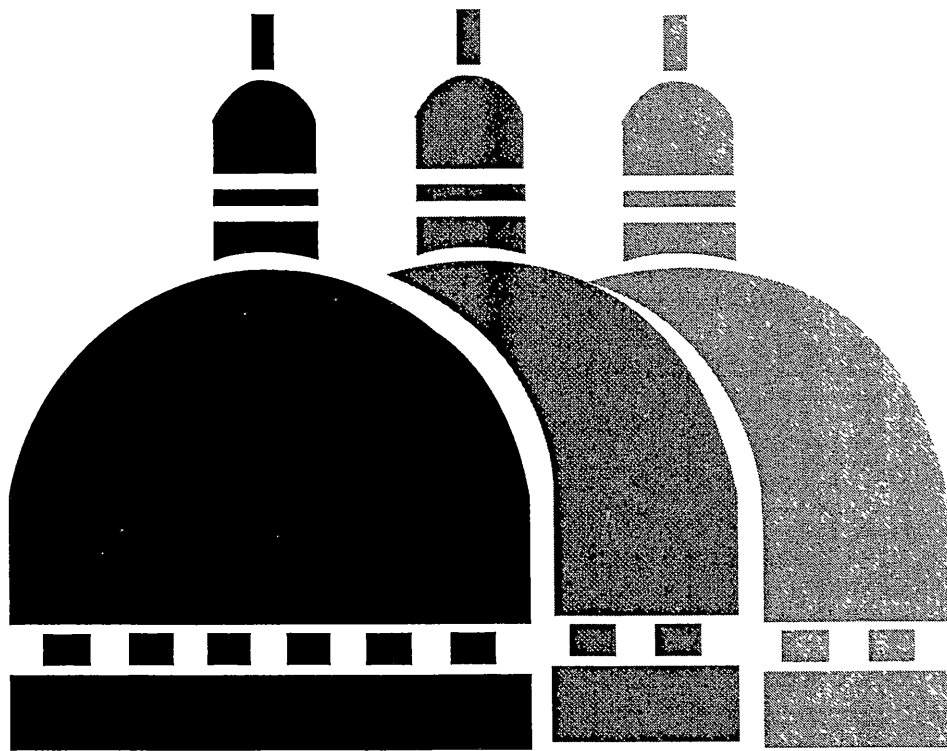


# **The Kansas Legislature: Structure and Process**



**by Marshall P. Reece**

**A publication of  
the KU Public Management Center**

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## **About the Author**

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## **Dedication**

This book is dedicated to Gerald P. Slaybaugh (November 20, 1937–September 19, 1992), my close friend, confidant, and mentor, who faithfully served the people of Kansas for more than 30 years, most recently as the Kansas State Social Security Administrator.

## ACKNOWLEDGMENTS

I wish to acknowledge the following individuals for their valued assistance in the preparation of this book:

- Joe Harkins, director of the KU Public Management Center, who encouraged and guided my efforts during the pre-publication phase;
- Gerald P. Slaybaugh, Pamela S. Karns, and Kenneth D. Hasenbank, very trusted friends who forfeited some of their leisure time to provide constructive criticism and proof-reading of the original manuscript;
- Norman Furse, Kansas' Revisor of Statutes, and Ramon Powers, Executive Director, Kansas State Historical Society, for their technical review and comments on the manuscript;
- Rochelle Reece, who has greatly assisted in keeping the document up-to-date;
- L. Darlene Brown Reece, who gave me the initial interest in providing an educational resource on the state legislative process; and
- my parents, Jack and Frances Reece, who instilled within me an interest in government and its processes.

Marshall P. Reece  
Larned, Kansas  
2000





## PREFACE TO THE 2ND EDITION

In enacting laws, the Kansas Legislature follows a prescribed set of constitutional and statutory provisions and rules governing the conduct of business during policy issue debate and consideration. These constraints on the public policy decision-making process are intended to guarantee openness of deliberation, fairness of consideration, and preservation of the democratic process.

The review of legislative actions is further enhanced by accessibility to the records and procedures of the law-making process. The ability to research these actions is an important skill for every effective public administrator. But simply knowing where to look for **information** does not yield the full story; an understanding of legislative **process** also is required.

This publication will provide the reader with beginning skills in observing and researching the state law-making process in Kansas. With these skills in hand, the public administrator will be better able to contribute to the making and execution of public policy, determine legislative intent, and explain public policy to other administrators, elected officials, and the public.

Since the first edition (1992) the legislative process has changed very little. It still resembles the process used in the earliest days of statehood.

However, the explosive growth of the Internet and multimedia communications over the last several years has greatly increased the opportunities for observing and participating in the process. Section VI has been significantly revised to highlight the application of electronic communications and information access available to anyone with an Internet connection. While relevant historical exhibits of documents are replicated throughout this book, the reader is encouraged to retrieve and review contemporary electronic versions to supplement the study of the Kansas legislative process.



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## INTRODUCTION

Many Kansans view the legislative process as a disordered hodgepodge of events that somehow magically results in new rules for our society, enacted as “laws.” In reality, however, the legislative process is finely controlled and dictated by law, rules, and tradition. While public policy issues and priorities have changed throughout Kansas’ history as a state, the general provisions governing the creation of state laws have remained unaltered.

This manual provides a step-by-step guide to the legislative process, including a generous number of examples from actual legislative documents and sufficient narration to explore their significance. With a thorough study of and repeated reference to the manual, the reader will:

- gain a basic comprehension of the Kansas legislative process;
- understand how a bill becomes law;
- grasp the composition of the legislative branch of government and associated responsibilities of the executive branch;
- learn to identify distinct types of bills and resolutions;
- learn to read bills and recognize amendments as they pass through the process;
- become familiar with particular legislative documents;
- gain an acquaintance with other legislative publications that are less widely known;
- know where to look for specific legislative information on the information superhighway (Internet);
- be able to trace the progress of a bill through the legislative process; and
- be familiar with Kansas’ first legislative session, thereby realizing that the fundamental features of the Kansas legislative process have remained nearly unchanged throughout nearly a century and a half of statehood.

# I KANSAS STATE GOVERNMENTAL ORGANIZATION

## Branches of Government

As in federal government, the fundamental law governing the legislative process in Kansas is embodied in a constitution. The Wyandotte Constitution was adopted by the Kansas Constitutional Convention on July 29, 1859, as a precursor to statehood. Of the 53 delegates to the convention, 35 signed the proposed Constitution. It lays the foundation for governmental authority in Kansas and provides for a sharing of powers between the **executive, legislative, and judicial** branches of government, much the same as our national government model. Exhibit I-A provides an organization chart for Kansas government as of the beginning of the new millennium.

The executive branch is headed by the **governor**. It also encompasses the elected offices of **attorney general, secretary of state, state treasurer, and commissioner of insurance**. All statewide elected officers serve four-year terms.

Since 1974, the **lieutenant governor** has been elected on the same ballot with the governor. Previously, the lieutenant governor was independently elected and, until 1972, also served as ex-officio **president of the Senate**. Under current constitutional provisions, however, the lieutenant governor

“ ... shall assist the governor and have such other powers and duties as are prescribed by law” (Article 1, Section 12).

Virtually all state agencies are part of the executive branch, except support agencies for the Kansas Legislature and those interpreting the laws through the unified judicial system. During Fiscal Year 2000 (July 1, 1999, through June 30, 2000) Kansas had well over 100 different state agencies.

Not every duty performed by a state agency is clearly related to its branch of government. For example, executive branch agencies frequently are involved in quasi-legislative (rule-making) or quasi-judicial (adjudication) activities. Despite the complexities imposed upon today's governmental administrators, however, the executive branch remains the chief identification for most Kansas state agencies.

The primary duty of the executive branch and its elected officers is to execute and enforce the laws passed by the legislative branch, as interpreted by the judiciary. The author assumes that the reader has a working familiarity with the three-branch form of government and the relationships between the branches. The remainder of this book will concentrate on the legislative branch of Kansas state government.

## **The Legislative Branch**

Like every state except Nebraska, Kansas has a bicameral (two-chamber) legislature, consisting of a **Senate** and a **House of Representatives**. The maximum size of membership in each chamber is set by the Kansas Constitution (Article 2, Section 2) and is currently established at 40 senators and 125 representatives. Kansas law currently permits this maximum representation. The popularly elected legislators each represent a proportionate share (i.e., each senator 1/40th, each representative 1/125th) of the state's population. To ensure equitable representation, the Kansas Constitution (Article 10, Section 1) requires that Senate and House districts be reapportioned by the Legislature through formal action approximately every 10 years.

Senators are elected for four-year terms (staggered from the state officers' election by two years), while representatives serve two-year terms. The election schedules yield the curious effect that all state officers and representatives are subject to replacement in the same year, and two years later the entire Legislature is up for re-election. Extreme changes in party representation within the Legislature are therefore possible. However, mass losses by incumbents are not common, and many legislators serve several terms. There currently is no limitation to the number of terms a legislator may serve.

The Kansas Constitution requires that legislators remain qualified electors residing in their district throughout the term of office (Article 2, Section 4). Further, no member of Congress, civil officer, or employee of the United States government is eligible to be a member of the Legislature (Article 2, Section 5). Prior to 1996, Kansas law prohibited state employees in the classified service from serving in the Legislature. In that year the Legislature changed the law to require only that the employee resign from the classified service prior to taking the oath of office (K.S.A. 75-2953(b)).

## **Legislative Support Offices**

So legislators may function in their policy-making roles with minimal involvement in detail, they are assisted by several support services. The office of **Legislative Administrative Services** provides general administrative support for the Legislature, including personnel, accounting, secretarial, and communications services. The office is also responsible for the operation of the Legislative Document Room in the Statehouse. This is one of the services most used by legislative observers and the public.

The **Legislative Research Department** performs research and fiscal analysis for the Legislature. Department staff attend all legislative committee meetings and provide assistance as requested. Legislators frequently refer members of the public to department staff for input to the research efforts on pending legislation.

The **Office of Legislative Counsel** is created by statute (K.S.A. 46-1222). By statute the legislative counsel is charged with representing the Legislature in court and performing other duties as authorized by the Legislative Coordinating Council.

The **Revisor of Statutes** provides bill drafting, committee staffing, and legal consultation and research services for the Legislature. The revisor is charged with publishing the *Kansas Statutes Annotated* including the publication of supplemental volumes as required. As information services have become more technologically advanced, the revisor's office has also assumed responsibility for the **Kansas Legislative Information System (KLIS)**, which allows real-time access to bill status and actions of the Legislature via computer modem. The publicly accessible KLIS has become a major tool for many state agencies and lobbying groups as they monitor state legislative actions. Public access for this service is available through the Information Network of Kansas.

Finally, the **Legislative Division of Post Audit** is charged with performing financial, compliance, and performance audits on state agencies and programs. Post Audit contracts with private certified public accounting firms for most financial audits, while retaining the performance and direct audit function for issues of special interest to the Legislature. Post Audit reports to the Legislative Post Audit Committee, a standing joint committee of legislators from each chamber. Post Audit findings may be considered during legislative debate of bills, especially those regarding appropriations. In some cases the committee may directly address executive branch agency officials, urging corrective action for identified

deficiencies. This is an uncommon means of expressing the committee's displeasure with Post Audit findings concerning an agency.

According to page 408 of the Fiscal Year 1992 Governor's Budget Report: "[P]erformance audits determine one or more of the following: (1) whether an agency's programs are being carried out in accordance with the Legislature's intent in establishing and funding the program; (2) whether the programs are being carried out efficiently and effectively; and (3) whether a change in a program or an agency would better serve the Legislature's goal of providing quality services to Kansans in a cost effective fashion."

Clearly, Post Audit's findings may significantly influence the eventual outcome of public policy decision making.

### **Legislative Sessions**

The Kansas Legislature meets annually from early January through late April. The Constitution stipulates that no session in an even-numbered year may extend beyond 90 calendar days (Article 2, Section 8) unless extended by two-thirds majority vote of the members in each chamber. This restriction tends to limit "politicking" during years of legislative elections.

In recent years, the Legislature often has met into May or June to debate increasingly complex legislative issues. However, as a rule the Legislature meets until early April and then recesses for a few weeks. This gives the governor time to act on already-passed legislation. Then the Legislature reconvenes in a **clean-up session** to tie up loose ends, consider overriding gubernatorial vetoes, and work on the **Omnibus Appropriations Bill**. The Omnibus Bill contains the final clean-up on all appropriations and fine-tunes the state's authorized expenditures within constraints imposed by anticipated revenues. The Omnibus Bill, like all appropriation bills, is subject to line item veto by the governor.

Following the clean-up session, the Legislature adjourns again for several weeks before returning for the mostly ceremonial **sine die session**. Although the opportunity again exists to attempt to override any governor's vetoes that occurred during the intervening period, in practice this is seldom done. Usually only enough members are on hand to satisfy Senate and House quorum requirements. Each chamber has a motion and vote to adjourn

sine die, and the “citizen legislators” return to their jobs, homes, and communities to await the next year’s session (or campaign for re-election).

The governor has the power to call a special session if business of extreme importance remains unattended after the close of the regular session. The Kansas Constitution (Article 1, Section 5) also permits a special session to be called upon concurrence of two-thirds of the members of each house. Special sessions are rarely called. The Legislature’s failure to turn out the governor’s requested legislation during recent special sessions, and the high cost of these sessions, has made them unpopular with Kansans.

### **Executive Organization of the Legislature**

The Legislature, like many large organizations, has an executive council that oversees its operations. The bipartisan **Legislative Coordinating Council (LCC)** is composed of the president of the Senate, speaker of the House, speaker pro-tem, and majority and minority leaders of each chamber. The council meets at least monthly. Among other duties, it appoints special interim committees to study contemporary issues of public policy significance.

Within the Legislature are two lesser administrative hierarchies, composed of the officers and staffs of the Senate and House. Their titles may differ, but their duties usually are similar.

### **Senate Leadership**

The Senate is led by a **president** elected by and from its membership; tradition dictates that the president be a member of the majority party. The president is assisted by a **vice-president** and a **majority leader**. The minority party also has its own leaders, including the **minority leader**. The minority leader is considered an officer of the Senate.

Before the session, each party meets in a **caucus** to select its leaders. A formal report on the selection is given at the first meeting of the chamber. The chamber’s leaders then are elected by the members, pursuant to a motion to do so. (This motion usually is a “rubber stamp” of the caucus reports.) Floor fights over nominees are infrequent, and even more rare is a successful challenge.

The Senate also has two non-member officers appointed by the president: a **secretary**, responsible for printing (engrossment and enrollment) Senate bills and resolutions and maintaining the Senate chamber; and a **sergeant-at-arms**, whose primary duty is ensuring the security of the chamber and enforcing the rules of the Senate.

## **Standing Committees**

Several standing committees have been created to develop expertise on public policy issues. Currently there are 16 standing committees of the Senate (Exhibit I-B). Virtually all standing committees are bipartisan, with the majority party having one more member than the minority party. An important exception is the **Organization, Calendar, and Rules Committee**, which wholly excludes minority party membership. (While the rules do not prohibit a member of the minority party being on the committee, all members are selected by the majority party members.)

Standing committees are chaired by a member of the majority party, who controls and directs committee activities—including the assignment of subcommittees to study the bills under reference to that committee. The chairperson generally can prevent any bill from being reported on, and thus cause it to “die” in committee. The chairperson, vice-chairperson(s), and ranking minority member are appointed by the Organization, Calendar, and Rules Committee.

The majority also controls the *Senate Calendar*, which dictates the order of bills to be considered in the chamber and the rules by which bills may be withdrawn from a committee or advanced on the calendar. Judicious use of calendar scheduling has been known to prevent a bill from coming up for consideration or final action, rendering its proponents powerless to advance their cause. Only rarely can a bill be withdrawn from committee for consideration without the chairperson’s support. Committee chairpersons are appointed by the Organization, Calendar, and Rules Committee.

Standing committees often accumulate vast amounts of data and testimony regarding the bills they study. Proceedings of committee meetings and copies of testimony may be obtained from the committee chairperson’s office.



## **House Leadership**

The House has an internal organizational structure similar to the Senate's. The House offices are **speaker, speaker pro tem, majority leader, minority leader, chief clerk, and sergeant-at-arms.**

The House committees are larger than their counterparts in the Senate, but serve basically the same functions and study the same public policy areas (Exhibit I-C). The **Rules and Journal Committee** serves a function similar to that of the Senate's Organization, Calendar, and Rules Committee; its composition also excludes members of the minority party. Committee chairpersons and vice-chairpersons in the House are appointed by, and serve at the pleasure of, the speaker.

## **Legislative Rules**

Each chamber has rules governing its activities. These rules dictate the actions of legislators, members of their staffs, guests, visitors, and observers. Rules may address such issues as the method for casting a member's vote, the appearance of legislators, methods for regulating the legislative process, and methods to force a floor vote on a bill buried in committee. Generally, the Senate follows Roberts Rules of Order Newly Revised. The House ascribes to the Rules of Mason's Manual, which is specifically for legislative bodies.

Because the Senate and House rules differ, observers of the Kansas legislative process benefit from understanding their peculiarities. Rules usually are adopted every two years in the House and every four years in the Senate, and they are based largely on tradition. The culture of each chamber also carries unwritten rules that freshmen legislators and legislative observers must learn in order to comprehend fully the legislative process. The current House and Senate Rules are available from the Internet (see section VI).

An early example of an alleged House rules violation is related in the *Senate Journal* for March 30, 1861 (p. IX-28). Apparently, Senator Sam Wood was accused of attempting to vote in the House while sitting on a representative's desk (for lack of another suitable seat, according to the senator). To this day, the exclusivity of being seated in the Senate is guaranteed by the rules of the Senate, which prohibit anyone from sitting in a senator's seat except with the permission (and in the presence of) a member of the Senate.

The prestigiousness of being “seated” in a state’s elective body is reflected in the policies of other states as well. In Texas, for example, the legislators’ chairs are emblazoned with the state seal and identified by brass nameplates bearing the name of their assigned occupant. At the end of the session, members may take their nameplate as a souvenir or purchase their chair at cost. Legislators serving many sessions may accumulate several chairs for friends and relatives!

### **Joint Legislative Committees**

Some facets of legislative study are so important that study and planning by both the Senate and House is deemed appropriate. This is accomplished in joint committees composed of an equal number of members from each chamber (Exhibit I-D). The Legislative Post Audit Committee, mentioned earlier, is an example of a standing joint committee.

Special study committees (usually interim committees) are formulated at the direction of the LCC to undertake hearings and investigations on specific public policy issues. Exhibit I-E lists the special interim committees reporting to the 2000 session. Interim committee reports usually are published during December before the convening of the legislative session. The published reports are available from the Legislative Research Department and may be retrieved from the Internet.

### **Conference Committees**

After a bill has been passed by one chamber, changes frequently are made by the other legislative body. When this occurs, the house of origin may either concur or nonconcur in the amendments. If a nonconcurrence is stipulated, the house of origin usually requests that a conference committee be established to work out a compromise bill. If the other chamber agrees to a conference, the committee is composed of three members from each chamber. A conference committee is a special form of joint committee with a limited life and a specific mission. Conference committees will be discussed in greater detail later.

### **Other Joint Activities**

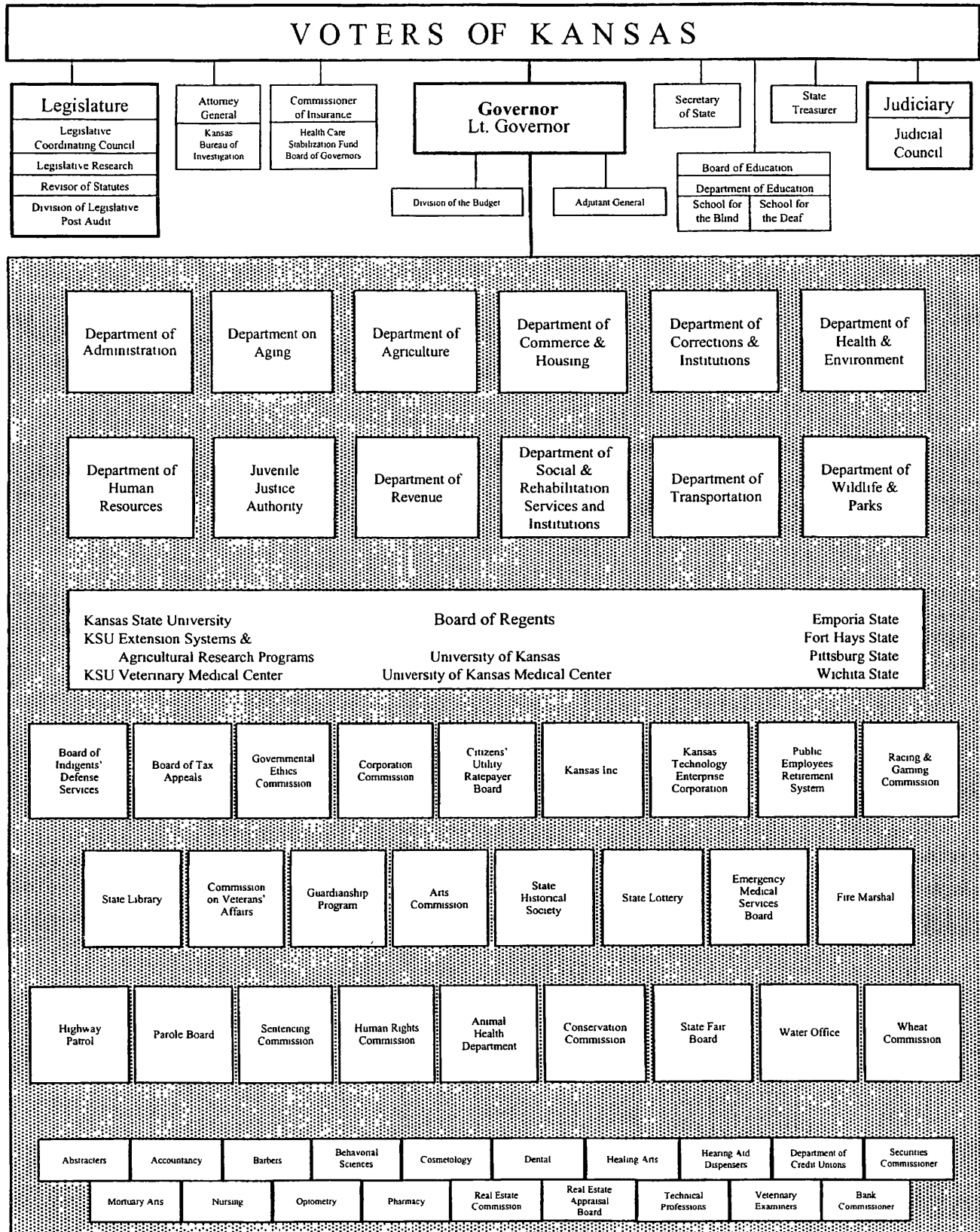
Just as the House and Senate have separate rules, there are rules governing the joint activities of the Legislature (including joint committee operation). These joint rules often establish deadlines for legislative actions (Exhibit I-F). Conference committee procedures also are outlined in the joint rules of the House and Senate.

From time to time, the two chambers of the Legislature convene in joint session to hear remarks from state and federal officers or other individuals. Joint sessions are held in the House chamber, and their proceedings are recorded only in the *House Journal*. The speaker of the House presides. No resolutions, bills, floor debates, or votes occur during joint sessions.

The best-known joint session is called annually for the governor to deliver the “State of the State” address. This speech outlines the governor’s hopes for the coming legislative session and marks the formal submission of the governor’s budget recommendation.



**Exhibit I-A**  
**KANSAS GOVERNMENTAL ORGANIZATION**



Source: Governor's Budget Report for FY2001, Vol. I, Division of the Budget, January 2000.



