

# Journal of the Senate

TWENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 12, 2009—2:30 p.m.

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

Heavenly Father,

This day is the 200th birthday anniversary of Abraham Lincoln who is on top, or near the top, of the list of great American Presidents.

And yet, while President, he was vilified probably more than any of our Presidents.

Here are just a few of the worst remarks he had to endure:

“Vain, weak, hypocritical”

His call for troops was denounced as “illegal, inhuman, diabolical”

“Idiot, baboon”

“Some leaders would be glad to find him hanging from the post in front of the White House.”

“Gorilla”

“Feeble, cowardly, shameful.”

“No hope for the country except the death of the President and a new administration.”

“Both conservatives and radicals agreed that Lincoln was a failure as a President”

“Tenfold a greater traitor to his country than any southern rebel.”

You know, O God, that I took each of these quotes from a reliable biography of Lincoln.

These are just a few of the vilifications aimed at a man now considered to be one of our greatest presidents.

We know that Lincoln often consulted You for wisdom.

We thank You for leading him through the bitter criticisms to become the man who issued the Emancipation Proclamation and, among many other accomplishments, left us the Gettysburg Address.

I pray this in the Name of Jesus Christ.

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 264**, An act concerning taxation; relating to levy of taxes; certification to county clerk; amending K.S.A. 2008 Supp. 79-1801 and repealing the existing section, by Committee on Ways and Means.

**SB 265**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 19-101a and 65-3012 and K.S.A. 2008 Supp. 65-3005, 65-3008a and 66-1,184 and repealing the existing sections; also repealing K.S.A. 19-101m, by Committee on Ways and Means.

**SB 266**, An act concerning community colleges; relating to the operation and maintenance thereof; amending K.S.A. 71-204 and repealing the existing section, by Committee on Ways and Means.

**SB 267**, An act concerning elections; relating to voter identification; amending K.S.A. 25-2354 and K.S.A. 2008 Supp. 25-1122, 25-1122d, 25-1123, 25-2908 and 25-3002 and repealing the existing sections, by Committee on Ways and Means.

**SB 268**, An act concerning elections; amending K.S.A. 2008 Supp. 25-1216 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 269**, An act concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2008 Supp. 60-4104 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 270**, An act concerning criminal procedure; relating to the consolidation of community corrections and court services in certain judicial districts; expenses of such office; amending K.S.A. 20-345 and 20-346a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 271**, An act concerning counties; relating to bidding requirements on certain contracts; amending K.S.A. 2008 Supp. 19-214 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 272**, An act concerning criminal procedure; relating to persons incompetent to stand trial; amending K.S.A. 22-3303 and 22-3305 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 273**, An act concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; amending K.S.A. 2008 Supp. 74-8734, 74-8744, 74-8747 and 74-8751 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 274**, An act establishing the Kansas scenic and heritage backroads act, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Ethics and Elections: **SB 261**.

Federal and State Affairs: **SB 262**.

Financial Institutions & Insurance: **SB 260**, **SB 263**.

Judiciary: **SCR 1609**.

Ways and Means: **SB 259**.

#### MESSAGE FROM THE GOVERNOR

February 4, 2009

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Directive No. 09-395 for your information.

Sincerely,

KATHLEEN SEBELIUS  
*Governor*

The President announced Executive Directive No. 09-395, Authorizing Expenditure of Federal Funds, is on file in the office of the Secretary of the Senate and is available for review at anytime.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2045**, **HB 2068**, **HB 2085**, **HB 2111**.

The House adopts the conference committee report on **H Sub for Sub SB 23**.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2045, HB 2068, HB 2085, HB 2111** were thereupon introduced and read by title.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senator D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1817—

A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2009 regular session of the Legislature and revoking and repealing 2009 Senate Resolution No. 1803.

*Be it resolved by the Senate of the State of Kansas:* The following rules shall be the rules of the Senate for the terms of the Senators commencing with the 2009 regular session of the Legislature and 2009 Senate Resolution No. 1803 is hereby revoked and repealed.

**RULES OF THE SENATE**

2009-2012

**Rule 1. Time of Meetings.** The Senate on the first day of a session shall convene at 2:00 p.m., and at all other times shall convene at 2:30 p.m., unless otherwise ordered by the Senate.

**Rule 2. Convening—Quorum.** The President shall take the chair at the hour fixed for the convening of the Senate, and the roll shall be called in order to ascertain if a quorum is present. A majority of the Senators then elected (or appointed) and qualified shall constitute a quorum, and, in the absence of a quorum, the Senators present, by majority vote, may take such measures as they shall deem necessary to secure the presence of a quorum.

**Rule 3. Absence of Member.** No Senator shall fail to attend when the Senate is in session without first obtaining leave of the Senate, unless prevented from attending by sickness or other sufficient cause.

**Rule 4. Order of Business.** The order of business, following the roll call and prayer by the Chaplain, shall be as follows:

1. Introduction and reference of bills and concurrent resolutions.
2. Consideration of messages from the Governor.
3. Communications from state officers.
4. Consideration of messages from the House of Representatives.
5. Consideration of motions to concur or nonconcur.
6. Reports of select committees.
7. Consent Calendar.
8. Final Action on bills and concurrent resolutions.
9. Introduction of original motions and senate resolutions.
10. Correction and approval of the Journal.
11. Consideration of motions and senate resolutions.
12. Reports of standing committees.
13. General orders.

The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

**Rule 5. Business in Order at Any Time.** Messages from the Governor, messages from the House of Representatives, introduction and reference of bills and concurrent resolutions, reports of standing committees and reports of select committees may be received and considered under any order of business.

**Rule 6. Special Order.** Whenever any bill or other matter is made the special order for a particular day, and shall not be reached or completed on that day, it shall be returned to its place in the General Orders, unless it shall be made the special order for another day. When any special order is under consideration, it shall take precedence over any special order for a subsequent hour of the same day, but such subsequent special order shall be taken up immediately after the previous order has been disposed of. Notation of a special order shall be placed before the first order of business on the calendar for that day, giving

the subject to be considered and the time fixed for its consideration. When that time arrives, other business shall be suspended until the special order has been considered.

**Rule 7. Standing Committees.** There shall be a standing committee named the Committee on Organization, Calendar and Rules which shall consist of nine members, the chairperson of which shall be the president of the senate, and the vice chairperson of which shall be the majority leader of the Senate. The Vice President of the Senate shall be a member of the committee. Each of the other six members shall be selected separately by the majority political party of the Senate.

No bill or resolution other than resolutions adopting, amending or revoking rules of the Senate or Joint Rules of the Senate and House of Representatives, shall be introduced by or be referred to the Committee on Organization, Calendar and Rules.

The following shall be the other standing committees:

	Number of members
1. Agriculture .....	9
2. Assessment and Taxation .....	9
3. Commerce .....	9
4. Confirmation Oversight Committee .....	6
5. Education .....	11
6. Ethics and Elections .....	9
7. Federal and State Affairs .....	9
8. Financial Institutions and Insurance .....	9
9. Interstate Cooperation .....	7
10. Judiciary .....	11
11. Local Government .....	9
12. Natural Resources .....	9
13. Public Health and Welfare .....	9
14. Reapportionment .....	13
15. Transportation .....	9
16. Utilities .....	11
17. Ways and Means .....	13

The Committee on Organization, Calendar and Rules shall appoint the members of each committee, shall appoint the chairperson and vice chairperson or vice chairpersons thereof and shall designate the ranking minority member of each committee. The minority leader shall submit recommendations for the appointment of minority members to the standing committees of the Senate to the Committee on Organization, Calendar and Rules. The Committee on Organization, Calendar and Rules shall have a standing subcommittee on calendar which shall be the president of the senate, the vice president of the senate and the majority leader of the Senate. The Majority Leader shall be the chairperson of the subcommittee. The Committee on Organization, Calendar and Rules may establish such other subcommittees of the Committee on Organization, Calendar and Rules as the Committee deems appropriate.

For the purpose of considering committee member appointments, and appointments of chairpersons, vice-chairpersons and ranking minority members, and for such other purposes as may be authorized by law, by the joint rules of the senate and the house of representatives or by rules of the senate for closed meetings, the Committee on Organization, Calendar and Rules may close its meetings.

The two major political parties shall have proportional representation on each standing committee other than the Committee on Organization, Calendar and Rules. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number.

**Rule 8. Special and Select Committees.** Special and Select committees of the Senate and the Chairperson thereof shall be appointed by the President.

**Rule 9. Standing Committees—Duties of Chairperson, etc.** (a) The chairperson of each committee shall preside at all meetings of the committee. The chairperson may designate another member to preside in the absence of the chairperson and vice chairperson.

(b) The chairperson of each committee may call a special meeting of the committee when necessary.

(c) The chairperson shall have full charge of the committee.

(d) The chairperson of each committee shall cause minutes of each meeting of the committee to be prepared, subject to approval of the committee at a later meeting. Minutes shall show the action taken by the committee upon each bill or resolution considered and the amendments if any voted upon and the disposition of each, whether adopted or not. At the request of the author of a bill or resolution or any amendment to a bill or resolution, or on request of any member of the committee, the intent of the author shall be stated in the committee minutes. At the conclusion of each legislative session copies of all committee minutes shall be filed with the Director of Legislative Administrative Services.

**Rule 10. Vote in Senate Committee.** At the time of taking any action upon any bill or resolution, any member of a committee may demand a division of the vote and the chairperson shall be required to record the results of the vote as a part of the minutes.

**Rule 11. Committee Action on Bills and Resolutions.** (a) A committee may recommend that the Senate act favorably, unfavorably or without recommendation upon any measure or may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the Senate. Committee reports shall be signed by the chairperson, and shall be transmitted to the Senate not later than the second legislative day following the action of the committee.

