

Journal of the Senate

SIXTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 25, 2001—10:00 a.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,

Although there are pressing legislative matters to be considered in the wrap-up session, I would like to address the plight of the citizens of Hoisington today.

As they face the monumental task of regrouping and rebuilding, we pray that You, O God, will continue to endow them with a spirit of determination which they have already exhibited.

We also thank You for laying on the hearts of their fellow Kansans to provide all kinds of medical and material, as well as hands-on, aid to those who were injured and whose homes were destroyed or damaged.

Some, perhaps most, of us have experienced the awesome destructive power of a tornado, Lord, and the shock and grief that follows. Let them feel Your powerful intervention during the reconstruction of their property and their morale.

We ask You to comfort the one who lost her husband, and to administer healing to those who suffered injuries.

And as the Hoisington disaster fades from the front page, don't let the material, social and spiritual needs of our Hoisington neighbors fade from our hearts and our helping hands.

I pray in the Name of Christ, the epitome of compassion.

Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 363. An act making and concerning appropriations for the fiscal years ending June 30, 2001, June 30, 2002, and June 30, 2003; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2000 Supp. 79-2959, as amended by section 167 of 2001 Senate Bill No. 57, 79-2964, as amended by section 168 of 2001 Senate Bill No. 57, 79-3425i, as amended by section 169 of 2001 Senate Bill No. 57, 79-34,147, as amended by section 170 of 2001 Senate Bill No. 57, and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

SB 364. An act concerning fees for certificate of title fees; amending K.S.A. 2000 Supp. 8-135, 8-135a, 8-139, 8-145, as amended by section 27 of 2001 Senate Bill No. 15, 8-170, 8-171, 8-198 and 74-2013 and repealing the existing sections, by Committee on Ways and Means.

SB 365, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; amending K.S.A. 2000 Supp. 74-4927 and 74-4927f and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Education: **SB 361; HB 2336**.

Ways and Means: **SB 362; HB 2583**.

REPORT ON ENGROSSED BILLS

SB 37, SB 83, SB 127, SB 128, SB 146; SCR 1611 reported correctly re-engrossed April 9, 2001.

SB 183 reported correctly engrossed April 10, 2001.

Also: **SB 107, SB 115, SB 126, SB 147** correctly re-engrossed April 10, 2001.

REPORT ON ENROLLED BILLS

SB 53, SB 56, SB 280, SB 309 reported correctly enrolled, properly signed and presented to the Governor on April 9, 2001.

SR 1841, SR 1842, SR 1843, SR 1844, SR 1845 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 9, 2001.

SB 18, SB 37, SB 50, SB 57, SB 83, SB 107, SB 115, SB 126, SB 127, SB 128, SB 146, SB 147, SB 183 reported correctly enrolled, properly signed and presented to the Governor on April 13, 2001.

SR 1611 reported correctly enrolled, properly signed and presented to the Secretary of State on April 13, 2001.

MESSAGE FROM THE GOVERNOR

Sub for SB 36, Sub for SB 123; SB 133 approved on April 4, 2001.

SB 1, SB 10, SB 11, SB 98, SB 184, SB 209 approved on April 10, 2001.

Sub SB 204 approved on April 13, 2001.

Message to the Senate of the State of Kansas:

Years of efforts to improve Kansas water quality have resulted in a number of notable accomplishments in the areas of confined animal feeding operations (CAFOs), implementation of total maximum daily loads (TMDLs), and the number of protected stream miles. Kansas has extensive CAFO data, regulation and licensing, while other states in the Midwest region do not even know the location of CAFOs in their state. By the end of 2001, Kansas will have completed its TMDL master plan and begun implementation programs for half of the twelve river basins in the State, while many states have not started TMDL assessments. One important feature of TMDLs is that they insure the protection of public drinking water supplies regardless of stream classification status under the Clean Water Act. Implementation of Substitute for Senate Bill 204 (SB 204) will not change Kansas' status as a leader in the number of protected stream miles. In short, SB 204 does not alter Kansas' commitment to the protection of its water resources.

The March 2001 Memorandum of Understanding (MOU) between Kansas Department of Health and Environment (KDHE) and the Environmental Protection Agency (EPA) resolved problems associated with the EPA's proposed rules and regulations modifying water quality standards for Kansas. SB 204 does not impact the intent and effect of the MOU. In contrast, SB 204 is a legislative policy directive to address the action taken by KDHE in 1994 when it placed a large number of "dry" streams (streams with no sustained flow) on the classified stream segment list without any scientific analysis to determine the necessity or validity of such an action.

