

# Journal of the Senate

FIFTY-SECOND DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, March 22, 2001—2:30 p.m.

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

Heavenly Father,

Sometimes we get so caught up in what we are praying for, we almost forget whom we are praying to.

The Psalmist identifies the many roles that You, O God, play in my life:

Since the Lord is my shepherd, why should I ever be in want? (Psalm 27:1)  
Since the Lord is my light, why should I ever walk in darkness? (27:1)  
Since the Lord is my strength, how can I ever be weak? (27:1)  
Since the Lord is my rock, how can I ever get bogged down in the mud? (18:2)  
Since the Lord is my fortress, whom should I fear? (18:2)  
Since the Lord is my deliverer, why should I remain in bondage? (18:2)  
Since the Lord is my salvation, why should I ever stay lost? (27:1)  
Since the Lord is my dwelling place, why should I ever be homeless? (90:1)  
Since the Lord is my helper, how can I be helpless? (118:7)  
Since the Lord is my song, how can I stay sad? (118:14)  
Since the Lord is my God, why should I ever have idols? (95:3)

I pray in the name of Christ the Lord.

AMEN

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Elections and Local Government: **Sub HB 2489**.  
Federal and State Affairs: **SCR 1611**.  
Ways and Means: **HB 2493**.

## MESSAGE FROM THE GOVERNOR

**SB 5, SB 70, SB 130, SB 162, SB 196** approved on March 20, 2001.  
**SB 59, SB 142** approved on March 21, 2001.

March 22, 2001

*To the Senate of the State of Kansas:*

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas as of March 22, 2001, pursuant to law.

BILL GRAVES  
*Governor*

*Member, Kansas, Inc.*, Patricia L. Bossert, pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending January 15, 2004.

*Member, Kansas, Inc.*, Wayne H. Maichel, pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

*Member, Kansas, Inc.*, Lawrence L. McCants, pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

*Member, Kansas, Inc.*, Tamera J. Nelson, pursuant to the authority vested in me by K.S.A. 74-8001, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

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

Announcing passage of **HB 2014, HB 2145, HB 2283, HB 2515, HB 2552.**

Passage of **SB 29, SB 41, SB 64, SB 75.**

Adoption of **HCR 5028.**

Passage of **SB 32**, as amended, **SB 50**, as amended, **SB 55**, as amended, **SB 58**, as amended, **SB 83**, as amended, **Substitute SB 123**, as amended, **SB 139**, as amended, **SB 183**, as amended, **SB 186**, as amended, **SB 214**, as amended, **SB 280**, as amended, **SB 321**, as amended.

Adoption of **SCR 1605.**

The House nonconcur in Senate amendments to **Substitute HB 2005**, requests a conference and has appointed Representatives Mason, Aday and Kuether as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2033**, requests a conference and has appointed Representatives Tomlinson, Dreher and Kirk as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2063**, requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2101**, requests a conference and has appointed Representatives Johnson, Dahl and Thimesch as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2105**, requests a conference and has appointed Representatives Mays, Hutchins and Rehorn as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2114**, requests a conference and has appointed Representatives Tomlinson, Dreher and Kirk as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2300**, requests a conference and has appointed Representatives Lane, Peggy Long and Ruff as conferees on the part of the House.

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

**HB 2014, HB 2145, HB 2283, HB 2515, HB 2552; HCR 5028** were thereupon introduced and read by title.

On motion of Senator Praeger, an emergency was declared, the rules suspended and **HCR 5028**, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2001 regular session of the legislature, was adopted by voice vote.

#### **REPORTS OF STANDING COMMITTEES**

Committee on Commerce begs leave to submit the following report:

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

By the Governor:

Public Employees Relations Board: K.S.A. 75-4323

Shirley A. Sicilian, term expires March 15, 2005

Gregory M. Windholz, term expires March 15, 2005

Also **HB 2124** be passed.

**HB 2303** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2303," as follows:

"SENATE Substitute for HOUSE BILL No. 2303

By Committee on Commerce

"AN ACT concerning the employment security law; relating to the classification of employers thereunder; amending K.S.A. 44-703, 44-706, 44-710, 44-710a and 44-717 and repealing the existing sections."; and the substitute bill be passed.

Committee on **Elections and Local Government** recommends **HB 2299**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2299," as follows:

"SENATE Substitute for HOUSE BILL No. 2299

By Committee on Elections and Local Government

"AN ACT concerning certain advisory committees; concerning the open meetings law; amending K.S.A. 75-4318 and repealing the existing section."; and the substitute bill be passed.

Also **Substitute for HB 2489**, as amended by House Committee of the Whole, be amended on page 4, in line 34, by striking "report" and inserting "itemization"; also in line 34, by striking "to be filed"; also in line 34, by striking "this subsection (c)" and inserting "subsections (c) and (e)";

On page 6, following line 17, by inserting the following:

"(e) In addition to any other report required to be filed pursuant to K.S.A. 46-268 and amendments thereto, each lobbyist who has more than one client participating in an event at which food and beverages are served shall file a separate "summary report" in the format designated by the governmental ethics commission at the times designated in K.S.A. 46-268 and amendments thereto. Each such lobbyist shall file one such report per reporting period and the report shall be filed under the lobbyist's name. Such report shall disclose the cost of all food and beverage provided at a single event having a value in excess of \$15 per person regardless of the number of clients who paid for the food and beverage. This disclosure shall include for each legislator, legislator elect, member of the judicial branch of state government or employee of the legislative or judicial branches of state government who accepts food and beverage: (1) The name of the person accepting the food and beverage, (2) the total amount spent including tax and gratuity and (3) the date such food and beverage was provided.";

Also on page 6, in line 18, by striking "(e)" and inserting "(f)"; in line 25, by striking "(f)" and inserting "(g)";

On page 7, following line 11, by inserting the following:

"Sec. 5. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

- (1) Legitimate campaign purposes;
- (2) expenses of holding political office, *including those expenses associated with the office holder's spouse appearing on behalf of, or in conjunction with, the office holder to promote the office holder's legislative or political agenda;*
- (3) contributions to the party committees of the political party of which such candidate is a member;
- (4) any membership dues or donations paid to a community service or civic organization in the name of the candidate or candidate committee of any candidate;

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

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

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

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

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit a candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate's proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement.

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

Also on page 7, in line 12, by striking "5" and inserting "6"; also in line 12, after "K.S.A." by inserting "25-4157a,"; in line 14, by striking "6" and inserting "7";

On page 1, in the title, in line 10, by striking "state" and inserting "governmental"; in line 11, following the semicolon, by inserting "concerning campaign contributions,"; also in line 11, following "K.S.A.," by inserting "25-4157a,"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2473**, as amended by House Committee, be passed.

Also **HB 2146** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2146," as follows:

"SENATE Substitute for HOUSE BILL No. 2146

By Committee on Financial Institutions and Insurance

"AN ACT concerning the Kansas business health partnership act; relating to the removal of the sunset provision; amending K.S.A. 40-4707 and repealing the existing section.";

and the substitute bill be passed.