(b) When a committee fails to report on any bill or resolution following reference to such committee, it may be withdrawn from the committee by an affirmative vote of 24 members of the Senate on a motion made as provided in this subsection. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and Senate resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the reading clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and Senate resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

**Rule 12. Adversely Reported Bills and Resolutions.** All bills or resolutions adversely reported shall go upon the Calendar for one day, under the head of Bills Adversely Reported. A motion to place an adversely reported bill (or resolution) under the order of business General Orders on the Calendar shall be made when the bill (or resolution) is upon the Calendar and shall be made when Introduction of Original Motions and Senate Resolutions is in order, and that motion shall then lie over until the next legislative day when the order of business Consideration of Motions and Senate Resolutions is reached, but if such motion is defeated once it shall not be renewed. If an adversely reported bill or resolution has been previously referred separately under Rule 32 (authorizing the reference of the same bill or resolution to two or more standing committees), then the motion shall be to return the adversely reported bill (or resolution) with the committee report attached to the next committee to which it was referred. If the motion to place the bill (or resolution) on the Calendar under the order of business General Orders or to return the bill (or resolution) to the next committee of reference shall prevail, then the words "Adversely Reported" shall be printed in a line underneath the title of the bill or resolution, and to prevail such motion shall require an affirmative vote of 24 members of the Senate.

**Rule 13. When Bill or Concurrent Resolution Placed on General Orders.** When a bill or a concurrent resolution to amend the constitution has been reported to the Senate by a committee with the recommendation that it pass or be adopted, it shall immediately be placed on the Calendar under the order of business General Orders.

**Rule 14. Address the President—To Be Recognized—Speak But Twice on the Same Subject.** Every Senator rising to debate or to present any matter, shall address the President, and shall not proceed until recognized. When two or more Senators shall address the President at the same time, the President shall name the Senator who is to speak first.

No Senator shall speak more than twice on the same day on the same subject without leave of the Senate.

**Rule 15. No Senator Shall Be Interrupted.** No Senator, when speaking shall be interrupted except by a call to order by the presiding officer, or by a Senator through the presiding officer, desiring to ask a question. If a Senator speaking yields to a question, the interruption shall be confined solely to such question. Senators shall be referred to as "the Senator from \_\_\_\_" (naming the Senator's home county) followed by the Senator's title and name.

**Rule 16. Personal Privilege.** Senators raising a point of personal privilege shall confine themselves to remarks which concern themselves personally and shall not address or debate matters under consideration by the Senate.

**Rule 17. Questions of Order—How Determined.** A question of order may be raised at any time and when a Senator shall be called to order the Senator shall stop speaking until the presiding officer has determined whether the Senator was in order. Every question of order shall be decided by the presiding officer, subject to an appeal to the Senate by any member.

**Rule 18. Explaining Votes.** Senators may explain their votes only upon the call of their names upon any roll call vote, but not more than two minutes shall be allowed for any explanation. The explanation shall be inserted in the Journal if the Senator makes a request at the time of voting or makes a request of the Secretary of the Senate prior to adjournment, and the written explanation is presented to the Secretary of the Senate during or within two hours following that day's adjournment on the same legislative day. No Senator in explaining a vote may use the name of or otherwise identify any other Senator as part of the explanation without the consent of the other Senator. No written explanation shall contain more than 200 words.

**Rule 19. Vote Unless Excused—Contempt.** Any Senator, who is directly interested in a question, may be excused from voting, even though there is a call of the Senate. The Senator, who is requesting to be excused from voting, shall state the reasons for the request, occupying not more than five minutes. Such statements shall be made either immediately before or immediately after the vote is called but before the result is announced. The question on excusing any Senator from voting shall be taken without debate and a  $\frac{2}{3}$  majority of those voting shall be necessary to excuse the Senator. If a Senator refuses to vote, when not excused, such refusal shall constitute contempt and the President shall, in such case, order the offending Senator before the bar of the Senate and all privileges of membership shall be refused such Senator until the contempt shall be duly purged.

**Rule 20. When Not Permitted to Vote.** No Senator shall be allowed to vote unless the Senator is seated in the Senator's assigned seat within the Senate chamber when the vote is taken.

**Rule 21. Vice President and Filling Certain Vacancies.** (a) In the absence of the President, the Vice President shall assume the duties of the President. The President or Vice President may also name any Senator to temporarily perform the duties of the chair, but the Senator so named shall not act as President beyond adjournment, unless by leave of the Senate. A Senator shall not lose the right of voting on any subject while serving or acting as President.

(b) When a vacancy occurs in the office of President and the Legislature is adjourned to a date more than 60 days after the occurrence of the vacancy, the Senate shall meet within 30 days and elect a member to fill the vacancy. The Vice President shall within 10 days of such occurrence issue a call for the meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(c) When a vacancy occurs in the office of Vice President or majority leader of the Senate, and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the President shall appoint an acting Vice President or acting majority leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled as though the acting interim appointment had not been made.

(d) When a vacancy occurs in the office of minority leader of the Senate and the Legislature is adjourned to a date more than 30 days after the occurrence of the vacancy, the assistant minority leader shall become the acting minority leader to serve until the convening

of the next session of the Legislature, at which time the vacancy shall be filled as though the acting minority leader had not so served.

(e) It is the intention of this rule that any person elected, appointed or designated to serve in accordance herewith to fill a vacancy shall exercise all of the duties and powers of the office so filled.

**Rule 22. Party Affiliation—Change.** If any Senator changes political party affiliation (1) from the political party of such Senator at the time of the Senator's election, or (2) if the Senator was appointed, from the political party of the district convention which elected such person to be so appointed, the following shall apply:

(a) Such Senator shall be removed from all memberships on standing and other committees, from all positions of chairperson or vice chairperson of a standing or other committee, and from any office of the Senate held at the time of such change. The Committee on Organization, Calendar and Rules shall appoint a Senator to fill any vacancy which arises under this subpart (a).

(b) The proportion of Senators from major political parties on each standing committee originally determined under Rule 7 (providing for proportional representation of members of political parties upon standing committees) shall not be altered. The Committee on Organization, Calendar and Rules shall fill each standing committee member position vacated by such Senator by appointing a Senator of the political party from which such Senator changed.

**Rule 23. Caucuses May Be Closed.** Caucuses of Senate majority and minority parties may be closed.

**Rule 24. Motions in Writing.** All motions to amend bills and resolutions shall be made in writing, and upon request of any Senator shall be read by the reading clerk before being voted upon. All other motions shall be reduced to writing when desired by any Senator.

**Rule 25. Motions Withdrawn.** Any motion may be withdrawn by the maker before amendment or decision is made thereon except as the foregoing is modified by Rule 41 (relating to procedure in the committee of the whole).

**Rule 26. Motions in Order When Question Under Debate.** When a question is under debate, no motion shall be in order, except:

Not Debatable

1. To fix time to which to adjourn.
2. To adjourn.
3. To lay on the table.
4. For the previous question.

Debatable

5. To postpone to a day certain.
6. To commit to a standing committee.
7. To commit to a special committee.
8. To commit to the Committee of the Whole.
9. To amend.
10. To postpone indefinitely.

The several motions specified in this rule shall have precedence in the order named and the first four shall be decided without debate.

**Rule 27. Division of Question.** (a) If the question in debate contains several points, any Senator may have the same divided, but a motion to strike out and insert shall be indivisible. When a bill or resolution is under consideration in the Senate and after debate is concluded and final action has been announced on the bill or resolution, a request for division of question shall not be in order.

(b) A request for division of question shall be in writing specifying the manner in which the question is to be divided.

(c) The rejection of a motion to strike out and insert one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

**Rule 28. Reconsideration of Pending Matters.** When a question has been once put and decided it shall be in order for any Senator who voted with the prevailing side to move for a reconsideration thereof, but no motion for reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate, nor shall any motion for reconsideration be in order unless made on the same day on which the vote was taken or the next legislative day. No question shall be reconsidered more than once.

**Rule 29. Previous Questions.** Five Senators shall have the right to move the previous question on any bill, resolution, message, report, amendment, or motion. If no amendment is pending the previous question shall be as follows: "Shall the main question be now put?" If the previous question is decided in the affirmative by a majority vote of those present the main question shall be put without further amendment or debate. If amendments are pending a motion for the previous question shall concern only the last amendment that is pending on which, if the previous question is adopted, the debate will be closed only upon such amendment. The previous question on other questions than the main question shall be as follows: "Shall the question on the (amendment, amendment of an amendment, substitute or other motion affecting same as the case may be) now be put?"

**Rule 30. Endorsement on Bills, etc.** Before any bill, resolution or petition, addressed to the Senate, shall be received or read, the title of the bill or resolution or a brief statement of the contents of the petition shall be typed on the jacket, with the name of the Senator or committee introducing it.

**Rule 31. Introduction of Bills and Concurrent Resolutions.** Every bill and concurrent resolution shall be introduced by a Senator, by a committee, on the report of a committee, by message from the House of Representatives, or by proper prefiling as provided by law. For the purpose of introduction, every bill and concurrent resolution shall be placed in the possession of the secretary and the reading clerk shall read the title, except citations of statutes amended or repealed. The reading clerk shall also read the name of the sponsor of the bill or resolution if it has a single sponsor. If the bill or resolution has two sponsors the reading clerk shall read the names of both sponsors, but if the bill or resolution has more than two sponsors the reading clerk shall read the name of the first sponsor together with the words "and others."

**Rule 32. Reference of Bills and Resolutions.** All bills shall be referred or rereferred to appropriate standing committees or the committee of the whole by the President. Upon the day of its introduction or upon the next legislative day the President shall refer every bill and each concurrent resolution to be referred to the appropriate standing committee or the committee of the whole. Bills or resolutions prefiling under K.S.A. 46-801 et seq. and amendments thereto may be referred by the President to the appropriate standing committee or the committee of the whole at any time subsequent to the prefiling of such bill or resolution with the secretary of the senate. Bills introduced by committees, if germane to the purpose and scope of the committee, may be referred to the Committee of the Whole; otherwise to the appropriate standing committee. All bills making an appropriation shall be referred to the Committee on Ways and Means. The President may refer a bill or resolution to two or more standing committees jointly, or separately, in such order as the President may direct, and such bill or resolution, when so referred, shall be considered by the committees in joint meeting, or by each of the committees separately in the order named in the reference, and when the reference is made jointly, the chairperson of the committee named first shall be chairperson of the joint committee.