I remain confident KDHE and EPA will make every effort to apply the provisions of SB 204 in a common sense manner consistent with the federal Clean Water Act, the 2001 Memorandum of Understanding and the legislative intent of SB 204.

To facilitate this process, I am summarizing several recommendations for implementing this law to ensure the waters of Kansas are protected and the intent of SB 204 is executed. With these recommendations to guide us, I believe we may achieve a balance among interested stakeholders—including agriculture, communities, business and our environment, and SB 204 will serve the state well.

Implementation guidelines:

- SB 204 exercises the State's authority under the Clean Water Act to define classified stream segments by using the low flow conditions and water level data to ultimately modify the designated uses of Kansas' streams. Current law presumes that stream segments, not otherwise designated, are designated for secondary recreation use. Both the MOU and SB 204 require KDHE to conduct an assessment of streams in Kansas and eliminate presumptive uses for waters of Kansas. KDHE can incorporate the requirements of SB 204 into its stream assessments consistent with the MOU. The practical intent of both the MOU and SB 204 is to remove those streams on the current classified stream segment list that should not have been initially listed.
- The United States Geological Survey (USGS) has flow data for the larger streams in Kansas. Flow data and flow extrapolation methods for the remaining streams have improved significantly over the past 20 years. The USGS intends to further revise its extrapolation method and assures the State of Kansas every effort will be made to complete its work as quickly as possible. Current extrapolation methods may initially result in a determination that the stream segment either meets or does not meet the standard of 1 cubic foot per second (cfs), while updated data could result in a different conclusion. Consequently, KDHE may need to redefine stream segment lengths to comply with the timelines in SB 204. KDHE will also need to update stream classifications as more current information becomes available.
- Regardless of stream classification or designated use, SB 204 continues to allow the Department of Wildlife and Parks to protect threatened and endangered species and species in need of conservation.
- A Senate amendment to SB 204 specifically requires streams with a point source discharger to remain classified. SB 204 does not affect the authority of KDHE to regulate point source discharges.
- The Clean Water Act does not regulate non-point source discharges, nor does SB 204 impact this issue.
- CAFOs are limited to non-discharging permits and, when properly functioning, do not impact surface water. This legislation will not affect the State's expectations, requirements or regulation of CAFOs.
- SB 204 acknowledges that the lack of public access to a stream segment may influence that segment's recreational use designation. However, if the downstream water use justifies modified standards for the upstream "private" stream segment, KDHE may establish distinct criteria applicable to the private stream segment. The criteria applied to the stream segment will not adversely impact the property owner's right to prohibit the public from accessing his property.
- I hereby direct KDHE to conduct a scientific analysis to determine the most appropriate fecal coliform criteria for Kansas based upon the recreational designated use categories established by SB 204.

BILL GRAVES
Governor

SB 53, SB 56, SB 58, SB 110, SB 309 approved on April 16, 2001.

SB 18, SB 126, SB 128, SB 280 approved on April 18, 2001.

SB 37, SB 83, SB 107, SB 115, SB 127, SB 146, SB 147, SB 183 approved on April 19, 2001.

SB 50, SB 57 approved on April 23, 2001.

April 18, 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 April 18, 2001, pursuant to law.

Bill Graves
Governor

Member, Kansas Development Finance Authority, Thomas C. Blackburn, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

Member, Kansas Development Finance Authority, John G. Montgomery, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

Member, Kansas Development Finance Authority, Thomas A. Page, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

April 24, 2001

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 2001-03, suspending the provisions of the regulatory statutes, rules and/or regulations prescribing the requirement for fee assessments to obtain a duplicate driver's license, duplicate vehicle title and registration, duplicate vehicle records, and duplicate marriage and birth certificates for victims of the April 21, 2001 natural disaster, is on file in the Office of the Secretary of the Senate and available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF COMMERCE & HOUSING
Business Development Division

April 1, 2001

Lt. Governor/Secretary Gary Sherrer, submitted a copy of the Annual Report to the Governor and Legislature on the Kansas Enterprise Zone program as required by K.S.A. 74-50, 118(b).

DEPARTMENT OF HUMAN RESOURCES
Kansas Division of Workers Compensation
Fraud and Abuse Unit

April 6, 2001

Phil Harness, Director of Workers Compensation, submitted the Fraud and Abuse Unit Annual Report for 2000 and the 26th Annual Report for Fiscal Year 2000.

KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

April 11, 2001

Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, as required by the Developmental Disabilities Reform Act, submitted the Final Report on Review Rate Structure for Community Developmental Disabilities.