**HB 2480** be amended on page 8, in line 18, by striking "February 26" and inserting "February 1"; in line 30, by striking "February 26" and inserting April 14" and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2154** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2154," as follows:

"SENATE Substitute for HOUSE BILL No. 2154

By Committee on Judiciary

"AN ACT concerning crimes, criminal procedure and punishment; relating to providers of care services, employment of persons convicted or adjudicated of certain offenses; placement of certain facilities, requirements of secretary of corrections; amending K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 and repealing the existing sections.";

and the substitute bill be passed.

Also **HB 2212**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2212," as follows:

“SENATE Substitute for HOUSE BILL No. 2212

By Committee on Judiciary

“AN ACT concerning civil procedure; relating to liens; filing time; amending K.S.A. 60-1102 and 60-1103, as amended by section 7 of chapter 175 of the 2000 Session Laws of Kansas, and repealing the existing sections.”;

and the substitute bill be passed.

**HB 2208**, as amended by House Committee, be amended on page 1, in line 19, after “charges” by inserting a comma; in line 21, by striking “In” and inserting “Except as otherwise provided, in”; in line 25, by striking “, except that, unless” and inserting “. Except as”; in line 31, by striking “, excluding” and inserting “. The provisions of this subsection shall not apply to”; in line 33, by striking “, except”; in line 34, by striking “that in” and inserting “. In”; in line 35, by striking “; nothing” and inserting “. Nothing”;

On page 2, in line 1, by striking “, except that nothing” and inserting “. Nothing”; in line 5, by striking “; and nothing” and inserting “. Nothing”; in line 13, by striking “, except that nothing” and inserting “. Nothing”; and the bill be passed as amended.

Committee on **Natural Resources** recommends **HB 2198** be passed.

Committee on **Ways and Means** recommends **HB 2040**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2040,” as follows:

“SENATE Substitute for HOUSE BILL No. 2040

By Committee on Ways and Means

“AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; benefits; local police or fire pension plans; mandatory retirement for judges; employer certification of member contributions; lump sum payments; disability benefits; payments to beneficiaries; executive director; taxation of certain retirement benefits; amending K.S.A. 20-2608, 74-4934, 74-4978h and 74-49,102 and K.S.A. 2000 Supp. 12-5002, 13-14a07, 14-10a07, 20-2603, 20-2610a, 74-4902, 74-4904, 74-4908, 74-4911e, 74-4914, 74-4914e, 74-4915, 74-4915b, 74-4915c, 74-4916, 74-4918, 74-4918a, 74-4919, 74-4919b, 74-4920, 74-4921, 74-4922, 74-4927h, 74-4932, 74-4940, 74-4957, 74-4957a, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a, 74-4964, 74-4964a, 74-4965, 74-4967, 74-4989, 74-4998c, 74-49,128 and 79-32,117 and repealing the existing sections.”;

and the substitute bill be passed.

#### REPORT ON ENROLLED BILLS

**SB 8, SB 47, SB 54, SB 63, SB 73, SB 101, SB 155, SB 178, SB 212, SB 254** reported correctly enrolled, properly signed and presented to the Governor on March 22, 2001.

**SR 1826, SR 1827** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 22, 2001.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Adkins the following report was adopted:

Recommended **SB 302; HB 2031, HB 2048, HB2074, HB 2133, HB 2173, HB 2194, HB 2207, HB 2234; HB 2290, HB 2291, HB 2329, HB 2465** be passed.

The committee report on **SB 121** recommending a **Sub SB 121** be adopted, and the substitute bill be passed.

**S Sub for HB 2017** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Morris on page 1, in line 37, by striking “program trust” and inserting “expense”, and **S Sub for HB 2017** be passed as amended.

**HCR 5021** be adopted.

**SB 112, SB 208; HB 2007, HB 2047, HB 2055, HB 2083, HB 2084, HB 2098, HB 2103, HB 2131, HB 2134, HB 2136, HB 2175, HB 2188, HB 2189, HB 2245, HB 2263, HB 2266, HB 2289, HB 2297, HB 2313, HB 2343, HB 2397, HB 2406, HB**

**2482** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 304** be amended by adoption of the committee amendments.

Senator Hensley moved to amend the bill as amended by Senate Committee, on page 1, in line 23, by striking "1.5%" and inserting "1.6%"; in line 38, by striking "1.5%" and inserting "1.6%";

On page 2, following line 3, by inserting the following:

"(c) The governor is hereby authorized and directed to modify the pay plan for fiscal year 2001 in accordance with this subsection and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2001 shall be modified to provide for (1) one additional step at the top of each pay range which is equivalent to a 2.5% step increase above the amount of step 15 of each pay grade or the equivalent increase for biweekly pay periods, to be effective for biweekly pay periods commencing on or after June 10, 2001; and (2) an increase of 0.6% in the pay rates of such pay plan, to be effective for biweekly pay periods commencing on or after December 9, 2001. The pay plan adopted by the governor under this subsection shall be the pay plan for the classified service under the Kansas civil service act. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto. The provisions of the existing pay plan for fiscal year 2001, providing for base salary increases of 2.5% through step movement on the schedule of pay ranges and steps for eligible state officers and employees in the classified service under the Kansas civil service act, shall remain in effect for fiscal year 2002 and shall not be suspended or modified so that such step movement base pay increases are not provided for fiscal year 2002 to eligible state officers and employees in the classified service under the Kansas civil service act in accordance with applicable statutes and rules and regulations and personnel policies under the Kansas civil service act.";

Also on page 2, in line 6, by striking "\$27,445,045" and inserting "\$27,329,185"; in line 7, after "(1) The" by inserting "base salary increases pursuant to step movement on the schedule of pay rate ranges and steps of the pay plan for the classified service under the Kansas civil service act; (2) the salary increases for state officers and employees in the classified service under the Kansas civil service act which are provided for in subsection (c) of section 1 and amendments thereto; (3) the"; in line 10, by striking "(2)" and inserting "(4)"; in line 12, by striking "(3) the" and inserting "(5)";

On page 3, in line 15, by striking "\$17,028" and inserting "\$17,879"; in line 16, by striking "\$73,954" and inserting "\$77,652"; in line 17, by striking "\$56,964" and inserting "\$59,812"; in line 22, by striking "\$18,231" and inserting "\$19,143"; in line 27, by striking "\$34,434" and inserting "\$36,156"; in line 32, by striking "\$6,458" and inserting "\$6,781"; in line 37, by striking "\$2,110,070" and inserting "\$2,215,574"

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

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

Yeas: Barnett, Barone, Brungardt, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Jenkins, Lee, Oleen, Praeger, Salmans, Steineger.

Nays: Adkins, Allen, Brownlee, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

The Committee recommended **SB 304** be passed as amended.

