

# Journal of the Senate

## FIFTIETH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Tuesday, March 29, 2011, 9:30 a.m.

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

Heavenly Father.

Remind us of the surprising number of ways in which You bless us...  
When someone else takes first place  
And I join the celebration;  
Even though I'm not the winner  
You send me congratulations!

When someone's hurt me deeply,  
But I manage to forgive;  
I can almost hear You saying,  
"Now you're learning how to live."

When I cannot understand  
Why folks get mad at me;  
When I treat them kindly  
I know I'm pleasing Thee.

When others raise their voices  
And tempers start to flare;  
When I can keep my cool, O God,  
I sense You smiling there.

When my job has been completed,  
And I've really done my best;  
I'll let others take the credit,  
But I'm the one You bless.

When all the world is screaming,  
"We're going to make them pay!"  
Thank You, Lord, for teaching us  
There is a better way.

I pray in the Name of Jesus Christ, AMEN

The pledge of allegiance was led by President Stephen Morris.

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**SB 246**, AN ACT concerning the regulation of sexually oriented businesses; relating to the location thereof, by Committee on Federal and State Affairs.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **HB 2392**.

Federal and State Affairs: **SCR 1607; HB 2340, HB 2386**.

Ways and Means: **SB 245; Sub HB 2221**

#### **CHANGE OF REFERENCE**

The President withdrew **SB 102** from the Committee on **Ways and Means**, and rereferred the bill to the Committee on **Ethics and Elections**.

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

Announcing passage of **Substitute HB 2333**.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2008**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2010**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2015**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2071**, requests a conference and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2075**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2104**, requests a conference and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2118**, requests a conference and has appointed **Representatives Colloton, Kinzer and Pauls** as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2122**, requests a conference and has appointed Representatives C. Holmes, Knox and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2147**, requests a conference and has appointed Representatives Bethell, Worley and Flaharty as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2182**, requests a conference and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Substitute HB 2191**, requests a conference and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2195**, requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2240** requests a conference and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2271**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 10** and has appointed Representatives Carlson, Kleeb and Dillmore 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 23** and has appointed Representatives Colloton, Kinzer and McCray-Miller 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 55** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 76** and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 77** and has appointed Representatives Brown, Sullentrop and Slattery as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 125** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for Substitute SB 127** and has appointed Representatives Schwab, Goico and Mah 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 129** and has appointed Representatives Schwab, Goico and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 134** and has appointed Representatives Landwehr, Donohoe and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 150** and has appointed Representatives Huebert, Seiwert and Mah as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 193** and has appointed Representatives Carlson, Kleeb and Dillmore as conferees on the part of the

House.

The House accedes to the request of the Senate for a conference on **SB 61** and has appointed Representatives Carlson, KleeB and Dillmore as conferees on the part of the House.

Announcing the appointment of Representative Brown to replace Representative Seiwert as a conferee on **SB 101**.

The following bills were stricken from the Calendar in accordance with House Rule **1507**: **SB 33, SB 65, SB 85**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Sub HB 2333** was thereupon introduced and read by title.

#### **CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR**

On motion of Senator Schodorf the Senate nonconcurrred in the House amendments to **SB 143** and requested a conference committee be appointed.

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

#### **ORIGINAL MOTIONS**

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2008**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2010**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2015**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **S Sub for HB 2071**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2104**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator Owens, the Senate acceded to the request of the House for a conference on **HB 2118**.

The President appointed Senators Owens, King and Haley as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2147**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator V. Schmidt, the Senate acceded to the request of the House for a conference on **HB 2182**.

The President appointed Senators V. Schmidt, Brungardt and Kelly as conferees on the part of the Senate.

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **Sub HB 2191**.

The President appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **HB 2195**.

The President appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **Sub HB 2271**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

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

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

SENATE RESOLUTION No. 1835—

A RESOLUTION congratulating the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship.