KANSAS OFFICE FOR COMMUNITY SERVICE
Kansas Commission on National
and Community Service

April 13, 2001

Pat Kells, Executive Director, Kansas Office for Community Service, submitted the 2000 Annual Report of the Kansas Commission on National and Community Service and the Volunteer Recognition Program.

PITTSBURG STATE UNIVERSITY
BUSINESS & TECHNOLOGY INSTITUTE

Dr. Phil Halstead, BTI Executive Director, Pittsburg State University, submitted the Annual Report for 2000.

The President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

ORIGINAL MOTION

Senator Donovan moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 170, SB 343, SB 357; HB 2059, HB 2106, HB 2145, HB 2563.**

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Morris the Senate nonconcurred in the House amendments to **SB 170** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **SB 343** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1846—

A RESOLUTION congratulating and commending
Johnson County Community College athletes.

WHEREAS, The Johnson County Community College mens basketball team won the 2001 National Junior College Athletic Association (NJCAA) Division II mens basketball championship by defeating Mott Community College of Flint, Michigan, 91-76 in the championship game; and

WHEREAS, This is the first national championship to be won by the Johnson County Community College Cavaliers.

WHEREAS, The team finished the season with a record of 30-6. Chris Lollar was named as a first team All American and Jimmy Hubbard was named as a third team All American—the first time the college has had two players named as All Americans; and

WHEREAS, Of the 13 player roster, seven had a 3.0 grade point average or better for the fall semester and two players are candidates for Academic All American honors; and

WHEREAS, Mike Jeffers, the mens basketball coach, set a school record with 30 wins and was named National Coach of the Year; and

WHEREAS, The womens cross country team won the NJCAA Division II national championship, and the school's first cross country national championship, while competing in gusty winds, blowing snow and wind chills in the lower teens; and

WHEREAS, Michele Simecka, of Topeka, was named as a first team All American for two consecutive years; Erin Conner, of Overland Park, was named as an All American; and Sheena Farnan, of Drexel, Missouri, and Kim Oldaker, of Lenexa, were named second team All Americans; and

WHEREAS, Six of the nine members of the womens cross country team had a 3.0 grade point average or better for the fall semester; and

WHEREAS, The mens cross country team finished third at the national meet; and

WHEREAS, Seth Thompson was named as a second team All American and Tyson Edwards was named as an honorable mention All American; and

WHEREAS, The womens and mens cross country teams won the combined national championship in cross country and Head Coach Mike Bloemker was named as the Coaches Association Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Johnson County Community College mens basketball team and the womens and mens cross country teams for their success in national competition and for their academic excellence at Johnson County Community College; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Dr. Charles J. Carlsen, President; Carl Heinrich, Athletic Director; Mike Jeffers, head coach, mens basketball team and Mike Bloemker, head coach, cross country teams, all at Johnson County Community College, 12345 College Boulevard, Overland Park, Kansas 66210.

On emergency motion of Senator Adkins **SR 1846** was adopted unanimously.

Members of the men's basketball team, women's and men's cross country teams and coaches were guests.

REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **HB 2336**, 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. 2336," as follows:

"SENATE Substitute for HOUSE BILL No. 2336

By Committee on Education

"AN ACT concerning school districts; providing for state financial assistance; authorizing and imposing ad valorem and other taxes; amending K.S.A. 72-1106 and 72-6420 and K.S.A. 2000 Supp. 72-979, 72-983, 72-6407, 72-6407 as amended by section 1 of this act, 72-6410, 72-6412, 72-6414, 72-6430, 72-6431, 72-6442, 72-8187, 79-201x, 79-2959, 79-2964, 79-34,147, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections.";

and the substitute bill be passed.

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

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 366. An act concerning health care provider insurance; amending K.S.A. 40-3401, 40-3403 and 40-3414 and repealing the existing sections, by Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing, the House adopts the conference committee report on **HB 2068**.

The House adopts the conference committee report on **SB 161**.

The House not adopts the conference committee report on **HB 2406**, requests a conference and appoints Representatives Ray, Campbell and Gilbert as second conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2143**, requests a conference and has appointed Representatives Hayzlett, Vickrey and Klein as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2283**, requests a conference and has appointed Representatives Wilk, Neufeld and Henry as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2508**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 170** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 343** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2029** and requests the Senate to return the bill.

REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **HB 2155**, as amended by House Committee, be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2155," as follows:

"SENATE Substitute for HOUSE BILL No. 2155

By Committee on Education

"AN ACT concerning school districts; providing for waivers from duration of the school term due to disaster.";

and the substitute bill be passed.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for HB 2336**.