**Exhibit I-B**

**SENATE STANDING COMMITTEES AND NUMBER OF MEMBERS (2000)**

Agriculture .....	9
Assessment and Taxation .....	11
Commerce .....	11
Confirmation Oversight .....	6
Education .....	11
Elections and Local Government .....	9
Energy and Natural Resources .....	9
Federal and State Affairs .....	9
Financial Institutions and Insurance .....	9
Interstate Cooperation .....	7
Judiciary .....	11
Organization, Calendar and Rules .....	9
Public Health and Welfare .....	9
Transportation and Tourism .....	9
Utilities .....	11
Ways and Means .....	11





**Exhibit I-C**

**HOUSE STANDING COMMITTEES AND NUMBER OF MEMBERS (2000)**

Agriculture .....	17
Appropriations .....	24
Business, Commerce and Labor .....	17
Calendar and Printing .....	7
Economic Development .....	17
Education .....	23
Environment .....	17
Federal and State Affairs .....	23
Financial Institutions .....	17
Fiscal Oversight .....	14
Governmental Organization and Elections .....	17
Health and Human Services .....	17
Insurance .....	17
Interstate Cooperation .....	7
Judiciary .....	21
Local Government .....	17
Rules and Journal .....	5
Taxation .....	23
Tourism .....	17
Transportation .....	23
Utilities .....	17
Kansas 2000 Select Committee .....	17
Select Committee on Information Management .....	8
Agriculture and Natural Resources Budget Committee .....	5
Education and Legislative Budget Committee .....	8
General Government and Human Resources Budget Committee .....	6
Public Safety Budget Committee .....	5
Social Services Budget Committee .....	8
Tax, Judicial and Transportation Budget Committee .....	5



**Exhibit I-D**  
**STANDING JOINT COMMITTEES OF THE LEGISLATURE**

Administrative Rules and Regulations  
Arts and Cultural Resources  
Children's Issues  
Corrections and Juvenile Justice Oversight  
Economic Development  
Health Care Reform Legislative Oversight  
Information Technology  
Legislative Budget  
Legislative Educational Planning  
Legislative Post Audit  
Oversight of University of Kansas Hospital Authority  
Pensions, Investments and Benefits  
Special Claims Against the State  
SRS Transition Oversight  
State Building Construction  
State-Tribal Relations



**Exhibit I-E**  
**SPECIAL INTERIM COMMITTEES (1999)**

	No. of Days Authorized*
Agriculture .....	6
Assessment and Taxation .....	8
Education .....	8
Environment .....	6
Judiciary .....	10
Legislative Process CD-ROM .....	3
Redistricting Advisory Group .....	4
Legislative Compensation Commission** .....	2
Organization & Structure State Historical Society .....	4

\* Excludes meeting dates in May.

\*\* This statutory committee, which meets in even-numbered years, was designated by the LCC as an advisory committee.



**Exhibit I-F**  
**LEGISLATIVE ACTION DEADLINES PROVIDED BY JOINT RULES**

The following dates are the deadlines for introduction and consideration of bills for the 2000 Session, as set forth in Joint Rule 4 of the Senate and House Rules:

**Monday, January 24**

Last day for member or members to request to have bills drafted.

**Wednesday, February 2**

Last day for committees, except House Appropriations, Calendar and Printing and Taxation, House and Senate Federal and State Affairs, Senate Ways and Means, or other select committee, when authorized, to request to have bills drafted.

**Wednesday, February 9**

Last day for individuals to introduce bills.

**Friday, February 11**

Last day for committees, except by committees listed above, to introduce bills.

**Saturday, February 26**

Last day to consider bills in house of origin, except by House Appropriations, Calendar and Printing and Taxation, House and Senate Federal and State Affairs, Senate Ways and Means, or other select committee, when authorized.

**Saturday, March 25**

Last day to consider bills not in house of origin, except by committees listed above.

**Saturday, April 8**

No bills considered after this date except bills vetoed by governor, omnibus appropriations act and omnibus reconciliations spending limit bill.

Prepared by Janet E. Jones, Chief Clerk

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## II ELECTED STATE OFFICIALS

### **Constitutional Officers**

There are six elected state officials in Kansas. All serve four-year terms. The **governor** and **lieutenant governor** are elected as a team and are **constitutional** officers, meaning their positions and basic duties are established by the Kansas Constitution. The other constitutional officers are the **secretary of state** and the **attorney general**. These positions may be eliminated only through a constitutional amendment requiring approval by a two-thirds majority of each chamber of the Legislature and a simple majority of Kansas voters during a popular election. The governor's concurrence is not necessary to present the proposal to the electorate.

### **Statutory Officers**

Kansas also has two **statutory** officers: the **state treasurer** and the **commissioner of insurance**. These two positions could be eliminated upon enactment of an ordinary law repealing the statutes authorizing these offices. This action would require only a simple majority approval by each chamber, and either the governor's concurrence or a two-thirds majority vote in each chamber to override a gubernatorial veto. Kansas voter approval is not required. Clearly, the elimination of statutory offices is much simpler than the elimination of constitutional offices.

### **Qualifications for Office**

A little-known fact of Kansas government is that there are virtually no requirements for any elected state office. There are no age limits, residency requirements, or education or experience prerequisites for the offices. The only exception is that the commissioner of insurance must be a qualified elector and a Kansas resident when taking the oath of office (not necessarily while running for office!). According to the Kansas secretary of state's office, there is a presumption of minimum age with respect to the legal capacity of an official to enter into contracts. But whether this would prevent a legal minor from running for office, or merely prevent the execution of certain duties of the office, is debatable.



## **Gubernatorial Succession**

Another obscure element of state government are the Kansas Laws of Gubernatorial Succession, K.S.A. 75-125, and Emergency Interim Succession, K.S.A. 48-1204. According to these statutes, the lieutenant governor is first in the line of succession to the governor's duties, followed by the president of the Senate, speaker of the House, secretary of state, and attorney general. Until 1994, the chancellor of the University of Kansas was sixth in line, and the president of Kansas State University was last. However, these Regents officials have been removed from the line of succession. Note that no statutory state officers or members of the governor's cabinet appear in the sequence of succession. The most recent amendment to the succession statute was effective July 1, 1994.

**Exhibit II-A**  
**LAW OF GUBERNATORIAL SUCCESSION**

**48-1204. Successors to office of governor.** If the governor, under the constitution, is not able to exercise the powers and discharge the duties of the office, or is unavailable, an officer specified in K.S.A. 75-125 and amendments thereto, in the order of succession provided by that section, shall exercise the powers and duties of the office of governor. If all such officers are not able or are unavailable to exercise the powers and discharge the duties of the office of governor, the secretary of state, or, if the secretary of state is not able or is unavailable, the attorney general, shall exercise the powers and discharge the duties of the office of governor until a new governor is elected and qualified or until a preceding named officer becomes able and available. No emergency interim successor of an officer specified in K.S.A. 75-125 and amendments thereto or in this section may serve as governor.

History: L. 1961, ch. 423, § 4; L. 1973, ch. 157, § 15; L. 1994, ch. 248, § 27; July 1.

Source: *Kansas Statutes Annotated*, 48-1204.

### III BILLS AND RESOLUTIONS

The fruit of a legislative session has its origins in the myriad bills and resolutions considered by the Legislature. Bills differ from resolutions, and resolutions vary in form. We will now examine and categorize resolutions and bills, keeping in mind that the definitions are constant regardless of the house of origin.

#### **Resolutions and Concurrent Resolutions**

Resolutions generally express an intent of the Legislature. They do not formulate law, nor do they require the governor's concurrence; hence, they are not subject to a gubernatorial veto. A **concurrent resolution** is one agreed upon by each chamber. For all practical purposes, concurrent resolutions are studied and debated in a fashion similar to regular bills. Concurrent resolutions are most frequently used for the purposes outlined in Exhibit III-A. Sample concurrent resolutions are shown in Exhibits III-B through III-D. [Proclamations by the governor are similar in effect to resolutions, particularly when of a congratulatory nature (Exhibit III-Q).]

Concurrent resolutions are printed in the same manner as bills. If adopted, they are published in the statute book (*Session Laws of Kansas*) for that year. They are not, however, codified by the revisor of statutes into the *Kansas Statutes Annotated*. Therefore, the official record for concurrent resolutions is the statute book.

Concurrent resolutions generally require only a simple majority vote of each chamber for approval. The principal exceptions are proposed amendments to the state Constitution, ratification of federal constitutional amendments, and extensions of the legislative session beyond 90 days during even-numbered years. These resolutions require a two-thirds majority vote in each chamber.

**Simple resolutions** are often congratulatory or commendatory, and usually are not controversial. They typically involve little study and no debate. Simple resolutions require approval only of the chamber of origin, and are "binding" only within that body's jurisdiction. A simple majority vote is all that is required to adopt a resolution. Common uses of the simple resolution are included in Exhibit III-E, which features examples of the light-

hearted resolutions sometimes introduced in jest. Unless specifically ordered, resolutions are printed only in the journal of the house of origin, the journals serving as the official record for such actions.

The reader will note that simple resolutions serve some of the same purposes as concurrent resolutions. But because simple resolutions usually bypass the normal study-and-debate cycle for concurrent resolutions, they are favored for commendatory actions. Often, the identical text is adopted by each chamber in its own resolution, effectively yielding the same end as a concurrent resolution—but with substantially less red tape.

[Exhibit III-F is an example of a resolution to amend the chamber rules. Such resolutions are exceptions because they are usually studied, debated, and printed similarly to bills.]

At one time the Legislature also used **joint resolutions**, which required the concurrence of each legislative chamber and the governor in a unified declaration. Mentioned here only for completeness, the joint resolution is no longer in use in Kansas.

## **Bills**

A **bill** is the “proposal” stage of what may eventually emerge from the legislative session as a **law**. Bills are subject to extensive study and debate, and are the “meat” of the Legislature’s work.

Bills are first introduced, then printed, and when necessary reprinted (Exhibit III-O) following each significant chamber action. Different typefaces are used at each step to help legislators track the proposed changes, and a typeface key appears at the top of the first page (Exhibit III-G).

Bills—like all resolutions—may be introduced only by members of the Legislature, and only in the legislator’s chamber. There are three general types of bills.

**Committee bills** (Exhibit III-H) are those introduced or sponsored by standing or special legislative committees. Many times, committees agree to introduce proposed law changes at the request of the governor, other state agency officials, individuals, or groups. The introduction of a bill by a committee is not an endorsement; in fact, the bill is usually referred to the sponsoring committee after being introduced. A committee bill merely reflects an agreement by the committee that the proposal merits further consideration.

**Member bills** (Exhibits III-I and III-J) are introduced by an individual legislator or group of legislators. The primary sponsor's name is listed first on the bill, followed in alphabetical order by the names of members willing to be listed as co-sponsors. The lending of one's name to a bill gives the **appearance** of support, but legislators occasionally sponsor a bill primarily to satisfy certain constituents.

**“By Request” bills** (Exhibit III-K) are almost always sponsored by an individual member, usually introduced at the request of constituents, and rarely become law. The heading of such bills is annotated with the words “(By Request).” This serves as a signal that the sponsoring legislator probably does not truly support the bill.

### **Substitute Bills**

Occasionally, a bill referred to a committee will require so many modifications that the committee replaces it with a **substitute bill** (Exhibit III-L). The substitute bill retains the same number as the original, but is referred to as “Substitute for [bill number].” The sole purpose of a substitute bill is to ease the committee amendment process. The heading of a substitute bill lists as author the name of the committee that created it, regardless of the original bill's sponsors. Substitute bills are otherwise treated like any other bill. A substitute bill may even be replaced with another substitute bill (Exhibit III-M).

### **Appropriations**

The Constitution requires that all monies drawn from the state treasury be pursuant to a specific appropriation made by law (Kansas Constitution, Article 2, Section 24). This is accomplished through appropriation bills, which are the principal work of the **House Appropriations** and **Senate Ways and Means** committees. Appropriations may originate in either chamber, unlike the federal procedure in which all appropriations must originate in the House. The assignment of a member to the appropriation committee of his or her chamber is a prestigious and powerful appointment.

Appropriation bills usually include several agencies that share a common function (state charitable institutions, corrections facilities, institutions of higher education, and so forth). An appropriation, such as for a specific program, occasionally may appear in the bill establishing that program.

To begin the appropriation process, the revisor of statutes assists the Division of the Budget in the preparation of the appropriation bills. The budget division prepares a first draft, which is then reviewed by the revisor's staff and typed into the legislative bill drafting system. Changes to the draft are made after consultation between revisors and the budget division, and a final draft for introduction is developed.

The original bill is the governor's budget recommendation, based on agency requests and the advice of budget analysts in the Division of the Budget (Exhibit III-N).

The chairpersons of the Appropriations and Ways and Means committees coordinate which chamber will originate each appropriation bill. The house of origin alternates, although there is no statutory or constitutional requirement that appropriation bills be split between the two chambers. Rather, there is a constitutional "permission" that the chambers may each originate appropriation bills. This is aimed toward completing the appropriations work with as little duplication of effort as possible, given the number of committee members available.

After being introduced by its originating committee, an appropriation bill is referred back to that committee for study, and the standard bill processing procedure follows.

**Exhibit III-A**  
**COMMON USES OF CONCURRENT RESOLUTIONS**

1. Calling joint sessions of the Legislature
2. Adopting or amending joint rules
3. Memorializing the President of the United States
4. Memorializing the Congress of the United States
5. Memorializing state officers or agencies
6. Extending the length of the session beyond 90 calendar days during even-numbered years
7. Ratifying amendments to the United States Constitution
8. Proposing amendments to the Kansas Constitution
9. Congratulating and commending (rare)





**Exhibit III-B**  
**SENATE CONCURRENT RESOLUTION AMENDING JOINT RULES**

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Session of 1985

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**Senate Concurrent Resolution No. 1607**

By Senators Talkington and Johnston

1-24

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0017 A CONCURRENT RESOLUTION relating to the joint rules for  
0018 the senate and house of representatives for the 1985-1986  
0019 biennium.

0020 *Be it resolved by the Senate of the State of Kansas, the House*  
0021 *of Representatives concurring therein:* That the following joint  
0022 rules shall be the joint rules of the senate and house of repre-  
0023 sentatives for the 1985-1986 biennium:

0024 **JOINT RULES**  
0025 **OF THE**  
0026 **SENATE AND HOUSE OF REPRESENTATIVES**  
0027 **1985-1986**

0028 Joint rule 1. *Application and date of expiration; adoption,*  
0029 *amendment, suspension and revocation of joint rules.*—Joint  
0030 rules are adopted under the authority of section 8 of article 2 of  
0031 the Constitution of the State of Kansas and shall govern matters  
0032 made subject thereto except when otherwise specifically pro-  
0033 vided by joint rule. Joint rules shall expire at the conclusion of  
0034 the terms of representatives. Joint rules shall be adopted,  
0035 amended, suspended and revoked by concurrent resolution of  
0036 the two houses of the legislature. Concurrent resolutions adopt-  
0037 ing joint rules shall receive the affirmative vote of not less than a  
0038 majority of the members then elected (or appointed) and quali-  
0039 fied in each house. After one day's previous notice, joint rules  
0040 may be amended, suspended or revoked by the affirmative vote  
0041 of not less than a majority of the members then elected (or  
0042 appointed) and qualified in each house. Upon the filing of such  
0043 notice in either house, a message shall be sent to the other house  
0044 advising of the filing of such notice and the reading of the  
0045 message shall constitute notice to the members of such house. If

Note enacting clause on lines 20 and 21.



Exhibit III-C

SENATE CONCURRENT RESOLUTION TO RATIFY  
A U.S. CONSTITUTIONAL AMENDMENT

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Session of 1985

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**Senate Concurrent Resolution No. 1611**

By Senators Anderson, Daniels, Feleciano, Francisco, Hoferer,  
Johnston, Karr, Martin, Mulich, Norvell, Parrish, Reilly,  
Strick, Walker, Winter and Yost

1-30

---

0019 A CONCURRENT RESOLUTION relating to and ratifying the  
0020 proposed amendment to the constitution of the United States  
0021 relating to representation of the District of Columbia in the  
0022 congress.

0023 WHEREAS, At the second session of the ninety-fifth congress  
0024 of the United States of America, begun and held at the city of  
0025 Washington on Thursday, the nineteenth day of January, 1978, it  
0026 was resolved by the senate and house of representatives in  
0027 congress assembled (two-thirds of each house concurring  
0028 therein) that the following article be proposed as an amendment  
0029 to the constitution of the United States, which when ratified by  
0030 the legislatures of three-fourths of the several states, shall be  
0031 valid to all intents and purposes as a part of the constitution:

0032 "HOUSE JOINT RESOLUTION 554

0033 "Joint Resolution proposing an amendment to the constitution  
0034 to provide for representation of the District of Columbia in the  
0035 congress.

0036 "*Resolved by the Senate and House of Representatives of the*  
0037 *United States of America in Congress assembled (two-thirds of*  
0038 *each House concurring therein), That the following article is*  
0039 *proposed as an amendment to the Constitution of the United*  
0040 *States, which shall be valid to all intents and purposes as part of*  
0041 *the Constitution when ratified by the legislatures of three-*  
0042 *fourths of the several States within seven years from the date of*  
0043 *its submission by the Congress:*

0044 "ARTICLE \_\_\_\_\_

0045 "Section 1. For purposes of representation in the Congress,  
0046 election of the President and Vice President, and article V of this  
0047 Constitution, the District constituting the seat of government of  
0048 the United States shall be treated as though it were a State.

Note: Contrast the wording of this resolution with the wording in the concurrent resolution to amend the Kansas Constitution (Exhibit III-D).



Exhibit III-D

SENATE CONCURRENT RESOLUTION TO PROPOSE A  
KANSAS CONSTITUTIONAL AMENDMENT

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Session of 1992

Senate Concurrent Resolution No. 1632

By Senators Bond, Burke, Winter, Bogina, Ehrlich, Frahm,  
Gaines, Hayden, Kanan, F. Kerr, Langworthy, Lee, McClure,  
Montgomery, Morris, Oleen, Rock, Salisbury, Sallee, Thiessen,  
Walker, Webb and Yost

1-23

---

11 A PROPOSITION to amend section 3c of article 15 of the constitution  
12 of the state of Kansas, relating to a state-owned and operated  
13 lottery.

14  
15 *Be it resolved by the Legislature of the State of Kansas, two-thirds*  
16 *of the members elected (or appointed) and qualified to the Senate*  
17 *and two-thirds of the members elected (or appointed) and qualified*  
18 *to the House of Representatives concurring therein:*

19 Section 1. The following proposition to amend the constitution  
20 of the state of Kansas shall be submitted to the qualified electors of  
21 the state for their approval or rejection: Section 3c of article 15 of  
22 the constitution of the state of Kansas is hereby amended to read  
23 as follows:

24 "§ 3c. State-owned and operated lottery. (a) Notwithstand-  
25 ing the provisions of section 3 of article 15 of the constitution  
26 of the state of Kansas, the legislature may provide for a state-  
27 owned and operated lottery, ~~except that such state-owned~~  
28 ~~lottery shall not be operated after June 30, 1990, unless~~  
29 ~~authorized to be operated after such date by a concurrent~~  
30 ~~resolution approved by a majority of all of the members~~  
31 ~~elected (or appointed) and qualified of each house and~~  
32 ~~adopted in the 1990 regular session of the legislature. Such~~  
33 ~~lottery may include only the following, as defined by law: (1)~~  
34 ~~Instant lottery, keno and lotto games, and electronic or com-~~  
35 ~~puterized versions of those games; and (2) if specifically au-~~  
36 ~~thorized by law, video lottery games on machines that do not~~  
37 ~~dispense coins, cash or tokens. The state shall whenever possi-~~  
38 ~~ble provide the public information on the odds of winning a~~  
39 ~~prize or prizes in a lottery game.~~

40 (b) *One-half of the net revenues derived from any state-*  
41 *owned and operated lottery shall be used exclusively to fund*  
42 *economic development in Kansas and the remaining one-half*  
43 *shall be used exclusively for education."*

Note: The term "Proposition" is used because the amendment is proposed to the electorate for approval.



**Exhibit III-E(a)**  
**COMMON USES OF SIMPLE RESOLUTIONS**

1. Adopting or amending rules of the chamber
2. Adopting or amending seating arrangements
3. Notifying the governor that the chamber is organized
4. Memorializing the President of the United States
5. Memorializing the Congress of the United States
6. Memorializing state officers or agencies
7. Congratulating and commending (frequent)

**Exhibit III-E(b)**  
**HUMOROUS RESOLUTIONS**

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Duncan, HR 6155, by Rep. Duncan, as follows, was adopted:

HOUSE RESOLUTION No. 6155—

A RESOLUTION commending the spunk and perseverance of short people and encouraging tall people to become short.

WHEREAS, Short people are not found upon courts of basketball and even in courts of law are sometimes overlooked; and

WHEREAS, It has been said that you are tall enough if your feet can touch the ground, but in driving trucks and autos and buggies and things it's reassuring to know your feet can reach the brakes, and

WHEREAS, Short people have to overcome many obstacles to achieve success in life such as bad jokes about short people, high elevator buttons, elevator shoes and large dogs; and

WHEREAS, The following famous short persons overcame these obstacles and more:

Pablo Picasso, Spanish painter;  
James Madison, United States president;  
Olga Korbut, Soviet gymnast,  
Mickey Rooney, United States actor;  
Marquis de Sade, French soldier and writer;  
Henri Marie Raymond de Toulouse-Lautrec, French painter;  
Saint Francis of Assisi, Italian saint;  
Dolly Parton, United States singer; and  
Engelbert Dollfuss, noted Austrian statesman: Now therefore,  
*Be it resolved:* That short is beautiful; and

*Be it further resolved:* That all persons over five feet, four inches in height are repealed effective July 1, 1982, and upon passage by the Senate of a bill taxing anything, except that such persons have one year to reduce in size to five feet, four inches or less, and the extra length can be taken off either end.

Note that some humorous resolutions are adopted; others are enjoyed but fail at adoption.



**Exhibit III-E(c)**  
**HUMOROUS RESOLUTIONS**

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Darrel Webb, HR 6050, by Reps. Darrel Webb and Francisco, as follows, was not adopted:

HOUSE RESOLUTION No. 6050—

By Representatives Darrel Webb and Francisco

A RESOLUTION urging the House of Representatives to not consider any legislation to require Wichita State to play Kansas in basketball for five years.

WHEREAS, On March 20, 1981, an exceptionally well played basketball game between Wichita State and Kansas, especially with respect to Kansas, ended in victory for the crippled and short-handed Shockers; and

WHEREAS, The red-faced Jayhawk fans should not be faced with the same embarrassment for a five-year period of time even though the Shockers will be quite capable and ready to reproduce such embarrassment. Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we urge that no legislation requiring the Shockers of Wichita State to play the Jayhawks of Kansas shall be considered for five years.



Exhibit III-F  
SENATE RESOLUTION TO AMEND SENATE RULES

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Session of 1985

---

**SENATE RESOLUTION No. 1801**

By Senator Talkington

1-14

---

0017 A RESOLUTION relating to the rules for the Senate for the  
0018 1985-1988 terms of senators.

0019 *Be it resolved by the Senate of the State of Kansas:* That  
0020 except as otherwise hereinafter provided, the Rules of the Senate  
0021 1981-1984 in effect at the time of adjournment sine die of the  
0022 1984 regular session of the legislature shall constitute the Rules  
0023 of the Senate for the 1985-1988 terms of senators; and

0024 *Be it further resolved:* That Rules 7, 12, 52 and 67 be  
0025 amended to read as follows and a new rule 77 be adopted and  
0026 constitute rules of the Senate for the 1985-1988 terms of senators:  
0027 Rule 7. *Standing Committees.*—There shall be a standing  
0028 committee named the Committee on Organization, Calendar and  
0029 Rules which shall consist of seven members, the chairperson of  
0030 which shall be the president of the Senate, and the vice-chair-  
0031 person of which shall be the majority leader of the Senate. Each  
0032 of the other five members shall be selected separately by a  
0033 majority vote of all duly elected members of the majority politi-  
0034 cal party of the Senate.

