issued for IMPACT projects by the Kansas development finance authority.

(d) "Date of commencement of the project" means the date of the agreement.

(e) "Educational institution" means a community college, as defined by K.S.A. 71-701, and amendments thereto, an area vocational school or area vocational-technical school, as defined by K.S.A. 72-4412, and amendments thereto, a university, as defined by K.S.A. 72-6501, and amendments thereto, a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, or a technical college as established by K.S.A. 72-4468, and amendments thereto.

(f) "Employee" means a person employed in a new or retained job.

(g) "Employer" means a Kansas basic enterprise providing new jobs or retaining existing jobs in conjunction with a project.

(h) "IMPACT program" or "program" means the major project investments and SKILL projects undertaken by the department of commerce in accordance with the provisions of this act for a new or expanding Kansas basic enterprise.

(i) "IMPACT project" or "project" means a SKILL project, major project investment or a combination of the two.

(j) "Kansas basic enterprise" means any enterprise:

(1) Which is located or principally based in Kansas; and

(2) which can provide demonstrable evidence that:

(A) It is primarily engaged in any one or more of the Kansas basic industries; or

(B) it is primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or

(C) it is primarily engaged in the production of goods or the provision of services which will attract out-of-state buyers or consumers into the state; or

(D) it is primarily engaged in the production of raw materials, ingredients, or components for other enterprises which export the majority of their products from the state; or

(E) it is a national or regional enterprise which is primarily engaged in interstate commerce or an affiliated management company of such an enterprise; or

(F) it is primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the state; or

(G) it is the corporate or regional headquarters of a multistate enterprise which is primarily engaged in out-of-state industrial activities.

(k) "Kansas basic industry" means:

(1) Agriculture;

(2) mining;

(3) manufacturing;

(4) interstate transportation;

(5) wholesale trade which is primarily multistate in activity or which has a major import supplanting effect within the state;

(6) financial services which are provided primarily for interstate or international transactions;

(7) business services which are provided primarily in out-of-state markets;

(8) research and development of new products, processes, or technologies; or

(9) tourism activities which are primarily engaged in for the purpose of attracting out-of-state tourists.

(l) "Major project investment" or "investment" means financial assistance to an employer to defray business costs including, but not limited to, relocation expenses, building and equipment purchases, labor recruitment and job retention.

(m) "New job" means a job in a new or expanding Kansas basic enterprise not including jobs of recalled workers, or existing jobs that are vacant or other jobs that formerly existed in the Kansas basic enterprise in Kansas.

(n) "Primarily engaged" means engagement in an activity by an enterprise to the extent that not less than 51% of the gross income of the enterprise is derived from such engagement.

(o) "Program costs" means *costs of program services and includes* all necessary and incidental costs of providing program services, except that program costs shall not include:

(1) Any wages paid to persons receiving education or training under a project, (2) any costs for purchase or lease of training equipment that exceed 50% of total program costs for the project, (3) any costs for administrative expenses that exceed 10% of total program costs for the project, and (4) any costs for direct investments in education and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure that exceed 10% of total program costs.

(p) "Program services" means:

(1) New jobs training, including training development costs, except that the actual training period for any new job shall not exceed 36 months from the date the job is first filled by an employee;

(2) adult basic education and job-related instruction;

(3) vocational and skill-assessment services and testing;

- (4) training equipment for education institutions;
 - (5) material and supplies;
 - (6) administrative expenses of educational institutions for new jobs training programs;
 - (7) subcontracted services with other educational institutions, private colleges or universities or other federal, state or local agencies;
 - (8) contracted or professional service;
 - (9) major project investments; and
 - (10) direct investments in educational and related workforce development institutions, for improvements to workforce development, human capital, training expertise and infrastructure.
- (q) "Retained job" means an existing job which will be lost without participation by the employer under the provisions of the IMPACT program.
- (r) "Secretary" means the secretary of commerce.
- (s) "SKILL project" means a training arrangement which is the subject of an agreement entered into between the educational institution and an employer to provide program services.

Sec. 2. K.S.A. 2007 Supp. 74-50,104 is hereby amended to read as follows: 74-50,104. (a) The secretary shall administer the provisions of this act and the IMPACT program established thereunder. The secretary shall encourage Kansas basic enterprises with similar training needs to cooperate in establishing SKILL projects. The secretary shall coordinate the SKILL program with other job training programs administered by the department of commerce. The secretary shall provide opportunities for coordination and cooperation of SKILL projects with other job training activities in Kansas. Subject to the limitation in K.S.A. 74-50,103, the secretary shall be authorized to make direct investments in educational and related workforce development institutions, for the purpose of promoting improvements in workforce development, human capital, training expertise, infrastructure and job retention.