**HCR 5008** be amended by motion of Senator Barnett on page one, in line 15 before "WHEREAS" by inserting "Section 1.";

On page 2, following line 17, by inserting the following:

"Sec. 2. WHEREAS, Sales of prescription drugs are expected to exceed more than \$100 billion this year, and of some 55 million Americans many are paying the entire amount for their prescription drugs out-of-pocket. Total spending on prescription drugs has increased an average of 12.2% annually since 1993, of which 2.6% is the average in product price increases, 5.8% is attributable to increases in utilization and 3.8% because of new products and therapies, while the consumer price index has increased an average of 2.6% and the average increase for health-care expenditures has been 5.1%. The average cost of

new drugs introduced since 1992 is \$71.49, more than twice the average price of \$30.47 for previously existing drugs. As President Clinton has stated, "In a nation bursting with prosperity, no senior should have to choose between buying food and buying medicine." President Bush has declared prescription drug costs a priority and has proposed that medicare provide subsidies to help seniors purchase prescription drugs from competing private insurers and would commit \$48 billion for state grants in the first four years of the program; and

WHEREAS, Pharmaceutical manufacturers spent an estimated \$1.2 billion in 2000 for direct to consumer advertising. While advertising helps educate patients and encourages patient participation in their own health decisions, such advertising tends to increase utilization of pharmaceutical products and health care costs; and

WHEREAS, While drug manufacturers provide discounts in excess of 50% to "preferred buyers", community retail pharmacies receive only nominal volume discounts resulting in the general public paying more for their prescription medication; and

WHEREAS, The pharmaceutical industry spends about 20% of its revenues on research and development, compared to 4% in other industries, with such costs being absorbed mainly by Americans. Unlike some foreign countries, the United States has not chosen to impose price controls on prescription drugs; and

WHEREAS, The surge of prescription drug sales on the Internet and through "mail order pharmacies" reflects an attempt by consumers to obtain needed drugs from any source, domestic or foreign, which may place consumers at risk and result in overall poor health outcomes: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That we memorialize the Congress of the United States regarding the high cost of prescription drugs to individual consumers and the need for assistance and relief from this circumstance; and

*Be it further resolved:* That the Secretary of State be directed to provide an enrolled copy of this resolution to the President pro tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.; and

On page 1, in the title, in line 13 after "Kansas", by inserting "and memorializing the Congress of the United States regarding the high cost of prescription drugs", and **HCR 5008** be adopted as amended.

**HB 2174** be amended by motion of Senator O'Connor as amended by House Committee, on page 1, in line 17, by striking ", with the approval of a"; in line 18, by striking all before "shall"; by striking all in line 21 not already stricken; in line 22, by striking all before "shall"; in line 35, by striking the comma; by striking all in line 36; in line 37, by striking "district,"

Senator Vratil amended the bill on page 1, line 10, by striking "amending" and inserting "repealing" on line 11 strike all after 20-345 and on line 12 strike all before the period and strike the balance on page one and the balance on page two through line 9, and **HB 2174** be passed as amended.

**SB 152** be amended by adoption of the committee amendments, be further amended by motion of Senator Brungardt as amended by Senate Committee, on page 10, in line 8, by striking "and (f)(2)" and inserting ", (f)(2) and section 2 of 2001 Senate Bill No. 178, and amendments thereto,"; and **SB 152** be passed as further amended.

**SB 156** be amended by adoption of the committee amendments, be further amended by motion of Senator Clark as amended by Senate Committee, on page 21, following line 32, by inserting:

"New Sec. 26. (a) No state officer or employee or candidate for state office or associated person shall accept any gift, entertainment, hospitality in the form of recreation, food or beverage, economic opportunity, honoraria or any other payment from any key gaming employee, lottery machine operator, organization licensee, parimutuel licensee, technology provider or any person having a substantial interest in any such person or entity.

(b) Words and phrases used in this section shall have the meaning ascribed thereto by K.S.A. 74-8702, and amendments thereto, and the state governmental ethics law.

(c) The provisions of this section shall be part of and supplemental to the state governmental ethics law.";

By renumbering sections accordingly

Senator Umbarger further amended **SB 156** as amended by Senate Committee, on page 14, in line 29, by striking "a licensed accounting firm" and inserting "an independent licensed accounting firm selected and"; in line 30, before the period, by inserting "and the lottery commission"; in line 31, following the period, by inserting "A copy of any audit and audit report performed pursuant to this section shall be submitted to the Kansas racing and gaming commission and the Kansas lottery commission."

Senator Steineger offered a motion, citing Senate Rule 26 to postpone to date certain Friday, April 6, 2001, the debate on **SB 156**.

The motion failed.

Upon the showing of five hands a roll call vote to advance **SB 156** to Final Action was requested.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee.

Present and Passing: Corbin.

The motion was adopted.

The Committee recommended **SB 156** be passed as further amended.

A motion by Senator Corbin to amend **SB 156** failed and following amendment was rejected: as amended by Senate Committee, on page 3, in line 29, following "means" by inserting "(1)"; in line 33, before the period, by inserting "(2) a racetrack facility located at or on or immediately adjacent to the real estate of Eureka Downs or Anthony Downs";

On page 7, in line 18, by striking "racetracks" and inserting "licensee locations"; in line 23, by striking "racetracks" and inserting "licensee locations"; in line 37, by striking "racetracks" and inserting "licensee locations"; in line 42, by striking "race-"; in line 43, by striking "tracks" and inserting "licensee locations";

On page 8, in line 22, by striking "No" and inserting "Except as provided by subsection (e), no";

On page 9, following line 11, by inserting:

"(e) (1) Subject to the requirements of paragraph (2), the Kansas racing and gaming commission may authorize the operation of electronic gaming machines at racetrack facilities at Eureka Downs and Anthony Downs on days at which such racetrack facilities display simulcast parimutuel races without requiring live horse racing or live greyhound racing.

(2) The Kansas racing and gaming commission shall not authorize operation of electronic gaming machines pursuant to paragraph (1) unless the voters of the county in which such racetrack facility is located have voted on the question to permit electronic gaming without live horse racing or live greyhound racing. Such question may be called in the manner provided and shall be subject to the requirements for the calling and holding of elections under section 5, and amendments thereto.";

On page 21, following line 32, by inserting:

"Sec. 26. K.S.A. 2000 Supp. 74-8836 is hereby amended to read as follows: 74-8836.

(a) *Except as provided by subsection (l)*, any organization licensee that conducts at least 150 days of live racing during a calendar year or a fair association that conducts fewer than 22 days of live racing during a calendar year may apply to the commission for a simulcasting license to display simulcast horse or greyhound races and to conduct intertrack parimutuel wagering thereon. If the organization licensee conducts races at a racetrack facility that is owned by a facility owner licensee, both licensees shall join in the application. A simulcasting license granted to a fair association that conducts fewer than 22 days of live racing shall restrict the fair association's display of simulcast races to a number of days, including days on which it conducts live races, equal to not more than twice the number of days on which it conducts live races.