0035 No bill or resolution other than resolutions adopting, amend-  
0036 ing or revoking rules of the Senate or Joint Rules of the Senate  
0037 and House of Representatives, shall be introduced by or be  
0038 referred to the Committee on Organization, Calendar and Rules.

0039 The following shall be the other standing committees:

	Number of members
0040	
0041	
0042 1. Agriculture and Small Business . . . . .	11
0044 2. Assessment and Taxation . . . . .	11
0046 3. Commercial and Financial Institutions and Insurance . . . . .	11
0048 4. Confirmations—Not less than 7 and not more than . . . . .	9
0050 5. Education . . . . .	11
0052 6. Elections—Not less than 7 and not more than . . . . .	11
0054 7. Energy and Natural Resources . . . . .	11



Exhibit III-G(a)  
AMENDED HOUSE BILL

*As Amended by Senate Committee*

As Amended by House Committee

*Session of 1991*

HOUSE BILL No. 2082

By Committee on Insurance

1-30

11 AN ACT relating to insurance; concerning unfair claim settlement  
12 practices; amending K.S.A. ~~1990~~ 1991 Supp. 40-2404 and re-  
13 pealing the existing section.

14

15 *Be it enacted by the Legislature of the State of Kansas:*

16 Section 1. K.S.A. ~~1990~~ 1991 Supp. 40-2404 is hereby amended  
17 to read as follows: 40-2404. ~~(a)~~ The following are hereby defined as  
18 unfair methods of competition and unfair or deceptive acts or prac-  
19 tices in the business of insurance:

20 (1) *Misrepresentations and false advertising of insurance policies.*

21 Making, issuing, circulating or causing to be made, issued or cir-  
22 culated, any estimate, illustration, circular, statement, sales pres-  
23 entation, omission or comparison which:

24 ~~(a)~~ ~~(A)~~ (a) Misrepresents the benefits, advantages, conditions or  
25 terms of any insurance policy;

26 ~~(b)~~ ~~(B)~~ (b) misrepresents the dividends or share of the surplus  
27 to be received on any insurance policy;

28 ~~(c)~~ ~~(C)~~ (c) makes any false or misleading statements as to the  
29 dividends or share of surplus previously paid on any insurance policy;

30 ~~(d)~~ ~~(D)~~ (d) is misleading or is a misrepresentation as to the  
31 financial condition of any person, or as to the legal reserve system  
32 upon which any life insurer operates;

33 ~~(e)~~ ~~(E)~~ (e) uses any name or title of any insurance policy or class  
34 of insurance policies misrepresenting the true nature thereof;

35 ~~(f)~~ ~~(F)~~ (f) is a misrepresentation for the purpose of inducing or  
36 tending to induce the lapse, forfeiture, exchange, conversion or sur-  
37 render of any insurance policy;

38 ~~(g)~~ ~~(G)~~ (g) is a misrepresentation for the purpose of effecting a  
39 pledge or assignment of or effecting a loan against any insurance  
40 policy; or

41 ~~(h)~~ ~~(H)~~ (h) misrepresents any insurance policy as being shares  
42 of stock.

43 (2) *False information and advertising generally.* Making, pub-

Note use of symbols such as strike-throughs, and italic type, to indicate committee actions.



## Exhibit III-G(b)

### BILL PRINTING PROCEDURE

The Director of Printing prints all bills and resolutions by order of either the House of Representatives or the Senate. The most recent printing of a bill or resolution will show all of the changes made at a previous stage. The following is an explanation and illustration of the system.

Roman Type	1. Existing law not being changed will be shown in Roman type. ( <i>e.g.</i> , Roman type.)
<del>Roman Strike Type</del>	2. Where existing statutes or portions thereof are being repealed, the material removed will be in Roman strike-type. ( <i>e.g.</i> , <del>Roman strike type</del> .)
<i>Italic Type</i>	3. <i>New material within an existing section proposed by the author will be shown in Italic type.</i> When the author proposes whole new sections of law, the material will be shown in Roman type and the section heading will be printed in Italic type. The word "New" will precede the section and number. ( <i>e.g.</i> , <i>New Section 1</i> or <i>New Sec. 2</i> ) New material will be shown this way regardless of whether a Senator, Representative, or Committee is the author.
Boldface Type	4. Boldface type has been assigned to the House of Representatives. When new material is added by a House committee, the next printing will show such amendments in boldface type.
[Boldface Type and Brackets]	5. [Material added by a House Committee of the Whole amendment will be shown in subsequent printings as boldface type, in brackets.]
<i>Boldface Italic Type</i>	6. <i>Boldface Italic type has been assigned to the Senate. Anytime a committee of the Senate adds new material, it will be shown in boldface Italic type in future printings.</i>
[ <i>Boldface Italic and Brackets</i> ]	7. [ <i>Amendments made in the Senate by the Committee of the Whole will be shown in boldface Italic type, in brackets.</i> ]
<del>Strike Type Strike Type</del>	8. Whenever the HOUSE OF ORIGIN deletes material that had been proposed by the author or added at any stage after introduction, that material being stricken will be shown in strike type. ( <i>e.g.</i> , <del>Strike type</del> or <i>strike type</i> .)
<del>Double Strike Type Double Strike Type</del>	9. Whenever the OTHER HOUSE deletes material from the bill as passed by HOUSE OF ORIGIN, that material being stricken will be indicated by double-strike type. ( <i>e.g.</i> , <del>Double-strike type</del> or <i>Double-strike type</i> .)





Exhibit III-H  
COMMITTEE BILL

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Session of 1992

**SENATE BILL No. 528**

By Committee on Agriculture

1-27

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8 AN ACT concerning animals; relating to spaying or neutering dogs  
9 and cats; amending K.S.A. 1991 Supp. 47-1731 and repealing the  
10 existing section.  
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1991 Supp. 47-1731 is hereby amended to read  
14 as follows: 47-1731. (a) No dog or cat may be released for adoption  
15 from any pound or animal shelter, as defined by K.S.A. 47-1701,  
16 and amendments thereto, or from any duly incorporated humane  
17 society, unless:

18 (1) Such dog or cat has been first surgically spayed or neutered;  
19 or

20 (2) the adopting party signs an agreement to have the dog or cat  
21 spayed or neutered and deposits with the pound or animal shelter  
22 funds sufficient to ensure that the dog or cat will be sterilized. Any  
23 funds deposited pursuant to such an agreement shall be refunded  
24 to the adopting party upon presentation of a written statement signed  
25 by a licensed veterinarian that the adopted dog or cat has been  
26 spayed or neutered.

27 (b) No person shall spay or neuter any dog or cat for or on behalf  
28 of a pound, animal shelter or humane society unless such person is  
29 a licensed veterinarian *or a student currently enrolled in the college*  
30 *of veterinary medicine, Kansas state university, who has completed*  
31 *at least two years of study in the veterinary medical curriculum and*  
32 *is participating in a spay or neuter program as part of the curriculum*  
33 *under the direct supervision of a licensed veterinarian who is a*  
34 *faculty member at the Kansas state university veterinary medical*  
35 *center. No pound, animal shelter or humane society shall designate*  
36 *the veterinarian which a person must use, or a list from which a*  
37 *person must select a veterinarian, to spay or neuter a dog or cat*  
38 *adopted by such person from such pound, shelter or society, nor*  
39 *shall such pound, shelter or society in any way penalize a person*  
40 *for such person's selection of a veterinarian to spay or neuter a dog*  
41 *or cat adopted from such pound, shelter or society.*

42 (c) Nothing in this section shall be construed to require sterili-  
43 zation of a dog or cat which is being held by a pound or animal



Exhibit III-I  
MEMBER BILL—SINGLE SPONSOR

---

Session of 1962

SENATE BILL No. 527

By Senator Doyen

1-24

---

8 AN ACT relating to county roads and highways; concerning township  
9 equipment and road machinery; amending K.S.A. 68-594 and re-  
10 pealing the existing section.

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 68-594 is hereby amended to read as follows:  
13 68-594. Upon the adoption of the provisions of this act by any county,  
14 the township boards of all townships in such county ~~shall forthwith~~  
15 ~~turn over and deliver to the board of county commissioners of~~  
16 ~~such county may dispose of~~ any and all road machinery and equip-  
17 ment which such township has acquired for the purpose of con-  
18 structing and maintaining township roads *in the following manner:*

- 19  
20 (a) *Donate such road machinery and equipment to such county;*  
21 (b) *sell such road machinery and equipment to such county; or*  
22 (c) *sell such road machinery or equipment to any other party.*

23 Sec. 2. K.S.A. 68-594 is hereby repealed.

24 Sec. 3. This act shall take effect and be in force from and after  
25 its publication in the statute book.



Exhibit III-J  
MEMBER BILL—MULTIPLE SPONSORS

---

Session of 1992

**HOUSE BILL No. 2779**

By Representatives Chronister, Amos, Baker, Bradford, Brown, Corbin, Cornfield, Crowell, Dawson, Douville, Empson, Flottman, Flower, Fuller, Gatlin, Glasscock, Hayzlett, Heinemann, Hendrix, Jennison, King, B. Lawrence, Lloyd, Long, Lowther, Mead, Miller, O'Neal, Pottorff, Praeger, Ramirez, Roe, Samuelson, Scott, Sluiter, Snowbarger, Weimer and Wells

1-27

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13 AN ACT relating to city and countywide retailers' sales taxes; al-  
14 lowing rate increases for funding of local health care services;  
15 amending K.S.A. 12-187 and 12-189 and repealing the existing  
16 sections.

17

18 *Be it enacted by the Legislature of the State of Kansas:*

19 Section 1. K.S.A. 12-187 is hereby amended to read as follows:  
20 12-187. (a) (1) No city shall impose a retailers' sales tax under the  
21 provisions of this act without the governing body of such city having  
22 first submitted such proposition to and having received the approval  
23 of a majority of the electors of the city voting thereon at an election  
24 called and held therefor. The governing body of any city may submit  
25 the question of imposing a retailers' sales tax and the governing body  
26 shall be required to submit the question upon submission of a pe-  
27 tition signed by electors of such city equal in number to not less  
28 than 10% of the electors of such city.

29 (2) *The governing body of any city may submit the question of*  
30 *imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1%*  
31 *and pledging the revenue received therefrom for the purpose of*  
32 *financing the provision of health care services, as enumerated in the*  
33 *question, to the electors at an election called and held thereon. The*  
34 *tax imposed pursuant to this paragraph shall be deemed to be in*  
35 *addition to the rate limitations prescribed in K.S.A. 12-189, and*  
36 *amendments thereto. As used in this paragraph, health care services*  
37 *shall include but not be limited to the following: County health*  
38 *departments, city, county or district hospitals, city or county nursing*  
39 *homes, preventive health care services including immunizations, pre-*  
40 *natal care and the postponement of entry into nursing homes by*  
41 *home health care services, mental health services, indigent health*  
42 *care, physician or health care worker recruitment, health education,*  
43 *emergency medical services, rural health clinics, integration of health*



Exhibit III-K  
"BY REQUEST" BILL

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Session of 1962

HOUSE BILL No. 2704

By Representative Wiard

(By request)

1-16

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10 AN ACT concerning agriculture; relating to pesticides; amending  
11 K.S.A. 2-2440, 2-2448 and 2-2467a and repealing the existing  
12 sections.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2-2440 is hereby amended to read as follows:  
16 2-2440. (a) Subject to the provisions of subsection (d), it is unlawful  
17 for any pesticide business which has not been issued a pesticide  
18 business license to:

19 (1) Advertise, offer for sale, sell or perform any service for the  
20 control of a pest on the property of another or apply a pesticide to  
21 the property of another within this state; or

22 (2) perform any service for the control of a pest or apply any  
23 pesticide on or at the premises of another person under any com-  
24 mission, division of receipts or subcontracting arrangement with a  
25 licensed pesticide business.

26 Nothing in this subsection shall be construed to require the li-  
27 censing of any person applying restricted use pesticides to the prop-  
28 erty of another as a certified private applicator or under the  
29 supervision of a certified private applicator.

30 (b) Application for a pesticide business license or renewal shall  
31 be made in writing to the secretary on a designated form obtained  
32 from the secretary's office and shall be accompanied by an application  
33 fee per category in which the licensee applies, and an additional fee  
34 for each uncertified individual employed by the applicant to apply  
35 pesticides. The application fee per category and the additional fee  
36 for each such uncertified employee shall be fixed by rules and reg-  
37 ulations adopted by the state board of agriculture except that such  
38 fees shall not exceed an application fee of \$100 per category in which  
39 the licensee applies and an additional fee of \$10 for each uncertified  
40 individual employed by the applicant to apply pesticides. The ap-  
41 plication fee per category and the additional fee for each uncertified  
42 employee in effect on the day preceding the effective date of this  
43 act shall continue in effect until the state board of agriculture adopts





Exhibit III-L  
SUBSTITUTE BILL

*[As Amended by Senate on Final Action]*

*Session of 1991*

Substitute for SENATE BILL No. 265

By Committee on Transportation and Utilities

3-7

9 AN ACT relating to railroads; establishing the rail service assistance  
10 program; creating the rail service assistance program loan guar-  
11 antee fund; amending K.S.A. 1990 Supp. 45-221 and repealing  
12 the existing section.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. The legislature finds and determines that inte-  
16 grated systems, including railways, highways and airways, are nec-  
17 essary in order to meet the economic and energy needs of the citizens  
18 of the state, both now and in the future. The legislature finds that  
19 a portion of the present railroad system in the state does not provide  
20 adequate service to citizens of the state. The legislature further finds  
21 and determines that it is in the best interest of the state to establish  
22 a rail service assistance program in order to preserve and revitalize  
23 essential rail service in the state.

24 New Sec. 2. There is hereby established the rail service assist-  
25 ance program to provide assistance for the preservation and revi-  
26 talization of rail service in the state, including the guarantee of loans  
27 pursuant to section 7 of this act.

28 New Sec. 3. There is hereby established the rail service assist-  
29 ance program advisory committee hereinafter referred to as the ad-  
30 visory committee. The advisory committee shall be advisory to the  
31 secretary of transportation.

32 New Sec. 4. The advisory committee shall consist of nine mem-  
33 bers appointed by the governor as follows:

- 34 (a) Two shall be rail shippers;  
35 (b) two shall be representatives of railroad management, one shall  
36 represent a class I railroad and one shall represent a regional or  
37 short line railroad;  
38 (c) two shall represent railroad labor, one shall be an employee  
39 of a class I railroad and one shall be an employee of a regional or  
40 short line railroad; and  
41 (d) three shall represent the general public. A person appointed  
42 to fill a vacancy which occurs prior to the expiration of a term shall  
43 be appointed for the unexpired term. Each member of the advisory



**Exhibit III-M**  
**SUBSTITUTE FOR SUBSTITUTE BILL**

**SENATE SUBSTITUTE FOR**  
**SENATE SUBSTITUTE FOR HOUSE BILL No. 2892**

AN ACT concerning school districts, affecting the financing thereof and providing revenue therefor, relating to quality performance and accountability, amending K.S.A. 12-1677, 12-1742, 72-4442, 72-8204, 79-2929a, 79-32,110, 79-32,119, 79-32,120, 79-3602, 79-3603 and 79-3703 and K.S.A. 1991 Supp. 31-144, 72-978, 72-1106, 72-3703, 72-4437, 72-6757, 72-7063, 72-8230, 72-8233, 72-9502, 72-9504, 79-2959, 79-2964, 79-34,147 and 79-3606, and repealing the existing sections, also repealing K.S.A. 72-7030, 72-7031, 72-7032, 72-7035, 72-7036, 72-7044, 72-7048, 72-7049, 72-7051, 72-7052, 72-7057, 72-7058, 72-7060, 72-7061, 72-7063a, 72-7065, 72-7066, 72-7072, 72-7074, 72-7075, 72-7076, 72-7077, 72-7078, 72-9505 and 72-9506 and K.S.A. 1991 Supp. 72-3702, 72-3704, 72-3705, 72-3706, 72-3707, 72-3708, 72-3709, 72-7033, 72-7034, 72-7037, 72-7038, 72-7039, 72-7040, 72-7041, 72-7042, 72-7043, 72-7045, 72-7046a, 72-7047, 72-7050, 72-7053, 72-7054, 72-7055, 72-7056, 72-7059, 72-7062, 72-7063, as amended by section 54 of this act, 72-7064, 72-7067, 72-7068, 72-7071, 72-7081, 72-8184, 72-9507, 72-9508 and 79-34,147a.

*Be it enacted by the Legislature of the State of Kansas:*

New Section 1. (a) Sections 1 through 36, and amendments thereto, shall be known and may be cited as the school district finance and quality performance act.

(b) The provisions of this section shall take effect and be in force from and after July 1, 1992.

New Sec. 2. (a) "District" means a school district organized under the laws of this state which is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-1106, and amendments thereto.

(b) "Board" means the board of education of a school district.

(c) "State board" means the state board of education.

(d) The provisions of this section shall take effect and be in force from and after July 1, 1992.

Final Bill Print of a substitute for a substitute bill.



Exhibit III-N  
APPROPRIATIONS BILL

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Session of 1993

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HOUSE BILL No. 2722

By Committee on Appropriations

1-17

9 AN ACT making and concerning appropriations for the fiscal year  
10 ending June 30, 1993, for the adjutant general, state fire marshal,  
11 Kansas parole board, Kansas highway patrol, attorney general —  
12 Kansas bureau of investigation, youth center at Topeka, youth  
13 center at Beloit, youth center at Atchison, corrections ombudsman  
14 board, department of civil air patrol, emergency medical services  
15 board and Kansas sentencing commission; authorizing certain  
16 transfers and fees, imposing certain restrictions and limitations,  
17 and directing or authorizing certain receipts and disbursements  
18 and acts incidental to the foregoing.  
19

20 *Be it enacted by the Legislature of the State of Kansas:*

21 Section 1. For the fiscal year ending June 30, 1993, appropri-  
22 ations are hereby made, restrictions and limitations are hereby im-  
23 posed, and transfers, fees, receipts, disbursements and acts incidental  
24 to the foregoing are hereby directed or authorized as provided in  
25 this act.

26 Sec. 2.

27 ADJUTANT GENERAL

28 (a) There is appropriated for the above agency from the state  
29 general fund the following:

30 Operating expenditures ..... \$2,934,045

31 *Provided*, That any unencumbered balance in excess of \$100 as of  
32 June 30, 1992, is hereby reappropriated to the operating expendi-  
33 tures account for fiscal year 1993: *Provided, however*, That expen-  
34 ditures from such reappropriated balance shall not exceed \$73,578  
35 except upon approval of the state finance council: *Provided further*,  
36 That expenditures from this account for official hospitality shall not  
37 exceed \$1,250.

38 (b) There is appropriated for the above agency from the following  
39 special revenue funds all moneys now or hereafter lawfully credited  
40 to and available in such funds, except that expenditures other than  
41 refunds authorized by law shall not exceed the following:

42 Conversion of materials and equipment fund — military division ..... \$0  
43 Training and support of title III — federal fund..... No limit



Exhibit III-O  
REPRINT OF A BILL

(Reprint)

Session of 1991

HOUSE BILL No. 2444

By Committee on Public Health and Welfare

2-22

8 AN ACT establishing the woman's educated choice and informed  
9 decision act; establishing requirements of educated choice and  
10 informed decisions relating to abortions; amending K.S.A. 1990  
11 Supp. 65-2837 and repealing the existing section.  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. Sections 1 through 5, and amendments thereto,  
15 of this act shall be known and may be cited as the woman's educated  
16 choice and informed decision act.

17 New Sec. 2. As used in the woman's educated choice and in-  
18 formed decision act:

19 (a) "Abortion" means an act, procedure or use of any instrument,  
20 medicine or drug which is supplied or prescribed for or administered  
21 to a pregnant woman with the intent and result of producing the  
22 premature expulsion, removal or termination of the life of the pre-  
23 born child within the womb of the pregnant woman, except that in  
24 cases in which the preborn child's life is threatened by the contin-  
25 uation of the pregnancy, early delivery after viability shall not be  
26 construed as abortion.

27 (b) "Preborn child" means the offspring of human beings existing  
28 from the moment of fecundation of the ovum by the spermatozoa,  
29 through every stage of development until birth.

30 (c) "Viable" means that stage of the preborn child's development  
31 when the preborn child's life may be continued indefinitely outside  
32 the womb by natural or artificial life-supporting systems.

33 (d) "Physician" means any person licensed to practice medicine  
34 and surgery under the laws of this state.

35 (e) "Qualified person assisting the physician" means a physician,  
36 psychologist, licensed social worker, registered professional counselor  
37 or registered nurse.

38 New Sec. 3. (a) An abortion otherwise permitted by law shall  
39 not be performed or induced except:

40 (1) With the written acknowledgment of the woman upon whom  
41 the abortion is to be performed that she has been orally informed,  
42 by the physician who will perform the abortion or a qualified person  
43 assisting the physician, of the public and private agencies available





Exhibit III-P  
CORRECTED PRINTING OF A BILL

(Corrected)

As Amended by House Committee

Session of 1991

SENATE BILL No. 233

By Senators Winter, Allen, Anderson, Bogina, Bond, Brady,  
Burke, Daniels, Doyen, Ehrlich, Frahm, Francisco, Gaines,  
Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee,  
Martin, McClure, Montgomery, Moran, Morris, Oleen, Reilly,  
Salisbury, Sallee, Strick, Thiessen, Vidricksen, Walker and Yost

2-13

13 AN ACT concerning crimes and punishment; relating to vol-  
14 untary intoxication as a defense; amending K.S.A. 21-3208  
15 and repealing the existing section the Kansas human rights  
16 commission; relating to statutory conflict resolution; amending  
17 K.S.A. 1991 Supp. 44-1002, 44-1015 and 44-1030 and repealing  
18 the existing sections; also repealing K.S.A. 1991 Supp. 44-1002a,  
19 44-1015a and 44-1030a.

20  
21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. K.S.A. 21-3208 is hereby amended to read as  
23 follows: 21-3208. (1) The fact that a person charged with a  
24 crime was in an intoxicated condition at the time the alleged  
25 crime was committed is a defense only if such condition was  
26 involuntarily produced and rendered such person substantially  
27 incapable of knowing or understanding the wrongfulness of his  
28 such person's conduct and of conforming his such person's  
29 conduct to the requirements of law.

30 (2) An act committed while in a state of voluntary intoxi-  
31 cation is not less criminal by reason thereof, but when a par-  
32 ticular intent or other state of mind is a necessary element to  
33 constitute a particular crime, the fact of intoxication may be  
34 taken into consideration in determining such intent or state of  
35 mind. Voluntary intoxication may not be taken into consid-  
36 eration in determining the existence of any criminal intent  
37 which is a necessary element to constitute a particular crime.

38 Sec. 2. K.S.A. 21-3208 is hereby repealed.

39 Sec. 3. This act shall take effect and be in force from and  
40 after its publication in the statute book.

41 Section 1. K.S.A. 1991 Supp. 44-1002 is hereby amended to  
42 read as follows: 44-1002. When used in this act:

43 (a) "Person" includes one or more individuals, partnerships, as-

Note: When the print of a bill contains an error, the bill is reprinted with the notation  
"Corrected as seen here."