(b) The secretary shall adopt rules and regulations as follows: (1) Prescribing review standards and priorities for approval of proposed agreements under this act, including appropriate incentives for cooperation among projects, in order to maximize the number of new jobs created or retained with respect to individual Kansas basic enterprises, which will remain in Kansas, and (2) prescribing limits on program costs and on project and program size in relation to the number of new jobs created and wages of new or retained jobs. *Prior to July 1, 2008*, no agreement shall be approved which provides for program costs of a project under the agreement of more than 95% of the amount equal to the estimated rate of withholding tax applied to the estimated amount of gross wages of all the new or retained jobs under the project over a ten-year period.

(c) Notice of the approval of a project or program and an annual report of the number of jobs created or retained under the IMPACT act shall be provided to the chairpersons of the senate committee on commerce and the committee on economic development of the house of representatives.

(d) The secretary may adopt such other rules and regulations as may be required for the implementation and administration of this act.

Sec. 3. K.S.A. 2007 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) The secretary shall determine and from time to time shall redetermine the rate at which moneys shall be credited to the IMPACT program repayment fund in order to satisfy all bond repayment obligations which have been incurred to finance program costs for IMPACT programs, which shall be referred to as the debt service rate, and the rate at which moneys shall be credited to the IMPACT program services fund in order to finance program costs that are not financed by bonds, which shall be referred to as the direct funding rate. The total of the debt service rate and the direct funding rate shall be the combined rate. Each rate so determined shall be certified to the secretary of revenue. The combined rate determined under this subsection shall not exceed 2%.

(b) Upon receipt of the rates determined and certified under subsection (a), the secretary of revenue shall apply daily the combined rate to that portion of the moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited as follows: (1) The portion attributable to the debt service rate shall

be credited to the IMPACT program repayment fund, and (2) the remaining portion shall be credited to the IMPACT program services fund.

The aggregate of all amounts credited to the IMPACT program repayment fund under this section during any fiscal year to pay bond repayment obligations on bonds to finance major project investments shall not exceed the amount which results when the rate of 2% is applied to all money withheld from the wages of individuals and received under the Kansas withholding and declaration of estimated tax act.

(c) On and after July 1, 2008, any unencumbered amounts remaining in the IMPACT program services fund on June 30 of each year shall be reappropriated to the IMPACT program services fund for the following fiscal year and shall be in addition to the amount credited to the fund pursuant to subsection (b)(2) of this section.

(d) On and after July 1, 2008, the secretary shall annually set aside moneys in the IMPACT program services fund as follows: (1) At least 15% of the moneys shall be for agreements with rural employers; and (2) at least 20% of the moneys shall be for agreements with small business employers; except that no employer may qualify as both a rural employer and a small business employer. On June 30 of each year, any unencumbered amounts of the moneys set aside shall be reappropriated to the IMPACT program services fund for the following fiscal year and shall not be subject to the set aside provisions.

Sec. 4. K.S.A. 2007 Supp. 74-50,108 is hereby amended to read as follows: 74-50,108. There is hereby created in the state treasury the IMPACT program services fund. The secretary shall administer the IMPACT program services fund. All moneys credited to the IMPACT program services fund shall be for all or part of the program costs of projects or major project investments approved by the secretary under this act, except that moneys in the IMPACT program services fund which are not required to pay program costs or major projects investments ~~may be transferred to the state general fund in accordance with provisions of appropriation acts shall be reappropriated to the IMPACT program services fund for the following fiscal year and shall be in addition to the amount credited to the fund pursuant to subsection (b)(2) of K.S.A. 74-50,107, and amendments thereto.~~ All expenditures from the IMPACT program services fund shall be for the purposes of paying program costs and shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee. The secretary shall remit all moneys received under this act, including the proceeds of bonds issued by the Kansas development finance authority for the purposes of this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the IMPACT program services fund. Sec. 5. K.S.A. 2007 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 9 through 11 and inserting the following: “AN ACT concerning the Kansas investments in major products and comprehensive training act (IMPACT); amending K.S.A. 2007 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections.”

The committee report on **HB 2006**, recommending a **Senate Sub for HB 2006** be adopted, and the substitute bill be amended by motion of Senator Brownlee, on page 1, in line 26, following “manufacturing” by inserting “or service”; in line 39, following “manufacturing” by inserting “or service”, and **S Sub for HB 2006** be passed as amended.