(b) (1) A simulcasting license granted to an organization licensee other than a fair association shall authorize the display of simulcast races at the racetrack facility where the



live races are conducted so long as the licensee conducts at least eight live races per day and an average of 10 live races per day per week. If a simulcasting licensee conducts live horse races on a day when simulcast races are displayed by the licensee and the licensee conducts fewer than an average of 10 live horse races per day per week, not less than 80% of the races on which wagers are taken by the licensee during such week shall be live races conducted by the licensee unless approved by the recognized horsemen's group or upon a finding by the commission that the organization licensee was unable to do so for reasonable cause. If a simulcast licensee conducts live greyhound races on a day when simulcast races are displayed by the licensee and the licensee schedules fewer than 13 live greyhound races during a performance on such day, not less than 80% of the races on which wagers are taken by the licensee during such performance shall be live races conducted by the licensee.

(2) A simulcasting license granted to a fair association shall authorize the display of simulcast races at the racetrack facility where the races are conducted only if live races are scheduled for two or more days of the same calendar week, except that the licensee may conduct simulcast races in the week immediately before and immediately after a live meeting if the total number of days on which simulcast races are displayed does not exceed the total authorized in subsection (a). In no case shall the live meet or simulcast races allowed under this subsection exceed 10 consecutive weeks. For purposes of this subsection, a calendar week shall be measured from Monday through the following Sunday.

(3) Notwithstanding the provisions of subsection (a), (b)(1) or (b)(2), a fair association may apply to the commission for not more than five additional days of simulcasting of special events. In addition, the commission may authorize a fair association to display additional simulcast races but, if such fair association is less than 100 miles from an organization licensee that is not a fair association, it also shall secure written consent from that organization licensee.

(4) Notwithstanding the provisions of subsection (b)(1), if an emergency causes the cancellation of all or any live races scheduled for a day or performance by a simulcasting licensee, the commission or the commission's designee may authorize the licensee to display any simulcast races previously scheduled for such day or performance.

(5) Notwithstanding the provisions of subsection (b)(1), the commission may authorize the licensee to display simulcast special racing events as designated by the commission.

(c) The application for a simulcasting license shall be filed with the commission at a time and place prescribed by rules and regulations of the commission. The application shall be in a form and include such information as the commission prescribes.

(d) To qualify for a simulcasting license the applicant shall:

(1) Comply with the interstate horse racing act of 1978 (15 U.S.C. 3001 *et seq.*) as in effect December 31, 1991;

(2) submit with the application a written approval of the proposed simulcasting schedule signed by: (A) The recognized horsemen's group for the track, if the applicant is licensed to conduct only horse races; (B) the recognized greyhound owners' group, if the applicant is licensed to conduct only greyhound races and only greyhound races are to be simulcast; (C) both the recognized greyhound owners' group and a recognized horsemen's group, if the applicant is licensed to conduct only greyhound races and horse races are to be simulcast; (D) the recognized greyhound owners' group, if the applicant is licensed to conduct both greyhound and horse races, only greyhound races are to be simulcast and races are to be simulcast only while the applicant is conducting live greyhound races; (E) the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound and horse races, only horse races are to be simulcast and races are to be simulcast only while the applicant is conducting live horse races; or (F) both the recognized greyhound owners' group and the recognized horsemen's group for the track, if the applicant is licensed to conduct both greyhound races and horse races and horse races are to be simulcast while the applicant is conducting live greyhound races or greyhound races are to be simulcast while the applicant is conducting live horse races; and

(3) submit, in accordance with rules and regulations of the commission and before the simulcasting of a race, a written copy of each contract or agreement which the applicant proposes to enter into with regard to such race, and any proposed modification of any such contract or agreement.

(e) The term of a simulcasting license shall be one year.

(f) A simulcasting licensee may apply to the commission or its designee for changes in the licensee's approved simulcasting schedule if such changes are approved by the respective recognized greyhound owners' group or recognized horsemen's group needed throughout the term of the license. Application shall be made upon forms furnished by the commission and shall contain such information as the commission prescribes.

(g) Except as provided by subsection (j), the takeout for simulcast horse and greyhound races shall be the same as it is for the live horse and greyhound races conducted during the current or next live race meeting at the racetrack facility where the simulcast races are displayed. For simulcast races the tax imposed on amounts wagered shall be as provided by K.S.A. 74-8823, and amendments thereto. Of the balance of the takeout remaining after deduction of taxes, an amount equal to a percentage, to be determined by the commission, of the gross sum wagered on simulcast races shall be used for purses, as follows:

(1) For greyhound races conducted by the licensee, if the simulcast race is a greyhound race and the licensee conducts only live greyhound races;

(2) for horse races conducted by the licensee, if the simulcast race is a horse race and the licensee conducts only live horse races;

(3) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast race is a greyhound race and the licensee does not conduct or is not currently conducting live greyhound races; or

(4) for horse races and greyhound races, as determined by both the recognized horsemen's group and the recognized greyhound owners' group, if the simulcast is a horse race and the licensee does not conduct or is not currently conducting live horse races. That portion of simulcast purse money determined to be used for horse purses shall be apportioned by the commission to the various horse race meetings held in any calendar year based upon the number of live horse race dates comprising such horse race meetings in the preceding calendar year.

(h) Except as provided by subsection (j):

(1) If a simulcasting licensee has a license to conduct live horse races and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(2) If a simulcasting licensee has a license to conduct live greyhound races and the licensee displays a simulcast greyhound race, breakage and unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8821 and 74-8822, and amendments thereto, for breakage and unclaimed winning ticket proceeds from live greyhound races.

(3) If a simulcasting licensee has a license to conduct live racing of only horses and the licensee displays a simulcast greyhound race, unclaimed winning ticket proceeds shall be distributed in the manner provided by K.S.A. 74-8822, and amendments thereto, for unclaimed winning ticket proceeds from live greyhound races. Breakage for such races shall be distributed for use to benefit greyhound racing as determined by the commission.

(4) If a simulcasting licensee has a license to conduct live racing of only greyhounds and the licensee displays a simulcast horse race: (A) All breakage proceeds shall be remitted by the licensee to the commission not later than the 15th day of the month following the race from which the breakage is derived and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto; and (B) all unclaimed ticket proceeds shall be remitted by

the licensee to the commission on the 61st day after the end of the calendar year and the commission shall promptly remit any such proceeds received to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the Kansas horse breeding development fund created by K.S.A. 74-8829, and amendments thereto.

(i) The commission may approve a request by two or more simulcasting licensees to combine wagering pools within the state of Kansas pursuant to rules and regulations adopted by the commission.

(j) (1) The commission may authorize any simulcasting licensee to participate in an interstate combined wagering pool with one or more other racing jurisdictions.

(2) If a licensee participates in an interstate pool, the licensee may adopt the takeout of the host jurisdiction or facility. The amount and manner of paying purses from the takeout in an interstate pool shall be as provided by subsection (g).

(3) The tax imposed on amounts wagered in an interstate pool shall be as provided by K.S.A. 74-8823, and amendments thereto. Parimutuel taxes may not be imposed on any amounts wagered in an interstate combined wagering pool other than amounts wagered within this jurisdiction.