Exhibit III-Q  
PROCLAMATION BY THE GOVERNOR

PROCLAMATION

By the Governor

Executive Department  
State of Kansas  
Topeka, Kansas

TO THE PEOPLE OF KANSAS, GREETINGS:

WHEREAS, there are over 4,600 licensed amateur radio operators in the State of Kansas, coming from all walks of life; and

WHEREAS, amateur radio operators have evidenced their knowledge by passing an examination requiring a working understanding of International Morse Code, electronic theory, and operating practices; and

WHEREAS, these operators form a pool of resources for use in emergency communications; assisting civil defense, law enforcement, Red Cross, and other disaster relief agencies in time of need; and

WHEREAS, during non-emergency periods, amateur radio operators perform many public service functions, including a message relay service every day of the year for non-business greetings and messages, with these services available to anyone in the United States; and

WHEREAS, amateur radio operators perform these civic-minded functions on a voluntary basis without compensation of any kind; and

WHEREAS, the weekend of October 18 and 19, 1980, Kansas radio amateurs will participate in the nation-wide Simulated Emergency Test sponsored by the American Radio Relay League, handling "emergency" messages throughout the nation in an annual test of their equipment and abilities:

NOW, THEREFORE, I, JOHN CARLIN, GOVERNOR OF THE STATE OF KANSAS, do hereby proclaim the week of October 13 through 19, 1980, as

AMATEUR RADIO WEEK

in Kansas in recognition of the skill, ability, and contributions to public service by amateur radio operators in Kansas.

DONE At the Capitol in Topeka  
Under the Great Seal of  
the State this 7th day of  
October, A. D., 1980.



BY THE GOVERNOR:

*John Carl*

*Jack H. Brown*  
Secretary of State

*Willa M. Rose*  
Assistant Secretary of State

## IV LEGISLATIVE PROCEDURE

With this background, we'll turn to the protocol that governs the Kansas legislative process. The entire process is outlined in Exhibit IV-A, to which the reader should refer during the discussion that follows. Unless otherwise stated, the term "bill" includes the simple and concurrent resolutions frequently introduced into the Legislature.

### **House of Origin**

The revisor of statutes usually prepares, or writes the text of, a bill. The introducing member then presents the bill to the chief clerk of the House or the secretary of the Senate for registration and assignment of a bill number. During the next meeting of the originating chamber, the reading clerk reads the title of the bill under the calendar item **Introduction of Bills**. The presiding officer of the chamber then refers the bill to a standing committee (under the calendar heading **Reference of Bills and Concurrent Resolutions**).

The two-year term of representatives is significant in the life of a bill. Bills that remain under study at the end of the first (odd-numbered) year stay alive, and carry over for consideration during the second (even-numbered) year. Bills that remain unpassed at the conclusion of the even-numbered year are "dead." This means that at the beginning of each biennium, the Legislature has a clean slate and all work must begin anew.

Chapter VIII is a case study of the history of one bill that did not, in two years of deliberation, achieve passage. This particular bill highlights some examples of procedural actions that may occur during a bill's consideration.

### **Committee Consideration**

For all its glamor, the chamber—abuzz with floor debate and voting—is not where most legislative work gets done. In reality, most legislative study occurs in the less visible **committee meetings**, and citizen input is most persuasive there. Thus, early efforts to affect legislation are concentrated at the committee level. Committee schedules are posted on official bulletin boards in the Statehouse, printed several days in advance in the appropriate chamber's calendar, and available on the Internet. All committee meetings are open to the public.

Once a bill has been referred to a committee, the committee chairperson virtually controls the fate of the bill. The chairperson may assign the bill to a subcommittee of as few as two members for detailed study, and may schedule open hearings to receive testimony on the bill. After study, hearings, and discussion, the committee may decide that a few amendments are necessary, a substitute bill should be offered, or no changes are required. The chairperson then may leave the bill in committee or report it back to the chamber.

Committee reports are made in general session under the calendar heading **Report of Standing (or “Select”) Committees**. A committee may recommend that a bill:

- 1) Be passed as referred to the committee (no changes);
- 2) Be passed as amended by the committee;
- 3) Be not passed (adversely reported);
- 4) Be referred to another committee;
- 5) Be replaced by a substitute bill;
- 6) Be reported without recommendation.

Chamber rules may provide for the withdrawal of a bill from committee if the committee or its chairperson is unwilling to report the bill out. Generally, a bill may be **forced out** with a two-thirds majority vote to withdraw the bill and place it on the calendar under the **General Orders** heading. [There are slight differences in the House and Senate rules; the legislative observer should be familiar with these differences.]

A committee may also recommend that a bill be placed on the **Consent Calendar**. This fast-track procedure allows a bill to bypass floor debate in the chamber. Only non-controversial bills are placed on the Consent Calendar, and the bills must appear on that calendar for at least three days before being advanced to final action. Any member may object to a bill’s presence on the Consent Calendar during this three-day period, and cause the bill to be moved to General Orders for debate. If no objections are received, the bill usually is advanced to a vote on final action on the third day.

The calendar heading **Bills Adversely Reported** lists bills reported by the committee with the recommendation of **“Be not passed.”** Bills appear under this heading for one day only, and are killed unless a two-thirds majority vote in the chamber moves the bill to General Orders for debate.

## **Committee of the Whole Consideration**

The television and radio “sound bites” prevalent during the legislative session often come from floor debates that take place under the General Orders category of the calendar. At this point, the chamber becomes a **Committee of the Whole** under the leadership of a member appointed by the presiding officer. (This duty usually rotates among the members.) During this time for floor debate and discussion, pending bills are considered in the order of their appearance on the calendar under General Orders. The chamber is not acting as the House (or Senate), but as a “Committee of the Whole House” (or Senate), with every member permitted the opportunity to speak, make amendments, or debate the bill. Although the public may view the proceedings, only members may participate in the actual debate. No direct public input is permitted at this point in the process.

The Committee of the Whole may vote, by simple majority, to amend bills for recommendation to the chamber for final action, or make most other standing committee recommendations. An important exception is that bills may not be recommended for the Consent Calendar; they must either return to General Orders or be advanced to Final Action.

## **Final Action and Voting**

At the conclusion of Committee of the Whole action, the presiding officer resumes the chair and receives the report from the Committee of the Whole. Final action may be taken on bills appearing on the calendar under the **Final Action** heading or appearing on the Consent Calendar for the third day.

Ordinarily, a bill is considered on final action only in its entirety. However, a bill may be subject to further debate on a section-by-section basis if it has been placed on final action “subject to amendment and debate,” or if it has bypassed Committee of the Whole debate by being “**emergencied to final action**” in accordance with the rules of the chamber. The latter option is intended to permit the speedy adoption of laws during an emergency, but it is commonly used to bypass Committee of the Whole consideration under other conditions, as well.

When a bill is being considered on final action, the reading clerk reads the title of the bill (without statutory amendment citations). The presiding officer asks the members, “Shall the bill (resolution) pass?” Unless subject to amendment and debate, the bill may not be

debated. Except for a motion to have a Call of the House (or Senate), or a motion to adjourn, no other motions are permitted when a vote is pending.

In the House, votes are tabulated electronically and displayed on a large scoreboard at the front of the chamber. In the Senate, all votes are cast on a voice roll call.

A simple majority vote of the membership is required for a bill to pass. (In the House, 63 votes are required; in the Senate, 21.) Some actions, such as proposed amendments to the Kansas Constitution and ratifications of amendments to the United States Constitution, may require a two-thirds majority vote. If the required majority vote is not attained, the measure is declared lost. (Note that it takes a majority of the **membership** and not a majority of members **present** to pass a bill.)

As a time-saving feature, the presiding officer may “bulk” several bills for consideration on final action. When this is done, the reading clerk reads the titles of all bills to be voted on and the question is put to the membership by the presiding officer. If members do not wish to vote the same on all bills bulked together, they retain the right to vote on individual bills.

### **Explanation of Vote and Protest**

All members have the right to explain their votes. The explanation becomes part of the official record through inclusion in the chamber’s journal following the recording of the “yeas” and “nays.” In the House, all members are permitted one minute to explain their vote; Senate rules allow two minutes. There is a limit as to how many words will be published in the journals as an “**Explanation of Vote.**”

If members are particularly vehement about an action, they have a constitutionally guaranteed (but rarely used) right to issue a **Protest**. Protests are published in the journal in their entirety, regardless of length. A protest does not change the outcome of a vote on final action; it merely reflects the ideas of its signatories. Samples of protests appear in Exhibit VI-B(c) and Section IX, pages IX-26 through IX-28.

### **Call of the House (or Senate)**

Another infrequent tactic, used to ensure that enough votes are available or to force the revelation of each member’s loyalty on an issue, is a **Call of the House (or Senate)**.

Upon request of 10 representatives (or five senators), a Call must be made. Never taken lightly, a Call:

- 1) requires all members present to vote and requires that all absent members be summoned to the chamber and required to vote;
- 2) requires closure of the chamber's doors, prohibiting further admittance or exit (including the observation galleries), and requires members to remain at their desks until the Call is lifted;
- 3) requires the sergeant-at-arms to search for absent members and escort them to the chamber to vote (House rules use the term "take into custody"); and
- 4) may result in sanctions against a member who fails to comply with the Call.

In the House, the failure of a member to comply with a Call (without a two-thirds vote of the members present excusing the missing member) renders the representative subject to censure or expulsion. A senator fairs little better, as failure to comply with a Call results in "reproval" by the president of the Senate (unless the missing member is excused from Call compliance by a majority of the senators present). A senator may be found to be in contempt for failure to comply.

Legislative legend has it that a Call once resulted in the Highway Patrol conveying an absent member to the Capitol—from a hospital bed 100 miles away—at speeds approaching 100 miles per hour. The sense of urgency generated by a Call is obviously intense. Although nearly every session yields a few Calls, this procedural action is used judiciously.

### **Reconsideration**

As members observe which way the political wind is blowing, they have the opportunity to change their vote until the final tabulation is announced. This tactic may be exercised to ensure the ability to reconsider the chamber's action.

After a measure has been lost on final action, a long (and sometimes painstaking) procedure may be undertaken to revive the bill. A person who voted on the prevailing side may make a **motion to reconsider** on the same or the following legislative day. Consequently, members sometimes begin by voting against their actual stand on an issue.



Any action may be taken on a bill being reconsidered. A successful motion to reconsider the bill, and a subsequent final action vote securing the needed majority “yea” vote, is sufficient to cause the bill to pass.

House rules provide that a bill may be reconsidered only once, except upon unanimous consent. Senate rules prohibit any reconsideration of defeated appropriation bills, or reconsideration of any bill more than once.

### **Consideration by the Other Chamber**

After a bill has successfully navigated its way through the house of origin, it is received by the other chamber for consideration. It is then treated as any other bill originating in that chamber, and goes through the same steps previously outlined.

If no changes are made to the bill and it is approved on final action, it proceeds to the governor for approval. If the bill is defeated on final action, it is dead and no further action is possible (other than reconsideration in accordance with the chamber’s rules.)

### **Conference Committee Action**

When the second chamber amends a bill, changing the language approved by the house of origin, the bill is returned to the house of origin for consideration in its amended form.

If the originating chamber **concurs** in the amendments by majority vote, the bill is passed and goes to the governor for approval. But if the house of origin **nonconcurs** in the amendments, the chamber may request the appointment of a **conference committee**. If there is a successful motion to nonconcur but not ask for a conference, the bill is lost.

When a chamber nonconcurs and requests a conference committee, the presiding officer assigns three members to confer with three members of the other chamber, in the hope of hammering out a compromise between the two versions of the bill. (This presumes the second chamber **accedes** to the request for a conference; if not, the bill may be lost.)

A conference committee is a special joint committee. Conference committee meetings are open to the public, but meeting schedules are not published in the calendar. For this reason, conference committee activity is often difficult to observe. Sometimes public comment is allowed, but a conference committee usually does not hold hearings again on the

bill. The time and place of conference committee meetings usually is announced by members when the Senate and House are in session.

The conference committee makes one of the following recommendations, which is then taken to each chamber's membership for concurrence or nonconcurrence. The conference committee may agree:

- 1) that the second chamber will recede from its amendments to the bill;
- 2) that the chamber of origin will concur with the second chamber's amendments;
- 3) to make further amendments that are acceptable to both chambers; or
- 4) to disagree, in which case a new conference committee is usually recommended (although it frequently is composed of the same representatives from each chamber!).

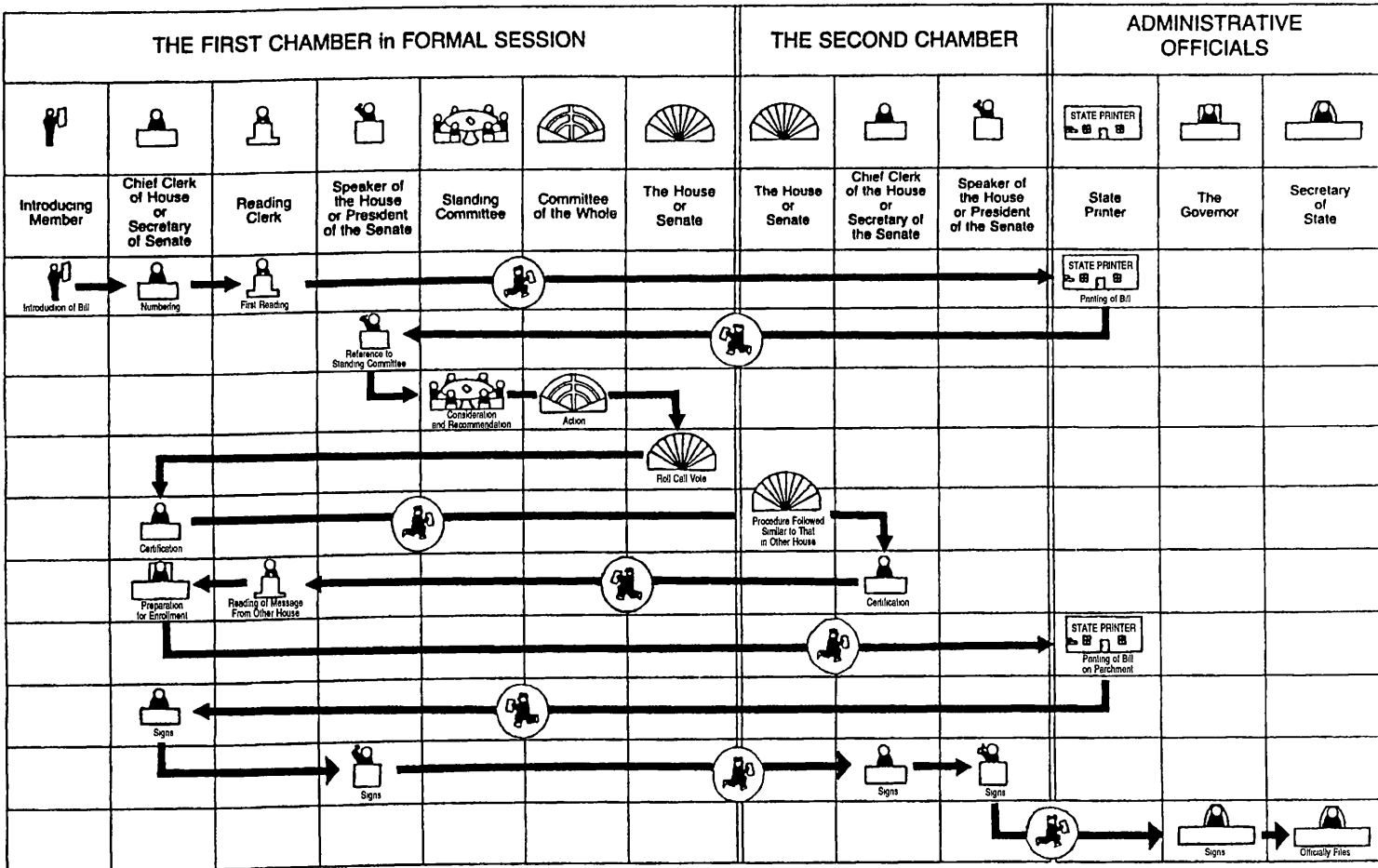
An agreement "to agree to disagree and request a new conference committee be appointed" means that, for the second or subsequent conference committee, only a majority of the members of the conference committee from each house are required to sign the conference committee report. The initial conference committee report (other than an "agree to disagree") would have to be signed by all the members of the conference committee (joint rule 3).

Only when both chambers accept the conference committee report, agreeing on the bill's wording, does it proceed to the governor for approval.



Exhibit IV-A  
FLOW CHART OF LEGISLATIVE PROCEDURE

**ABBREVIATED FLOW CHART OF LEGISLATIVE PROCEDURE IN KANSAS**



Source: Legislative Administrative Services

## V PRESENTATION TO THE GOVERNOR

When a bill has successfully passed both chambers, it must proceed within 10 days to the governor for consideration. When the bill is received in the governor's office, a receipt is executed. This determines the date from which the veto deadline of 10 days is calculated.

### **Gubernatorial Approval**

If the governor **approves** a bill, he or she signs the **enrolled copy**, which is printed on parchment and bears the signatures of the speaker of the House, president of the Senate, chief clerk of the House, and secretary of the Senate. A message detailing the governor's action is dispatched to each chamber for announcement to the membership and publication in the journals. The signed act is then forwarded to the secretary of state for certification and filing. The bill has been approved and will take effect on the date specified.

Another option open to the governor is to take **no action** on the bill. If the governor neither approves nor disapproves the bill within 10 days of receiving it, the bill becomes law without the governor's signature (Exhibit V-A). Kansas law requires that the Legislature must have the opportunity to reconsider all actions vetoed by the governor. The so-called "pocket veto," available to United States presidents, is not allowed.

### **Veto and Overrides**

The governor may have objections to the bill and choose to **veto** it. In this case, the governor returns the unsigned bill to the house of origin along with a veto message explaining the reasons for the veto (Exhibit V-B).

The house of origin has 30 days to consider whether to **override** the vetoed bill. If an override vote is taken, a two-thirds majority vote in favor of overriding the governor's veto is required. If there's a successful override, the bill is sent to the other chamber, which also has 30 days to consider the override and approve it by a two-thirds majority. A failed motion to override in either chamber **sustains** the governor's veto, and the bill does not become law.

The governor must disapprove or approve a bill as a whole. He or she may not pick and choose parts of the bill for approval, with the exception of appropriation bills. The governor may **line item veto** specific appropriation items. (See Exhibit V-C for the *Session Laws* indication of a bill upon which the governor has exercised this power.) Line item vetoes may be overridden in the normal manner.

Exhibit V-A

BILL ALLOWED TO BECOME LAW WITHOUT GOVERNOR'S SIGNATURE

SENATE BILL No. 122

AN ACT concerning school districts; authorizing the levy of a technology education tax subject to certain conditions and limitations; relating to expenditures for which bids are required and providing for certain exemptions; amending K.S.A. 1990 Supp. 72-6760 and repealing the existing section.

The Honorable Bill Graves  
Secretary of State  
State Capitol Building  
Topeka, KS 66612

Dear Secretary Graves:

Transmitted herewith for deposit in the Office of the Secretary of State is 1991 Senate Bill 122 which I have neither approved and signed, nor returned to the Senate of the State of Kansas with veto message, nor do I intend to so return the same. This bill was presented to me and will now, in accordance with K.S.A. 45-305, become law without my signature.

JOAN FINNEY, *Governor of Kansas*

Dated May 3, 1991.





**Exhibit V-B**  
**GUBERNATORIAL VETO MESSAGE**

SUBSTITUTE FOR SENATE BILL No. 227

AN ACT concerning children, youth and families; creating the Kansas commission on children, youth and families; providing for development and coordination of plans and programs relating to children, youth and families.

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

The Kansas Commission on Children, Youth and Families will fill a vital need in today's society. I am, therefore, preparing to issue an executive order which will emphasize the importance of the commission and effectively and more economically accomplish the intent of this bill. Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing Substitute for Senate Bill 227.

JOAN FINNEY, *Governor of Kansas*

Dated May 9, 1991.

Note: As printed in 1991 *Session Laws of Kansas*.



**Exhibit V-C(a)**  
**SESSION LAW PRINT OF LINE ITEM VETO**

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APPROPRIATIONS

Ch. 25]

**CHAPTER 25**  
**Senate Bill No. 70**

TO SEC.  
 Education, Department of. . . . . 2

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1992, for the department of education; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. For the fiscal year ending June 30, 1992, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures (including official hospitality) . . . . .	\$5,531,685
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 1991, in the salaries and wages account and any unencumbered balance in excess of \$100 as of June 30, 1991, in the other operating expenditures account are hereby reappropriated to the operating expenditures (including official hospitality) account for fiscal year 1992: <i>Provided, however</i> , That expenditures from such reappropriated balance shall not exceed \$76,458 except upon approval of the state finance council.	
State school equalization aid . . . . .	477,200,000
Fort Leavenworth school district . . . . .	1,624,437
State school transportation aid . . . . .	45,000,000
Bilingual education programs aid . . . . .	550,000
<i>Provided</i> , That expenditures from this account shall not be made for any limited English proficient pupil who has been in a bilingual education program for more than three years.	
School food assistance . . . . .	2,510,486
Area vocational-technical school program—state . . . . .	8,003,811
Special education services aid . . . . .	122,500,000
<i>Provided</i> , That expenditures shall not be made from this account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality.	
Post-secondary aid for vocational education . . . . .	13,755,000
Adult basic education . . . . .	500,000
Community college credit hour state aid . . . . .	33,165,132
Community college out-district state aid entitlement . . . . .	10,053,720
Community college general state aid . . . . .	818,591

Note line item veto indication (a dagger) in subsection b.





## VI PUBLICATIONS AND LEGISLATIVE INFORMATION

Many publications to aid the legislative observer are available from the Legislative Document Room in the Statehouse. These publications generally are free when picked up at the Statehouse, or may be obtained by mail through a subscription from Legislative Administrative Services.

The legislative observer is greatly aided by knowing where to find relevant information regarding pending legislation. Following is a brief discussion of the four major publications compiled by Legislative Administrative Services for distribution in daily session packets. [Beginning with the 1992 session, complete daily packets are available only on a subscription basis.]

Of particular interest to observers outside Topeka is the Web site sponsored by the Information Network of Kansas. INK is a quasi-public consortium dedicated to giving increased access to public services and information. What would have required a trip to the Statehouse document room just a few years ago can now be retrieved in seconds on one's own computer. The data is nearly real-time, and advanced options, such as listening to House or Senate debate as it happens, are also available. The general address for state information is [www.ink.org](http://www.ink.org). Legislative references are available from [www.ink.org/public/legislative/index.cgi](http://www.ink.org/public/legislative/index.cgi).

The amount of legislative and state agency information and data available from INK is amazing. It is possible to access the governor's State of the State address and budget recommendation, and to listen in to the House and Senate when they are in session. Legislative information includes calendars, journals, bill text, bill tracking, committee minutes, legislative deadlines, committee schedules, and membership.

Research that once may have required trips to several offices at the Statehouse, waiting for information at the State Library, etc., is now available on demand in one's home or office at virtually no cost. Certain premium services, carrying a modest fee, are also available for "power users." Contact the Information Network of Kansas for more information on the premium services. Full information is available at [www.ink.org/public/aboutink/](http://www.ink.org/public/aboutink/)

subscribe.html, or from INK, 534 S. Kansas Ave., Suite 1210, Topeka, KS 66603-3406, toll free 800/4-KANSAS.

## Calendars

[The reader should refer to Exhibit VI-A (or a current on-line sample) during the following discussion.] The daily *House Calendar* and *Senate Calendar* are particularly important for observers of chamber activities. The House and Senate calendars have substantially the same format: an agenda or program outlining the anticipated sequence of the day's events, including important reference information. For example, the **Reference of Bills and Concurrent Resolutions** shows each bill's assigned number, unabridged title, sponsor, and the committee to which the bill is referred.

The **Consent Calendar** section is where noncontroversial bills may appear for three days and then be advanced to final action without going through the Committee of the Whole. The listing under the Consent Calendar shows the bill number, unabridged title, sponsor, committee to which referred, committee recommendation, and day of appearance on the Consent Calendar.