A motion by Senator Lynn to amend **S Sub for HB 2006** failed and the following amendment was rejected: on page 1, in line 25, by striking “aviation” and inserting “special”; in line 26, by striking all following “entity”; in line 27, by striking “and”; in line 40, by striking “aviation” and inserting “special”; in line 41, by striking “aviation” and inserting “special”;

On page 2, in line 4, by striking “aviation” and inserting “special”; in line 5, by striking “aviation” and inserting “special”; in line 6, by striking “aviation” and inserting “special”; in line 39, by striking “aviation” and inserting “special”; in line 42, by striking “aviation” and inserting “special”; in line 43, by striking “aviation” and inserting “special”;

On page 3, in line 4, by striking “aviation” and inserting “special”; in line 5, by striking “aviation” and inserting “special”; in line 6, by striking “aviation” and inserting “special”; in

line 15, by striking "aviation" and inserting "special"; in line 16, by striking "aviation" and inserting "special"; in line 18, by striking "aviation" and inserting "special"; in line 20, by striking "aviation" and inserting "special"; in line 24, by striking "aviation" and inserting "special"; in line 32, by striking "aviation" and inserting "special"; in line 36, by striking "aviation" and inserting "special"; in line 37, by striking "aviation" and inserting "special"; in line 39, by striking "aviation" and inserting "special";

On page 4, in line 1, by striking "aviation" and inserting "special"; in line 3, by striking "aviation" and inserting "special"; in line 9, by striking "aviation" and inserting "special"; in line 14, by striking "aviation" and inserting "special"; in line 15, by striking "aviation" and inserting "special"; in line 18, by striking "aviation" and inserting "special"; in line 19, by striking "aviation" and inserting "special"; in line 32, by striking "aviation" and inserting "special"; in line 37, by striking "aviation" and inserting "special"; in line 42, by striking "aviation" and inserting "special";

On page 5, in line 2, by striking "aviation" and inserting "special"; in line 8, by striking "aviation" and inserting "special"; in line 13, by striking "aviation" and inserting "special"; in line 14, by striking "aviation" and inserting "special"; in line 17, by striking "aviation" and inserting "special"; in line 29, by striking "aviation" and inserting "special"; in line 30, by striking "aviation" and inserting "special"; in line 32, by striking "aviation" and inserting "special"; in line 33, by striking "aviation" and inserting "special"; in line 38, by striking "aviation" and inserting "special"; in line 39, by striking "aviation" and inserting "special";

Senator Barone withdrew an amendment on **S Sub for HB 2006**.

SCR 1620 be adopted.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a 2/3 constitutional majority, and **SCR 1620; S Sub for HB 2006, S Sub for HB 2412; HB 2968** were advanced to Final Action, and roll call.

SCR 1620, a Concurrent Resolution requesting the Capitol Area Plaza Authority to develop a master plan for improving appearance and security of areas surrounding the Capitol.

On roll call, the vote was: Yeas 37, Nays 2, 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, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Steineger, Taddiken.

Absent or Not Voting: Palmer.

The resolution was adopted.

S Sub for HB 2006, An act concerning the economic revitalization and reinvestment act; relating to the secretary of commerce and the Kansas development finance authority; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2007 Supp. 74-50,136 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Huelskamp, Pyle.

Present and Passing: Francisco.

Absent or Not Voting: Palmer.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: Today our legislative body showed one of their premier and founding industries that we want to continue our legacy as the aviation capital of the world. Because of the past investments our state and local communities have made in the aviation industry,

our state is enduring recessionary times. Currently aviation supplies over 22% of our state's revenues. We need to continue to invest in industries that provide us with a return on investment in order to provide the needed services to the citizens of the state of Kansas. Today's vote on **S Sub HB 2006** will continue our prominence not only at the state and national levels but also globally, as the aviation cluster of the world for research, training and manufacturing. Because of our aviation pioneers and the workforce in the industry we are the aviation envy of the world. — CAROLYN MCGINN

Senators Brownlee and Wagle request that the record show they concur with the "Explanation of Vote" offered by Senator McGinn on **S Sub HB 2006**.

S Sub for HB 2412, An act concerning the Kansas investments in major products and comprehensive training act (IMPACT); amending K.S.A. 2007 Supp. 74-50,104 and 74-50,107 and repealing the existing sections.

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

Yeas: 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 substitute bill passed.

HB 2968, An act concerning docket fees; creating the judicial branch nonjudicial salary adjustment fund; amending K.S.A. 20-1a04, 20-367 and 23-108a and K.S.A. 2007 Supp. 8-2107, 8-2110, 28-170, 28-172a, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Allen, Brownlee, Huelskamp, Ostmeyer, Pyle, Steineger, Wagle.

Present and Passing: Kelly.

Absent or Not Voting: Palmer.

The bill passed.

MESSAGE FROM THE HOUSE

Announcing rejection of **SB 471**.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Thursday, April 3, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.

PAT SAVILLE, *Secretary of the Senate*.