(4) Breakage for interstate combined wagering pools shall be calculated in accordance with the statutes and rules and regulations of the host jurisdiction and shall be allocated among the participating jurisdictions in a manner agreed to among the jurisdictions. Breakage allocated to this jurisdiction shall be distributed as provided by subsection (h).

(5) Upon approval of the respective recognized greyhound owners' group or recognized horsemen's group, the commission may permit an organization licensee to simulcast to other racetrack facilities or off-track wagering or intertrack wagering facilities in other jurisdictions one or more races conducted by such licensee, use one or more races conducted by such licensee for an intrastate combined wagering pool or use one or more races conducted by such licensee for an interstate combined wagering pool at off-track wagering or intertrack wagering locations outside the commission's jurisdiction and may allow parimutuel pools in other jurisdictions to be combined with parimutuel pools in the commission's jurisdiction for the purpose of establishing an interstate combined wagering pool.

(6) The participation by a simulcasting licensee in a combined interstate wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located.

(k) If the organization licensee, facility owner licensee if any and the recognized horsemen's group or recognized greyhound owners' group are unable to agree concerning a simulcasting application, the matter may be submitted to the commission for determination at the written request of any party in accordance with rules and regulations of the commission.

(l) *The commission, by rules and regulations, may provide exceptions to the requirements of subsection (a) for the display of simulcast racing at Eureka Downs and Anthony Downs.*

(†) (m) This section shall be part of and supplemental to the Kansas parimutuel racing act.”;

By renumbering sections accordingly;

Also on page 21, in line 34, before “are” by inserting “and 74-8836”;

In the title, in line 12, before “and” by inserting “and 74-8836”

**HB 2119** be amended by adoption of the committee amendments, be further amended by motion of Senator Brownlee as amended by Senate Committee, on page 1, after line 14, by inserting new material to read as follows:

“New Section 1. The purpose of this act is:

(a) To provide increased economy in government procurement activities and to maximize to the fullest extent practicable the purchasing values of funds while ensuring that procurements are the most advantageous to public agencies;

(b) to foster effective broad-based competition for public procurement within the free enterprise system;

(c) to modernize the law governing procurement in this state and permit the continued development of explicit and thoroughly considered procurement policies and practices;

(d) to ensure the fair and equitable treatment of all persons who deal with the procurement system through a transparent bidding process which will promote increased public confidence in the procedures followed in public procurement; and

(e) to provide an ongoing source of funding for new and innovative electronic procurement practices that would otherwise not be possible due to existing funding practices and guidelines.

New Sec. 2. (a) "Internet" means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web.

(b) "On-line bidding" means a procurement process in which public agencies receive vendors' bids electronically for goods and services, other than construction services, over the internet in a competitive bidding event.

New Sec. 3. (a) When the secretary of transportation or the director of purchases determines that electronic, on-line bidding is more advantageous than other procurement methods, state agencies may utilize procedures prescribed by the director of purchases to use on-line bidding to obtain bids electronically for the purchase of goods and services other than construction services.

(b) The solicitation must designate an opening date and time. The closing date and time may be fixed or remain open, depending on the structure of the item being bid on-line. Information regarding the closing date and time must also be included in the solicitation. At the opening date and time, the secretary of transportation or the director of purchases must begin accepting on-line electronic bids, and must continue accepting bids until the bid is officially closed. All bids must either be posted electronically and updated on a real-time basis or opened at the bid closing time. Bidders may be required to register before the opening date and time and, as part of that registration, to agree to any terms, conditions or other requirements of the solicitation. The director of purchases or the secretary of transportation may choose to prequalify bidders and allow only prequalified bidders to bid on-line. The secretary of transportation may accept bids for construction goods and services by electronic means and open such bids when the bid is officially closed.

(c) The provisions of K.S.A. 75-430, and amendments thereto, relating to advertisements in the Kansas register and the provisions of K.S.A. 68-401 *et seq.* and K.S.A. 75-3739 *et seq.*, and amendments thereto, regarding procedures for sealed bidding and the opening of bids shall not apply to bids submitted under this section. All bids submitted pursuant to this section shall be subject to the open records act.

New Sec. 4. Municipalities are hereby authorized to adopt similar procedures for the acceptance of on-line bids for goods and services other than the construction services.

Sec. 5. K.S.A. 2000 Supp. 10-106 is hereby amended to read as follows: 10-106. (a) Municipal bonds shall be sold at public *notice* sale as follows: The officers having charge of the sale of the bonds shall publish a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notices shall be published not less than six days nor more than 30 days before the sale and shall contain the following information: (1) Except as provided by subsection (b), the date, time and place at which a public *notice* auction will be held *on such terms and conditions as shall be provided by the municipality* or at which ~~written~~ bids will be received and considered for the sale of the bonds for cash at such price as the municipality may accept; (2) the date of issue, total par value and denomination of the bonds being sold; (3) the dates and amounts of maturities of the bond issues; (4) the dates on which interest on the bonds shall become due and payable; (5) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (6) a statement that a good faith deposit in the form of a certified or cashier's check or surety bond in the amount of 2% of the total par value of the bonds being sold ~~shall accompany each bid or in the case of public sale at auction the same~~ shall be furnished *at or prior to the time of sale* by each bidder; (7) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (8) the assessed valuation of the municipality; (9)

that bidders may be required to be qualified in a manner established by the municipality before submitting a bid; and ~~(9)~~ (10) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid. The rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on the bonds at which they will pay the purchase price.

If sold at public *notice* sale ~~with written bids~~, purchasers shall submit their bids in writing, sealed or sent by telefacsimile or other electronic transmission, as set forth in the notice of sale, for all or any part of the bonds. ~~Each bid shall be accompanied by a certified or cashier's check or surety bond for 2% of the total amount of the bid.~~ In case any purchaser, whose bid is accepted, fails to carry out the contract, the deposit shall be forfeited to the municipality issuing the bonds. ~~Written~~ Bids shall be disclosed publicly and tabulated or compared only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of the bonds shall be made except on bids submitted as provided in this section. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to ~~the public notice~~ sale of bonds shall not apply to bonds secured solely and only by revenues, bonds sold, pursuant to written agreement, to the government of the United States of America or any bureau, department, instrumentality or agency thereof, bonds issued pursuant to K.S.A. 10-427 *et seq.*, and amendments thereto, and all bonds of the same series or which are issued simultaneously with such bonds and bond sales where the total amount of the issue does not exceed \$100,000. In such cases, the bonds may be sold at public *notice* or private sale as the officers having charge of the sale of such bonds determine. The practice of providing more than one issue within a twelve-month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project.