Following the Consent Calendar is the more inclusive heading of **General Orders**: items pending consideration by the Committee of the Whole. The same basic information is printed as for bills on the Consent Calendar, but the day of appearance is omitted. Bills on General Orders are considered in their order of appearance and may be **passed over** (skipped) upon successful motion to do so, should legislative priorities conflict with the published sequence. Appearance on General Orders does not guarantee consideration on that day, however.

Bills that have been adversely reported are listed next, although only for one day. These bills all carry a committee recommendation of "Be not passed," and they die unless a two-thirds majority vote is secured on a motion to move the bill to General Orders. If the bill is moved to General Orders, the negative committee recommendation remains attached, even though the bill will no longer appear under the heading of "Bills Adversely Reported."

With the exception of the on-line Kansas Legislative Information System, the best way to determine a bill's status is to check the calendar section **Status of Bills and Resolutions**. This portion of the calendar lists only the bills that originated in that chamber, noting

whether each bill is in a House or Senate committee, was passed by the chamber, awaits gubernatorial action, and so forth. The listing reflects each bill's status as of the close of the preceding legislative day. This voluminous summary identifies bills by their assigned numbers only.

Each chamber's calender also lists bills being considered by committees. Bills that originated in the other chamber or that are under committee consideration in the other chamber also are identified.

Finally, each chamber's calender contains committee schedules for about one week, including date, time, and location of committee meetings and hearings, in chronological order. A short agenda for each meeting lists the number and a brief description of each bill to be considered.

While the calendars are generally quite accurate regarding committee meetings and agendas, last-minute room and topic changes sometimes occur. Therefore, it is wise to consult the committee bulletin boards in the Statehouse, as well. Due to the dynamics of the Legislature, the calendars are of greatest value on the day they're published, and quickly become obsolete.

## **Journals**

[The reader should refer to Exhibit VI-B during the following discussion.] The *Journal of the House* and the *Journal of the Senate* are the official record for each legislative session, and a great deal may be learned about each chamber's legislative procedure by reviewing its journal.

Until 1990, the compiled and bound journals were available free of charge in December following each session. The bound journals still are available from the secretary of state, but a fee is now charged to cover production costs. However, the journals are printed daily in booklet form during the session, and may still be obtained for free, unbound, in the Legislative Document Room of the Statehouse. For those with sufficient storage media, they can also be accessed via INK and stored locally on your own computer disk or CD-ROM.



The journals comprise the “minutes” of chamber activity and reflect the chronological sequence of events for each day. Consequently, the order of events in each journal is the same as that of the corresponding day’s calendar.

The journals record the date and time of each session, the day number of the legislative session for that chamber, the presiding officer for the session, and the day’s attendance. Absent members are listed, along with a reason for their absence. Members attending the session are not listed.

By tradition each chamber has a chaplain who begins the day’s activities with a prayer. The text of the chaplain’s message is included in the journal. The Senate chaplain, Fred S. Holloman, is well-known by legislative observers for offering his prayers in poetic form.

As mentioned previously, simple resolutions are almost always printed only in the journal of the originating chamber. This serves as the public record of the resolution.

The journals publish actions taken to concur or nonconcur with the other chamber’s amendments to previously passed bills, as well as all Committee of the Whole activity. [Note the appointment of a chairperson in Exhibit VI-B(e).] The journals also include the report on engrossed and enrolled bills and, from time to time, communications from state officers and recognition of special guests.

**Petitions** submitted by constituents are identified in each chamber’s journal on Fridays; they also are included as a special order of business on the calendar (Exhibit VI-C). Petitions are logged in by the clerk of the House or the secretary of the Senate upon introduction by a member. They are issued a sequential identification number, beginning each session with “1,” and then filed in the chamber’s records. A petition’s entry in a journal contains only the petition number, the first signatory’s name, and a synopsis of the topic.

Petitions provide one vehicle for direct citizen input to the Legislature, but they are not formally heard, studied, or voted on. Along with telephone calls and letters, petitions inform the lawmakers of grass-roots political sentiment on issues under discussion. Introduction of a petition by a member does not necessarily signify the lawmaker’s support for the concept contained in the petition.

## **The Locator**

[Note: An on-line version of this report is available through Legislative and Bill Tracking on INK.] Every Friday, a small booklet called the *Senate and House Actions Report and Subject Index Report* is printed. Frequently called the *Locator*, this publication presents the status of bills and summarizes all action taken on them through the preceding Wednesday. It includes a subject index to help identify all bills related to a given topic. It takes practice to learn how to use the index, because the number of subject headings has been kept to a minimum.

The *Locator* is a useful document for reference purposes, but like the calendars it becomes obsolete when the next issue is published. By using the *Locator* in conjunction with the journals and calendars, the legislative observer can construct a fairly comprehensive bill history at any time.

The *Locator* contains an actions report for each chamber, with bills listed in numerical order (Exhibit VI-D). The report includes simple and concurrent resolutions. Petitions, however, are not included. Each bill listing shows the sponsor; an abbreviated title; the proposed effective date (or actual effective date if already approved); all dates of Senate, House, or gubernatorial action and a brief description of that activity; and the journal page on which more information (such as the roll call “yeas” and “nays”) may be found.

Also included is the **Executive Reorganization Order** report. This rarely used executive power permits the governor to reorganize executive branch agencies, subject to disapproval by either chamber of the Legislature. Actions on these reorganization orders are summarized like bill actions. An example of an ERO from the 1992 session is in Exhibit VI-E.

In the **Subject Index Report** (Exhibit VI-F) a bill number that is struck through is a dead bill (no longer under consideration), while bold print indicates a measure that has passed the chamber of origin. This information can be helpful when several versions of a bill have been introduced. (Each year’s final report differs in that bold printing indicates the bill was sent to the governor.)

## Bills

[During the discussion that follows, the reader should observe Exhibit VI-G.] The heading and text of a bill contain substantial information. The upper left corner of the heading identifies the **session** in which the bill was introduced. The **chamber of origin** is readily identified in the name of the bill, along with the official **registry number**, which is issued sequentially. (See Exhibit VI-H for a chart of the Kansas bill numbering system.) The bill's **sponsors** are identified, and the numbers appearing at the bottom of the heading indicate the month and day the bill was **filed**. Some bills may be pre-filed—that is, filed with the secretary of state for introduction at the next regular legislative session before the opening of that session. Most interim committee bills are prefiled.

Beneath the heading appears the **title** of the bill, which serves to express the subject of the bill. If the bill amends or repeals any current provisions of law, the legal citation is included in the title. When amending an existing provision, it is necessary to formally repeal, or delete, the pre-existing section of law. This is also stated in the title.

Every bill must have an **enacting clause**. In fact, a successful motion to strike (or delete) the enacting clause kills the bill, preventing further consideration (unless a motion to reconsider is successful). This method of terminating a bill is seldom used, the preferred methods being adverse reporting or non-consideration.

Bills sometimes, though rarely, contain a **preamble** (Exhibit VI-G). The preamble appears before the enacting clause.

After the enacting clause comes the **body** of the bill, which contains the specific wording relative to the proposed law. Actions contained within each section may be classified in one of three ways:

- 1) The action may provide a **new provision** of law (Exhibits VI-I and VI-J); that is, it does not amend a law but adds to the existing body of law.
- 2) The action may be **amendatory** (Exhibit VI-K), changing a current provision of law.
- 3) The action may **repeal**, deleting a current legal provision (Exhibit VI-L). A bill may contain a combination of these types of actions.

The last section of a bill specifies the proposed **effective date** of the act. The vast majority of bills become effective upon publication in the statute book. (July 1 is the date the *Session Laws* are published.) Some bills become effective on an unspecified date referred to as “publication in the *Kansas Register*,” a compilation of state legal notices issued by the secretary of state. The effective date may also be farther in the future, such as the beginning of the next calendar year (“January 1, 20xx”).

The numbering of bills is significant. Through its number, the nature of a document may be readily determined without a full reference. For example, if floor or committee discussion ensues regarding “1634,” an experienced legislative observer knows that the reference is to a Senate Concurrent Resolution, and that it possibly is a proposed state constitutional amendment.

### **Supplemental Notes**

**Supplemental notes (bill briefs)** sometimes are distributed with a bill to explain the bill’s impact and clarify proponents’ and opponents’ arguments (Exhibit VI-M). Because supplemental notes are written by Legislative Research staff, they carry a disclaimer that denies a conveyance of legislative intent. However, Legislative Research staff members do have a unique opportunity to listen to and provide input to deliberations, and they often are insightful about the cloudy world of legislative intent. Therefore, despite the disclaimer, many observers consider supplemental notes as describing that intent!

Bills and bill briefs are available on-line from INK at no cost. The same format and fonts for legislative actions are used as in the hard-copy versions.

### **Engrossment and Enrollment**

The terms **engrossment** and **enrollment** are seen frequently in the journals and the Senate and House Actions Report. These terms are related to the formal printing and presentation of a bill at various stages of the legislative process.

Engrossment refers to the process of incorporating changes to a bill into the bill during the legislative process.

Enrollment is the process of printing the final engrossed version of the bill. The Division of Printing (Department of Administration) prints the enrolled version of the bill. Enroll-

ment occurs only after the final legislative action. For a simple resolution, the final action is adoption; for bills and concurrent resolutions, the final action is agreement by both chambers to the same version of the bill or resolution. In the case of simple resolutions, the presiding officer signs the enrolled copy. Bills and concurrent resolutions are signed by both the speaker of the House and the president of the Senate. The chief clerk of the House and the secretary of the Senate also sign the enrolled copy as attestors.

In the case of bills, spaces are provided for the signatures of the governor and the secretary of state, who attests the filing of the executed bill.

Enrollment technically means “printing on parchment,” but a high-quality card stock paper is now used instead of true parchment. An example of an enrolled Senate resolution is shown in Exhibit VI-N. (Compare to the journal entry in Exhibit VI-O.)

Exhibit VI-A(a)  
SAMPLE HOUSE CALENDAR

# HOUSE CALENDAR

No. 11

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TUESDAY, JANUARY 28, 1992  
HOUSE CONVENES AT 11:00 A.M. TODAY

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ROLL CALL

---

INVOCATION

---

READING AND CORRECTION OF JOURNAL

---

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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## Reference of Bills and Concurrent Resolutions

**2776—**

House bill No. 2776, An act authorizing imposition of countywide retailers' sales taxes to finance rural highway expenditures in Pottawatomie county; amending K.S.A. 12-187 and repealing the existing section.

Representative Rezac

(Taxation)

**2777—**

House bill No. 2777, An act relating to insurance; property and casualty insurance; insurance brokers; controlled transactions.

Committee on Insurance

(Insurance)

**2778—**

House bill No. 2778, An act concerning health care; relating to abortion; prohibiting certain acts with regard to abortion and prescribing penalties therefor; requiring counseling before performance of abortions on certain minors; prohibiting certain acts with regard to certain health care facilities and providing penalties and remedies therefor; imposing certain prohibitions on political subdivisions; repealing K.S.A. 21-3407.

Committee on Federal and State Affairs

(Federal and State Affairs)

**2779—**

House bill No. 2779, An act relating to city and countywide retailers' sales taxes; allowing rate increases for funding of local health care services; amending K.S.A. 12-187 and 12-189 and repealing the existing sections.

Representatives Chronister, Amos, Baker, Bradford,  
Brown, Corbin, Cornfield, Crowell, Dawson, Douville, Empson,  
Flottman, Flower, Fuller, Gatlin, Glasscock, Hayzlett,  
Heinemann, Hendrix, Jennison, King, B. Lawrence, Lloyd, Long,  
Lowther, Mead, Miller, O'Neal, Pottorff, Praeger, Ramirez, Roe,  
Samuelson, Scott, Sluiter, Snowbarger, Weimer and Wells

(Taxation)

**2780—**

House bill No. 2780, An act relating to schools and school districts; dissolving all unified school districts; establishing county school districts; terminating certain

Note: Some pages have been deleted for brevity.



## Exhibit VI-A(b)

2

### HOUSE CALENDAR

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administrator contracts; relating to continuing teacher contracts and assigning responsibility therefor; providing for continued payment of bonded indebtedness; school district finance and tax levies; amending K.S.A. 72-5436, 72-5437, 72-7032 and 72-8202b and K.S.A. 1991 Supp. 72-7038, 72-7039, 72-7055, 72-7063, 72-7071 and 72-8801 and repealing the existing sections; also repealing K.S.A. 72-5410 and 72-5411 and K.S.A. 1991 Supp. 72-5412.

Representative Bishop

(Education)

#### **2781—**

House bill No. 2781, An act concerning certain state officers and employees; relating to the state drug screening program; amending K.S.A. 1991 Supp. 75-4363 and repealing the existing section.

Committee on Governmental Organization  
(Labor and Industry)

#### **2782—**

House bill No. 2782, An act concerning the state civil service board; relating to the compensation of the members thereof; amending K.S.A. 75-2929b and repealing the existing section.

Committee on Governmental Organization  
(Governmental Organization)

#### **2783—**

House bill No. 2783, An act concerning the dismissal, demotion or suspension of employees in the classified service; amending K.S.A. 75-2949e and 75-2949f and repealing the existing sections.

Committee on Governmental Organization  
(Labor and Industry)

#### **2784—**

House bill No. 2784, An act concerning district courts; relating to district court budgets; amending K.S.A. 20-349 and repealing the existing section.

Committee on Judiciary

(Judiciary)

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#### REPORTS OF SELECT COMMITTEES

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#### MESSAGES FROM THE GOVERNOR

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#### COMMUNICATIONS FROM STATE OFFICERS

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#### MESSAGES FROM THE SENATE

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### Reference of Senate Bills and Concurrent Resolutions

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#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

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#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

#### **HR 6016—**

House resolution No. 6016, A resolution Congratulating and commending the





HOUSE CALENDAR

3

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Shawnee Mission North girls' softball team and coach Bev Plump for winning the 1991 Class 6A Kansas State Softball Championship.  
Representatives Amos, Benlon, Blumenthal and Thompson

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THE UNFINISHED BUSINESS BEFORE THE HOUSE

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Consent Calendar

---

Final Action on Bills and Concurrent Resolutions

---

Bills Under Consideration to  
Concur or Nonconcur

---

General Orders

**233—**

Senate bill No. 233, An act concerning crimes and punishment; relating to voluntary intoxication as a defense; amending K.S.A. 21-3208 and repealing the existing section.

Senators Winter, Allen, Anderson, Bogina, Bond, Brady, Burke, Daniels, Doyen, Ehrlich, Frahm, Francisco, Gaines, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Montgomery, Moran, Morris, Oleen, Reilly, Salisbury, Sallee, Strick, Thiessen, Vidricksen, Walker and Yost

(Judiciary)

(Be passed as amended)

**2466—**

House bill No. 2466, An act concerning certain Indian nations; relating to criminal jurisdiction thereof.

Committee on Judiciary

(Judiciary)

(Be passed)

(Re-referred)

(Taxation)

(Re-referred)

(Judiciary)

(Be passed)

**2102—**

House bill No. 2102, An act concerning child support; extending such support



## Exhibit VI-A(d)

4

### HOUSE CALENDAR

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through high school; amending K.S.A. 1990 Supp. 38-1121 and 60-1610 and repealing the existing sections.

Committee on Judiciary

(Judiciary)

(Be passed as amended)

(Committee of the Whole)

(Be amended, motion to recommend favorably for passage failed)

(Re-referred)

(Appropriations)

(Re-referred)

(Judiciary)

(Be passed as amended)

(Committee of the Whole)

(Motion to recommend favorably for passage failed)

(Re-referred)

(Judiciary)

(Be passed as amended)

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### REPORTS OF STANDING COMMITTEES

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## Bills Adversely Reported



## Status of Bills and Resolutions

**House bills passed and sent to Senate:** Nos.  
**House bills killed:** Nos. 2024, 2088, 2246, 2294, 2525  
**House bills passed by the Senate:** Nos.  
**House bills in conference:** Nos. 2107, S Sub 2376, 2594  
**House bills killed in Senate:** Nos. 2437  
**House bills signed by the governor:** Nos.  
**House bills vetoed by governor:** Nos.  
**House bills line item vetoed by governor:** Nos.  
**House bills becoming law without governor's signature:**  
 Nos.  
**House bills published in Kansas Register:** Nos.  
**House resolutions adopted:** Nos. 6001, 6002, 6003, 6004,  
 6005, 6006, 6007, 6008, 6009, 6010, 6012, 6013, 6014, 6015  
**House resolutions killed:** Nos.  
**House concurrent resolutions adopted:** Nos. 5033, 5034  
**House concurrent resolutions adopted by Senate:** Nos. 5033,  
 5034  
**House concurrent resolutions in conference:** Nos.  
**House concurrent resolutions killed:** Nos.  
**House concurrent resolutions killed by Senate:** Nos.  
**Executive Reorganization Orders approved:** Nos.  
**Executive Reorganization Orders disapproved:** Nos.  
**Senate bills passed in House:** Nos.  
**Senate bills in conference:** Nos. 169, 249, 413  
**Senate bills killed in the House:** Nos.  
**Senate concurrent resolutions adopted in the House:** Nos.  
**Senate concurrent resolutions in conference:** Nos.  
**Senate concurrent resolutions killed in the House:** Nos.

## House and Senate Bills in House Committees

### Agriculture--

**House bills:** Nos. 2356, 2357, 2417, 2522 (re-referred),  
 2704, 2725, 2737  
**Senate bills:** Nos. 203

### Appropriations--

**House bills:** Nos. 2016, 2094 (re-referred), 2095 (re-  
 referred), 2103 (re-referred), 2177 (separately), 2223,  
 2258, 2263, 2264, 2266, 2267, 2268, 2269, 2270, 2293,  
 2339, 2387 (re-referred), 2445, 2477, 2478, 2479 (re-  
 referred), 2516 (re-referred), 2548, 2564, 2572, 2574 (re-  
 referred), 2600 (re-referred), 2603 (re-referred), 2604  
 (separately), 2613 (re-referred), 2632, 2633, 2635, 2638,  
 2639, 2641, 2649, 2651, 2652, 2661, 2662, 2674, 2675,  
 2676, 2678, 2679, 2705, 2706, 2707, 2708, 2715, 2717,  
 2718, 2720, 2721, 2722, 2727, 2728, 2729, 2730



## House Committee Agenda Week of January 27 - 31, 1992

The following is a tentative schedule of Committees and is subject to change day to day. Committees not listed have no meetings scheduled. Material shown in italics is new or changed from the previous day's Agenda.

On call Committees and Joint Committees will be listed at the end of the Agenda. Sub-Committees are listed at the time of the Committee's regular meeting.

### 9:00 a.m. Committees

Agriculture  
Elections  
Governmental Organization  
Labor and Industry  
Taxation

#### Agriculture

9:00 a.m. Pat Brunton, Sec. - 7655 Room 423-S  
Tuesday, January 28, 1992  
Fact finding hearings on Free Trade with Mexico

Wednesday, January 29, 1992  
Fact finding hearings on Free Trade with Mexico - continued

Thursday, January 30, 1992  
Hearing on: HB 2704 - relating to pesticides

Friday, January 31, 1992  
Agriculture Research Initiatives Project Report to Governor Finney presented by Gary Hall, State Board of Agriculture

#### Elections

9:00 a.m. Shirley Lee, Sec. - 7678 Room 521-S  
Tuesday, January 28, 1992  
Hearings on:  
HB 2169 - Limitations on and public funding of certain election campaign expenditures.  
HB 2230 - Election officers to provide county precinct and election district maps.  
Final action on:  
HB 2711 - Amending KSA 25-4328 and KSA 1991 supp. 25-432 and 25-433 and repealing the existing sections.

Wednesday, January 29, 1992  
Hearings on:  
HB 2291 - Registration of voters at the polls.  
HB 2292 - Voter registration by personnel in state agencies.





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FORTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KAN., March 21, 1985—10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Heinemann in the chair.

The roll was called with 125 members present.

Prayer by Dr. George R. White, Pastor of the First Presbyterian Church, Atchison, Kansas, and guest of Rep. Adam.

Almighty and Eternal God,

We pray for renewal of strength in our minds and bodies that are weary from lengthy meetings and difficult decisions.

We pray for sensitivity to the needs of all the People of our State so we may rise above the shadows of politics and personal gain to do our work with wisdom and patience, humility and courage.

Revive us with Your Spirit, O God,

And grant us new hope and a livelier faith to meet the demands of this day

as Servants of the People,

Servants of our Government,

Servants of God who is our source of love.

Through Jesus Christ our Lord. Amen.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced:

**HB 2576**, by Committee on Federal and State Affairs: An act concerning the state park and resources authority; relating to the state park system; amending K.S.A. 1984 Supp. 74-4501a and 74-4510 and repealing the existing sections; also repealing K.S.A. 1984 Supp. 74-4550.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Education: **HB 2572**.

Energy and Natural Resources: **HB 2575**.

Governmental Organization: **HB 2573**.

Transportation: **HR 6083**; **SB 305**.

Ways and Means: **HB 2574**; **SB 86, 88**.

**MESSAGE FROM THE GOVERNOR**

**HB 2184** approved on March 20, 1985.

**MESSAGE FROM THE SENATE**

The Senate nonconcur in House amendments to **SB 127**, requests a confer-



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ence and has appointed Senators Reilly, Burke and Johnston as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on HB 2067 and has appointed Senators Reilly, Burke and Johnston as conferees on the part of the Senate.

Also, rejection of HB 2452.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Braden, the House acceded to the request of the Senate for a conference on SB 127.

Speaker pro tem Heinemann thereupon appointed Reps. R. H. Miller, Hayden, and Shriver as conferees on the part of the House.

### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Wunsch, HR 6078, A resolution congratulating and commending the Pretty Prairie High School boys' basketball team for their outstanding achievements during the regular season and in the 1985 state tournament, was adopted.

On motion of Rep. Brady, HR 6079, A resolution condemning the persecution of the Baha'is in Iran, was adopted.

On motion of Rep. Runnels, HR 6080, A resolution memorializing Congress to create a Federal Commission on Youth Suicide Prevention, was adopted.

On motion of Rep. O'Neal, HR 6081, A resolution congratulating and commending the Hutchinson High School girls' basketball team and its coach, Richard Woodson, on winning the 1985 Class 6A State Basketball Championship in Kansas, was adopted.

On motion of Rep. Guldner, HR 6082, A resolution congratulating and commending the Leoti-Wichita County High School boys' basketball team and its coach, Carlos Guzman, for an outstanding season, was adopted.

### CONSENT CALENDAR

No objection was made to SB 65, 82 appearing on the Consent Calendar for the second day.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2134, An act making and concerning appropriations for the fiscal year ending June 30, 1986, for the department of administration, state finance council, state park and resources authority, Kansas fish and game commission, state corporation commission and state historical society; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain disbursements and acts incidental to the foregoing, was considered for final action.

On roll call, the vote was: Yeas 71, nays 54; present but not voting 0; absent or not voting 0.

Yeas: Adam, Apt, Barkis, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Bryant, Bunten, Campbell, C., Campbell, K., Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dean, Dillon, Douville, Dyck, Erne, Flottman, Foster, Francisco, Fry, Gjerstad, Graeber, Green, Grotewiel, Hamm, Harder, Hayden, Heinemann, Helgerson, Jarchow, Justice, Kline, Lacey, Laird, Leach, Littlejohn, Luzzati, Mainey, Miller, R.D., Nichols, Patterson, Peterson, Ramirez, Reardon, Rezac, Roper, Rosenau, Roy, Runnels, Sand, Schmidt, Shriver, Sifers, Solbach, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Weaver, Webb, Whiteman, Wunsch.

Note "yeas" and "nays" on HB 2134.