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 357**; **HB 2106** be passed.

Senator Oleen moved to suspend the rules and **S Sub for HB 2336** be advanced on the calendar under the heading of General Orders for consideration.

The committee report on **HB 2336** recommending a **S Sub for HB 2336** be adopted, and the substitute bill be passed.

HB 2563 be amended by motion of Senator Praeger on page 1, in line 25, after "and" by inserting "; except as provided in subsection (d)."; in line 26, by striking "except as provided in subsection (d)"

Senator Morris amended the bill on page 2, following line 18, by inserting the following:

"Sec. 2. (a) The Kansas children's cabinet is hereby authorized to negotiate and enter into an agreement with a not-for-profit foundation or other not-for-profit entity to receive, administer and invest any moneys donated, bequeathed, granted, awarded or contributed from any private or public source outside the state treasury for the general benefit of the programs sponsored by the Kansas children's cabinet or for specific capital improvements, projects, programs, activities or events for the benefit of the children of Kansas. All moneys received for such purposes by the not-for-profit foundation or other entity, and all interest earned thereon, shall be deposited, administered and disbursed by the not-for-profit foundation or other entity to the Kansas children's cabinet in accordance with the agreement, after payment of any applicable fees or expenses authorized by the agreement. The Kansas children's cabinet shall not enter into any agreement with the not-for-profit foundation or other entity under this section until the agreement has been reviewed and approved by the attorney general.

(b) Upon receipt of any such moneys by the Kansas children's cabinet, the cabinet shall remit the entire amount of the remittance to the state treasurer. Upon receipt of each such remittance, the state treasurer shall transfer such moneys to such funds, organizations or grantees as specified by the Kansas children's cabinet.";

And by renumbering sections accordingly;

On page 1, in the title, in line 9, by striking "securities" and inserting "investments"; in line 10, before "amending", by inserting "relating to investments of certain moneys pursuant to agreements with not-for-profit foundations or other entities";, and **HB 2563** be passed as amended.

HB 2059 be amended by adoption of the committee amendments, be further amended by motion of Senator Barnett as amended by Senate Committee, on page 3, after line 31, by inserting the following:

"New Sec. 3. (a) Within the limits of the appropriations therefor, the secretary of health and environment may establish not more than five fetal alcohol syndrome diagnostic and prevention network pilot programs. The pilot programs shall be established in communities which indicate availability of local funding, in kind services, or other resources for a fetal alcohol syndrome diagnostic and prevention pilot program. The pilot programs shall expire on July 1, 2004.

(b) The department of health and environment shall work with local health agencies to determine the sites where the pilot programs will be established and shall establish standards for the development of the pilot programs and the collection of data by such programs. The secretary of health and environment may enter into contracts as appropriate for the purposes of establishing the fetal alcohol syndrome diagnostic and prevention network pilot programs. The secretary of health and environment may adopt rules and regulations as necessary to administer the provisions of this section. Any expenditure of money appropriated by the legislature for this purpose shall be matched by the local communities either by money or in kind services, in an amount as specified by appropriation act of the legislature.

(c) On or before the commencement of the legislative session in the year 2004, the secretary of health and environment shall submit a report to the governor and the legislature concerning the operation of the pilot programs under this section. The report shall contain a review and evaluation of the pilot programs data relating to fetal alcohol syndrome as developed by the pilot programs, specific recommendations with regard to the programs and such other information and recommendations relating to the programs as the local health department deems appropriate.

(d) The provisions of this section shall expire on July 1, 2004.";

And by renumbering sections accordingly;

On page 1, in the title, in line 14, after the semicolon, by inserting: "establishing fetal alcohol syndrome diagnostic and prevention network pilot programs;"; and **HB 2059** be passed as further amended.

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 357; HB 2059, HB 2106; S Sub for HB 2336; HB 2563** were advanced to Final Action and roll call.