(b) As an alternative to providing notice of the date, time and place of public *notice* auction or receipt of bids provided by subsection (a)(1), the officers having charge of a bond sale may establish a time period of not less than seven nor more than 30 days during which such bonds would be sold. Notice of such sale period shall be published one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register and shall be published not less than six days nor more than 30 days before the beginning date of the sale period. The notice shall contain the information specified in subsection (a) except that in place of the time and date of sale, the notice shall specify the time period during which the bonds would be sold and the manner in which persons interested in submitting a bid may register for notice of the bond sale. At least three business days prior to the time and date of the bond sale, the officers having charge of the sale shall give notice to all persons having registered for notice of the bond sale, and bids shall be submitted and received and the sale made in the manner provided in subsection (a).";

By renumbering the existing sections accordingly;

On page 2, by striking "is" and inserting "and K.S.A. 2000 Supp. 10-106 are";

In the title, by striking lines 10 through 12 and inserting "AN ACT concerning bids and bidding; amending K.S.A. 19-2881 and K.S.A. 2000 Supp. 10-106 and repealing the existing sections.", and **HB 2119** be passed as further amended.

**HB 2200** be amended by adoption of the committee amendments, be further amended by motion of Senator Clark as amended by Senate Committee, on page 11, in line 15, by striking the period and inserting ";

(D) permitting, monitoring and inspecting underground storage of hydrocarbons in aquifers.", and **HB 2200** be passed as further amended.

**HB 2252** be amended by adoption of the committee amendments, be further amended by motion of Senator Praeger as amended by Senate Committee, on page 2, by striking all in lines 22 through 25 and inserting: "A credit union shall comply with the reserve requirements of the national credit union administration rules and regulations, 12 C.F.R. 702 in effect on the effective date of this act, or any later version as adopted by the administrator in rules and regulations.", and **HB 2252** be passed as further amended.

**HB 2497** be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle as amended by Senate Committee, on page 39, after line 6, by inserting the following:

"Sec. 36. K.S.A. 46-1201 is hereby amended to read as follows: 46-1201. (a) There is hereby established the legislative coordinating council which shall have ~~seven (7)~~ eight members. Such members shall be the president of the senate, the speaker of the house of representatives, *the vice-president of the senate*, the speaker pro tem of the house of representatives, the majority leader of the senate, the majority leader of the house of representatives, the minority leader of the senate, and the minority leader of the house of representatives.

(b) In even-numbered years, the speaker of the house of representatives shall be ~~chairman~~ *chairperson* of the legislative coordinating council, and the president of the senate shall be ~~vice-chairman~~ *vice-chairperson* thereof. In odd-numbered years, the president of the senate shall be ~~chairman~~ *chairperson* of the legislative coordinating council, and the speaker shall be ~~vice-chairman~~ *vice-chairperson* thereof.

(c) The legislative coordinating council shall meet at least once each month in the interim between legislative sessions. Such council shall meet on the call of its ~~chairman~~ *chairperson* or any three members of the council. The director of legislative administrative services, director of legislative research, revisor of statutes and each member of the legislature shall be given notice of each meeting of the council by its ~~chairman~~ *chairperson*, except in cases of emergency. Each such notice shall state the date, time and place of the meeting. The ~~chairman~~ *chairperson* also shall cause minutes to be prepared for each meeting of the council, and a copy thereof shall be sent to each person who is required to receive notice of the council's meetings by this subsection. It shall not be necessary to transmit with such minutes any accompanying documents for any item of business, but the minutes shall indicate whether there are supportive documents for any item of business, the nature of such documents and where they are filed or stored.

Sec. 37. K.S.A. 46-1204 is hereby amended to read as follows: 46-1204. The legislative coordinating council shall be authorized to contract for purchases of personal property or services, and in the discretion of such council, the same may be made as provided in K.S.A. 75-3739 and amendments thereto. Such council may delegate such authority to make or contract for such purchases or services, except professional services, to the director of legislative administrative services. No member or committee of the legislature, except the legislative coordinating council, shall be authorized to employ or contract for professional services to be paid from appropriations for legislative expense or from appropriations to the legislative coordinating council. The legislative coordinating council may employ by contract and direct one or more attorneys, who are approved by a vote of ~~3/4 of the seven~~ members of the legislative coordinating council, to represent the legislature, either house thereof, the legislative coordinating council, any legislator, any officer or employee of the legislative branch or any combination of the foregoing, and any such attorney shall be paid from appropriations for legislative expense. No contract made under authority of this section shall require approval under any other statute. Commencing in the fiscal year that commenced in calendar year 1995 and at least once every six years thereafter, the legislative coordinating council shall employ by contract and direct an independent actuary, approved by a vote of ~~3/4 of the seven~~ members of the legislative coordinating council, to conduct an actuarial audit and evaluation for the purposes enumerated by K.S.A. 2000 Supp. 74-4908a and amendments thereto. Such actuarial audit and evaluation shall be paid from appropriations for legislative expense or from appropriations to the legislative coordinating council.";

And by renumbering sections accordingly;

Also on page 39, in line 10, after "44-1408," by inserting "46-1201, 46-1204,";

On page 1, in the title, in line 12, after the semicolon, by inserting: "concerning membership on the legislative coordinating council,"; in line 18, after "44-1408," by inserting "46-1201, 46-1204," and **HB 2497** be passed as further amended.

**Sub SB 85, Sub SB 255; SB 344; S Sub for HB 2034; HB 2094, HB 2143; S Sub for HB 2161; HB 2176, HB 2178, HB 2246, HB 2275, HB 2301, HB 2316, HB 2369, HB 2481, HB 2505** be passed over and retain a place on the calendar.

**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 112, SB 152, SB 156; Sub SB 121; SB 208, SB 302, SB 304; HB 2007; S Sub HB 2017; HB 2031, HB 2047, HB 2048, HB 2055, HB 2074, HB 2083, HB 2084, HB 2098, HB 2103, HB 2119, HB 2131, HB 2133, HB 2134, HB 2136, HB 2173, HB 2174, HB 2175, HB 2188, HB 2189, HB 2194, HB 2200, HB 2207, HB 2234, HB 2245, HB 2252, HB 2263, HB 2266, HB 2289, HB 2290, HB 2291, HB 2297, HB 2313, HB 2329, HB 2343, HB 2397, HB 2406, HB 2465, HB 2482, HB 2497; HCR 5008, HCR 5021** were advanced to Final Action and roll call.

**SB 112**, An act concerning certain parallel electric generation services; amending K.S.A. 66-1,184 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**Sub SB 121**, An act relating to professional employer organizations; establishing certain minimum standards applicable to all professional employer organizations operating in the state.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed.

**SB 152**, An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 21-3610, 41-204, 41-311, as amended by section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 and repealing the existing sections; also repealing K.S.A. 21-3610a.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**SB 156**, An act concerning racing and gaming; concerning electronic gaming machines; amending K.S.A. 74-8702 and K.S.A. 2000 Supp. 19-101a and repealing the existing sections.

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

Yeas: Adkins, Allen, Barone, Brungardt, Emler, Feleciano, Gilstrap, Gooch, Haley, Hensley, Jackson, Lee, Praeger, Schmidt, Steineger, Teichman, Vratil.