WHEREAS, The McPherson High School boys basketball team won the 2011 Kansas State High School Activities Association Class 5A State Basketball Championship with a 79-68 victory over Kansas City Washington in the state championship game at the Kansas Expocentre in Topeka; and

WHEREAS, The 2011 McPherson boys basketball team finished the season with a record of 24-1 and added to McPherson's rich tradition of excellence in boys basketball by making the school's 50th appearance in the state tournament. The 50 trips to the state tournament are the most by any team in state history. McPherson's 2011 championship was the school's 11th state championship in boys basketball, which is the second most state titles won. The team's slogan this season was "Going for 11 in 2011"; and

WHEREAS, The members of the championship team are: #00 Marcus Houghton, #10 Luke Reber, #12 Kevin Spencer, #14 Chase Miller, #22 Cory Horton, #23 Jordan Hart, #24 Jack Pyle, #30 Parker Hambley, #32 Travell Robinson, #33 Keaton Sorenson, #34 Luke Moore, #42 Cody Cape, #45 Christian Ulsaker and managers Whitney McGill and Kaley Kinnamon. The head coach is Kurt Kinnamon and the assistant coaches are Gordon Peck, John Lujano and Dustin Kanitz; and

WHEREAS, The accomplishments of the McPherson High School boys basketball team continue to inspire and amaze basketball fans across the state of Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the McPherson High School boys basketball team and Coach Kurt Kinnamon be congratulated for winning the 2011 Kansas State High School Activities Association Class 5A State Basketball Championship. Their hard work and athletic ability are points of pride for their families, school and the community of McPherson. We extend our best wishes for their continued

success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate shall send 20 enrolled copies of this resolution to Senator Emler.

On emergency motion of Senator Emler **SR 1835** was adopted unanimously.

Senator Emler introduced and congratulated the McPherson High School boys basketball team for winning the 2011 Class 5A State Basketball Championship. The following is the McPherson High School boys basketball team: Marcus Houghton, Kevin Spencer, Chase Miller, Cory Horton, Jordan Hart, Jack Pyle, Parker Hambley, Travell Robinson, Keaton Sorenson, Luke Moore, Cody Cape, Christian Ulsaker. Also in attendance was head coach Kurt Kinnamon, assistant coaches: Gordon Peck, John Lujano, Dustin Kanitz and managers: Whitney McGill and Kaley Kinnamon. All were welcomed with a standing ovation.

Senators Longbine, Brungardt, Pyle, Taddiken, Teichman and Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1836—

A RESOLUTION congratulating and commending the 2011 Kansas Master Teachers.

WHEREAS, Seven of the state's best teachers have been selected as Kansas Master Teachers for 2011. These seven outstanding educators will be honored on Wednesday, March 30, with a day of receptions, seminars and tours at sponsoring institution Emporia State University; and

WHEREAS, The 2011 Kansas Master Teachers are Sonda Copeland, an art teacher for grades nine through 12 at Manhattan High School in Manhattan-Ogden USD 383; Teresa Disberger, a math teacher for grades seven and eight at Council Grove Middle School in Morris County USD 417; Martha Hadsall, a third grade teacher at Harper Elementary School in Anthony-Harper USD 361; Rick Hildebrand, an art teacher for kindergarten through grade 12 at Linn Public School in Barnes-Hanover-Linn USD 223; Nancy Pence, a social studies teacher at Blue Valley North High School in Blue Valley USD 229; Janice Romeiser, a special education instructional coach at Flint Hills Special Education Cooperative, Mary Herbert Educational Center in Emporia USD 253, and a resource director at the Teachers College at Emporia State University; Marcia Troutfetter, a physical education teacher for grades six and seven at Salina South Middle School in Salina USD 305; and

WHEREAS, Emporia State University established the Kansas Master Teacher Awards in 1954. The awards are presented annually to teachers who have served the profession long and well and who also exemplify the outstanding qualities of earnest and conscientious teachers; and

WHEREAS, Since 1980, Bank of America has pledged more than \$100,000 to permanently endow the Kansas Master Teacher awards. In 1984, the Black family of Broken Bow, Oklahoma, established an endowed chair for Kansas Master Teachers. The fund provides a stipend to bring two Master Teachers to Emporia State University for part of a semester. During this time, the teachers present to classes of education students; and

WHEREAS, The members of the Kansas Senate recognize the invaluable contribution of great teachers such as those being honored here today. These 2011 Kansas Master Teachers serve as mentors and role models and lay the groundwork for

the best educators of tomorrow. They go above and beyond what is expected and offer inspiration along with instruction. They teach with heart and soul. By giving the best of themselves, they encourage students to give their best in return; and

WHEREAS, Local teacher associations, educational organizations and school faculties nominate candidates for the awards. A committee representing educational organizations from across Kansas selected the 2011 winners: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we offer our heartfelt thanks to these extraordinary educators—these men and women who face so many challenges in the classroom each day, yet persevere, choosing the satisfaction of doing their best and overcoming the frustrations inherent in their jobs; that we congratulate and commend the seven 2011 Kansas Master Teachers for demonstrated excellence in their profession and devotion to the children of Kansas and extend our best wishes for their continued success and happiness; and

*Be it further resolved:* That the Secretary of the Senate be directed to send seven enrolled copies of this resolution to Senator Longbine for presentation to the 2011 Master Teachers who are present in the Senate Chamber today.