**Rule 33. Consent Calendar and Recording Reports.** Whenever a standing committee is of the opinion that a bill or resolution upon which it is reporting is of non-controversial nature, it shall so state in its committee report. Whenever a bill or resolution is so reported, it shall be placed upon a separate calendar, to be known as the Consent Calendar. Each bill or resolution appearing on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. At any time prior to the call for the vote under the order of business Final Action on a bill or resolution on the Consent Calendar, any member may object to the same as being controversial and the same shall be stricken from the Consent Calendar and take its place on General Orders in the usual order. If no such objection is made prior to the call for such



vote on the bill or resolution, it shall be voted upon with other bills and resolutions under the order of business Final Action but before consideration of other bills or resolutions appearing on the calendar under such order of business.

**Rule 34. Final Action on Bills and Concurrent Resolutions.** On final action on any bill or concurrent resolution, the reading clerk shall read the title, except citations to statutes amended or repealed. If the bill is reported for final action without debate, the question shall be at once put: "Shall the bill pass?" No debate shall be allowed, and no motion shall be in order except the motion to adjourn, or for a call of the Senate, unless in case where a bill has been ordered to be placed on final action subject to amendment, or to amendment and debate or unless by the unanimous consent of the Senate, amendments may be made and considered. Like procedure shall apply to concurrent resolutions except that the question put shall be: "Shall the resolution be adopted?" On final action, bills and resolutions may be bulked together for roll call unless objection be made by any Senator.

**Rule 35. Final Passage by Yeas and Nays.** The question upon the final passage of a bill and every concurrent resolution for amendment of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be taken by a roll call vote of the yeas and nays, which shall be entered on the Journal, and unless the bill or concurrent resolution receives the number of votes required by the constitution to pass it, it shall be declared lost, except in cases provided for in Rule 36 (relating to the absence of a quorum).

**Rule 36. No Quorum on Final Vote—Effect.** If, on taking the vote on final action on a bill or concurrent resolution, it shall appear that a quorum is not present, then the bill or concurrent resolution shall retain its place on the Calendar and shall again be considered for final action when that order of business is again taken up by the Senate.

**Rule 37. Roll Call Vote.** A roll call vote shall be taken upon all questions upon the demand of five Senators.

**Rule 38. Call of Senate—When Made—How Enforced.** A call of the Senate may be had upon the demand of five Senators, pending a roll call on the final passage of any bill or resolution, or on any motion to strike the enacting clause, or indefinitely postpone any bill or resolution, and before the result is announced. When a call is demanded, the President shall order the doors of the Senate to be closed, and direct the Secretary to call the roll of the Senators and note the absentees, after which the names of the absentees shall be again called, and those for whose absence no sufficient excuse is given may be sent for and taken into custody by the Sergeant at Arms, or by Assistant Sergeants at Arms appointed for the purpose, and brought before the bar of the Senate, where unless excused by a majority of the Senators present, they shall be reproved by the President for the neglect of duty.

**Rule 39. Dispense with Further Proceedings under Call of Senate.** No motion to dispense with further proceedings under the call of the Senate shall be entertained until the President shall be satisfied that the Sergeant at Arms has made diligent effort to secure the attendance of the absentees.

**Rule 40. Roll Call Votes.** Every Senator in the Senate chamber when a roll call is taken shall respond when the Senator's name is called. If there is a call of the Senate, the Senator must vote Yea or Nay, except as provided in Rule 19 (senators excused from voting if directly interested in the question). When there is no call of the Senate, the Senator may pass and shall be recorded in the Journal as present and passing. After the roll is completed and before the roll is closed, a Senator may change such Senator's vote. No vote shall be recorded and no change in vote may be made without unanimous consent of the Senate after announcement by the presiding officer that the roll is closed.

**Rule 41. Committee of the Whole.** On motion the Senate may go into Committee of the Whole. The President shall appoint a chairperson to preside over the Committee of the Whole. The rules of the Senate shall be observed in the Committee of the Whole, so far as applicable except that there shall be no limit on the number of times of speaking and Rule 38 (authorizing a call of the senate) shall not apply. A motion to lay on the table or a call for the previous question shall not be in order. No substitute motion to amend a bill or resolution shall be in order. A substitute motion to report a bill or resolution to the full Senate once made shall be decided subject only to debate and Rule 51 (motion to strike the

enacting or resolving clause). A roll call shall be had on any question subject to the requirements of Rule 37.

**Rule 42. No Quorum in Committee of the Whole—Procedure.** If at any time, when in Committee of the Whole, it be ascertained that there is no quorum present, the chairperson shall immediately vacate the chair and report the fact to the President.

**Rule 43. How Bills or Resolutions Considered—Committee of the Whole.** Bills or resolutions shall be considered in Committee of the Whole in the following manner: The standing committee report shall first be considered and if it is adopted the bill or resolution as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, the bill or resolution, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been considered, no amendment thereto shall be in order until the whole bill or resolution has been read through. After the original bill or resolution, together with standing committee amendments, has been considered section by section the chairperson shall announce “Amendments to the bill (or resolution) generally are in order,” and amendments not before offered may be made to any part of the bill or resolution. A motion to amend the bill or resolution shall not be in order while a motion to strike the enacting clause or resolving clause is pending.

**Rule 44. Amendments.** (1) Amendments to bills shall be germane to the subject of the bill being amended, and the fact that an amendment is to a section in the same chapter of the Kansas Statutes Annotated as an existing section in the bill shall not automatically render the amendment germane. Amendments to concurrent resolutions for amendments of the constitution of Kansas or ratification of an amendment to the Constitution of the United States shall be germane to the subject of the resolution being amended.

(2) All amendments to bills or resolutions shall be submitted in writing on a form provided by the Senate or on a form substantially similar. All amendments to printed bills or resolutions shall specify the page and line number as shown on the printed bill or resolution. If a bill or resolution has not been printed, amendments must refer to the typed bill or resolution. All amendments offered, whether adopted or rejected, together with the action taken thereon, shall be recorded in the Journal. When a bill or resolution has been amended, it shall be engrossed before it is enrolled.

(3) In the case of amendment by substitute bill or by substitute concurrent resolution, motion shall be made to substitute a written bill or concurrent resolution for the bill or concurrent resolution under consideration.

**Rule 45. Report of Committee of the Whole Subject to Amendment—Time for.** The report of the Committee of the Whole is subject to amendment to correctly reflect what has occurred in the Committee of the Whole by motions made at the time the report is offered for adoption by the Senate. When a bill is reported with the recommendation that the enacting clause be stricken, and the report is agreed to by the Senate, the bill shall be considered killed.

**Rule 46. Motion for Committee of the Whole to Arise and Report Progress.** A motion that the Committee of the Whole shall rise and report progress on any bill shall always be in order and shall be decided without debate, and the matter being considered shall be the first order of business at the next session of the committee, subject to such postponement as the subsequent Committee of the Whole may determine.

**Rule 47. Division of the Senate.** Whenever a voice vote has been taken upon any question in either the Senate or the Committee of the Whole, any Senator may call for a division of the Senate or Committee of the Whole.

**Rule 48. Bills and Resolutions to Final Action.** When the Committee of the Whole shall favorably report a bill or resolution, and the report is adopted by the Senate, the bill or resolution shall be considered as ordered to the order of business Final Action. The vote upon the final passage of the bill shall not be taken on the same day on which the bill is placed on Final Action. Bills and resolutions to be sent to the House shall be properly corrected under the supervision of the Secretary of the Senate. The Secretary of the Senate is authorized to correct misspelled words, punctuation and “doublets” or repeated words

when preparing bills, resolutions or other documents for signature by officers of the Senate and House.

**Rule 49. Bills and Resolutions—Inclusion of Amendments.** When a bill or resolution is amended, the Secretary of the Senate shall attach to the original copy all amendments made in the Senate. Substitute bills and substitute concurrent resolutions shall accompany the bill or concurrent resolution for which each is substituted. Upon passage, Senate bills or resolutions, including the original copy and amendments, shall be transmitted to the House.

**Rule 50. Reports of Transmittals in Journal—Committee—Reports.** Report of transmittal of bills and resolutions to the House shall be immediately entered upon the Journal.

**Rule 51. Motion to Strike Enacting or Resolving Clause—Debate Limited.** No Senator may speak more than twice on a motion to strike the enacting clause of a bill or the resolving clause of a resolution, and no other motion, except a motion to adjourn, shall be in order until the motion to strike the enacting clause or resolving clause has been decided by roll call vote.

**Rule 52. Two-thirds Vote Not Necessary Except on Final Passage of Resolution.** When a resolution requiring a vote of 2/3 of the Senate for adoption is under consideration, a vote of 2/3 shall not be needed to decide any question short of its final passage, except as provided by these rules.

**Rule 53. Bills Considered in Regular Order.** The Subcommittee on Calendar of the Committee on Organization, Calendar and Rules shall designate from day to day and from time to time the bills to be considered that day and on the next legislative day, and the order of consideration fixed by this subcommittee shall not be changed, except by unanimous consent or by a 2/3 vote of all the members of the Senate then elected (or appointed) and qualified, if unanimous consent is refused.

**Rule 54. Changing Order on Calendar.** Not more than one bill may be named in a motion to change the order of the Calendar, and on each motion no Senator except the Senator making the motion shall speak more than once, nor longer than five minutes.

