

SPECIAL SESSION

Journal of the Senate

SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Tuesday, June 28, 2005—1:30 p.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-eight senators present.
Senators Allen and Barnett were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Every day the pressure
Tends to grow and grow,
Which makes tempers smoke
Like a volcano.

We find ourselves resenting
Those on the other side,
Who seem to us deliberately
Making us divide.

But we must be careful
When we suggest
Our colleagues' motives
Are not the best.

We may be right,
But we could be mistaken,
And cause more resentment
To awaken.

Help us, O God,
The best to detect;
People tend to become
What we expect.

I pray in the Name of Jesus Who
knows our motives,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 11, An act concerning appropriations for the fiscal years ending June 30, 2005, and June 30, 2006; relating to the disclosure of expenditures; repealing section 83 of 2005 Senate Substitute for House Bill No. 2482, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Assessment and Taxation: **SB 10**.

ORIGINAL MOTION

Having voted on the prevailing side in Final Action on Monday, June 27, 2005, Senator Ostmeyer moved the Senate reconsider its adverse action on **SB 9**. The motion carried and the bill was returned to Final Action.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 9, An act making and concerning appropriations for the fiscal year ending June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2004 Supp. 2-223, as amended by section 177 of 2005 Senate Bill No. 225, 76-775, as amended by section 181 of 2005 Senate Bill No. 225, 79-3425i, as amended by section 185 of 2005 Senate Bill No. 225, and 82a-953a, as amended by section 88 of 2005 Senate Substitute for House Bill No. 2482, and repealing the existing sections, was considered on final action.

On roll call, a call of the Senate was requested by five senators.

The vote was: Yeas 19, Nays 19, Present and Passing 0, Absent or Not Voting 2.

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

Absent or Not Voting: Allen, Barnett.

A constitutional majority having failed to vote in favor of the bill, **SB 9** did not pass.

On motion of Senator Hensley, the call of the Senate was lifted.

EXPLANATION OF VOTE

MR. PRESIDENT: I must vote no and simply repeat "there is a better way."—JIM BARONE

Senator Gilstrap requests the record to show he concurs with the "Explanation of Vote" offered by Senator Barone on **SB 9**.

MR. PRESIDENT: **SB 9** is a difficult vote for those of us who are concerned about constituents and the disaster that will befall this state at the end of fiscal year 2006. Even a 2% cut is difficult for some budgets to absorb, but greater cuts may be necessary in 2006 if this Legislature does not act responsibly and put together a balanced approach of budget cuts and enhanced revenue. Today's vote should be a wake-up call to all agencies to plan for a very difficult 2006. — JAY SCOTT EMLER and MARK TADDIKEN

MR. PRESIDENT: I voted no, even though I do believe there are areas in state government that could be cut, but it is not prudent to make 2% cuts across the board without the understanding of how it will impact our local units of government.

Many of our state departments probably could endure a 2% cut, but I am concerned how the cuts will affect the citizens back home. I think about those who have mental health issues and sometimes end up in our jails. By cutting mental health services, many individuals fall through the cracks and end up in jail where the environment only makes the situation worse and increases the cost to local government. If we look at the Department of Corrections and ask where they will cut, it won't be in letting people out of prison, it will be in the area of community corrections, which are state prisoners held at the local level. The county commissioners will have to figure out how to fund community corrections or use their maximum security jail. I am concerned about the increased cost to the local units of government because we didn't thoughtfully examine the effects of these costs.—CAROLYN MCGINN

Senators Betts, Francisco, Kelly, Lee, Schodorf, Teichman, Umbarger and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **SB 9**.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2004** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2004," as follows:

"SENATE Substitute for HOUSE BILL No. 2004

By Committee on Ways and Means

AN ACT concerning schools and school districts; relating to school finance; relating to the powers and duties of the legislature, courts, state board of education and school districts in relation thereto; relating to litigation in relation thereto; making and concerning appropriations for the fiscal years ending June 30, 2006, for the department of education; amending K.S.A. 72-6410, as amended by section 14 of 2005 House Bill No. 2247, 72-6412, as amended by section 15 of 2005 House Bill No. 2247, 72-6414, as amended by section 17 of 2005 House Bill No. 2247, 72-6426, 79-1801 and section 3 of 2005 House Bill No. 2247, and K.S.A. 2004 Supp. 72-978, as amended by section 10 of 2005 House Bill No. 2247, 72-6407, as amended by section 16 of 2005 Senate Bill No. 43, and 72-6434, as amended by section 24 of 2005 House Bill No. 2247, and repealing the existing sections; also repealing K.S.A. 46-1222, 46-1223, 46-1224 and section 13 of 2005 Senate Bill No. 43.";

and the substitute bill be passed.

Also, **HB 2005** be amended by substituting a new bill to be designated as "Senate Substitute for HOUSE BILL No. 2005," as follows:

SENATE Substitute for HOUSE BILL No. 2005

By Committee on Ways and Means

AN ACT concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain lottery gaming facilities, electronic gaming machines, video lottery terminals and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; making appropriations for the fiscal year ending June 30, 2006; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8716, 74-8723, 74-8830 and 74-8832, K.S.A. 2004 Supp. 74-8711 and K.S.A. 2004 Supp. 19-101a, as amended by section 1 of 2005 Senate Bill No. 298, and repealing the existing sections.";

and the substitute bill be passed.

On motion of Senator Emler the Senate adjourned until 10:00 a.m., Wednesday, June 29, 2005.

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

PAT SAVILLE, *Secretary of the Senate.*