On emergency motion of Senator Longbine **SR 1836** was adopted unanimously.

Senator Longbine congratulated and commended the 2011 Kansas Master Teachers. Senator Longbine introduced Master Teachers: Teresa Disberger and Janice Romeiser as well as guests: Dr. Lori Mann, Tyler Curtis and Marjorie Werly. Senators, from their respective districts introduced the following Master Teachers: Senator Brungardt, Marcia Troutfetter and her dog, Camry; Senator Pyle, Sondra Copeland; Senator Teichman, Martha Hadsall; Senator Vratil, Nancy Pence. All were welcomed with a standing ovation.

## REPORTS OF STANDING COMMITTEES

Committee on Ways and Means begs leave to submit the following report:

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

By the Governor:

Department of Social and Rehabilitation Services, Secretary: K.S.A. 75-5301

Robert Siedlecki, serves at the pleasure of the Governor

## REPORT ON ENROLLED BILLS

**SB 103, SB 119, SB 185, SB 212** reported correctly enrolled, properly signed and presented to the Governor on March 29, 2011.

## COMMITTEE OF THE WHOLE

On motion of Senator Emler, 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.

The morning session recommended:

**HB 2184** be passed.

The committee report on **HB 2158** recommending a **S Sub for HB 2158** be adopted, and the substitute bill be passed.

**HB 2312** be amended by the adoption of the committee amendments, and be further amended by motion of Senator Love, on page 7, in line 4, by striking "would be

ineligible for registration for any reason" and inserting "have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under this act";

On page 8, by striking all in lines 2 through 4;

And by redesignating the remaining paragraph accordingly;

Also on page 8, in line 18, by striking "18" and inserting "24"; in line 41, after the semicolon by inserting "or"; by striking all in lines 42 and 43;

On page 9, by striking all in lines 1 through 16;

And by redesignating the remaining paragraph accordingly and **HB 2312** be passed as further amended.

The Committee rose and reported progress (See Committee of the Whole afternoon session).

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

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

#### MESSAGE FROM THE HOUSE

The House concurs in Senate amendments to **HB 2035, HB 2125, HB 2218**

The House concurs in Senate amendments to **HB 2067**, and requests return of the bill.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 6** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 11** and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **Substitute SB 50** and has appointed Representatives C. Holmes, Knox and Kuether 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 60** and has appointed Representatives Colloton, Kinzer and McCray-Miller as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 83** and has appointed Representatives Kinzer, Patton and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 115** and has appointed Representatives Burgess, Kleeb and Trimmer as conferees on the part of the House.

The House nonconcurr in Senate amendments to **Senate Substitute for HB 2133**, requests a conference and has appointed Representatives Powell, Kerschen and Williams as conferees on the part of the House.

The House nonconcurr in Senate amendments to **Substitute HB 2134**, requests a conference and has appointed Representatives Brown Suellentrop and Slattery as conferees on the part of the House.



The House nonconcur in Senate amendments to **HB 2139**, requests a conference and has appointed Representatives Shultz, Hermanson and Grant as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2194**, requests a conference and has appointed Representatives M. Holmes, Grange and Ruiz as conferees on the part of the House.

### ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2075**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **HB 2122**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

On motion of Senator Taddiken, the Senate acceded to the request of the House for a conference on **S Sub for HB 2133**.

The President appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **Sub for HB 2134**.

The President appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2139**.

The President appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

On motion of Senator King, the Senate acceded to the request of the House for a conference on **S Sub for HB 2194**.

The President appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

On motion of Senator Reitz, the Senate acceded to the request of the House for a conference on **HB 2240**.

The President appointed Senators Senator Reitz, Senator Kelsey and Senator Faust-Goudeau as conferees on the part of the Senate.