**Rule 55. Resolutions—Classes—Procedures Thereon.** Resolutions shall be of the following classes: (1) Senate resolutions; and (2) Senate concurrent resolutions. In acting on them, the Senate shall observe the following procedure:

(1) Senate resolutions shall be in writing, shall be read and shall lie over one day. Senate resolutions other than resolutions for the amendment of rules of the Senate shall not be printed unless ordered by the Senate. There shall be no roll call unless ordered. With the consent of the majority of Senators present and voting, either the requirement to read Senate resolutions or the requirement to lie over one day, or both, may be dispensed with.

(2) Senate concurrent resolutions shall be in writing, shall be read by title, and shall lie over one day. All Senate concurrent resolutions shall be printed, and shall require a roll call on motion to adopt. Propositions to amend the constitution shall be made by concurrent resolution and referred to the proper committee. Other concurrent resolutions may be referred to a proper committee by the President.

All House concurrent resolutions, when in the Senate, shall follow the same procedure as Senate concurrent resolutions.

This rule shall not apply to resolutions relating to the business of the day, nor to resolutions for organization or adjournment.

**Rule 56. Confirmation of Appointments by Governor or Other State Official.** All nominations or appointments made by the governor or other state official, which are subject to Senate confirmation, may be considered and acted upon by the Senate in either executive or regular session except that no final action thereon may be taken in executive session. When nominations or appointments are made by the governor or other state official for confirmation by the Senate, they shall, unless otherwise ordered by the President, be referred to appropriate committees by the President. Nominations or appointments referred to committees shall be returned to the Senate within 20 legislative days after the same are referred, together with a report thereon, unless additional time be granted by a majority vote of senators present. If the nomination or appointment is not returned to the Senate within the period of time specified for its return and additional time has not been granted,

the nomination or appointment shall be considered to be returned to the Senate without recommendation on the next legislative day following the last day of the period of time specified for its return. Any such appointment may be considered and acted upon by the Senate at any time after the nomination or appointment is returned to the Senate. No motion to confirm any such appointment or nomination shall be in order without the unanimous consent of the Senate until the nomination or appointment is returned to the Senate, unless one day's previous notice thereof is given in open session. Appointments shall be confirmed by the Senate only by an affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified.

**Rule 57. Admittance to Floor—Lobbying on Floor—Galleries.** No person shall be admitted to the floor of the Senate except elective state officers; members of the Legislature; friends of the members of the Senate, upon invitation signed by the President and the Senator extending the invitation; former members of the Senate, officers and employees of the legislative branch, and members of the news media who are actually employed, and who have a card of admission from the President. The Senate by resolution, may issue such invitations as it desires. Persons so admitted must stay in the perimeter of the Senate chamber except with the express permission of a member of the Senate. No one registered with the Secretary of State as an agent or lobbyist may be on the floor of the Senate during the hours of 9:30 a.m. to 4:30 p.m. nor at the time the Senate is in session. No person, other than a state officer or employee of the legislative branch or legislator, shall discuss any measure with any Senator on the floor of the Senate during the time the Senate is in session. Any person who violates this rule or any person who shall gain admission to the floor of the Senate by false representation shall be forthwith ejected from the Senate chamber and thereafter be denied admission. No employee shall lobby for or against any measure pending in the Senate, and any employee violating this rule shall be forthwith discharged. Former members of the Senate may be introduced when on the floor, but no other introductions shall be made during the session of the Senate, except the President may announce the attendance of school students or other groups visiting the Senate.

Visitors shall be allowed in one or both galleries of the Senate in accordance with directions to the Sergeant at Arms from the President.

**Rule 58. Electronic Devices.** The use of telephones and the making of telephone calls in the galleries of the Senate are prohibited. Except for security personnel, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room during any time when a committee or subcommittee is in session in the room, in the galleries during any time when the Senate is in session and in the Senate Chamber during any time the Senate is in session is prohibited. The use of video recorders or other video equipment in the galleries is prohibited.

**Rule 59. Chairs of Senators.** No person except a member of the Senate, shall occupy the chair of any Senator at any time except with the approval of and in the presence of a member of the Senate.

**Rule 60. The News Media.** Employees of the news media having a card of admission from the President may occupy space designated for them in the Senate chamber. They shall be subject to all the rules of the Senate and shall conduct themselves with proper decorum while in the Senate chamber. They shall not lobby, directly or indirectly, for or against any measure pending before the legislature.

**Rule 61. Secretary of Senate—Duties.** The Secretary of the Senate shall be appointed by the President. It shall be the duty of the Secretary to call the roll; report correctly the result of all votes; correct the Journal as may be directed by the Senate; read all bills, resolutions, petitions or other papers which the Senate may require; deliver all messages to the House of Representatives; certify all enrolled bills and present same to the President or Vice President of the Senate for signature; endorse upon every paper presented in the Senate the successive stages of action had thereon, and see that proper records are made of the transmission of every paper from one house to the other, or from one office to another; and attend generally to such other matters as the office may require. The Secretary of the Senate shall deliver to the printer all bills and other documents ordered to be printed and take the receipt of the printer therefor. In order to secure a uniform and systematic procedure, the following clerks and their assistants shall be under the supervision of the Secretary: Assistant

Secretary of the Senate, Journal Clerks, Calendar Clerks, Enrolling Clerks, Bill Status Clerk, Reading Clerk and Bill Clerk.

**Rule 62. Impeachment.** The provisions of this rule shall apply to impeachment, and nothing in the rules of the Senate or in any statute shall impair or limit the powers of the Senate with respect to impeachment. In addition to other powers, the President shall possess the powers and perform the duties in this rule.

(1) The President shall call the Senate into session within 30 days of the receipt by the President of any request by a board of managers of the House of Representatives to lay articles of impeachment before the Senate.

(2) The Senate by a majority vote of the members then elected (or appointed) and qualified may adopt, amend or suspend rules applicable to trial of any impeachment.

(3) The President and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the Senate.

**Rule 63. Sergeant at Arms—Duties.** The Sergeant at Arms shall be appointed by the President, and shall serve under the President's direction, control and supervision and at the President's pleasure and shall execute all orders of the President or Senate. The Sergeant at Arms shall have the general supervision of the Senate Chamber, the cloak rooms, gallery and lobby, and shall preserve order within the chamber at all times. The Sergeant at Arms may arrest and take into custody any person gaining admission to the floor of the Senate through false representations or violation of Rule 57 (listing persons authorized to be admitted to the floor of the Senate). All violations shall be immediately reported to the President for action by the Senate. No person except those entitled to admittance on the floor of the Senate pursuant to Rule 57 (listing persons authorized to be admitted to the floor of the Senate) shall lounge or loaf in the Senate chamber when the Senate is not in session, and the Sergeant at Arms shall detail at least one assistant to remain in the chamber at all times when the same is open. The President may appoint and remove Assistant Sergeants at Arms to serve under the supervision of the Sergeant at Arms. All doorkeepers and night watchmen shall be assistant Sergeants at Arms.

**Rule 64. Requisitions for Printing.** All requisitions upon the Director of Printing for calendars, bills, documents, and printed matter of any nature whatsoever, must be approved by the Director of Legislative Administrative Services.

**Rule 65. Employees—Duties.** All employees shall report each day to their respective supervisors. The Director of Legislative Administrative Services or some person designated by the director shall keep a record of the attendance of each employee. The Director of Legislative Administrative Services may discharge any employee at any time. The word "employee" as used in this section shall include all persons employed by the Senate, except the secretaries of each of the members of the Senate and except the Secretary of the Senate and Sergeant at Arms, which officers may be removed by the President of the Senate.

**Rule 66. Pages.** Not more than 20 pages shall serve during any legislative day. Appointments shall be restricted to boys and girls of junior high or high school age.

**Rule 67. Secretaries to Members.** Each Senator shall be entitled to select a secretary and shall inform the Director of Legislative Administrative Services of the selection. The secretaries shall not be paid for time they are not in attendance unless excused by their respective Senators. From the convening of the Senate until adjournment on any day, except during recesses, no Senator's secretary shall be stationed at the Senator's desk, except that this provision shall not apply to the administrative assistant designated by the President.

**Rule 68. Suspension of Rules.** (a) A motion to suspend the rules may be made and considered under any order of business. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption. The motion shall be decided without debate.

(b) A motion to declare an emergency, suspend the rules, and advance a bill to Final Action shall be considered as one motion. It may be made and considered immediately under any order of business, and be debatable on the question of the emergency. A 2/3 affirmative vote of all Senators then elected (or appointed) and qualified shall be required for its adoption.

(c) A bill advanced to Final Action under subsection (b) which is not considered during the legislative day on which it is advanced to Final Action shall be placed on the next legislative day on the Calendar under the order of business General Orders.

**Rule 69. Amendments to Rules.** No rule of the Senate shall be adopted, amended or revoked without the affirmative vote of a majority of all members of the Senate then elected (or appointed) and qualified, and no motion to adopt, amend or revoke any rule of the Senate shall be in order without the unanimous consent of the Senate, unless one day's previous notice thereof shall be given in open session.

Notwithstanding any provision of the rules of the Senate to the contrary, no notice shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the Senate at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the Senators then elected (or appointed) and qualified, subject to the following conditions: (1) The resolution is sponsored by the President or any three Senators, and (2) either (a) a copy thereof is mailed to each Senator by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (b) in lieu of mailing copies of the resolution are made available to Senators on the first day of the legislative session and Final Action is taken on the second legislative day.

**Rule 70. Robert's Rules of Order.** In all cases where these rules or the joint rules of the Senate and House of Representatives do not apply, the rules of parliamentary law in Robert's Rules of Order Newly Revised shall govern.