SB 357, An act concerning state moneys; relating to remittance to the state treasurer; amending K.S.A. 20-156, as amended by section 68 of 2001 Senate Bill No. 15, 20-1a01, as amended by section 70 of 2001 Senate Bill No. 15, 20-1a02, as amended by section 71 of 2001 Senate Bill No. 15, 20-1a03, as amended by section 72 of 2001 Senate Bill No. 15, 20-213, as amended by section 75 of 2001 Senate Bill No. 15, 20-2801, as amended by section 79 of 2001 Senate bill No. 15, 21-4610a, as amended by section 81 of 2001 Senate Bill No. 15, 22-4526, as amended by section 83 of 2001 Senate Bill No. 15 and K.S.A. 2000 Supp. 19-4707, as amended by section 67 of 2001 Senate Bill No. 15, 20-166, as amended by section 69 of 2001 Senate Bill No. 15, 20-1a04, as amended by section 73 of 2001 Senate Bill No. 15, 20-1a11, as amended by section 74 of 2001 Senate Bill No. 15, 20-350, as amended by section 76 of 2001 Senate Bill No. 15, 20-362, as amended by section 77 of 2001 Senate Bill No. 15, 20-367, as amended by section 78 of 2001 Senate Bill No. 15, 21-3851, as amended by section 80 of 2001 Senate Bill No. 15, 22-4504, as amended by section 82 of Senate Bill No. 15, 22-4529, as amended by section 84 of 2001 Senate Bill No. 15, and 23-108a, as amended by section 85 of 2001 Senate Bill No. 15, and repealing the existing sections, was considered on final action.

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

Yeas: 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 2059. An act relating to health care; establishing a state renal disease fund; concerning institutional licenses to practice a branch of the healing arts; establishing fetal alcohol syndrome diagnostic and prevention network pilot programs; amending K.S.A. 2000 Supp. 65-2809 and repealing the existing section, was considered on final action.

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

Yeas: 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 2106. An act concerning the Kansas national guard; relating to pay and allowances; amending K.S.A. 48-225 and repealing the existing section, was considered on final action.

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

Yeas: 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.

S Sub for HB 2336. An act concerning school districts; providing for state financial assistance; authorizing and imposing ad valorem and other taxes; amending K.S.A. 72-1106 and 72-6420 and K.S.A. 2000 Supp. 72-979, 72-983, 72-6407, 72-6407 as amended by section 1 of this act, 72-6410, 72-6412, 72-6414, 72-6430, 72-6431, 72-6442, 72-8187, 79-201x, 79-2959, 79-2964, 79-34,147, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Brungardt, Downey, Emler, Gooch, Goodwin, Hensley, Lee, Morris, Oleen, Praeger, Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Nays: Barnett, Barone, Brownlee, Clark, Corbin, Donovan, Feleciano, Gilstrap, Haley, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, O'Connor, Pugh, Salmans, Steineger, Taddiken, Tyson, Wagle.

A constitutional majority having failed to vote in favor of the bill, **S Sub for HB 2336** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **S Sub for HB 2336**.

The government of our state has no higher obligation than our responsibility to provide excellent educational opportunities in our public schools. As legislators we are the stewards of this obligation. My community is defined by the quality of its public schools. Unfortunately, the state has not provided the resources necessary for educational opportunity to be provided at a level commensurate with the high expectations of parents and patrons of schools in my community. This bill is a well crafted proposal which addresses many of the most critical issues facing public schools. We now live in the Information Age. Kansas school children deserve a school system capable of fully preparing them for the demands of the new economy. We cannot afford to leave any child behind. While tax increases are never popular, I consider the additional revenues raised by this bill to be an appropriate investment in the future of our state. Our failure to address this issue is a breach of our stewardship.—DAVID ADKINS

MR. PRESIDENT: I have always been a strong supporter of education. I do not support this plan to raise taxes before we have reviewed previous tax cuts granted over the last

several years. I believe we should recapture some of the excessive tax cuts that were previously enacted.

In the end, the taxes that could be recaptured by this legislation will still be lower than the original taxes were only a few years ago. By using the sales tax, we are simply shifting the tax burden and this is a tax shift that would not have been approved had they been considered simultaneously.—JIM BARONE and MARK GILSTRAP

HB 2563. An act concerning investments; relating to investor education; establishing the investor education fund; relating to investments of certain moneys pursuant to agreements with not-for-profit foundations or other entities; amending K.S.A. 17-1271 and repealing the existing section, was considered on final action.

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, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Lyon, O'Connor.

The bill passed, as amended.

ORIGINAL MOTION

Having voted on the prevailing side, Senator Corbin moved the Senate reconsider its adverse action on **S Sub for HB 2336**. The motion carried.

Senator Corbin moved **S Sub for HB 2336**, now on Final Action, be returned to the calendar under the heading of General Orders. The motion carried.

President Kerr rereferred **S Sub for HB 2336** to the Committee on Education.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **S Sub for HB 2143; HB 2283, HB 2406, HB 2508.**

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2143**.

The President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2283**.

The President appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **HB 2406**.

The President appointed Senators Allen, Schmidt and Gilstrap as second conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2508**.

The President appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Thursday, April 26, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