### MOTION TO CONCUR AND NONCONCUR

**SB 9**, AN ACT concerning the code of civil procedure; amending K.S.A. 20-3017 and 60-2003 and K.S.A. 2010 Supp. 38-2305, 60-203, 60-206, 60-209, 60-211, 60-214, 60-226, 60-228a, 60-235, 60-249, 60-260, 60-270, 60-304, 60-310, 60-460 and 65-4902 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 38-2305a.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

**SB 112**, AN ACT concerning land surveyors; amending K.S.A. 19-1407, 19-1411, 19-1412, 19-1413, 19-1416, 19-1417, 19-1420, 19-1422, 19-1423, 19-1426, 19-1430, 24-106, 24-802, 25-101, 42-358, 58-2001, 58-2002, 58-2003, 58-2004, 58-2005, 58-2011, 58-3102, 68-104, 68-131, 68-1407 and 79-409 and K.S.A. 2010 Supp. 68-1402 and repealing the existing sections; also repealing K.S.A. 19-1403, 19-1421, 19-1432 and 68-108.

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

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The Senate concurred.

**COMMITTEE OF THE WHOLE**

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

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

Recommended:

**Sub SB 234** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator McGinn, on page 10, in line 23, by subtracting \$160,036 from the dollar amount which reads "\$392,518" and by adjusting the dollar amount in line 23 which reads "392,518" accordingly;

On page 69, by striking all in lines 24 through 30; following line 30, by inserting the following:

- “Edward Byrne memorial justice assistance fund ..... No limit
- Community defense solutions – violence against women fund ..... No limit
- Edward Byrne justice assistance grant fund – ARRA..... No limit
- S.T.O.P. violence against women act fund – ARRA ..... No limit
- Violence against women grant fund – ARRA ..... No limit
- Edward Byrne memorial justice assistance grant fund – ARRA..... No limit
- State court improvement program fund ..... No limit”;

On page 103, in line 38, by subtracting \$500,000 from the dollar amount in line 38 and by adjusting the dollar amount in line 38 accordingly;

On page 127, in line 40, following “the” by inserting “tenth”;

On page 148, in line 13, before the period, by inserting “: *Provided further*; That, if the aggregate amount of moneys appropriated or reappropriated in the general state aid account by this section for fiscal year 2012 is less than the amount equal to 50% of the joint estimate of revenue to the state general fund for fiscal year 2012 conducted on or

before April 20, 2012 pursuant to K.S.A. 2010 Supp. 75-6702, and amendments thereto, then an additional amount equal to the difference between such aggregate amount and 50% of such joint estimate amount is appropriated from the state general fund for general state aid for the above agency for the fiscal year ending June 30, 2012”;

On page 153, in line 19, by subtracting \$470,915 from the dollar amount and by adjusting the dollar amount in line 19 accordingly; in line 29, by adding \$470,915 to the dollar amount and by adjusting the dollar amount in line 29 accordingly;

On page 221, in line 37, following “safety” by inserting “fee”; in line 38, following “safety” by inserting “fee”;

On page 222, in line 8, following “safety” by inserting “fee”; in line 9, following “safety” by inserting “fee”;

On page 232, in line 3, before the period, by inserting the following:

": *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to include a provision on the application for hunting licenses and park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members”;

On page 235, following line 26, by inserting the following:

"Free licenses and permits fund .....No limit"

**Sub SB 234** be amended by motion of Senator McGinn, on page 232, in line 3, before the period, by inserting the following:

“: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2012, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2012 to negotiate and enter into contracts for promotional advertising services for the performance of the powers, duties and functions of the department of wildlife, parks and tourism under executive reorganization order no. 36: *And provided further*, That all such advertising contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto”

**Sub SB 234** be amended by motion of Senator Vratil, on page 68, in line 3, by deleting \$389,340 from the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 77, in line 3, before the period, by inserting “: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the general administration account for fiscal year 2012, expenditures shall be made by the above agency from the general administration account for fiscal year 2012 for the secretary of administration, or the secretary’s designee, to issue a request for proposal for a study and analysis to review the potential costs savings related to the use of private sector printing service providers in lieu of the state printer: *And provided further*, That such study and analysis shall investigate the feasibility of selling the assets of the state printer, including real estate and any improvements thereon: *And provided further*, That the secretary of administration shall present the findings of this study to the joint legislative budget committee on or before November 1, 2011”

On page 80, in line 6, before the period, by inserting “: *Provided further*, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$1,357,210 from the information technology fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the information technology fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the information technology fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

Also on page 80, following line 7, by inserting the following:

“*Provided*, That, on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$159,180 from the information technology reserve fund of the department of administration to the state general fund: *Provided further*, That the transfer of such amount shall be in addition to any other transfer from the information technology reserve fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the information technology reserve fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services.”