**Rule 71. Number Designation of Substitute Bills and Substitute Concurrent Resolutions.** (a) Whenever a substitute bill is recommended by a committee report, and whenever a substitute bill is approved by amendment from the floor, the substitute bill shall be printed as provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for Senate bills, "Substitute for Senate Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for House bills, "Senate Substitute for House Bill No. \_\_\_\_\_," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) Whenever a substitute concurrent resolution is recommended by a committee report, and whenever a substitute concurrent resolution is approved by amendment from the floor, the substitute concurrent resolution shall be printed as provided for concurrent resolutions introduced, and the resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for Senate concurrent resolutions, "Substitute for Senate Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for House concurrent resolutions, "Senate Substitute for House Concurrent Resolution No. \_\_\_\_\_," and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

**Rule 72. General Rule Not to Read Amendments.** Amendments to bills or resolutions shall not require readings as for bills introduced or resolutions introduced, except as otherwise provided in Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or resolution materially changed by house amendment).

**Rule 73. Subject Change by Senate.** Whenever an amendment adopted by the Senate has materially changed the subject of a bill or resolution, the title of the bill or resolution so amended shall be read in the manner prescribed for the introduction of bills or resolutions, and take its place upon the Calendar under the order of business Final Action.

**Rule 74. Subject Change by House.** Whenever the House adopts amendments to a Senate bill or senate concurrent resolution which materially changes its subject, upon return of such bill or resolution to the Senate, the title of such bill or resolution shall be read in

the manner prescribed for the introduction of bills or resolutions and such bill or resolution shall be referred as provided in Rule 32 (reference of bills and resolutions).

**Rule 75. Determination of When Subject of Bill or Resolution Materially Changed.** The President may determine when a bill or resolution is subject to Rule 73 (subject matter of bill or resolution materially changed by senate amendment) or 74 (subject matter of senate bill or senate concurrent resolution materially changed by house amendment).

**Rule 76. Executive Reorganization Orders.** When an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the President. The committee to which an executive reorganization order is referred shall report its recommendations thereon, by recommending adoption of a Senate resolution, not later than the 60th calendar day of any regular session and not later than 30 calendar days after it has received such referral whichever occurs first. If a committee fails to report upon an executive reorganization order within the time specified in this rule, such committee shall be deemed to have returned the same to the Senate without recommendation. When a report or return of an executive reorganization is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business in accordance with Rule 6 (special order of business) at a time not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. The Senate shall act to approve or reject every reorganization order unless at the time set for such action the House of Representatives shall have already rejected such executive reorganization order.

**Rule 77. Censure or Expulsion.** Whenever three or more Senators desire to lodge a complaint against any other Senator requesting that the Senator be censured or expelled for misconduct, the complaining Senators shall sign and file a written statement of such complaint with the Secretary of the Senate. In such event, the President shall appoint a select committee for consideration thereof composed of five Senators, no more than three of whom shall be members of the same political party, and none of whom shall have signed the complaint to be considered. The select committee may dismiss the complaint after inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the Senator against whom a complaint has been filed. Select committees meeting under authority of this section shall be authorized to meet and exercise compulsory process without further authorization, subject only to the limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated. Upon completing its hearing and deliberations thereon the select committee may dismiss the complaint or may submit a recommendation to the full Senate for censure or expulsion, and upon receiving such report the Senate may without further hearing or investigation censure or expel the member against whom the complaint was filed. Censure or expulsion of a Senator under this rule shall require a  $\frac{2}{3}$  majority vote of those members elected (or appointed) and qualified.

**Rule 78. Taking From the Table.** The affirmative vote of a  $\frac{2}{3}$  majority of all Senators then elected (or appointed) and qualified shall be required for the adoption of a motion to take any question or proposition from the table after the adoption of a motion to table or lay such question or proposition on the table. The provisions of this rule shall apply to motions both in standing committees and the Senate.

**Rule 79. Placing Material on Members' Desks.** No items or material shall be placed upon the desk of any member of the Senate unless any such item or material bears the signature or name of the Senator responsible for its distribution. This Rule 79 shall not apply to items or material provided by legislative staff, the Governor or state agencies.

**Rule 80. Decorum.** During the time the Senate is in session professional dress is required on the floor of the Senate.

On emergency motion of Senator D. Schmidt **SR 1817** was adopted unanimously.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SCR 1601**, submits the following report:

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

On page 5, in line 1, by striking all after "is"; in line 2, by striking all before the first "or" and inserting "an agree to disagree coupled with a request that a new conference committee be appointed"; in line 3, by striking all after "house"; by striking all in lines 4 through 12; in line 13, by striking all before the period and inserting "electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule";

On page 7, in line 32, by striking "28" and inserting "25";

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

CLARK SCHULTZ  
LANCE KINZER  
TOM SAWYER  
*Conferees on part of House*

STEPHEN R. MORRIS  
DEREK SCHMIDT  
ANTHONY HENSLEY  
*Conferees on part of Senate*

Senator D. Schmidt moved the Senate adopt the Conference Committee Report on **SCR 1601**.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Donovan.

The Conference Committee report was adopted.

#### **FINAL ACTION ON CONSENT CALENDAR**

**SB 161** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, was considered on final action.

**SB 161**, An act concerning recreation commissions; amending K.S.A. 2008 Supp. 12-1928 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Colyer, Donovan.

The bill passed.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I believe it is important to permit city and school district recreation commissions to establish petty cash funds. This is why I vote in favor of **SB 161**. — TERRY BRUCE



**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Lynn and Pilcher-Cook introduced the following Senate resolution, which was read:

**SENATE RESOLUTION No. 1818—**

A RESOLUTION commending and recognizing Gene Amos.

WHEREAS, Gene Amos has resided in Johnson County since 1945; and

WHEREAS, Gene Amos joined Rotary in 1952 and has served Rotary in many ways including service as Club President and District Governor; and

WHEREAS, Gene Amos is a charter member of the Shawnee Optimist Club, whose slogan is “Friend of Youth”, and served in many ways, including being the club’s first secretary-treasurer and later as District Governor; and WHEREAS, Gene Amos was elected to the Shawnee Grade School Board of Education and served for 6 years prior to school district unification; and

WHEREAS, Gene Amos was elected to the Shawnee Mission Board of Education following unification and served from 1969 to 1975; and

WHEREAS, Gene Amos was elected to the Kansas House of Representatives and served three terms from 1987 to 1993; and

WHEREAS, Gene Amos has been “of service” to many business, civic, faith, fraternal, historical and patriotic organizations in Shawnee and Lenexa in numerous ways; and

WHEREAS, Gene Amos exemplifies Rotary’s two mottos: “Service above Self” and “He profits most who serves best” in all that he says and does; and

WHEREAS, Gene Amos, by example, instills in all whom he meets the value of service to others as a worthy pursuit: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we recognize Gene Amos to be an outstanding citizen of Kansas and our country and as a role model for all who aspire to be “of service”.

On emergency motion of Senator Lynn **SR 1818** was adopted unanimously.

Gene Amos was a guest and was honored with a standing ovation. He was accompanied by his wife, Margaret; children, Joni Pflumm, Gregg Amos and Amy Ruo; son-in-law, John Ruo; grandchildren, Toni and Philip Ruo sister, Mona Upton and friends.

Senators Hensley, Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, and Wysong introduced the following Senate resolution, which was read:

**SENATE RESOLUTION No. 1819—**

A RESOLUTION commemorating the bicentennial of President Abraham Lincoln’s birth.

WHEREAS, Abraham Lincoln was born on February 12, 1809, in Hardin County, Kentucky, to Thomas Lincoln and Nancy Hanks, in a one-room log cabin, making him the first president born outside the original Thirteen Colonies; in 1816, the Lincoln family was forced to move due to economic hardship to Perry County, Indiana, where his mother died when he was nine years old; in 1830, after more economic difficulties, the family settled on public land in Macon County, Illinois; and

WHEREAS, Lincoln began his political career in 1832, at age 23, with an unsuccessful campaign for the Illinois House of Representatives, as a member of the Whig Party; in 1834, he won election to the Illinois House, where he served four consecutive terms and was admitted to the bar in 1836; two years later, he made his first protest against slavery, stating that the institution was “founded on both injustice and bad policy.” On November 4, 1842, Lincoln married Mary Todd in Springfield, Illinois, and they had four sons, only one of which, Robert Todd Lincoln, survived into adulthood; and

WHEREAS, In 1846, Lincoln was elected to one term in the U.S. House of Representatives after which he returned to Springfield to resume his law practice, which involved extensive travel on horseback from county to county. As a lawyer, he earned the nickname “Honest Abe” because he refused cases he could not conscientiously defend. Opposed to

the 1854 Kansas-Nebraska Act, Lincoln's re-entry into public life came when he gave a speech to a crowd in Peoria, Illinois, outlining his moral, political and economic arguments against slavery that he would continue to uphold throughout his career; and

WHEREAS, In the 1856 election, Lincoln was instrumental in forming the new Republican Party and, in 1858, he accepted the Republican nomination for U.S. Senate and delivered his famous speech, "A house divided against itself cannot stand. I believe this government cannot endure permanently half slave and half free." His opponent was Illinois Democrat Stephen A. Douglas and the campaign featured the Lincoln-Douglas debates; while Lincoln lost the election, his speeches in these debates transformed him into a national political figure; and

WHEREAS, In 1860, Abraham Lincoln was nominated as the Republican Party's candidate for President and on November 6, 1860, he defeated his rival Douglas, among others, and was elected 16th President of the United States and the first President elected from Illinois. On February 22, 1861, President-elect Lincoln, visiting Independence Hall in Philadelphia en route to his inauguration, raised a new American flag containing 34 stars after the admission of Kansas as the 34th state less than one month before, on January 29, 1861; and

WHEREAS, On December 20, 1860, South Carolina seceded from the Union and was followed by ten other southern states; the eleven states declared themselves to be a new nation, the Confederate States of America. At Lincoln's inauguration on March 4, 1861, a sizeable garrison of federal troops was present, ready to protect the capital from Confederate invasion; and

WHEREAS, President Lincoln's tenure in office was occupied primarily with the defeat of the Confederate States of America in the nation's Civil War and he closely supervised the war effort, especially the selection of top generals. He was also successful in uniting the factions of the Republican Party, bringing leaders of each faction into his cabinet and forcing them to cooperate. He introduced measures that resulted in the abolition of slavery, issuing his Emancipation Proclamation in 1863 and promoting the passage of the Thirteenth Amendment to the Constitution, which passed Congress before his death and was ratified by the states later in 1865; and