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Nays: Acheson, Aylward, Baker, Barr, Brown, Buehler, Cloud, DeBaun, Duncan, Eckert, Fox, Freeman, Friedeman, Fuller, Goossen, Guldner, Harper, Hassler, Hensley, Holmes, Hoy, Jenkins, Johnson, King, Knopp, Long, Louis, Love, Lowther, Mayfield, Miller, D., Miller, R.H., Mollenkamp, Moomaw, Neufeld, O'Neal, Ott, B., Ott, K., Patrick, Polson, Pottorff, Roe, Roenbaugh, Rolfs, Sallee, Shore, Smith, Snowbarger, Spaniol, Vancrum, Walker, Wilbert, Williams, Wisdom.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2134**: As Coach Dick Motta formerly of the Washington Bullets once said—The game ain't over till the fat lady sings. Yesterday the fat lady hummed a few bars.—J. C. LONG, VERN WILLIAMS

MR. SPEAKER: I vote no on **HB 2134**. Although I do support the funding for acquisition of the Indian Burial Grounds near Salina, I cannot vote for the \$350,000 appropriation for consultants to begin the change over to a single vendor for state computing services. This is the first step of an estimated \$16 million expenditure which subrogates the state's cash basis law and wastes \$15 million of taxpayers dollars which are invested in our current computer system. I am confident that the Indian Burial appropriation can be re-couped in another bill this session.—JAYNE AYLWARD, BOB OTT

### PROTEST

MR. SPEAKER,

Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, we protest the passage of **HB 2134**.

For many years, the State of Kansas has followed the cash basis tradition. The "pay-as-you-go" concept has served us well and has resulted in fiscal sanity and sound financial management. We have scoffed at our sister states as they have encountered financial catastrophes caused by their "borrow and spend" philosophy which is rivaled only by the irresponsible fiscal policy of the federal government.

This bill proposes a subterfuge around our cash basis law. A concept known as "Certificates of Participation", a euphemism for deficit financing, is endorsed in the bill. A debt would be levied against future legislatures to triple the size of our IBM computing center and install a telecommunications system which would allegedly save some money in the long run. If it is such a wonderful idea, we ought to pay for it in cash. If it doesn't rate a higher priority than mental health, education and the other services we provide, then we ought not have it.

Several years from now, when payday finally arrives, we will have no choice but to pay the bills. We will be paying for this system, with interest, either at the expense of critical state programs in state government or higher taxes.

Few would argue that a business the size of Kansas government should not borrow money. However, government is in a unique situation. There is absolutely no incentive for those in government not to borrow to the limit. For those who wish to increase government spending for various programs, a potential tax increase must always be considered. When we eviserate the cash basis philosophy with this bill, those policy makers will no longer consider the consequences (which in Kansas means higher taxes) of spending programs because they can simply go to the well of deficit financing and let future legislators pay for their good intentions.

If we cannot see the wisdom of our forefathers in adopting a pay as you go philosophy today, we may be running head long toward the cliff of deficit financing with our blinders snugly in place.

Note difference between explanation of vote and protest.



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How long will it be before Kansas, the bastion of fiscal responsibility, finds herself in the same boat as New York, California, Minnesota and the other states who have paid the price for short term spending ability.

The proposal in **HB 2134**, punches a hole in the dike of government deficits where we have had a small crack before. Today, we can begin to restore fiscal sanity to our state. However, the day is fast approaching when we will no longer be able to plug the leaks in our financial dike.

The second reason I protest the passage of this bill is its recommendation to declare worthless millions in the investment the state has made in the development of a payroll and accounting system.

In 1979, the Department of Administration proposed that the state acquire a Sperry Univac Computer. Many objected to the proposal as the Sperry Computer could not "talk" to our IBM computers. However, they acquired the equipment, developed a payroll and accounting system and spent millions of the taxpayers money in the process.

Today, the same Department, is saying that was a big mistake.

Now, close to finishing their costly tangent, they wish to junk the work done to date and start from scratch. In 1979, before the taxpayers put out their millions that might have been a sound decision.

Our response to this proposal is "fooled once, maybe, but never twice."

While it is impractical to get into the minutiae of the issue, suffice it to say that they propose to dump the payroll system, buy a commercial software package, change that package to fit the state of Kansas, and roughly triple the size of the IBM computing center in the meantime.

It is hard for me to see how they can seriously suggest that we can get by with a \$650,000 expenditure (contained in **HB 2134**) in developing a payroll system today when our own programmers have spent millions developing the same system over the period of the last six years.

The only state which has attempted such an undertaking is Louisiana and their experience suggests that Kansas is being sold a bill of goods—a bill some propose we begin paying with the passage of this legislation.

The alternative to the Department's proposal was offered last year by the Director of DISC and was adopted by the House on two separate occasions. That proposal would simply include upgrades of existing equipment and remove some of the items which would place incredible computing demands on our current system. That alternative was dropped last year at the insistence of the Senate in favor of more study.

Ironically, the Department of Administration presented this as an additional option on the final day the special subcommittee was considering this issue. It is obvious they had not considered all alternatives before recommending a costly change to the legislature.

In summary, this bill is fatally flawed in three instances.

First, it is a subterfuge around our cash basis tradition and funds a major expansion of Kansas government with deficit financing.

Second, it endorses a plan which triples the size of our IBM computer systems in Kansas government.

Thirdly, apparently learning its ways from the pentagon, it wastes an investment of millions of dollars.

*We vote no on **HB 2134**.*—ED C. ROLFS, JAYNE AYLWARD, ELIZABETH BAKER, GINGER BARR, W. BRYANT, BURT DEBAUN, J. S. DUNCAN, R. E. ECKERT, RON FOX, JEFF FREEMAN, G. R. FRIEDEMAN, D. A. GOOSSEN, REX HOY, MARTHA JENKINS, KENNETH KING, J. C. LONG, DAVID F. LOUIS, JAMES E. LOWTHER, DAVID G. MILLER, ROBERT H. MILLER, KENT OTT, KERRY PATRICK, KEITH ROE, D. SALLEE, MARVIN SMITH, DENNIS SPANIOL.

**SB 126**, An act concerning alcoholic beverages; prohibiting certain acts relat-





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ing thereto and providing penalties for violations, amending K.S.A. 41-715 and K.S.A. 1984 Supp. 41-2721 and repealing the existing sections, was considered for final action.

On roll call, the vote was: Yeas 120, nays 5, present but not voting 0, absent or not voting 0.

Yeas: Acheson, Adam, Apt, Aylward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Bunten, Campbell, C., Campbell, K., Charlton, Chronister, Cloud, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Dyck, Eckert, Flottman, Foster, Fox, Francisco, Freeman, Friedeman, Fry, Fuller, Gjerstad, Goossen, Graeber, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Heinemann, Helgerson, Hensley, Holmes, Hoy, Johnson, Justice, King, Kline, Knopp, Lacey, Laird, Leach, Littlejohn, Long, Louis, Lowther, Luzzati, Mainey, Mayfield, Miller, D., Miller, R.D., Miller, R.H., Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, Ott, B., Ott, K., Patrick, Patterson, Peterson, Polson, Pottorff, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rolfs, Rosenau, Roy, Runnels, Sallee, Sand, Schmidt, Shore, Shriver, Sifers, Smith, Snowbarger, Solbach, Spaniol, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Vancrum, Wagnon, Walker, Weaver, Webb, Whiteman, Wilbert, Williams, Wisdom, Wunsch.

Nays: Erne, Jarchow, Jenkins, Love, Roper.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**SB 128**, An act concerning alcoholic beverages; prohibiting certain practices with relation to sales thereof; providing penalties for violations, was considered for final action.

On roll call, the vote was: Yeas 112, nays 13; present but not voting 0; absent or not voting 0.

Yeas: Acheson, Adam, Apt, Aylward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Bunten, Campbell, C., Campbell, K., Charlton, Chronister, Cloud, Crowell, Crumbaker, Dean, DeBaun, Douville, Duncan, Dyck, Eckert, Flottman, Foster, Fox, Francisco, Freeman, Friedeman, Fry, Fuller, Goossen, Graeber, Green, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Heinemann, Helgerson, Hensley, Holmes, Hoy, Jenkins, Johnson, Justice, King, Kline, Knopp, Lacey, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Mayfield, Miller, D., Miller, R.D., Miller, R.H., Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, Ott, B., Ott, K., Patrick, Patterson, Peterson, Polson, Pottorff, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rolfs, Rosenau, Roy, Runnels, Sallee, Sand, Shore, Shriver, Sifers, Smith, Snowbarger, Solbach, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Walker, Weaver, Webb, Whiteman, Wilbert, Wisdom, Wunsch.

Nays: Cribbs, Dillon, Erne, Gjerstad, Grotewiel, Jarchow, Luzzati, Mainey, Roper, Schmidt, Spaniol, Vancrum, Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

On motion of Rep. Braden, the House went into Committee of the Whole, with Rep. Louis in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Louis, Committee of the Whole report, as follows, was adopted:

Recommended that SB 183 be passed.

Committee report to HB 2154 be adopted also, on motion of Rep. Aylward to



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amend, Rep. Duncan offered a substitute motion to amend and **HB 2154** be amended on page 1, preceding line 55, by inserting the following material to read as follows:

*“Provided, That no expenditures or encumbrances of any money which is in this account and which is appropriated by this section may be made and no contract may be let or entered into for which any such expenditure or encumbrance is contemplated or required until the legislature has passed and the governor has signed 1985 House Bill No. 2134.”*; and the bill be passed as amended.

Committee report to **SCR 1605** be adopted; also, on motion of Rep. Harper to amend, Rep. Rosenau offered a substitute motion to amend which did not prevail. Rep. King offered a substitute motion to amend which also did not prevail. The question then reverted back to the original motion of Rep. Harper to amend which was withdrawn and **SCR 1605** be adopted as amended.

### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Braden, **SB 183**; **HB 2154**; **SCR 1605** were advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 183**, An act concerning school districts; providing for appeals to exceed budget limitations for continued operation of certain programs; amending K.S.A. 72-7071 and repealing the existing section, was considered for final action.

On roll call, the vote was: Yeas 101, nays 24; present but not voting 0; absent or not voting 0.

Yeas: Acheson, Adam, Apt, Aylward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Braden, Branson, Brown, Bryant, Buehler, Bunten, Campbell, C., Campbell, K., Charlton, Chronister, Cloud, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Dyck, Eckert, Erne, Flottman, Foster, Freeman, Fry, Gjerstad, Goossen, Graeber, Green, Grotewiel, Hamm, Harder, Harper, Hassler, Hayden, Heinemann, Helgeson, Hensley, Hoy, Jarchow, Jenkins, Johnson, Justice, Kline, Knopp, Lacey, Laird, Leach, Louis, Love, Lowther, Luzzati, Mainey, Mayfield, Miller, D., Miller, R.D., Nichols, O’Neal, Ott, B., Ott, K., Patterson, Peterson, Pottorff, Ramirez, Reardon, Rezac, Roper, Rosenau, Roy, Runnels, Sand, Schmidt, Shriver, Sifers, Snowbarger, Solbach, Sprague, Sugh-rue, Sutter, Teagarden, Turnquist, Wagnon, Walker, Weaver, Webb, Whiteman, Wilbert, Williams, Wisdom, Wunsch.

Nays: Brady, Fox, Francisco, Friedeman, Fuller, Guldner, Holmes, King, Littlejohn, Long, Miller, R.H., Mollenkamp, Moomaw, Neufeld, Patrick, Polson, Roe, Roenbaugh, Rolfs, Sallee, Shore, Smith, Spaniol, Vancrum.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

### EXPLANATION OF VOTE

MR. SPEAKER: As a strong supporter of education, I reluctantly vote No on this Bill; the bill could cost local school district taxpayers an estimated \$25 million dollars. We have another bill in your Local Government Committee which if enacted could cost local taxpayers another \$50 million dollars. I believe we are negligent in our responsibility when we simply pass the taxing authority to our local school boards. The State should be assisting these districts in financing their needs.

I vote NO on **SB 183**.—KEN FRANCISCO



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**HB 2154**, An act making and concerning appropriations for the fiscal year ending June 30, 1985, for the department of administration, state finance council, state corporation commission, department of revenue — Homestead property tax refunds, department of social and rehabilitation services, Kansas correctional institution at Lansing, state industrial reformatory, Kansas state penitentiary, department of health and environment, Norton state hospital, Winfield state hospital and training center, Rainbow mental health facility, state park and resources authority, Kansas state board of cosmetology and department on aging; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, was considered for final action.

On roll call, the vote was: Yeas 86, nays 38; present but not voting 0; absent or not voting 1.

Yeas: Acheson, Adam, Apt, Barkis, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Bryant, Buehler, Bunten, Campbell, C., Campbell, K., Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dillon, Douville, Duncan, Dyck, Erne, Flottman, Foster, Francisco, Fry, Fuller, Gjerstad, Green, Grotewiel, Harder, Harper, Hassler, Hayden, Heinemann, Hensley, Jarchow, Jenkins, Johnson, Justice, Kline, Lacey, Leach, Littlejohn, Love, Lowther, Luzzati, Miller, D., Miller, R.D., Nichols, O'Neal, Ott, B., Patterson, Peterson, Pottorff, Ramirez, Reardon, Rezac, Roenbaugh, Roper, Rosenau, Roy, Runnels, Sand, Schmidt, Shore, Shriver, Sifers, Solbach, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Wagon, Walker, Weaver, Webb, Whiteman, Wisdom, Wunsch.

Nays: Aylward, Baker, Barr, Brown, Cloud, Eckert, Fox, Freeman, Friedeman, Goossen, Graeber, Guldner, Hamm, Helgerson, Holmes, Hoy, King, Knopp, Laird, Long, Louis, Mayfield, Miller, R.H., Mollenkamp, Moomaw, Neufeld, Ott, K., Patrick, Polson, Roe, Rolfs, Sallee, Smith, Snowbarger, Spaniol, Vancrum, Wilbert, Williams.

Present but not voting: None.

Absent or not voting: Mainey.

The bill passed, as amended.

**SCR 1605**, A Proposition to amend section 10 of article 15 of the constitution of the state of Kansas, relating to intoxicating liquors; authorizing the legislature to permit and provide for county option in the sale of liquor by the individual drink in certain public places.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the Senate and two-thirds of the members elected (or appointed) and qualified to the House of Representatives concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 10 of article 15 of the constitution of the state of Kansas is amended to read as follows:

"§ 10. Intoxicating liquors. (a) The legislature may provide for the prohibition of intoxicating liquors in certain areas. ~~Subject to the foregoing,~~

"(b) The legislature may regulate, license and tax the manufacture and sale of intoxicating liquors, and may regulate the possession and transportation of intoxicating liquors. ~~The open saloon shall be and is hereby forever prohibited.~~

"(c) ~~The sale of intoxicating liquor by the individual drink in public places is prohibited, except that the legislature may permit, regulate, license and tax the sale of intoxicating liquor by the drink in public places in any county in which~~ which derive not less than 30% of their gross receipts from the sale of food for consumption on the premises and which are located in a



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county where the qualified electors of the county have determined, by a majority vote of those voting thereon, to permit the sale of intoxicating liquor by the drink in such public places within the boundaries of the county ~~for in any county in which~~ where the qualified electors of the county approve, by a majority vote of those voting on this proposition, to adopt this proposition]."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"*Explanatory statement.* This proposed amendment would authorize the legislature to permit, license, regulate and tax the sale of *intoxicating* liquor by the drink in *public places in any* which derive not less than 30% of their gross receipts from the sale of food for consumption on the premises and which are located in a county where the voters have approved ~~its~~ such sale in their county *[or have approved this amendment]*."

"A vote for the proposed amendment would permit the sale of liquor by the drink in *public places in any* which derive not less than 30% of their gross receipts from the sale of food for consumption on the premises and which are located in a county where the voters approve ~~its~~ such sale in their county *[or approve this amendment]*"

"A vote against the proposed amendment would continue the current prohibition against the sale of liquor by the drink in *public places.*"

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the senate and two-thirds of the members elected (or appointed) and qualified to the house of representatives, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 1986 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election, was considered for final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 84, nays 41; present but not voting 0; absent or not voting 0.

Yeas: Acheson, Adam, Apt, Aylward, Baker, Barkis, Barr, Bideau, Blumenthal, Bowden, Biaden, Brady, Branson, Brown, Bunten, Cloud, Cribbs, Dillon, Denville, Duncan, Eckert, Erne, Foster, Fox, Francisco, Fuller, Gjerstad, Graeber, Grotewiel, Hassler, Heinemann, Helgerson, Hensley, Hoy, Jarchow, Jenkins, Johnson, Justice, Kline, Knopp, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Mayfield, Miller, D., Miller, R.D., Miller, R.H., Nichols, O'Neal, Ott, B., Patrick, Patterson, Peterson, Pottorff, Ramirez, Reardon, Rezac, Rolfs, Roper, Roy, Runnels, Sand, Schmidt, Shriver, Sifers, Sollbach, Spaniol, Sughrue, Sutter, Teagarden, Turnquist, Vancrum, Wagnon, Webb, Whiteman, Wilbert, Williams, Wisdom, Wunsch.

Nays: Bryant, Buehler, Campbell, C., Campbell, K., Charlton, Chronister, Crowell, Crumbaker, Dean, DeBaun, Dyck, Flottman, Freeman, Friedeman, Fry, Goossen, Green, Guldner, Hamm, Harder, Harper, Hayden, Holmes, King, Lacey, Laird, Mollenkamp, Moomaw, Neufeld, Ott, K., Polson, Roe, Roenbaugh, Rosenau, Sallee, Shore, Smith, Snowbarger, Sprague, Walker, Weaver.

Present but not voting: None.

Absent or not voting: None.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted, as amended.

### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on this amendment to our constitution, SCR 1605. As a freshman, my vote may have been an unknown. However, to my constituents my





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stand is known. This became the single major issue in my campaign, costing me votes and endorsements.

The American Medical Association has called alcohol our most abused drug. This Legislature has spent days trying to deal with alcohol-related problems. Alcoholism is a major societal problem. I therefore have difficulty voting for a measure which will increase access and will most likely increase consumption.—VINCE SNOWBARGER

MR. SPEAKER: As Abraham Lincoln replied to the Missouri Committee of Seventy in 1864:

"I desire so to conduct the affairs of this [office] that if at the end, when I come to lay down the reins of power, I shall at least have one friend left, and that friend shall be down inside me."

I vote Yes on SCR 1605.—JIM PATTERSON

MR. SPEAKER: Though admiring those folks in the beer commercials,  
And the low calorie brews they tout,  
I find both my taste and my figure  
Are still inclined toward the stout—

Therefore, I put all my considerable weight behind a "yes" vote, on SCR 1605, to allow the people of Kansas the opportunity to decide, in their own best wisdom, whether the Kansas Constitution should be amended.—VERNON L. WILLIAMS

MR. SPEAKER: I vote Yes on SCR 1605 to give the people a chance at directing their own destiny. I never believed in legislating morality as an individual has to live with her or his own conscience. Many of the *No* votes are being done hypocrisy—drinking at every water hole and voting *No* with hangovers. I don't drink alcohol but, I would imagine, Kansans because of hypocrisy, will be the poorest people in Hell!—N. E. JUSTICE

MR. SPEAKER: I vote yes on SCR 1605. Though I will be criticized by many good-intentioned constituents who have been led to believe that a yes vote on this resolution is a vote for liquor-by-the-drink and increased alcohol consumption and suffering, I am voting yes because of my belief in the fundamental right of my constituents to decide this issue on their own. My votes in favor of tougher drunk-driving and liquor laws this year are evidence of my conviction that we can and will address the issue of liquor consumption head on.—MICHAEL R. O'NEAL

MR. SPEAKER: I vote NO on SCR 1605.

I have received more communication from constituents on "liquor by the drink" than any issue in the last five years. This year, 1985, I received 461 who opposed and 116 who favored liquor by the drink. For 1983-84 those who opposed was 254 compared to 118 that favored. The totals 1983-84-85 were 234 communications that favored and 715 that opposed.

Many of those who have opposed have indicated they have been disappointed with the death, and the outcome of the court verdict on the "Driving while Intoxicated" trial that involved the death of Kathy Bahr on NW 46th Street.—MARVIN E. SMITH

#### REPORTS OF STANDING COMMITTEES

Committee on Education recommends SB 27, 53, 259 be passed.

Committee on Insurance recommends SB 19, 262 be passed.

Also, recommends SB 285 be amended on page 2, in line 68, by inserting after "thereto" the following: ", and organizations preempted from state jurisdiction as a result of compliance with both the employees retirement income security act of 1974, as amended, including all bonding provisions, and paragraph (9) of sub-



## Exhibit VI-B(j)

MARCH 21, 1985

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section (c) of section 501 of the internal revenue code", and the bill be passed as amended.

Committee on Judiciary recommends SB 63, 109 be passed.

Also, SB 33 be amended on page 1, in line 35, before "The" by inserting (a); in line 36, by striking "includ-", by striking all of line 37 before "upon"; in line 38, by striking "The court"; by striking all of lines 39 and 40; in line 41, by striking all before "If" and inserting "(b)", also in line 41, by striking "section 2" and inserting "subsection (a)"; in line 42, by striking all after "mediator", by striking all of lines 43 through 46;

On page 2, by striking all of lines 47 through 52; in line 53, by striking "consider" and inserting "shall be a person agreed upon by the two parties. If the parties cannot agree, the court shall appoint a mediator, taking into consideration the following";

By renumbering sections 4 through 11 as sections 3 through 10;

Also on page 2, by striking all of lines 77 and 78; in line 79, by striking "(7)" and inserting "(6)"; in line 80, by striking "(8)" and inserting "(7)", in line 83, by striking "(9)" and inserting "(8)";

On page 3, in line 86, by striking "(10)" and inserting "(9)"; in line 94, after the period, by inserting "A copy of the summary shall be provided to the parties and their attorneys, if any."; in line 96, by striking all after the period; by striking all of line 97 through 99 and inserting "Any understanding reached by the parties as a result of mediation shall not be binding upon the parties nor admissible in court until reduced to a written stipulation and approved by the parties, their attorneys, if any, and the court."; in line 106, by striking all after "5."; by striking all of line 107; in line 108, by striking "(b)" and inserting "(a)"; in line 114, by striking "(c)" and inserting "(b)"; and the bill be passed as amended.

Committee on Local Government recommends SB 13, 14 be passed.

Also, recommends SB 212 be amended on page 3, after line 92, by adding a new section to read as follows:

"New Sec. 2. From and after October 3, 1984, all moneys received as interest and all moneys received in lieu of interest pursuant to judgments or judicial settlements involving property tax disputes shall be credited to the general fund of the county levying such taxes. The board of county commissioners and the governing body of any taxing subdivision within or partially within the county may enter into agreements providing for the distribution of such moneys in any manner agreed upon by the parties to such agreements."; in line 93, by striking "Sec. 2" and inserting "Sec. 3"; in line 94, by striking "Sec. 3" and inserting "Sec. 4"; in line 95, by striking "statute book" and inserting "Kansas register";

In the title, in line 18, after "concerning" by inserting "property"; in line 19, after the semi-colon, by inserting "relating to interest paid on tax judgments and settlements;"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced:

HB 2577, by Committee on Ways and Means: An act concerning the department of social and rehabilitation services; relating to the form of budget estimates and requests and the provisions of the governor's budget reports and recommendations relating to the department and institutions thereunder.



Exhibit VI-B(k)

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JOURNAL OF THE HOUSE

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title.

HOUSE RESOLUTION No. 6084—

By Representative Pottorff

A RESOLUTION congratulating Kandi Clubine on being chosen to compete at the International Winter Special Olympic Games.

WHEREAS, Kandi Clubine has been chosen to compete at the International Winter Special Olympic Games in Utah on March 24-29; and

WHEREAS, Kandi was one of only nine Kansans chosen to compete. She was chosen on the basis of ability and competitive skill and will be competing in the alpine skiing events; and

WHEREAS, Kandi won a silver medal in alpine skiing last year and has won two bronze medals in slalom and giant slalom competition this year; and

WHEREAS, Kandi has shown special talent and rare courage through competition in the Special Olympics. Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate Kandi Clubine on being chosen to compete at the International Winter Special Olympic Games; and

*Be it further resolved.* That the Chief Clerk of the House of Representatives be directed to provide enrolled copies of this resolution for Representative Jo Ann Pottorff.