On page 81, in line 9, before the period, by inserting “: *And provided further*, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$931,815 from the state buildings operating fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the state buildings operating fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the state buildings operating fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

Also on page 81, in line 30, before the period, by inserting “:

*And provided further*, That on July 1, 2011, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$51,794 from the architectural services recovery fund of the department of administration to the state general fund: *And provided further*, That the transfer of such amount shall be in addition to any other transfer from the architectural services recovery fund to the state general fund as prescribed by law: *And provided further*, That the amount transferred from the architectural services recovery fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and

any other governmental services which are performed on behalf of the department of administration by other state agencies which receive appropriations from the state general fund to provide such services”;

On page 135, in line 34, by subtracting \$1,388,455 from the dollar amount and by adjusting the amount in line 34 accordingly;

On page 136, in line 2, before the period, by inserting

“: *And provided further*; That in addition to the other purposes for which expenditures may be made by the above agency from the state operations account for fiscal year 2012, expenditures shall be made by the above agency from the state operations account for fiscal year 2012 to report, at least quarterly during such fiscal year, to the joint legislative budget committee concerning the budget and financial status of the department of social and rehabilitation services and any other matter the committee may request”; in line 3, by subtracting \$32,265 from the dollar amount and by adjusting the amount in line 3 accordingly; in line 7, by subtracting \$2,233,129 from the dollar amount and by adjusting the amount in line 7 accordingly;

On page 137, in line 30, by subtracting \$15,000 from the dollar amount and by adjusting the amount in line 30 accordingly; in line 36, by subtracting \$231,186 from the dollar amount and by adjusting the amount in line 36 accordingly; in line 40, by subtracting \$65,530 from the dollar amount and by adjusting the amount in line 40 accordingly;

On page 138, in line 18, by subtracting \$57,400 from the dollar amount and by adjusting the amount in line 18 accordingly; in line 22, by subtracting \$25,000 from the dollar amount and by adjusting the amount in line 18 accordingly;

On page 142, in line 41, by adding \$3,633,679 from the dollar amount and by adjusting the amount in line 41 accordingly;

On page 143, in line 6, by subtracting \$5,633,679 from the dollar amount and by adjusting the amount in line 6 accordingly; in line 31, by adding \$2,000,000 to the dollar amount and by adjusting the amount in line 31 accordingly;

On page 244, in line 2, by striking “7.5%” and inserting “2.5%”; in line 16, by striking “7.5%” and inserting “2.5%”; in line 31, by striking “7.5%” and inserting “2.5%”;

On page 245, in line 2, by striking “7.5%” and inserting “2.5%”; in line 20, by striking “7.5%” and inserting “2.5%”

**Sub SB 234** be amended by motion of Senator Kelsey on page 144, by striking all in lines 6 through 36; following line 36, by inserting the following:

“(f) During the fiscal year ending June 30, 2012, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2012, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2012 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2012, the secretary of social and

rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, to another federal fund of the department of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.”

**Sub SB 234** be amended by motion of Senator Abrams on page 246, after line 10 by inserting the following:

"(e) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of the legislature, as authorized and provided by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for each member of the legislature, for each payroll period chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(f) On July 1, 2011, notwithstanding the provisions of any other statute, the rate of compensation for each member of the legislature, is hereby reduced by 7.5% for each payroll period chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of each member of the legislature subject to the provisions of this section for the fiscal year 2012 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 12, 2012.

(g) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, provided by chapter 6 or chapter 165 of the 2010 Session Laws of Kansas, or by this or other appropriation act of the 2011 regular session of the legislature, or by the state finance council, on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for each member of the legislature, for all payroll periods commencing on or after the effective date of this act which are chargeable to fiscal year 2012 for such special

revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports."

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

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Emler, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Brungardt, Faust-Goudeau, Reitz, Vratil.

Absent or Not Voting: Donovan.

The motion carried and the amendment was adopted. and **Sub SB 234** be passed as amended.

A motion by Senator Taddiken to amend **Sub SB 234** failed and the following amendment was rejected: on page 113, in line 31, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 31 accordingly; in line 43, by subtracting \$867 from the dollar amount and by adjusting the dollar amount in line 43 accordingly;

On page 114, by striking all in lines 4 through 9

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

On roll call, the vote was: Yeas 18, Nays 20, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt A, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan, Steineger.