Nays: Barnett, Brownlee, Clark, Corbin, Donovan, Downey, Goodwin, Harrington, Huelskamp, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schodorf, Taddiken, Tyson, Umbarger, Wagle.

A constitutional majority having failed to vote in favor of the bill, **SB 156** did not pass.

## EXPLANATION OF VOTE

MR. PRESIDENT: Any time we expand games of chance into our state, they always disproportionately impact the people who can least afford the loss. Most often habitual slot machine players are of low income and an imperceptible percentage of the low income players ever come out ahead, or even break even. We have heard from those who, once in

the routine of playing the slots, can ever “kick the habit” but remain ever hopeful for a higher payoff the next time. Thus, the lower income people have become, or will become, addicted to this governmentally regulated and overwhelmingly profitable business to big corporations who drain the poor’s meager funds. Legalized gambling is a gateway to gambling addiction and an economic shift from the poor to the rich. Many legislators are opposed to a tax increase but legalized gambling activities acts as a regressive tax on the poor. I believe that state-sponsored gambling produces no product, no new wealth, and so it makes no genuine contribution to economic development. I do not believe the state of Kansas should go down this slippery slope.

I vote NO on **SB 156**—GRETA GOODWIN

Senators Clark, Harrington and Jordan request the record to show they concur with the “Explanation of Vote” offered by Senator on **SB 156**.

MR. PRESIDENT: My voting “AYE” for slot machines at racing facilities in Kansas might seem a paradox of my views to some. After all gambling is gambling, right? And a few weeks ago, I strongly opposed the extension of the Lottery. . . . Historically though, while in the Kansas House, I voted for the enactment of the Kansas Lottery. Now after several years to review, I see Lottery proceeds drawing needed dollars from those who can least afford it with a less than 50% return or “winnings” to Lottery players.

Today, I repeat my actions as a House member and, optimistically, vote to let the people of Kansas exercise their right to vote on this issue.

If they want slots, as they wanted the Lottery, then who am I, as *their* servant, to stop their will?

But if slots come, and take and take and give nothing in return; when renewal time comes again, my record is clear and I will *not* vote to extend.

We are losing revenue to Indian casinos and competing states every day. We have been told we need the money for our General Fund.

The people should *always* be accorded the right to referendum on issues of revenue stream.—DAVID HALEY

MR. PRESIDENT: My vote to support **SB 156** which would have authorized slot machines at parimutuel tracks was in recognition that this type of gambling already exists in Kansas and counties with these tracks should have the opportunity to forward a referendum to their voters.—DAVID D. JACKSON

MR. PRESIDENT: **SB 156** would allow the citizens of Wyandotte County, Crawford County, and Sedgwick County to vote on whether to allow slot machines to be installed at the existing horse or dog race tracks in their respective counties.

I vote aye because:

1. This issue is about local control and should be decided by a local vote.
2. There is already significant casino gaming on Indian reservations in Kansas, but Kansas taxpayers receive no benefit from that gaming.
3. Only two of my constituents have asked me to oppose **SB 156** but almost 150 have asked me to support it because it will benefit the horse industry in my district.
4. Revenues generated would help support quality education in Kansas without the need for more taxes.—DEREK SCHMIDT

**SB 208**, An act concerning crimes, criminal procedure and penalties; relating to driving under the influence of inhalants; amending K.S.A. 2000 Supp. 8-1567 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O’Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Gooch, Haley.

The bill passed, as amended.

**SB 302**, An act concerning the Kansas juvenile justice code; relating to sentencing; amending K.S.A. 38-1663 and 38-1664 and repealing the existing sections.



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

Yeas: Adkins, Allen, Barnett, Corbin, Donovan, Downey, Gooch, Goodwin, Haley, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Schodorf, Teichman, Vratil, Wagle.

Nays: Barone, Brownlee, Brungardt, Clark, Emler, Feleciano, Gilstrap, Harrington, Hensley, Huelskamp, Jackson, Lyon, O'Connor, Pugh, Salmans, Schmidt, Steineger, Taddiken, Tyson, Umbarger.

A constitutional majority having failed to vote in favor of the bill, **SB 302** did not pass.

**SB 304**, An act concerning salaries and compensation for state officers and employees; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A. 2000 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee, Steineger, Tyson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT, I vote no on **SB 304**. I cannot vote for a state employee pay plan that does not include the 2.5% step movement increase. We have funded the step movement for fourteen years in a row. We are establishing a bad precedent by suspending the step movement this year.

Our state employees have depended on the 2.5% step movement every year because of their concern that the Legislature would not approve a cost-of-living adjustment (COLA). They know that the step movement is a guarantee they cannot afford to give up, especially when the budget is bleak and getting bleaker.

I am hopeful that the Kansas House will adopt a pay plan that retains the step movement while giving state employees a COLA.—SENATOR ANTHONY HENSLEY

**HB 2007**, An act relating to sales and transient guest taxation; concerning the provision of certain information by the director of taxation to local governments relating thereto; amending K.S.A. 2000 Supp. 12-189, 12-1694 and 12-1698 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**S Sub HB 2017**, An act establishing the Kansas postsecondary education savings expense fund; amending K.S.A. 2000 Supp. 75-648 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

**HB 2031**, An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 40-2c01 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2047**, An act concerning water rights; relating to water banking; enacting the Kansas water banking act.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2048**, An act concerning riparian buffers; amending K.S.A. 2000 Supp. 2-1915 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2055**, An act relating to income taxation; authorizing research and development credits.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2074**, An act concerning the Kansas bureau of investigation; relating to employees thereof; amending K.S.A. 75-711 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2083**, An act concerning criminal procedure; relating to arrest; release on appearance bond; amending K.S.A. 22-2809 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2084.** An act concerning criminal procedure; relating to competency to stand trial; task force; amending K.S.A. 22-3303 and K.S.A. 2000 Supp. 22-3305 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley, Pugh.

The bill passed, as amended.

**HB 2098.** An act concerning wildlife and parks; relating to commercial guide services; concerning reports of disposition of certain prosecutions; amending K.S.A. 32-964 and 32-1054 and K.S.A. 2000 Supp. 21-4619 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Nays: O'Connor, Pugh, Teichman.

The bill passed, as amended.

**HB 2103.** An act concerning the Kansas agricultural production loan deposit program; amending K.S.A. 2000 Supp. 75-4271 and 75-4272 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin.

The bill passed, as amended.

**HB 2119.** An act concerning bids and bidding; amending K.S.A. 19-2881 and K.S.A. 2000 Supp. 10-106 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2131.** An act concerning waste tires; amending K.S.A. 2000 Supp. 65-3424, 65-3424a, 65-3424b, 65-3424d, 65-3424g, 65-3424k and 65-3426 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-3424f.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barnett, Gilstrap, Haley, Oleen.

The bill passed, as amended.

**HB 2133.** An act amending the multipurpose small lakes program act; amending K.S.A. 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2134**, An act concerning solid waste; amending K.S.A. 2000 Supp. 65-3402, 65-3407, 65-3407c, 65-3409 and 65-3415 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Gilstrap.