WHEREAS, The Battle of Gettysburg was a Union victory, it was also the bloodiest battle of the Civil War causing massive casualties to the Union Army. On November 19, 1863, at Soldiers' National Cemetery in Gettysburg, Lincoln delivered brief remarks not only to dedicate the grounds of the cemetery, but also to consecrate the living in the struggle "that we here highly resolve that these dead shall not have died in vain — that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth;" and

WHEREAS, In 1864, the National Union Convention nominated Lincoln for President and Andrew Johnson, a Democrat from Tennessee, for Vice President in order to broaden the war coalition. They ran on the Union Party ticket, uniting Republicans and pro-Union Democrats, and easily won the 1864 election in a landslide. In his second inaugural address on March 4, 1864, President Lincoln said, "Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away;" and

WHEREAS, On April 9, 1865, after four years of Civil War, an estimated 630,000 deaths and over 1 million casualties, General Robert E. Lee surrendered the Confederate Army of Northern Virginia to General Ulysses S. Grant, in the town of Appomattox Court House, Virginia. President Lincoln gave instructions to "Let them down easy;" and

WHEREAS, On April 14, 1865, while attending the play *Our American Cousin* at Washington's Ford Theater, President Lincoln was shot by John Wilkes Booth and never regained consciousness. He died on April 15, 1865. At Lincoln's death, Secretary of War Edwin Stanton remarked, "Now he belongs to the ages. There lies the most perfect ruler of men the world has ever seen." Lincoln was the first President to be assassinated or to lie in state and his body was carried by train in a grand funeral procession through several states on its way home to Illinois, which later adopted as its state nickname *Land of Lincoln*; and

WHEREAS, Historians have ranked Abraham Lincoln one of the greatest Presidents in our nation's history. Inscribed on the Lincoln Memorial are the words: "In this temple, as in the hearts of the people for whom he saved the Union, the memory of Abraham Lincoln

is enshrined forever.” Beneath these words, the 16th President — the Great Emancipator and preserver of the nation during its greatest crisis — sits immortalized in marble: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commemorate February 12, 2009, as the bicentennial of the birth of President Abraham Lincoln; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to the Lincoln Illinois Bicentennial Commission c/o the Abraham Lincoln Presidential Library and Museum, 112 North Sixth Street, Springfield, Illinois 62701.

On emergency motion of Senator Hensley **SR 1819** was adopted unanimously.

Senators Haley and Faust-Goudeau introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1821—

A RESOLUTION commemorating the 100th anniversary of the founding of the NAACP.

WHEREAS, The National Association for the Advancement of Colored People, or the NAACP, was established on February 12, 1909 (the centennial of the birth of President Abraham Lincoln) in New York City by W.E.B. Du Bois and other members of the Niagara Movement; and

WHEREAS, Publicizing the issue of equality through lobbying efforts through the court system, the media and mainstream press and through other organizations is the advocacy of the NAACP; and

WHEREAS, The NAACP’s successful struggles against injustices include:

- organizing a nationwide protest of D.W. Griffith’s racially inflammatory and bigoted and silent film, *Birth of a Nation*
- defeating a grandfather clause that was used against black voters in the South in 1915 and an all-white primary in 1927
- making it possible for African Americans to be commissioned as officers in World War I, leading to 600 African Americans receiving commissions
- NAACP lawyers Charles Hamilton Houston and Thurgood Marshall winning the legal battle to admit a black student to the University of Maryland in 1935
- moving the concert of acclaimed soprano Marian Anderson to the Lincoln Memorial, where over 75,000 people attended, after the Daughters of the Revolution barred her from performing at Constitution Hall in Washington D.C.
- persuading President Harry Truman to sign an Executive Order in 1948 that banned discrimination by the federal government
- successfully arguing the case of *Brown v. Board of Education of Topeka* in front of the United States Supreme Court. Considered the NAACP’s greatest legal victory, the case was presented by future United States Supreme Court Justice Thurgood Marshall and found that state laws that separated public schools for black and white students denied *all* children equal educational opportunities
- serving as the catalyst for the largest grassroots Civil Rights Movement to date, when NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama in 1955
- organizing the first ever sit-ins at segregated lunch counters in the Docum Drug Store in Wichita, Kansas in 1958; these sit-ins became the model used across the nation in later years
- obtaining passage of the Civil Rights Act in 1964
- registering more than 80,000 voters in the Old South after passage of the Voting Rights Act in 1965
- initiating the first bill ever signed by a governor that allows voter registration in high schools in 1979, benefitting both African Americans and white high school seniors
- leading a massive anti-apartheid rally in New York in 1985
- establishing television diversity agreements with the entertainment industry and organizing a march of more than 50,000 people to protest the flying of the Confederate battle flag in Columbia, South Carolina in 2000, the largest Civil Rights demonstration ever held in the South; and

WHEREAS, Throughout the history of the Civil Rights movement the NAACP has been a leader and has been instrumental to social progress and equality: Now, Therefore,

*Be it resolved by the Senate of the State of Kansas:* That we commemorate the 100th anniversary of the founding of the NAACP and the cause of Civil Rights for which it has advocated for 100 years; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide one enrolled copy of this resolution to Senator David Haley and one to Senator Alethea Faust-Goudeau.

On emergency motion of Senator Haley **SR 1821** was adopted unanimously.

#### REPORT ON ENROLLED BILLS

**SR 1812, SR 1813, SR 1814, SR 1815, SR 1816** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 12, 2009.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 119** be passed.

Also, **SB 138** be amended on page 1, by striking all in lines 14 through 43;

By striking all on pages 2 through 11;

On page 12, by striking all in lines 1 through 18; in line 29, by striking "2007" and inserting "2008"; in line 33, by striking "2007" and inserting "2008"; in line 38, by striking "2007" and inserting "2008";

On page 13, in line 28, by striking "2007" and inserting "2008"; in line 32, by striking "2007" and inserting "2008";

On page 15, in line 31, by striking "2007" and inserting "2008";

On page 18, in line 5, by striking "12-1770a, 12-1774,";

And by renumbering the sections accordingly;

In the title, in line 10, by striking "12-1770a, 12-1774,"; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **SB 103, SB 171** be passed.

Also, **SB 117** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 117," as follows:

"Substitute for SENATE BILL No. 117

By Committee on Ethics and Elections

"AN ACT concerning campaign finance; dealing with the crime of corrupt political advertising; amending K.S.A. 2008 Supp. 25-4156 and repealing the existing section; also repealing K.S.A. 2008 Supp. 25-4156a.";

and the substitute bill be passed.

**SB 79** be amended on page 1, in line 20, by striking "10" and inserting "24";

On page 3, in line 19, by striking "10" and inserting "24"; in line 39, by striking "10" and inserting "24"; in line 42, by striking "May 24" and inserting "June 7";

On page 4, in line 3, by striking "11" and inserting "25"; in line 6, by striking "12" and inserting "26"; in line 16, by striking "10" and inserting "24"; and the bill be passed as amended.

**SB 168** be amended on page 1, in line 37, by striking "(a) and (b)" and inserting "(b) and (c)"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 53** be amended on page 1, in line 18, by striking all after the period; in line 19, by striking all before "governing" and inserting "The"; in line 21, by striking "The board of county commis-"; in line 22, by striking all before "to", where it appears the second time, and inserting "No retailer's license shall be issued"; in line 43, by striking all after "(8)";

On page 2, by striking all in lines 1 through 6; in line 7, by striking "(9)";

And by renumbering the remaining paragraphs accordingly;

Also on page 2, in line 12, by striking "(10)" and inserting "(9)"; in line 18, after "(c)" by inserting the following:

"After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager,

director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which has:

- (1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or
- (2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d)";

On page 3, in line 24, by striking all after the period; by striking all in lines 25 through 27; and the bill be passed as amended. Committee on **Financial Institutions and Insurance** recommends **SB 89** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 89," as follows:

"Substitute for SENATE BILL No. 89

By Committee on Financial Institutions and Insurance

"AN ACT concerning public records; relating to certain records not required to be open; amending K.S.A. 2008 Supp. 45-221 and repealing the existing section.";

and the substitute bill be passed

**SB 72** be amended on page 1, in line 29, by striking "volunteer of an organization or employee group" and inserting "person of a volunteer group recognized by the management of the association or employee group"; in line 34, following "entity" by inserting "within the field of membership as"; in line 38, following "family" by inserting "or household"; in line 39, preceding the period by inserting "and persons living in the same residence maintaining a single economic unit with persons within the credit union's field of membership"; in line 42, before the period by inserting "or household"; in line 43, by striking all following "(C)";

On page 2, by striking all in line 1; in line 2, by striking "(D)";

On page 4, in line 27, following "family" by inserting "or household"; in line 32, following "family" by inserting "or household"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 28** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 28," as follows:

"Substitute for SENATE BILL No. 28

By Committee on Judiciary

"AN ACT concerning crimes, criminal procedure and punishment; relating to unlawful possession of a controlled substance or controlled substance analog; amending K.S.A. 21-4603d and

repealing the existing section.";

and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 83**, **SB 249** be passed.

Committee on **Transportation** recommends **SB 60**, **SB 122**, **SB 145** be passed.

Also, **SB 123** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Ways and Means** recommends **SB 219** be amended on page 5, in line 16, by striking "July 1, 2009, and ending on March 31, 2010" and inserting "March 1, 2009, and ending on November 30, 2009";

On page 6, in line 43, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

#### COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Wysong in the Chair.

On motion of Senator Wysong the following report was adopted:

Recommended **SB 98**, **SB 118**, **SB 126**; **HB 2026** be passed.