The motion failed and the amendment was rejected.

A motion by Senator Bruce to amend **SB 234** failed and the following amendment was rejected: on page 103, after line 39 by inserting the following:

“Engineering expansion grants.....\$1,000,000

*Provided*, That all moneys in the engineering expansion grants account shall be for a grant program developed and administered by the secretary of commerce for the purposes of expansion of the state’s professional engineer training programs to address needs for engineers in industries that are not being met with the current levels of graduating students: *Provided further*, That all moneys in the engineering expansion grants account shall be for grants awarded under a competitive grant program administered by the secretary of commerce: *And provided further*, That all engineering expansion grant amounts authorized by the secretary of commerce shall be matched by the recipient institution on a \$3 for \$1 basis from other moneys of the recipient institution for the purpose for which the engineering expansion grant is awarded.

Community college competitive grants.....\$500,000

*Provided*, That all moneys in the community college competitive grants account shall be for grants awarded to community colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community colleges that require a

local match of nonstate moneys on a \$1 for \$1 basis and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.”;

And by redesignating subsections accordingly;

On page 105 after line 31, by inserting the following:

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

Animal health research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

*Provided*, That all moneys in the animal health research grant account for fiscal year 2012 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *Provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

*Provided*, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*, That all moneys in the animal health research grant account for fiscal year 2013 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

*Provided*, That any unencumbered balance in the animal health research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all moneys in the animal health research grant account for fiscal year 2014 shall be for an animal health research grant to Kansas state university awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university for the animal health research for which the grant is awarded: *And provided further*, That Kansas state university shall submit a plan to the secretary of commerce as to how the animal health research activities create additional jobs for the state for fiscal year 2014.

Aviation research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

*Provided*, That all moneys in the aviation research grant account for fiscal year 2012 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *Provided further*, That all grant amounts



authorized by the secretary of commerce for fiscal year 2012 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

*Provided*, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*; That all moneys in the aviation research grant account for fiscal year 2013 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *And provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

*Provided*, That any unencumbered balance in the aviation research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*; That all moneys in the aviation research grant account for fiscal year 2014 shall be for an aviation research grant to Wichita state university awarded and administered by the secretary of commerce: *And Provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university for the aviation research for which the grant is awarded: *And provided further*; That Wichita state university shall submit a plan to the secretary of commerce as to how the aviation research activities create additional jobs for the state for fiscal year 2014.

Cancer center research grant

For the fiscal year ending June 30, 2012.....\$5,000,000

*Provided*, That all moneys in the cancer center research grant account for fiscal year 2012 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *Provided further*; That all grant amounts authorized by the secretary of commerce for fiscal year 2012 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*; That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2012.

For the fiscal year ending June 30, 2013.....\$5,000,000

*Provided*, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013: *Provided further*; That all moneys in the cancer center research grant account for fiscal year 2013 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *And provided*

*further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2013 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2013.

For the fiscal year ending June 30, 2014.....\$5,000,000

*Provided*, That any unencumbered balance in the cancer center research grant account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014: *Provided further*, That all moneys in the cancer center research grant account for fiscal year 2014 shall be for a cancer center research grant to university of Kansas medical center awarded and administered by the secretary of commerce: *And provided further*, That all grant amounts authorized by the secretary of commerce for fiscal year 2014 shall be matched by university of Kansas medical center on a \$1 for \$1 basis from other moneys of university of Kansas medical center for the cancer center research for which the grant is awarded: *And provided further*, That university of Kansas medical center shall submit a plan to the secretary of commerce as to how the cancer center research activities create additional jobs for the state for fiscal year 2014.”;

And by redesignating subsections accordingly;

183, by striking all in lines 6 through 43;

By striking all on page 184;

On page 185, by striking all in lines 1 through 37;

On page 190, by striking all in lines 24 through 43;

On page 191, by striking all in lines 1 through 3

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

On roll call, the vote was: Yeas 19, Nays 20, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Kelsey, King, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Reitz, Steineger, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kultala, Longbine, McGinn, Morris, Owens, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Steineger to amend **Sub SB 234** failed and the following amendment was rejected: on page 26, following line 41, by inserting the following:

“ Sec. 54.