The bill passed, as amended.

**HB 2136**, An act concerning crimes, punishment and criminal procedure; relating to criminal history classification; amending K.S.A. 2000 Supp. 21-4711 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2173**, An act concerning expungement; amending K.S.A. 2000 Supp. 12-4516a and 22-2410 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2174**, An act concerning district courts; relating to the clerks; amending K.S.A. 2000 Supp. 20-343 and 20-345 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Jackson.

The bill passed, as amended.

**HB 2175**, An act concerning civil procedure; relating to judgment liens; liability for domestic animal activity; amending K.S.A. 60-4001 and K.S.A. 2000 Supp. 60-2418 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2188**, An act concerning community colleges; relating to expenditures for scholarships; authorizing the charging of fees; amending K.S.A. 71-203 and K.S.A. 2000 Supp. 71-301 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Clark, Huelskamp, Lyon, O'Connor, Pugh, Tyson.

The bill passed, as amended.

**HB 2189**, An act concerning public safety officers; relating to administration of educational benefits for dependents of such officers; amending K.S.A. 75-4364 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2194**, An act concerning criminal procedure; relating to reports of forensic examination; amending K.S.A. 2000 Supp. 22-2902a and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2200**, An act concerning oil and gas; amending K.S.A. 2000 Supp. 55-155, as amended by section 190 of 2001 Senate Bill No. 15, 55-161, 55-179, 55-180, as amended by section 193 of 2001 Senate Bill No. 15, 55-182, 65-171d and 74-623 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2207**, An act concerning criminal procedure; relating to abatement of common nuisances; amending K.S.A. 22-3901 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Corbin, Donovan, Downey, Goodwin, Jenkins, Kerr, Morris, Oleen, Praeger, Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Nays: Barone, Brownlee, Brungardt, Clark, Emler, Feleciano, Gilstrap, Gooch, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Lee, Lyon, O'Connor, Pugh, Salmans, Steineger, Taddiken, Tyson, Wagle.

A constitutional majority having failed to vote in favor of the bill, **HB 2207** did not pass.

**HB 2234**, An act concerning rural water districts; relating to the procedure for release of lands from a district; repealing K.S.A. 82a-630.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2245**, An act concerning certain parallel electric generation services; amending K.S.A. 66-1,184 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2252**, An act relating to credit unions; concerning the regulation thereof; amending K.S.A. 17-2217 and K.S.A. 2000 Supp. 17-2223a and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2263**, An act concerning group funded workers compensation pools; relating to refunds therefrom; amending K.S.A. 44-585 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2266**, An act concerning certain electric generation facilities; relating to regulation and taxation thereof; amending K.S.A. 2000 Supp. 66-104 and 79-5a01 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin, Lee.

The bill passed, as amended.

**HB 2289**, An act concerning school safety; revising the definition of weapon; providing for suspension of the driver's license or privilege to drive of pupils for the commission of

certain acts at school, on school property or at school-supervised activities; amending K.S.A. 2000 Supp. 72-89a01, 72-89c01 and 72-89c02 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2290**, An act relating to motor carriers; concerning the regulation thereof; exemptions; amending K.S.A. 66-1,108 and 66-1,129 and K.S.A. 2000 Supp. 66-1,109 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2291**, An act relating to motor carriers; concerning the regulation thereof; amending K.S.A. 66-137, 66-177 and 66-1,110 and K.S.A. 2000 Supp. 66-138, 66-143, 66-1,112, 66-1,115, 66-1,116, 66-1, 128, 66-1,129b, 66-1,139, 66-1,139a and 66-1a01 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2297**, An act concerning courts; relating to the court of appeals; amending K.S.A. 20-3002, 20-3005 and 20-3006 and repealing the existing sections; also repealing K.S.A. 20-3003.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2313**, An act concerning the board of nursing; amending K.S.A. 2000 Supp. 65-1115, 65-1116, 65-1118a, 65-1119, 65-1122, 65-1133, 65-1136, 65-1152, 65-1153, 65-1163, 65-4203 and 74-1106 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2329**, An act concerning the division of vehicles; relating to records; amending K.S.A. 2000 Supp. 74-2012 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Haley, Pugh, Tyson.

The bill passed.

**HB 2343.** An act concerning accountants; relating to the board of accountancy; relating to peer review and permits; amending K.S.A. 2000 Supp. 1-202, 1-302b, 1-310, 1-311, 1-312, 1-321 and 1-501 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2397.** An act concerning the state corporation commission; relating to intervention by municipalities in certain proceedings.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2406.** An act concerning plats; relating to the review thereof; amending K.S.A. 2000 Supp. 58-2005 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Tyson.

The bill passed, as amended.

**HB 2465.** An act concerning standards for investments by fiduciaries; prudent investor rule; amending K.S.A. 16-324, 17-1311 and 58-1202 and K.S.A. 2000 Supp. 58-9-104, 58-1204, 58-24a02, 72-17,125 and 74-8316 and repealing the existing sections; also repealing K.S.A. 17-5003, 17-5005, 17-5006 and 17-5007 and K.S.A. 2000 Supp. 17-5002.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

**HB 2482.** An act relating to banks and banking; concerning the powers and duties of the state banking board and the state bank commissioner; amending K.S.A. 9-812, 9-908, 9-912, 9-1101a, 9-1127b, 9-1127c, 9-1127d and 9-1714 and K.S.A. 2000 Supp. 9-904, 9-1101, 9-1111, 9-1111b, 9-1801, 9-1804 and 74-3004 and repealing the existing sections, also repealing K.S.A. 9-1001 and 9-1806.



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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

**HB 2497**, An act concerning committees of the legislature; relating to the composition and appointment of certain committees; creating certain committees; concerning membership on the legislative coordinating council; concerning the committee on economic development of the house of representatives; renaming such committee as the committee on new economy; amending K.S.A. 32-874, 32-966, 44-1408, 46-1201, 46-1204, 46-1603, 46-1604, 46-1801, 46-2201 and K.S.A. 2000 Supp. 2-3703, 2-3710, 12-1771a, 65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-5001a, 74-5049, 74-5080, 74-50,104, 74-50,151, 74-8001, 74-8002, 74-8004, 74-8017, 74-8101, 74-8105, 74-8204, 74-8310, 74-8317, 74-8405, 74-9001 and 79-32,204 and repealing the existing sections; also repealing K.S.A. 32-874e, 46-2507, 46-2701 and 46-3001 and K.S.A. 2000 Supp. 74-2623 and 74-9005.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley.

The bill passed, as amended.

**HCR 5008**, A concurrent resolution urging the Congress of the United States to provide funding to the United States Army Corps of Engineers to study reallocation of storage space from the flood control pool to the conservation pool in John Redmond Lake in Coffey County, Kansas and memorializing the Congress of the United States regarding the high cost of prescription drugs.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The resolution was adopted, as amended.

**HCR 5021**, A concurrent resolution proposing to name the new state office building the Charles Curtis State Office Building.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The resolution was adopted.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, March 23, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