**SB 62** be amended by adoption of the committee amendments, and the bill be passed as amended.

**SB 68** be amended by motion of Senator Bruce on page 1, in line 35, after "and" by inserting "a sum equal to \$1";

On page 2, after line 11, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

(1) On and after July 1, 2008 through June 30, 2010:

Murder or manslaughter .....	<del>\$181.50</del>	\$182.50
Other felony .....	<del>172.00</del>	173.00
Misdemeanor .....	<del>137.00</del>	138.00
Forfeited recognizance .....	<del>73.50</del>	74.50
Appeals from other courts .....	<del>73.50</del>	74.50

(2) On and after July 1, 2010:

Murder or manslaughter .....	<del>\$179.50</del>	\$180.50
Other felony .....	<del>170.00</del>	171.00
Misdemeanor .....	<del>135.00</del>	136.00
Forfeited recognizance .....	<del>71.50</del>	72.50
Appeals from other courts .....	<del>71.50</del>	72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 through June 30, 2010, a docket fee of ~~\$75~~ \$76 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$73~~ \$74 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, on and after July 1, 2008 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$75~~ \$76, and on and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$73~~ \$74.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2008 through June 30, 2010, a docket fee of ~~\$75~~ \$76 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$73~~ \$74 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, on and after July 1, 2008 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$75~~ \$76, and on and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$73~~ \$74.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) The docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 12, by striking "is" and inserting "and K.S.A. 2008 Supp. 28-172a are";

In the title, in line 10, after "20-362" by inserting "and K.S.A. 2008 Supp. 28-172a"; in line 11, by striking "section" and inserting "sections"; and **SB 68** be passed as amended.

**SB 55** be amended by adoption of the committee amendments, and be further amended by motion of Senator Hensley as amended by Senate Committee, on page 4, by striking all in lines 18 through 21;

On page 5, in line 32, after the semicolon by inserting "or"; in line 35, by striking "; or"; by striking all in lines 36 and 37; in line 38, by striking "thereto";

On page 9, in line 14, by striking the colon; in line 15, by striking "(1) A" and inserting "a"; in line 22, by striking "; or"; by striking all in lines 23 and 24; in line 25, by striking "candidate"; in line 43, by striking "; or";

On page 10, by striking all in lines 1 through 16; in line 17, by striking all before the period; by striking all in lines 18 through 38;

And by renumbering the sections accordingly;

Also on page 10, in line 39, by striking "25-4142 and";

In the title, in line 12, by striking "25-4142, and **SB 55** be passed as further amended.

**SB 56** be amended by adoption of the committee amendments, and be further amended by motion of Senator V. Schmidt as amended by Senate Committee, on page 3, in line 3, after "ignation" by inserting "showing the date and signature"; in line 4, after "may" by inserting "be designated to"; in line 5, after "statement" by inserting "and date such statement"; in line 16, after the period by inserting "No person may be found to have violated subsection (g) unless there is evidence the violation was knowingly and willfully done.", and **SB 56** be passed as further amended.

**SB 71** be amended by adoption of the committee amendments, and be further amended by motion of Senator Huelskamp, as amended by Senate Committee, on page 2, after line 22, by inserting the following:

"New Sec. 2. (a) No officer or employee of any municipality or member of the governing body thereof, shall use or authorize the use of public funds or public vehicles, machinery, equipment or supplies of any such municipality, or the time of any officer or employee of any such municipality or member of the governing body thereof, for which the officer or employee or member of the governing body thereof is compensated by such municipality to:

(1) Expressly advocate the nomination, election or defeat of a clearly identified candidate to state office or local office. The provisions of this section prohibiting the use of time of any officer or employee for such purposes shall not apply to an incumbent officer campaigning for nomination or reelection to a succeeding term to such office or to members of the personal staff of any elected officer; or

(2) promote or engage in promoting the success or defeat of the adoption or defeat of any question submitted at any city, unified school district, community college, township, county or state election.

(b) For the purposes of this subsection, the terms "governing body" and "municipality" shall have the meaning ascribed to it in K.S.A. 12-105a and amendments thereto.

(c) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.”;

And by renumbering the remaining sections accordingly, and **SB 71** be passed as further amended.

**SB 95** be amended by adoption of the committee amendments, be further amended by motion of Senator Bruce, as amended by Senate Committee, on page 1, in line 31, following the stricken material by inserting ““Correctional institution” does not include any parking lot open to the public.”; in line 37, following the stricken material by inserting ““Care and treatment facility” does not include any parking lot open to the public.”, and **SB 95** be passed as further amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a ⅔ constitutional majority, and **SB 55, SB 56, SB 62, SB 68, SB 71, SB 95, SB 98, SB 118, SB 126; HB 2026** were advanced to Final Action and roll call.

**SB 55**, An act concerning elections; amending K.S.A. 25-1218 and K.S.A. 2008 Supp. 25-4143, 25-4148b, 25-4148c, 25-4148d and 25-4157a and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong, Nays: Marshall.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 56**, An act concerning elections; pertaining to advance voting ballots; amending K.S.A. 2008 Supp. 25-1124 and 25-1128 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 9, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Steineger.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 62**, An act concerning the department of health and environment; relating to tuberculosis evaluation requirements and prevention and control plan for postsecondary educational institutions; rules and regulations; amending K.S.A. 2008 Supp. 65-129e and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Abrams, Huelskamp, Ostmeyer, Pyle.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 68**, An act concerning docket fees; relating to the prosecuting attorneys’ training fund; amending K.S.A. 20-362 and K.S.A. 2008 Supp. 28-172a and repealing the existing sections.

On roll call, the vote was: Yeas 24, Nays 14, Present and Passing 0, Absent or Not Voting 2.



Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Hensley, Lee, Lynn, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Nays: Abrams, Francisco, Haley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Marshall, Pilcher-Cook, Pyle, Steineger, Taddiken, Wagle.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 71**, An act concerning certain elections; amending K.S.A. 25-901 and repealing the existing section.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 95**, An act concerning crimes and punishment; relating to traffic in contraband in a correctional institution or care and treatment facility; amending K.S.A. 21-3826 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Haley, Schodorf.

Absent or Not Voting: Colyer, Donovan.

The bill passed, as amended.

**SB 98**, An act concerning income taxation; relating to refund claims and adjustments of income; period of limitations; amending K.S.A. 2008 Supp. 79-3230 and repealing the existing section.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Nays: Pilcher-Cook, Wagle.

Absent or Not Voting: Colyer, Donovan.

The bill passed.

**SB 118**, An act concerning elections; relating to campaign finance; amending K.S.A. 2008 Supp. 25-4148 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lynn, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Haley, Lee, Marshall, Taddiken.

Absent or Not Voting: Colyer, Donovan.

The bill passed.

**SB 126**, An act concerning insurance; enacting the controlled insurance programs act.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Nays: Huelskamp, Pilcher-Cook, Pyle, Wagle.

Absent or Not Voting: Colyer, Donovan.

The bill passed.

**HB 2026**, An act concerning sales taxation; relating to countywide retailers' sales tax in Lyon and Rawlins counties; amending K.S.A. 2008 Supp. 12-187 and 12-189 and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 3, Present and Passing 0, Absent or Not Voting 2.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Huelskamp, Ostmeyer, Pilcher-Cook.

Absent or Not Voting: Colyer, Donovan.

The bill passed.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Substitute for Senate Bill No. 23, as printed with House Committee of the Whole amendments, as follows:

On page 7, by striking all in lines 30 through 41;

On page 17, in line 14, by striking "\$19,955" and inserting "\$28,159"; in line 19, by striking "\$141,745" and inserting "\$199,546"; in line 24, by striking "\$1,757,495" and inserting "\$2,180,858"; in line 42, by striking "\$50,000" and inserting "\$81,250";

On page 18, in line 19, by striking "\$1,830,921" and inserting "\$798,172";

On page 19, following line 41, by inserting the following material to read as follows:

"(l) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2009, from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs to another item of appropriation for fiscal year 2009 from the state general fund for the Kansas commission on veterans affairs or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(m) (1) During the fiscal year ending June 30, 2009, notwithstanding the provisions of K.S.A. 73-1231, 73-1906, 73-1953 or 73-3728g, and amendments thereto, or K.S.A. 2008 Supp. 73-1233, and amendments thereto, or any other statute, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs to another special revenue fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection (m), "special revenue fund" means the soldiers' home fee fund, veterans' home fee fund, soldiers' home outpatient clinic fund, soldiers' home benefit fund, soldiers' home work therapy fund, veterans' home canteen fund, veterans' home benefit fund, Persian Gulf War veterans health initiative fund, state veterans cemeteries fee

fund, state veterans cemeteries donations and contributions fund, and Kansas veterans memorials fund.