STATE FINANCE COUNCIL

(a) On July 1, 2011, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2012, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.

(b) On July 1, 2012, the \$8,534,972 appropriated for the above agency for the fiscal year ending June 30, 2013, by section 3(a) of chapter 159 of the 2008 Session Laws of Kansas from the state general fund in the classified salary market adjustments (including fringe benefits) account, is hereby lapsed.”;

On page 243, by striking all in lines 32 through 43;

By striking all on pages 244 and 245;

On page 246, by striking all in lines 1 through 10;

And by renumbering sections accordingly

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

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

Yeas: Abrams, Kelsey, Lynn, Masterson, Merrick, Olson, Pilcher-Cook, Steineger, Wagle.

Nays: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, Love, Marshall, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Lynn to amend **Sub SB 234** failed and the following amendment was rejected: on page 45, in line 36, before the period, by inserting:

“: *And provided further*; For the fiscal year ending June 30, 2012, the legislative coordinating council shall designate the amount of moneys in this account that may be used for out-of-state travel expenses, subsistence expenses and per diem compensation for legislators: *And provided further*; That expenditures from this account in such designated amount for out-of-state travel expenses, subsistence expenses and per diem compensation shall be made in equal amounts to each and every member of the Kansas legislature: *And provided further*; That during the fiscal year ending June 30, 2012, the director of legislative services shall ensure that each legislator is reimbursed for such out-of-state travel, upon a showing of proper receipts, in an equal amount subject to the provisions of this section for fiscal year 2012: *And provided further*; That, on June 30, 2012, if an individual legislator has not been reimbursed for such out-of-state travel, such amount is hereby lapsed”

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: Abrams, Apple, Bruce, Faust-Goudeau, Haley, Kelsey, King, Love, Lynn, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Wagle.

Nays: Brungardt, Emler, Hensley, Huntington, Kelly, Kultala, Longbine, Marshall, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Present and Passing: Francisco, Holland.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Abrams to amend **Sub SB 234** failed and the following amendment was rejected: on page 246, after line 10, by inserting:

"Sec. 144. (a) (1) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state general fund of the board of regents and state educational institutions, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer

contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state educational institution employees with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(2) On July 1, 2011, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2012, in each account of the state economic development initiatives fund of the board of regents and state educational institutions, as authorized and provided by this or other appropriation act of the 2011 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for employees of state educational institutions with annual compensation of \$100,000 or more, as defined by this section, for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 7.5% of the amount so determined is hereby lapsed.

(b) On June 12, 2011, notwithstanding the provisions of K.S.A. 75-2935b, 75-2935c or 75-2938, and amendments thereto, or any other statute, the rate of compensation for each employee of a state educational institution with annual compensation of \$100,000 or more, as defined by this section, is hereby reduced by 7.5% for the payroll period commencing on June 12, 2011, and each payroll period thereafter chargeable to fiscal year 2012, and shall not be increased for any payroll period chargeable to fiscal year 2012: *Provided*, That the secretary of administration is hereby authorized and directed to implement and administer the provisions of this section to provide for such reductions: *Provided further*, That the secretary of administration shall ensure that such reductions to the rate of compensation of the state educational institution employee with annual compensation of \$100,000 or more, as defined by this section, subject to the provisions of this section for the fiscal year 2012 have been implemented: *And provided further*, That the secretary of administration is hereby authorized to reduce any such rate of compensation to implement the provisions of this section: *And provided further*, That no such reduction prescribed by this subsection shall apply to payroll periods commencing on or after June 10, 2012: *And provided further*, That, if because of an existing employment contract, the amount of compensation of an employee of a state educational institution that makes \$100,000 or more is not reduced by 7.5%, then when such a contract is to be renewed, extended or otherwise modified the amount of compensation provided in such a contract shall not exceed 92.5% of the previous employment contract.