HOUSE RESOLUTION No. 6085—

By Representative Crumbaker

A RESOLUTION congratulating and commending the Golden Plains High School boys' basketball team and its coach, Jerry Livingston, on winning the 1985 Class 1A State Basketball Championship in Kansas.

WHEREAS, The Golden Plains High School boys' basketball team won the 1985 Kansas State High School Activities Association Class 1A State Basketball Championship, their first state crown; and

WHEREAS, The Bulldogs won the state championship with a thrilling 44-42 victory over Pretty Prairie High School in the state championship game; and

WHEREAS, The Golden Plains High School boys' basketball team, with a perfect 26-0 record, were the Western Kansas League champions; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team is due to the players' teamwork, strong competitive spirit and determination to win, and the excellent support of the school's administrators and faculty, the players' parents and the many area citizens; and

WHEREAS, Each player of this team, the coaching staff, the school administrators and faculty and every citizen of this proud community who vigorously supported and encouraged the team's success should be recognized and acclaimed for this honor. Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the Golden Plains High School boys' basketball team, its coach, Jerry Livingston, and his staff, the students and the school's officials and faculty be congratulated and commended for their outstanding achievement in winning the 1985 Kansas State High School Activities Association Class 1A State Basketball Championship in Kansas; and



MARCH 21, 1985

619

*Be it further resolved.* That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Principal Pat Happer, Coach Jerry Livingston, Assistant Coach Larry Wahlmeier, the managers and each of the team members, all in care of Golden Plains High School, Box 100, Rexford, Kansas 67753.

HOUSE RESOLUTION No. 6086—

By Representative Crumbaker

A RESOLUTION congratulating and commending Golden Plains High School for winning the sportsmanship trophy in the 1985 boys' Class 1A State Basketball Championship.

WHEREAS, Golden Plains High School won the 1985 Kansas State High School Activities Association Class 1A sportsmanship trophy in the boys' basketball tournament in Hays; and

WHEREAS, The four schools in the semifinals of each division were evaluated by a special committee; and

WHEREAS, Each school's cheerleaders, cheering section, team and coaches were appraised. They were judged by a number of factors, including sportsmanship, courtesy and respect; and

WHEREAS, The Golden Plains boys' basketball team, coaching staff, cheerleaders, cheering sections and the entire community of Rexford should be recognized and acclaimed for winning the 1985 Kansas State High School Activities Association Class 1A sportsmanship trophy in the boys' basketball tournament: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That Golden Plains High School, its students and faculty, and the community of Rexford be congratulated and commended for their outstanding achievement in winning the sportsmanship trophy in the 1985 Kansas State High School Activities Association Class 1A State Basketball Championship; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Principal Pat Happer and Coach Jerry Livingston, both in care of Golden Plains High School, Box 100, Rexford, Kansas 67753.

**REPORT ON ENGROSSED BILLS**

HB 2134 reported correctly engrossed March 21, 1985.

**REPORT ON ENROLLED RESOLUTIONS**

HR 6072, 6073, 6074, 6075, 6076, 6077 reported correctly enrolled and properly signed on March 21, 1985.

On motion of Rep. Braden, the House adjourned until 10:00 a.m., Friday, March 22, 1985.





Exhibit VI-C  
CALENDAR SHOWING "PETITIONS" HEADING

# HOUSE CALENDAR

No. 9

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FRIDAY, JANUARY 24, 1992

HOUSE CONVENES AT 11:00 A.M. TODAY

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ROLL CALL

---

INVOCATION

---

READING AND CORRECTION OF JOURNAL

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PETITIONS

---

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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## Reference of Bills and Concurrent Resolutions

### **2744—**

House bill No. 2744, An act relating to banks and banking; concerning trust authority for branch banks; amending K.S.A. 9-1111 and repealing the existing section.

Committee on Commercial and Financial Institutions  
(Commercial and Financial Institutions)

### **2745—**

House bill No. 2745, An act relating to banks and banking; concerning surety bonds for certain officers and employees of banks and trust companies; amending K.S.A. 9-1115 and repealing the existing section.

Committee on Commercial and Financial Institutions  
(Commercial and Financial Institutions)

### **2746—**

House bill No. 2746, An act amending the uniform consumer credit code; concerning additional charges; amending K.S.A. 1991 Supp. 16a-2-501 and repealing the existing section.

Committee on Commercial and Financial Institutions  
(Commercial and Financial Institutions)

### **2747—**

House bill No. 2747, An act amending the uniform commercial code; concerning financing statements; amending K.S.A. 84-9-402 and repealing the existing section.

Committee on Commercial and Financial Institutions  
(Commercial and Financial Institutions)

### **2748—**

House bill No. 2748, An act relating to investment companies; concerning in-

Note: This *House Calendar* shows the special order of business called Petitions.



**Exhibit VI-D**  
**SAMPLE SENATE ACTIONS REPORT**

- S 0141 Bill by Ways and Means**  
**Appropriations for FY92, department of corrections and correctional institutions and facilities.** Effective date: 7/1/91.
- 02/06/91 Senate—Introduced--SJ 96
  - 02/07/91 Senate—Referred to Ways and Means--SJ 103
  - 03/04/91 Senate—CR: Be passed as am. by Ways and Means--SJ 222
  - 03/11/91 Senate—COW: CR be adptd; be further am.; be passed as am.--SJ 296
  - 03/12/91 Senate—FA: Passed as am.; Yeas 31 Nays 7--SJ 301
  - 03/13/91 House—Received and introduced--HJ 390
  - 03/14/91 House—Referred to Appropriations--HJ 412
  - 04/03/91 House—CR: Be passed as am. by Appropriations--HJ 625
  - 04/05/91 House—COW: CR be adptd; be passed as am.--HJ 699; EFA: Passed as am.; Yeas 98 Nays 24--HJ 725
  - 04/08/91 Senate—Nonconcurrent; CC requested; apptd Bogina, Allen, Gaines--SJ 567
  - 04/08/91 House—Acceded; apptd Teagarden, Adam, Chronister--HJ 747
  - 04/12/91 House—Adptd CCR; Yeas 103 Nays 20--HJ 825
  - 04/13/91 Senate—Adptd CCR on senate bill; Yeas 37 Nays 3--SJ 697
  - 04/18/91 Senate—Enrolled and presented to gov.--SJ 764
  - 04/25/91 —Approved by gov.
  - 04/25/91 Senate—except line item veto: part of Sec.2(b)--SJ 779
  - 05/28/91 Senate—Line item vetoes sustained--SJ 1045
- S 0142 Bill by Oleen**  
**Conveyance of certain land to the city of Ogden.** Effective date: 7/1/91.
- 02/06/91 Senate—Introduced--SJ 97
  - 02/07/91 Senate—Referred to Local Government--SJ 103
  - 02/19/91 Senate—CR: Be passed by Local Government--SJ 152
  - 02/21/91 Senate—COW: Be am.; be passed as am.--SJ 170; EFA: Passed as am.; Yeas 39 Nays 0--SJ 170
  - 02/22/91 House—Received and introduced--HJ 210
  - 02/25/91 House—Referred to Appropriations--HJ 218
  - 03/25/91 House—CR: Be passed by Appropriations--HJ 485
  - 03/27/91 House—COW: Be passed--HJ 517
  - 03/28/91 House—FA: Passed; Yeas 124 Nays 0--HJ 532
  - 04/01/91 Senate—Enrolled and presented to gov.--SJ 436
  - 04/11/91 —Approved by gov.--SJ 645

Note: This shows *Locator* bill listings. Note line item vetoes and conference committee action in SB141.



Exhibit VI-E(a)  
EXECUTIVE REORGANIZATION ORDER

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*Session of 1992*

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**Executive Reorganization Order No. 24**

By Governor Joan Finney

Transmitted January 17, 1992

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- 9  
10 Section 1. In order to reorganize the administration and super-  
11 vision of savings and loan associations, the savings and loan depart-  
12 ment and the office of savings and loan commissioner created by  
13 K.S.A. 74-3104 and amendments thereto are hereby abolished. Ex-  
14 cept as otherwise provided by this order, all of the powers, duties  
15 and functions of the existing savings and loan department and the  
16 existing savings and loan commissioner are hereby transferred to and  
17 conferred upon the office of state bank commissioner created by  
18 K.S.A. 75-1304 and amendments thereto.
- 19 Sec. 2. The state banking board created by K.S.A. 74-3004 and  
20 amendments thereto, and the savings and loan board created by  
21 K.S.A. 74-3113 and amendments thereto are hereby abolished. Ex-  
22 cept as otherwise provided by this order, all of the powers, duties  
23 and functions of the existing state banking board and the existing  
24 savings and loan board are hereby transferred to and imposed upon  
25 the state banking and savings and loan board established by section  
26 3 and amendments thereto.
- 27 Sec. 3. (a) There is hereby established the state banking and  
28 savings and loan board, which shall be composed of nine members  
29 appointed by the governor, subject to confirmation by the senate as  
30 provided in K.S.A. 75-4315b and amendments thereto. Five mem-  
31 bers of the board shall be persons with not less than five years of  
32 banking experience in this state. No two banker members shall reside  
33 in the same congressional district, except that one may be appointed  
34 from the state at large. Two members of the board shall be persons  
35 with not less than five years of savings and loan type experience.  
36 Two members of the board shall be appointed to represent the  
37 general public. No member of the board who represents the general  
38 public shall concurrently serve as an officer, director or employee  
39 of a bank, savings and loan association, trust company, credit union  
40 or finance company.
- 41 (b) Terms of members appointed to the board shall be for four  
42 years, except that in making the first appointments three members  
43 shall be appointed for two years and three members shall be ap-  
pointed for three years. Terms of office for all board members shall  
end on a June 30th.
- Sec. 4. (a) The state bank commissioner shall be the successor



**Exhibit VI-E(b)**

ERO 24

4

1 section 6 of article 1 of the constitution of Kansas, and unless so  
2 disapproved, this order is to be published as and with the acts of  
3 the legislature and the statutes of this state.

4  
5 **DONE At The Capitol in Topeka**  
6 **Under the Great Seal of the**  
7 **State of Kansas this 17th day**  
8 **of January, 1992.**

9 **BY THE GOVERNOR**  
10 **JOAN FINNEY**

11  
12 **WILLIAM P. GRAVES**  
13 ***Secretary of State***

14  
15 **RON E. THORNBURGH**  
16 ***Assistant Secretary of State***





**Exhibit VI-F**  
**SAMPLE SUBJECT INDEX REPORT**

Tues., May 28, 1991  
SUBJECT INDEX REPORT

page 1

**Bold Nos.—To Governor**  
**Strike Nos.—Dead Bills**

<b>Abortion</b>	
Crimes, Criminal Procedure and Punishment, this index	
Minors	S147
Public funds and facilities, use of	H2259
Reports, medical care facilities	S410
Woman's educated choice and informed decision act	H2444
<b>Abuse</b>	
Adults, protective custody	S269
<b>Accountants and Accountancy</b>	
Professional investment advice, client referrals	H2272
<b>Administration, Department of</b>	
Budget, division of the,	
Agency performance indicators, evaluations, reports	H2270
Child care centers,	
Operation in state buildings	H2331, H2332
Program to establish, state employees' children	H2330
Space provided for, capital improvement projects	H2332
Kansas Development Finance Authority, this index	
Organization, power of secretary to reorganize	H2623
Public employees whole life plan, payroll deductions	H2622
Purchase and sale, homes of reassigned troopers and corrections officers	H2182
Purchasing, division of,	
Specifications for bids	H2268, H2299
State capitol, lease of space	S138
State engineering services	H2633
<b>Adult Care Homes</b>	
Civil penalties authorized	S182
Financing	H2421
Intermediate care facilities for mental health, certification	H2229
Long-term care planning commission created	S377
Medicaid, long-term care beds	H2567
Screening, prior to admission	H2566
<b>African-Americans</b>	
Advisory committee, establishment	H2283
<b>Aged Persons</b>	
Homecare, in-home services	S54
Property tax deferral program	H2276
<b>Aging, State Department on</b>	
Homecare, in-home services	S54
<b>Agriculture</b>	
Animal dealers	S78
Aquaculture, taxation, employment practices	S203
Chemicals,	
Anhydrous ammonia,	
Stop sale/use orders	S309
Discount certificate program	S322
Pesticides,	
Application by powered equipment	S219
Commercial feed stuffs	S316
Cooperative marketing act	S73
Dairy law,	
Unfair trade practices	H2359
Dairy, milk inspection	S311
Disaster loans	S451
Extension services,	
Districts, establishment	H2020
FACTS, expiration extended	H2077
Farm equipment, contracts to maintain stock	H2357
Grain inspection dept., conflict	S129
Kansas state university experiment stations,	
Capital improvements fund	S130
Livestock dealers, annual report	H2356
Marketing, cooperative act	S73
Meat and poultry inspection act,	



**Exhibit VI-G**  
**HOUSE BILL, INCLUDING PREAMBLE**

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Session of 1985

**HOUSE BILL No. 2417**

By Representatives Wunsch, Acheson, Adam, Barkis, Bideau, Blumenthal, Brown, Buehler, C. Campbell, DeBaun, Douville, Eckert, Erne, Francisco, Freeman, Grotewiel, Hamm, Harper, Hayden, Leach, Long, D. Miller, R. D. Miller, Moomaw, O'Neal, B. Ott, Polson, Pottorff, Reardon, Rezac, Sallee, Schmidt, Solbach, Spaniol, Teagarden, Walker, Webb and Whiteman

2-13

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0023 AN ACT designating milk as the official state drink.

0024 WHEREAS, Milk, one of nature's most inspiring wonders, is  
0025 readily available in Kansas for everyone; and

0026 WHEREAS, Milk serves Kansans of all ages as an essential  
0027 component of good nutrition providing Protein, Calcium, Vita-  
0028 min A, Riboflavin, Phosphorous and Magnesium; and

0029 WHEREAS, In the state of Kansas there are over 5,000 milk  
0030 producers who produce over 1.38 billion pounds of milk a year  
0031 with the dutiful cooperation of 125,000 dairy cows; and

0032 WHEREAS, Milk constitutes the foundation of good health  
0033 and nutrition that enables the people of the state of Kansas to  
0034 possess the strong minds and bodies that are so characteristic of  
0035 our citizens; and

0036 WHEREAS, It is appropriate to declare milk as our official  
0037 state drink at a time when all Kansans are concerned with  
0038 enhancing the state's image: Now, therefore,

0039 *Be it enacted by the Legislature of the State of Kansas:*

0040 Section 1. Milk is hereby designated as and declared to be  
0041 the official drink of the state of Kansas.

0042 Sec. 2. This act shall take effect and be in force from and  
0043 after its publication in the statute book.

Note topical humor in hyphenation of sponsor Moomaw's name.



**Exhibit VI-H**  
**KANSAS LEGISLATIVE BILL NUMBERING**

0001–1600	Senate Bills
1601–1800	Senate Concurrent Resolutions
1801–2000	Senate Resolutions (reused annually)
2001–5000	House Bills
5001–6000	House Concurrent Resolutions
6001–	House Resolutions (reused annually)



Exhibit VI-I  
NEW PROVISION MEMBER BILL

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*Session of 1982*

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**HOUSE BILL No. 2686**

By Representative Hendrix

1-13

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7 AN ACT concerning school districts; establishing the Kansas system  
8 transformation achievement reward program.

9  
10 *Be it enacted by the Legislature of the State of Kansas:*

11 Section 1. As used in this act:

12 (a) "Kansas system transformation achievement reward program"  
13 or "K-STAR program" means a program under which the state iden-  
14 tifies, recognizes and rewards STAR schools for outstanding contri-  
15 bution to successful achievement of the mission for Kansas education  
16 by transformation of school district educational systems through de-  
17 velopment and implementation of exemplary building-based educa-  
18 tion plans.

19 (b) "STAR school" means a school in which a school building  
20 employees unit has developed and implemented an exemplary build-  
21 ing-based education plan.

22 (c) "School" means a school building in which the instructional  
23 program is offered and maintained pursuant to and in accordance  
24 with a building-based education plan.

25 (d) "School building employees unit" and "building-based edu-  
26 cation plan" have the meanings respectively ascribed to such terms  
27 in K.S.A. 1991 Supp. 72-9801, and amendments thereto.

28 Sec. 2. (a) The board of education of every school district in  
29 which one or more building-based education plans have been de-  
30 veloped and implemented may apply, on behalf of any one or more  
31 school building employees units, for identification and recognition  
32 of the schools for which such units are responsible as STAR schools.

33 (b) In order to be eligible for participation in the K-STAR pro-  
34 gram, a board of education shall submit to the state board of edu-  
35 cation an application for participation and a description of the  
36 building-based education plan or plans upon which the board bases  
37 its application. The application and description shall be prepared in  
38 such form and manner as the state board shall require and shall be  
39 submitted at a time to be determined and specified by the state  
40 board.

41 Sec. 3. (a) The state board of education shall adopt rules and  
42 regulations for the administration of this act and shall:

43 (1) Establish standards and criteria for identification of STAR





Exhibit VI-J  
NEW PROVISION COMMITTEE BILL

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*Session of 1992*

**SENATE BILL No. 481**

By Legislative Budget Committee

Re Proposal No. 17

12-23

---

10 AN ACT concerning the state treasurer; establishing qualifications  
11 for such office; designating the state treasurer as the cash man-  
12 agement officer for the state.

13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) The state treasurer shall be an elector of this state;  
16 shall have a minimum of five years' experience as a certified public  
17 accountant, or shall have a minimum of five years' experience as an  
18 executive manager in a financial institution or shall have a minimum  
19 of five years' financial experience in the public or private sector;  
20 and shall give personal presence and attention to the duties of the  
21 office of state treasurer.

22 (b) In no case shall the state treasurer, upon assuming the office  
23 of state treasurer, be in the employment of any financial institution  
24 or have any official connection with any financial institution or any  
25 financial interest in a financial institution other than as a depositor.  
26 As used in this subsection, "financial institution" means bank, savings  
27 bank and savings and loan association as the terms "bank," "savings  
28 bank" and "savings and loan association" are defined under K.S.A.  
29 75-4201 and amendments thereto.

30 Sec. 2. (a) The state treasurer is designated the cash management  
31 officer for the state and charged with the coordination and supervision  
32 of procedures providing for the efficient handling of financial assets  
33 under the control of the state treasury and each of the various state  
34 agencies.

35 (b) The state treasurer shall designate a cash manager to perform  
36 cash management consultations with state agencies. The cash man-  
37 ager shall schedule a cash management consultation by directing a  
38 request for a cash management consultation to the appropriate state  
39 agency head. The request shall include, but is not limited to, the  
40 following: Permission to initiate the review; the purpose of the con-  
41 sultation; a commencement date; the documents and information  
42 necessary to perform the review; request for staff assistance for the  
43 review; and the expected estimated time required to complete the

Note that this bill is proposed by a special interim study committee.



Exhibit VI-K  
AMENDATORY BILL

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Session of 1992

**HOUSE BILL No. 2781**

By Committee on Governmental Organization

1-27

---

8 AN ACT concerning certain state officers and employees; relating to  
9 the state drug screening program; amending K.S.A. 1991 Supp.  
10 75-4363 and repealing the existing section.  
11

12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 1991 Supp. 75-4363 is hereby amended to read  
14 as follows: 75-4363. The director of personnel services of the de-  
15 partment of administration may establish and implement ~~an alcohol~~  
16 ~~and~~ a drug testing program for *applicants for and* employees of  
17 institutions of mental health. *Implementation, continuation or ex-*  
18 *pansion of such program shall be subject to appropriation of nec-*  
19 *essary funding.* Such program shall be established, implemented and  
20 administered in the same manner and subject to the same conditions  
21 and limitations as the drug screening program established and im-  
22 plemented under K.S.A. 75-4362, and amendments thereto, and any  
23 rules and regulations and any administrative policies and procedures  
24 adopted pursuant to such section. As used in this section, "institution  
25 of mental health" means an institution as defined by K.S.A. 76-  
26 12a01, and amendments thereto.

27 Sec. 2. K.S.A. 1991 Supp. 75-4363 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after  
29 its publication in the statute book.



Exhibit VI-L  
REPEALING BILL

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*Session of 1991*

**SENATE BILL No. 283**

By Committee on Transportation and Utilities

2-21

---

8 AN ACT repealing K.S.A. 79-34,148; concerning reports of estimated  
9 sales tax revenues from retail sale of new and used motor vehicles.

10

11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. K.S.A. 79-34,148 is hereby repealed.

13 Sec. 2. This act shall take effect and be in force from and after  
14 its publication in the statute book.



Exhibit VI-M  
SUPPLEMENTAL NOTE

*SESSION OF 1992*

**SUPPLEMENTAL NOTE ON SENATE BILL NO. 233**

As Amended by House Committee on  
Judiciary

**Brief\***

S.B. 233 clarifies that the official body that governs civil rights issues is the Kansas Human Rights Commission. Those statutes that refer to the Kansas Commission on Civil Rights would be repealed.

**Background**

The original bill dealing with voluntary intoxication was supported by the Bourbon County Attorney. A Fort Scott man charged with taking indecent liberties with a minor was acquitted after claiming he was too drunk to remember molesting a 13-year-old girl. The bill was also supported by the Kansas Child Abuse Prevention Council and others.

The House Committee amended the bill to address a problem with the statutes regarding the Human Rights Commission. Some statutes that refer to the Commission on Civil Rights are still on the books creating confusion as well as operational problems for the Human Rights Commission.

There are other bills, H.B. 2288 and H.B. 2289, dealing with the elimination of the defense of voluntary intoxication.

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\* Supplemental Notes are prepared by the Legislative Research Department and do not express legislative intent.

This supplemental note was prepared by Legislative Research Department staff. Note disclaimer at bottom.





Exhibit VI-N  
ENROLLED SENATE RESOLUTION



STATE OF KANSAS

SENATE RESOLUTION No. 1853

A RESOLUTION congratulating and commending the amateur radio operators of Kansas on their recent efforts to contact an amateur radio operator aboard the space shuttle Columbia

WHEREAS, Amateur radio operators throughout Kansas attempted to contact a fellow ham during the recent mission of the space shuttle Columbia, officially designated as STS-9, and

WHEREAS, Crew member and amateur radio operator Dr. Owen Garriott, W5LFL, operated during his off-periods from the Columbia to contact as many ham operators as possible, and

WHEREAS, This activity marks the first time in the history of the manned spaceflight program that active participation was possible by a major segment of the U.S. populous, and

WHEREAS, Transmissions from the Columbia were well-heard throughout the state of Kansas; and

WHEREAS, Through demonstration of the activity at public schools, colleges, universities and shopping centers throughout Kansas, there was created a renewed interest and attention to the sciences of space research, communications and other high technologies; Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the amateur radio operators of Kansas be congratulated and commended on their untiring efforts to contact the first amateur radio operator in space and bring interactive participation in the space program to the people of Kansas, thus revitalizing the interest in space, communications and technology for people of all ages throughout Kansas; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to Paul Crauer, W0FIR, Box 190, Wilson, Kansas 67490; Robert M. Summers, K0BXF, 3045 N. 72nd Street, Kansas City, Kansas 66109, Carl Smith, W0BWJ, c/o American Radio Relay League, 225 Main Street, Newington, Connecticut 06111; Dr. Owen Garriott, W5LFL, c/o Johnson Space Center, Texas 77058; and Marshall P. Reece, N0BLD, 3817 SE Bryant Street, Topeka, Kansas 66609.

Senate Resolution No. 1853 was sponsored by Senator Norman E. Gaar, W0DEZ.