(n) (1) During the fiscal year ending June 30, 2009, the executive director of the Kansas commission on veterans affairs, with the approval of the director of the budget and subject to the applicable restrictions and limitations or other provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas commission on veterans affairs to another federal fund of the Kansas commission on veterans affairs. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection (n), "federal fund" means the VA burial reimbursement fund — federal, veterans home federal fund, soldiers home federal fund, commission on veterans affairs federal fund, and outpatient clinic patient federal reimbursement fund — federal.":

On page 21, by striking all in lines 15 through 43;

On page 22, by striking all in lines 1 through 6; in line 31, by striking "\$11,755" and inserting "\$195,924"; by striking all in lines 33 through 37; in line 42, by striking "\$13,741" and inserting "\$229,011"; by striking all in line 43;

On page 23, by striking all in lines 1 through 4;

And by relettering the subsections accordingly;

On page 26, in line 35, by striking "\$242,324" and inserting "\$222,124";

On page 27, by striking all in lines 13 through 22; in line 23, by striking "(n)" and inserting "(l)";

On page 28, in line 1, by striking "\$12,538,435" and inserting "\$6,538,435"; in line 6, by striking "\$198,736" and inserting "\$72,004";

On page 29, in line 30, by striking "\$3,200" and inserting "\$5,200"; by striking all in lines 32 through 43;

On page 30, by striking all in lines 1 through 33;

On page 31, in line 24, by striking "\$16,804" and inserting "\$8,305";

On page 32, in line 4, by striking "\$104,040" and inserting "\$100,000"; by striking all in lines 5 through 19;

On page 35, in line 14, by striking "\$12,000" and inserting "\$19,500";

On page 36, in line 16, by striking "\$480" and inserting "\$8,000"; by striking all in lines 40 through 43;

On page 37, by striking all in lines 1 through 11, and inserting the following material to read as follows:

"(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Wichita center for graduate medical education ..... \$2,900,000";

Also on page 37, in line 28, by striking "\$200,082" and inserting "\$325,133"; in line 33, by striking "\$100,000" and inserting "\$162,500";

On page 39, in line 11, by striking "\$102,600" and inserting "\$166,725"; in line 16, by striking "\$9,931" and inserting "\$16,137";

On page 42, by striking all in lines 2 through 11;

On page 46, in line 26, by striking "\$1,731" and inserting "\$28,849"; in line 31, by striking "\$720" and inserting "\$12,000"; in line 36, by striking "\$7,000" and inserting "\$49,463";

On page 47, in line 8, by striking "\$2,744" and inserting "\$4,459"; in line 25, by striking "\$46,758" and inserting "\$322,092"; in line 30, by striking "\$47,013" and inserting "\$783,542"; in line 35, by striking "\$14,077" and inserting "\$234,623"; by striking all in lines 36 through 40;

On page 48, in line 2, by striking "\$5,448" and inserting "\$90,802"; in line 7, by striking "\$3,639" and inserting "\$60,650"; by striking all in lines 8 through 12;

And by relettering subsections accordingly;

Also on page 48, in line 17, by striking "\$73,685" and inserting "\$1,228,078"; in line 22, by striking "\$18,446" and inserting "\$307,427"; in line 34, by striking "\$10,802" and inserting "\$180,035"; by striking all in lines 35 through 43;

On page 49, by striking all in line 1; in line 6, by striking "\$9,494" and inserting "\$158,230"; in line 11, by striking "\$1,458" and inserting "\$24,300"; by striking all in lines 12 through 21; in line 25, by striking "\$1,200" and inserting "\$20,000"; by striking all in lines 27 through 31;

And by relettering subsections accordingly;

On page 50, in line 4, by striking "\$480" and inserting "\$8,000"; in line 39, by striking "\$2,880,000" and inserting "\$2,805,000";

On page 52, in line 36, by striking "\$878,241" and inserting "\$802,141"; by striking all in lines 37 through 43;

And by relettering subsections accordingly;

On page 53, in line 14, by striking "\$40,910,154" both times it appears and inserting "\$39,000,000"; in line 19, by striking "\$40,910,154" and inserting "\$39,000,000";

On page 55, in line 3, by striking "or before"; in line 4, by striking "February 15, 2009" and inserting "March 2, 2009, and on June 1, 2009";

On page 56, in line 29, following "that" by inserting "(A)"; in line 33, preceding the period by inserting ", and (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on March 2, 2009, and an amount equal to 50% of the maximum amount determined pursuant to subsection (g) shall be transferred from the state general fund to the business machinery and equipment tax reduction assistance fund on June 1, 2009";

On page 57, in line 26, by striking "96.0%" and inserting "93.5%"; in line 28, by striking "96.0%" and inserting "93.5%"; in line 30, by striking "96.0%" and inserting "93.5%"; in line 32, by striking "96.0%" and inserting "93.5%"; in line 33, by striking "96.0%" and inserting "93.5%";

On page 58, in line 38, by striking "or before February 15, 2009" and inserting "March 2, 2009, and on June 1, 2009";

On page 60, in line 14, following "that" by inserting "(A)"; in line 18, preceding the period by inserting ", and (B) an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on March 2, 2009, and an amount equal to 50% of the maximum amount determined pursuant to subsection (f) shall be transferred from the state general fund to the telecommunications and railroad machinery and equipment tax reduction assistance fund on June 1, 2009";

On page 61, in line 13, by striking "96.0%" and inserting "93.5%"; in line 14, by striking "96.0%" and inserting "93.5%"; in line 16, preceding "aggregate" by inserting "amount equal to 93.5% of the"; in line 18, by striking "96.0%" and inserting "93.5%"; in line 19, by striking "96.0%" and inserting "93.5%"; in line 41, by striking "\$4,830,558.72" and inserting "\$3,330,543.50";

On page 62, in line 1, preceding the period by inserting "; and (4) notwithstanding the provisions of K.S.A. 79-3425c and 75-3425i, and amendments thereto, or any other statute, the aggregate amount of \$6,661,087 of the moneys credited to the special city and county highway fund shall be paid on or before April 14, 2009, by the state treasurer in accordance with the following to the following counties in the amounts specified respectively therefor with the requirement that the moneys received by each such county shall be deposited and administered in accordance with K.S.A. 79-3425c, and amendments thereto, including any redistributions provided for by that statute: Barton county, \$174,544.98; Butler county, \$890,898.90; Chautauqua county, \$7,293.76; Clay county, \$15,533.75; Comanche county, \$15,525.56; Cowley county, \$151,493.36; Douglas county, \$1,152,561.96; Finney county, \$38,376.16; Geary county, \$41,101.83; Grant county, \$11,827.23; Lane county, \$6,986.21; Leavenworth county, \$655,874.14; Ness county, \$13,000.51; Rice county, \$9,780.91; Russell county, \$18,610.55; Shawnee county, \$3,299,659.69; Sherman county, \$29,689.72; Stevens county, \$7,532.41; Trego county, \$4,257.37; and Wyandotte county, \$116,537.47, which shall be for the purpose of providing such counties, cities and other local governmental entities the amounts that were not paid as directed by statute during state fiscal years 2006, 2007 and 2008"; in line 29, by striking "\$859,000" and inserting "\$849,000";

On page 63, in line 6, by striking "\$48,000,000" and inserting "\$48,059,846"; in line 11, by striking "\$48,000,000" and inserting "\$48,059,846"; in line 28, by striking "\$5,760,000" and inserting "\$2,000,000"; in line 30, by striking "\$5,760,000" and inserting "\$2,000,000";  
On page 64, in line 3, by striking "1.0%" and inserting "1.25%";

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

KEVIN YODER  
JASON P. WATKINS  
BILL FEUERBORN  
*Conferees on part of House*

JAY SCOTT EMLER  
JOHN VRATIL  
LAURA KELLY  
*Conferees on part of Senate*

Senator Emler moved the Senate adopt the Conference Committee Report on **H Sub for Sub SB 23**.

On roll call, the vote was: Yeas 27, Nays 11, Present and Passing 0, Absent or Not Voting 2.

Yeas: Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Morris, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Abrams, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kultala, Lee, Ostmeyer, Steineger.

Absent or Not Voting: Colyer, Donovan.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: In an economic downturn, all budgets are difficult, no matter whether we are talking for a family, a business, or the state. The 09 budget before us is no different.

There is, in this recession budget, something for everyone to hate.

I am glad to see that monies remain for WCGME, for Physical Disabilities, and further there is inclusion of a rolling waiting list. There are monies for DOC to allow WCF to stay as a viable entity.

I'm glad to see that schools don't have a \$127 cut. Unfortunately the Senate budget of \$33 cut went to a \$66 cut in BSAPP. That will be exceptionally difficult in the last 3-4 months of this fiscal year when most of the contracts are already mostly fulfilled. Therefore, most of the labor cuts will be for cooks, janitors and paraprofessionals.

Further, we have no knowledge of how much, when or even if a Federal Stimulus bill will be available. We cannot and should not rely on any proposed Stimulus bill.

I have no doubt that the 2010 budget will have to be cut 10% or even 15%. But for 09, this is too much.

Having said this, I vote Nay. — STEVE ABRAMS

Senator Ostmeyer requests the record to show he concurs with the "Explanation of Vote" offered by Senator Abrams on **House Sub for Senate Sub 23**.

MR. PRESIDENT: I vote no on the conference committee report on **House Sub for Senate Sub 23**.

This lopsided compromise will strike a devastating blow to Kansas school districts, forcing draconian cuts and unfair choices during the waning months of the current school year.

Ironically, while slashing funds for our K-12 school children, the report allowed an entity of the Kansas Board of Regents to circumvent the budget process, ask for and receive nearly \$3 million in new funding for graduate medical education. While educating Kansas doctors is important, it is unjust to increase funding for one program while asking other equally-important programs to do more with less.

While the bipartisan budget plan approved by the Senate was based on tough choices, it strived to keep the promise we made to our children for school funding. Now, in just the

third year, this conference committee report will effectively reverse our obligation to the children of Kansas in an incredibly irresponsible manner. — LAURA KELLY

Senators Hensley and Lee request the record to show they concur with the “Explanation of Vote” offered by Senator Kelly on **House Sub for Senate Sub 23**.

MR. PRESIDENT: In spite of the disparity of the issue of providing \$2.9 million to the WCGME program and not reducing the Base Aid reduction below the \$66 per student level I will vote AYE on both **Bills 161 & 23**. WCGME is a very worthwhile program, but not at the expense of the Base Aid per student funding. — BOB MARSHALL

MR. PRESIDENT: This is not the bill that I want to support. The cuts to education are more than what the schools in my district can afford and still maintain a quality education. Because of their size they are already functioning as highly efficient schools. These cuts will no longer allow my schools to be efficient and effective but will harm the very programs that are so badly needed by these students. However, my fear is that if this bill doesn't pass the consequences of future negotiations will hurt my schools more. The longer we take the less time schools will have to face the cuts they will eventually have to make. So, Mr. President, it is time to do what is right and not what I want. Therefore, I vote yes. — RUTH TEICHMAN

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, February 13, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks*.  
PAT SAVILLE, *Secretary of the Senate*.