(c) On July 1, 2011, the expenditure limitation established for the fiscal year ending June 30, 2012, by this or other appropriation act of the 2011 regular session of the legislature on each special revenue fund in the state treasury is hereby decreased for fiscal year 2012 by the amount equal to 7.5% of the aggregate amount that is budgeted

for salaries and wages, including per diem compensation, and any associated employer contributions, other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, and longevity payments authorized by law, for state educational institutions employees with annual compensation of \$100,000 or more, as defined by this section, for all payroll periods commencing on or after June 12, 2011, which are chargeable to fiscal year 2012 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

(d) As used in this section: (1) "Employee of a state educational institution" has the meaning of state educational institution ascribed by K.S.A. 76-711, and amendments thereto, and includes all employees of the university of Kansas, Kansas state university of agriculture and applied science, Wichita state university, Emporia state university, Pittsburg state university, and Fort Hays state university and the state board of regents;

(2) "Compensation" means any salary or per diem compensation provided by law for a state employee with annual compensation of \$100,000 or more, as defined by this section; and

(3) "State educational institution employee with annual compensation of \$100,000 or more" means an employee of the board of regents or a state educational institution who has an annual rate of compensation that is equal to or more than \$100,000 for fiscal year 2011.";

And by renumbering the remaining sections accordingly

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

On roll call, the vote was: Yeas 14, Nays 24, Present and Passing 1, Absent or Not Voting 1.

Yeas: Abrams, Kelsey, Love, Lynn, Marshall, Masterson, Merrick, Olson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Steineger, Taddiken.

Nays: Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, King, Kultala, Longbine, McGinn, Morris, Owens, Reitz, Schmidt A, Schmidt V, Schodorf, Teichman, Umbarger, Vratil.

Present and Passing: Wagle.

Absent or Not Voting: Donovan.

The motion failed and the amendment was rejected.

A motion by Senator Francisco to amend **Sub SB 234** failed and the following amendment was rejected: on page 45, line 41, by striking \$1,308,199 and inserting in lieu thereof \$1,785,702

A motion by Senator Pilcher-Cook to amend **SB 234** was withdrawn.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Emler an emergency was declared by a 2/3 constitutional majority, and **Sub SB 234; S Sub for HB 2158, HB 2184, HB 2312** were advanced to Final Action and roll call.

**Sub SB 234**, AN ACT making and concerning appropriations for fiscal years ending June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015, and June 30, 2016 for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing

certain receipts, disbursements, procedures and acts incidental to the foregoing.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Holland, Pyle, Schmidt A.

Absent or Not Voting: Donovan.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote “No” on **Sub SB 234**. While this budget proposal valiantly works to stave off harmful cuts to state employee pay, special education and mental health services, it also inexorably leads us down the path of slowly but surely dismantling our K-12 public education system. With the state renegeing on its commitment to education, we will end up pitting poor school districts against more affluent ones. Kansas children, along with our state’s economy, will suffer as a result. – TOM HOLLAND

MR. PRESIDENT: I respect the hard work of the Senate Ways and Means Committee, and believe the budget they have drafted is a reasonable approach to shore up many essential state services. I applaud the committee for funding developmental disabilities and community mental health programs, among others. The latter directly impacts our veterans returning from the war.

Still, this budget does not go far enough to support our state’s biggest obligation – education. By cutting more than \$225 from base per pupil aid in the next two years, we will force school districts to lay off teachers and increase class sizes. For the 36<sup>th</sup> Senate District, which includes *10 rural counties* in North Central Kansas, a lack of education funding will lead to *more school closings* and massive property tax increases. Now what does this mean to us?

This administration is putting effort and investment into revitalizing rural Kansas. We absolutely want to partner in that effort. The long pole in that tent is available quality education. If we are truly going to invest in rural Kansas, we must ensure that quality education is available to every rural child – and not at a 40 mile bus ride away.

As a career Army officer, I have spent decades assessing risk for future endeavors. This budget is simply too risky for rural schools, teachers and students. I vote no on this bill, **Sub SB 234**. – ALLEN C. SCHMIDT

**S Sub for HB 2158**, AN ACT concerning school districts; relating to school finance; amending K.S.A. 2010 Supp. 72-6441, 72-6449 and 72-6451 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: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn,

Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The substitute bill passed.

**HB 2184**, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 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: Abrams, Apple, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Donovan.

The bill passed.

**HB 2312**, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109, 50-6,110, 50-6,111 and section 87 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Abrams, Apple, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huntington, Kelly, Kelsey, King, Kultala, Longbine, Love, Lynn, Marshall, Masterson, McGinn, Merrick, Morris, Olson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt A, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Bruce, Pyle.

Absent or Not Voting: Donovan.

The bill passed, as amended.

#### MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 143** and has appointed Representatives Aurand, Huebert and Ward as conferees on the part of the House.

On motion of Senator Emler the Senate adjourned until 9:00 a.m., Wednesday, March 30, 2011.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