I hereby certify that the above RESOLUTION originated in the SENATE, and was adopted by that body

January 31, 1984

  
Norman E. Gaar  
President of the Senate

  
Lu Kenney  
Secretary of the Senate



**Exhibit VI-O**  
**JOURNAL PRINT OF SENATE RESOLUTION**

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE  
RESOLUTIONS**

Senator Gaar, WØDEZ introduced the following Senate resolution, which was read:

**SENATE RESOLUTION No. 1853—**

**A RESOLUTION** congratulating and commending the amateur radio operators of Kansas on their recent efforts to contact an amateur radio operator aboard the space shuttle Columbia.

**WHEREAS**, Amateur radio operators throughout Kansas attempted to contact a fellow ham during the recent mission of the space shuttle Columbia, officially designated as STS-9; and

**WHEREAS**, Crew member and amateur radio operator Dr. Owen Garriott, W5LFL, operated during his off-periods from the Columbia to contact as many ham operators as possible; and

**WHEREAS**, This activity marks the first time in the history of the manned spaceflight program that active participation was possible by a major segment of the U.S. populous; and

**WHEREAS**, Transmissions from the Columbia were well-heard throughout the state of Kansas; and

**WHEREAS**, Through demonstration of the activity at public schools, colleges, universities and shopping centers throughout Kansas, there was created a renewed interest and attention to the sciences of space research, communications and other high technologies: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the amateur radio operators of Kansas be congratulated and commended on their untiring efforts to contact the first amateur radio operator in space and bring interactive participation in the space program to the people of Kansas, thus revitalizing the interest in space, communications and technology for people of all ages throughout Kansas; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to Paul Grauer, WØFIR, Box 190, Wilson, Kansas 67490; Robert M. Summers, KØBXF, 3045 N. 72nd Street, Kansas City, Kansas 66109; Carl Smith, WØBWJ, c/o American Radio Relay League, 225 Main Street, Newington, Connecticut 06111; Dr. Owen Garriott, W5LFL, c/o Johnson Space Center, Texas 77058; and Marshall P. Reece, NØBLD, 3317 SE Bryant Street, Topeka, Kansas 66609.

On emergency motion of Senator Gaar, SR 1853 was adopted unanimously.

## VII OTHER AVAILABLE PUBLICATIONS

Following the legislative session, several additional publications are available for research into laws passed. Many public libraries and law libraries have sets of these publications available for review.

### **Session Laws**

The *Session Laws*, also known as the **statute book**, are published each July 1 and are available for a fee from the secretary of state. They are also available as part of the premium service through the Internet by way of the Information Network of Kansas.

Bills are printed in the *Session Laws* in their final form. If a bill changed an existing law, the changes are shown by striking the old language and inserting the new language in italic type. Prior to 1992, bills were organized by general subject headings. Beginning with the 1992 Session Laws, bills are ordered chronologically based upon the date they were signed by the governor. Each bill is referred to as a “chapter.”

The chapter heading identifies the chapter number and bill number, and discloses whether the bill amended an earlier bill or was subsequently amended by another bill during the session (Exhibits VII-A through VII-C). An asterisk by the chapter number indicates that the act represents a new provision not present in existing law. If the bill required gubernatorial approval, the date of approval is included. In the case of concurrent resolutions, House and Senate adoption dates are listed. Simple resolutions are not printed in the *Session Laws*.

Veto messages from the governor are also included, with the bill number, full title of the bill, explanation for the veto, and veto date (Exhibit V-B). A dagger contained in an appropriation act alerts the researcher that the governor exercised a line item veto (Exhibit V-C). The *Session Laws* include numerical indexes of Senate and House bills, to help the reader cross-reference to chapter numbers (Exhibit VII-D). Also included is a summary of codified statutes that were amended or repealed, again cross-referenced to chapter numbers (Exhibit VII-E). A subject index allows a topical review of new enactments.

## **Kansas Register**

The *Kansas Register* is published weekly by the secretary of state and is available by subscription. It contains executive orders, details of executive appointments, notices of hearings on proposed administrative regulations, pre-bid conferences for state procurement activities, bills introduced by members of the Legislature and signed by the governor, bond sales, and many more topics. An important function of the register is to serve as the “official state paper.” Acts that specify an effective date of “publication in the *Kansas Register*” become effective upon publication of the issue of the *Kansas Register* in which the bill is printed. The Kansas Register is also available from INK on a fee basis.

## **Kansas Statutes Annotated**

The *Kansas Statutes Annotated (K.S.A.s)* are also available for purchase from the secretary of state. The K.S.A.s are the codification of the body of state law, and updated cumulative supplemental volumes are usually available each December. Until the new supplements are available, consult the Session Laws to determine whether any changes to a given statute were made during the last legislative session.

K.S.A.s are available on-line from INK as a premium service. However, the “raw” statutes (less case and attorney general opinion annotations) are provided at no cost to Internet users. This is an exceptionally good research tool for observers of the process.

All session laws (except appropriation acts) are codified by the revisor of statutes and incorporated into the *Kansas Statutes Annotated*. Each section of a bill is codified in a manner dictated by its action (Exhibit VII-F). **Amendatory sections** replace the previous codification with the new language. **Repealing sections** remove the law prescribed by the printed text, and in its place include the word “Repealed.” **New provisions** are codified in a new statute number on a one-for-one basis for each new section.

Bills appropriating state agency funding are not codified because they relate to annually changing provisions.

## **Kansas Administrative Regulations**

The *Kansas Administrative Regulations (KARs)* are a codification by the secretary of state of administrative regulations adopted by agencies pursuant to legal authority. The KARs are also updated annually in supplemental volumes, and the Kansas Register con-

tains changes made during the interim period. Either the issuing agency or the secretary of state may be contacted to inquire about regulation changes not reflected in the KARs. KARs are available on-line from INK on a premium basis.

### **Miscellaneous Publications**

Numerous other publications to assist the legislative observer are available from various state agencies. Most are free of charge, but some publications may be difficult to obtain because of restrictions on quantity. These other publications are summarized in Exhibit VII-G. Major public and university libraries in Kansas often have these publications in their collections. If all else fails, the Kansas State Library in the Statehouse has copies available for public perusal. Pointing a Web browser to the INK address will generally provide a treasure-trove of current, up-to-date information.





**Exhibit VII-A(a)**  
**SESSION LAW AMENDED BY ANOTHER ACTION**

[Ch. 172

PROCEDURE, CIVIL

1133

**CHAPTER 172**  
Senate Bill No. 327  
(Amended by Chapter 171)

AN ACT concerning civil procedure; relating to divorce, spousal abuse as consideration in child custody determination; amending K.S.A. 1990 Supp. 60-1610 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 1990 Supp. 60-1610 is hereby amended to read as follows: 60-1610. A decree in an action under this article may include orders on the following matters:

(a) *Minor children.* (1) *Child support and education.* The court shall make provisions for the support and education of the minor children. The court may modify or change any prior order when a material change in circumstances is shown, irrespective of the present domicile of the child or the parents. Regardless of the type of custodial arrangement ordered by the court, the court may order the child support and education expenses to be paid by either or both parents for any child less than 18 years of age, at which age the support shall terminate unless: (A) The parent or parents agree, by written agreement approved by the court, to pay support beyond the time the child reaches 18 years of age; or (B) the child reaches 18 years of age before completing the child's high school education in which case the support shall not terminate, unless otherwise ordered by the court, until June 1 of the school year during which the child became 18 years of age if the child is still attending high school. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1986. If an agreement approved by the court prior to the effective date of this act provides for termination of support before the date provided by subsection (a)(1)(B), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (a)(1)(B). In determining the amount to be paid for child support, the court shall consider all relevant factors, without regard to marital misconduct, including the financial resources and needs of both parents, the financial resources and needs of the child and the physical and emotional condition of the child. Until a child reaches 18 years of age, the court may set apart any portion of property of either the husband or wife, or both, that seems necessary and proper for the support of the child. Every order requiring payment of child support under this section shall require that the support be paid through

Note: This is a session law that was amended by later action in session (see bill heading). Refer to Exhibit VII-A(b).



**Exhibit VII-A(b)**  
**SESSION LAW AMENDING ANOTHER SESSION LAW**

**CHAPTER 171**

House Bill No. 2515

(Amends Chapter 172)

AN ACT concerning civil procedure; relating to emergency divorces, child custody; modification of child support or maintenance, amending K.S.A. 60-1608 and K.S.A. 1990 Supp. 38-1121 and 60-1610 and repealing the existing sections; also repealing K.S.A. 1990 Supp. 60-1610, as amended by section 1 of 1991 Senate Bill No. 327.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 60-1608 is hereby amended to read as follows: 60-1608. (a) *Time.* An action for divorce shall not be heard until 60 days after the filing of the petition unless the judge enters an order declaring the existence of an emergency, stating the precise nature of the emergency, the substance of the evidence material to the emergency and the names of the witnesses who gave the evidence. *In such an emergency case, unless waived by both parties, the action for divorce shall not be heard until 10 days after the filing of the petition or 10 days after personal service upon the respondent of the petition and order declaring the existence of the emergency, whichever is later.*

(b) *Pretrial conference.* Upon the request of either party, the court shall set a pretrial conference to explore the possibilities of settlement of the case and to expedite the trial. The pretrial conference shall be set on a date other than the date of trial and the parties shall be present or available within the courthouse.

(c) *Marriage counseling.* After the filing of the answer or other responsive pleading by the respondent, the court, on its own motion or upon motion of either of the parties, may require both parties to the action to seek marriage counseling if marriage counseling services are available within the judicial district of venue of the action. Neither party shall be required to submit to marriage counseling provided by any religious organization of any particular denomination.

(d) *Cost of counseling.* The cost of any counseling authorized by this section may be assessed as costs in the case.



Exhibit VII-B  
NEW PROVISIONS ACT

[Ch. 206

ROADS AND BRIDGES

1275

ROADS AND BRIDGES

CHAPTER 206 \*

House Bill No. 2040

AN ACT designating United States Highway 66 as a historic highway.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. United States Highway 66 is hereby designated as a historic highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is a historic highway. Such signs shall consist of the usual United States highway sign with the words "Historic Route 66" printed on the face of the sign. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable highway signs.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 13, 1991.

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CHAPTER 207 \*

House Bill No. 2244

AN ACT designating a portion of United States highway 166 as the Martin Luther King, Jr. memorial highway.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. United States highway 166 where it enters the city of Coffeyville on the northeast, thence south and west through the city to the point where it exits the city of Coffeyville on the west, is hereby designated as the Martin Luther King, Jr. memorial highway. The secretary of transportation shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the Martin Luther King, Jr. memorial highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing suitable highway signs.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 11, 1991.

Note: As published in the *Session Laws*. Asterisk indicates "New Provision."



Exhibit VII-C  
AMENDING ACT

[Ch. 95

DISTRICT OFFICERS AND EMPLOYEES

673

DISTRICT OFFICERS AND EMPLOYEES

CHAPTER 95

Senate Bill No. 405

AN ACT concerning district coroners, relating to when autopsies are performed, amending K.S.A. 22a-233 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 22a-233 is hereby amended to read as follows: 22a-233. (a) If, in the opinion of the coroner, ~~it is advisable and in the public interest that~~ an autopsy *should* be made, or if an autopsy is requested in writing by the county or district attorney or if the autopsy is required under K.S.A. 22a-238 and amendments thereto, such autopsy shall be performed by a qualified pathologist as may be designated by the coroner. A pathologist performing an autopsy, at the request of a coroner, shall be paid a usual and reasonable fee to be allowed by the board of county commissioners and shall be allowed and paid the travel allowance prescribed for coroners and deputy coroners in accordance with the provisions of K.S.A. 22a-228 and amendments thereto, the same to be paid by the board of county commissioners of the county in which the cause of death occurred except that autopsies performed under K.S.A. 22a-238 and amendments thereto shall be paid for in accordance with K.S.A. 22a-238 and amendments thereto.

(b) The pathologist performing the autopsy shall remove and retain, for a period of three years, such specimens as appear to be necessary in the determination of the cause of death.

(c) A full record and report of the facts developed by the autopsy and findings of the pathologist performing such autopsy shall be promptly made and filed with the coroner and with the clerk of the district court of the county in which decedent died. If, in any case in which this act requires that the coroner be notified, the body is buried without the permission of the coroner, it shall be the duty of the coroner, upon being advised of such fact, to notify the county or district attorney, who shall communicate the same to a district judge, and such judge may order that the body be exhumed and an autopsy performed.

Sec. 2. K.S.A. 22a-233 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 25, 1991.

Note: As printed in the *Session Laws*.





**Exhibit VII-D**  
**INDEX TO SENATE BILLS**

INDEX TO BILLS

1791

**INDEX TO BILLS**

1991 SESSION

**NUMERICAL INDEX TO SENATE BILLS**

No.	Ch.	No.	Ch.	No.	Ch.
1	181	111	125	304	132
5	255	112	20	306	241
6	258	113	18	309	1
7	257	114	242	310	176
11	33	115	123	311	186
12	298	118	282	314	289
13	160	122	226	316	3
14	286	129	108	322	4
21	214	132	297	323	6
22	272	133	70	325	103
23	56	136	155	327	172
24	82	141	23	328	83
26	228	142	249	329	92
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31	223	150	53	335	268
33	216	151	201	336	71
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51	137	211	94	361	294
52	130	214	287	362	271
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55	239	232	142	369	259
56	57	237	244	370	168
59	84	247	158	371	296
63	220	250	277	372	261
67	138	251	60	373	240
68	191	252	184	375	247
69	10	254	178	376	164
70	25	258	288	385	246
72	162	263	204	389	252
73	74	267	32	395	22
74	9	270	146	403	254
79	105	271	203	405	95
81	161	277	145	411	46
85	99	278	267	416	55
87	19	279	153	427	275
89	290	281	34	429	263
90	293	282	285	432	62
95	24	285	215	439	154
99	21	293	38	443	152
100	73	295	58	450	278
102	175	296	91	452	245
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Note: This shows cross-references from Senate bill number to *Session Laws* chapter.



**Exhibit VII-E**  
**STATUTES REPEALED OR AMENDED**

STATUTES REPEALED OR AMENDED

1795

**STATUTES REPEALED OR AMENDED**  
**BY THE 1991 LEGISLATURE**

Kansas Statutes Annotated and Supplement	CHAP.	Kansas Statutes Annotated and Supplement	CHAP.
2-608, Am. . . . .	2	8-2104 Supp., Am. . . . .	43
2-609, Am. . . . .	2	8-2106 Supp., Am. . . . .	44
2-615 Supp., Am. . . . .	2	8-2110 Supp., Am. . . . .	282
2-616 Supp., Am. . . . .	2	Am. . . . .	36
2-1009, Am. . . . .	3	8-2115 Supp., Am. . . . .	36
2-1319, Am. . . . .	4	8-2401 Supp., Am. . . . .	33
2-1322 Supp., Am. . . . .	4	8-2401a Supp., Rep. . . . .	33
2-1415 Supp., Am. . . . .	5	8-2402 Supp., Am. . . . .	33
2-1421a Supp., Am. . . . .	5	8-2403, Am. . . . .	33
2-3005, Am. . . . .	6	8-2404 to 8-2406 Supp., Am. . . . .	33
2-3006, Am. . . . .	6	8-2408 Supp., Am. . . . .	33
2-3007 Supp., Am. . . . .	6	8-2410 Supp., Am. . . . .	33
2-3008, Am. . . . .	6	8-2412 Supp., Am. . . . .	33
2-3009, Am. . . . .	6	8-2424, Rep. . . . .	33
3-163, Am. . . . .	7	9-519 Supp., Am. . . . .	45
8-126 Supp., Am. . . . .	33	Am. . . . .	46
8-135 Supp., Am. . . . .	33	9-523 Supp., Am. . . . .	45
8-135b Supp., Rep. . . . .	33	9-524 Supp., Am. . . . .	45
8-143 Supp., Am. . . . .	33	9-811 Supp., Am. . . . .	46
8-143i, Am. . . . .	34	9-1101 Supp., Am. . . . .	47
8-161 Supp., Am. . . . .	35	9-1701 Supp., Am. . . . .	47
8-1,124 to 8-1,129 Supp., Am. . . . .	35	10-108 Supp., Am. . . . .	48
8-1,130 Supp., Am. . . . .	35	10-129 Supp., Am. . . . .	49
8-1,130a Supp., Am. . . . .	35	12-188 Supp., Am. . . . .	53
8-1,130b Supp., Am. . . . .	35	Am. . . . .	54
8-1,133 Supp., Am. . . . .	35	12-189 Supp., Am. . . . .	54
8-234b Supp., Am. . . . .	36	12-189b Supp., Rep. . . . .	54
8-235 Supp., Am. . . . .	36	12-192 Supp., Am. . . . .	82
8-236 Supp., Am. . . . .	36	12-195 Supp., Am. . . . .	54
8-237 Supp., Am. . . . .	36	Am. . . . .	55
8-239 Supp., Am. . . . .	36	12-701 to 12-704, Rep. . . . .	56
8-240 Supp., Am. . . . .	36	12-704a, Rep. . . . .	56
8-241 Supp., Am. . . . .	37	12-705, Rep. . . . .	56
Rep. . . . .	36	12-705a to 12-705c, Rep. . . . .	56
Am. . . . .	36	12-706, Rep. . . . .	56
8-241a Supp., Rep. . . . .	37	12-706a, Rep. . . . .	56
8-247 Supp., Am. . . . .	36	12-707 to 12-715, Rep. . . . .	56
8-248, Am. . . . .	37	12-715a, Rep. . . . .	56
8-255 Supp., Am. . . . .	36	12-715b Supp., Am. . . . .	63
8-259 Supp., Am. . . . .	36	12-716 Supp., Rep. . . . .	56
8-260 Supp., Am. . . . .	38	12-717 to 12-733, Rep. . . . .	56
8-262 Supp., Am. . . . .	39	12-734, Am. . . . .	63
8-267 Supp., Am. . . . .	36	Rep. . . . .	56
8-267b Supp., Rep. . . . .	37	12-735, Rep. . . . .	56
8-2,127 Supp., Am. . . . .	36	12-736 Supp., Am. . . . .	63
8-2,128 Supp., Am. . . . .	36	12-1615 Supp., Am. . . . .	66
8-2,133 Supp., Am. . . . .	36	12-16,102 Supp., Am. . . . .	57
8-2,142 Supp., Am. . . . .	36	12-16,102a Supp., Rep. . . . .	57
8-1001 Supp., Am. . . . .	36	12-1765, Am. . . . .	58
8-1002 Supp., Am. . . . .	36	12-1771 Supp., Am. . . . .	59
8-1103 Supp., Am. . . . .	40	12-17,103 Supp., Am. . . . .	55
8-1327 Supp., Am. . . . .	38	12-2616 Supp., Am. . . . .	134
8-1425, Am. . . . .	33	12-2618 Supp., Am. . . . .	60
8-1567 Supp., Am. . . . .	36	12-2621 Supp., Am. . . . .	60
8-1578, Am. . . . .	33	12-2624 to 12-2628 Supp., Am. . . . .	60
8-1720 Supp., Am. . . . .	41	12-3903 Supp., Am. . . . .	61
8-1759 Supp., Am. . . . .	42	12-5005 Supp., Am. . . . .	238
8-1759a Supp., Am. . . . .	42	12-5221 Supp., Am. . . . .	33
8-1911 Supp., Am. . . . .	33	12-5222 Supp., Am. . . . .	62

Note: This summary of statutes amended and repealed is cross-referenced to *Session Laws* chapter.

**Exhibit VII-F**  
**COMPARISON OF ACT TO K.S.A. CODIFICATION**

[Ch. 118

MENTALLY ILL, INCAPACITATED AND DEPENDENT  
PERSONS, SOCIAL WELFARE

729

MENTALLY ILL, INCAPACITATED AND DEPENDENT  
PERSONS; SOCIAL WELFARE

**CHAPTER 118 \***

House Bill No. 2208

AN ACT concerning the instruction in Braille reading and writing to blind students.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. As used in this section:

(a) "Blind persons" means individuals who:

(1) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20°;

(2) have a reasonable expectation of visual deterioration; or

(3) cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity.

(b) "Braille" means the system of reading and writing through touch commonly known as standard English Braille.

(c) "Student" means any student who is blind or any student eligible for special education services for visually impaired as defined in public law 94-142.

Sec. 2. All students may receive instruction in Braille reading and writing as part of their individualized education plan. No student shall be denied the opportunity for instruction in Braille reading and writing solely because the student has some remaining vision.

Sec. 3. Instruction in Braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with such student's sighted peers of comparable grade level and intellect. The individualized education plan shall specify:

(a) How Braille will be implemented as the primary mode for learning through integration with normal classroom activities. If Braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(b) the date on which Braille instruction will commence;

(c) the level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(d) the duration of each session.

Note: *Session Laws* presentations are on the left, K.S.A.s on the right.

**72-1122. Instruction in Braille; definitions.** As used in this section:

(a) "Blind persons" means individuals who:

(1) Have a visual acuity of 20/200 or less in the better eye with conventional correction, or have a limited field of vision such that the widest diameter of the visual field subtends an angular distance not greater than 20°;

(2) have a reasonable expectation of visual deterioration; or

(3) cannot read printed material at a competitive rate of speed and with facility due to lack of visual acuity.

(b) "Braille" means the system of reading and writing through touch commonly known as standard English Braille.

(c) "Student" means any student who is blind or any student eligible for special education services for visually impaired as defined in public law 94-142.

History: L. 1991, ch. 118, § 1; July 1.

**72-1123. Providing instruction in Braille to all students.** All students may receive instruction in Braille reading and writing as part of their individualized education plan. No student shall be denied the opportunity for instruction in Braille reading and writing solely because the student has some remaining vision.

History: L. 1991, ch. 118, § 2, July 1.

**72-1124. Instruction in Braille; individualized education plan.** Instruction in Braille reading and writing shall be sufficient to enable each student to communicate effectively and efficiently at a level commensurate with such student's sighted peers of comparable grade level and intellect. The individualized education plan shall specify:

(a) How Braille will be implemented as the primary mode for learning through integration with normal classroom activities. If Braille will not be provided to a child who is blind, the reason for not incorporating it in the individualized education plan shall be documented therein;

(b) the date on which Braille instruction will commence;

(c) the level of competency in Braille reading and writing to be achieved by the end of the period covered by the individualized education plan; and

(d) the duration of each session.

History: L. 1991, ch. 118, § 3; July 1.



**Exhibit VII-G(a)**  
**LISTING OF PUBLICATIONS AVAILABLE**  
**FOR THE LEGISLATIVE OBSERVER**

(Publication is listed first, with its source under it.)

**Kansas Directory**

Secretary of State

**Legislative Directory**

Legislative Administrative Services

**Governor's Budget Recommendation**

Division of Budget

**Legislative Budget Analysis**

Legislative Research

**Special Interim Committee Reports**

Legislative Research

**Directory of Legislative Lobbyists**

Secretary of State

**Constitution of the State of Kansas**

Secretary of State

**Senate and House Committee Assignments**

Legislative Administrative Services

**Rules of the Senate and House**

Legislative Administrative Services

**Joint Rules of the House and Senate**

Legislative Administrative Services

**Know Your Kansas Legislature**

Legislative Administrative Services

**Kansas Legislative Handbook (privately published)**

Government Research Service

214 SW Sixth

Topeka, KS 66603

(contact for pricing)

**Web-based Sources**

[www.ink.org](http://www.ink.org)





**Exhibit VII-G(b)**

**Introducing Your Kansas Legislature**  
Legislative Administrative Services

**House and Senate Floor Seating Charts**  
Legislative Administrative Services

**Kansas Statutes Annotated**  
Secretary of State

**Kansas Administrative Regulations**  
Secretary of State

**Kansas Register**  
Secretary of State

**Session Laws of Kansas**  
Secretary of State

**House and Senate Journals (hardbound)**  
Secretary of State

## VIII CASE STUDY OF A BILL

This chapter shows *Journal of the House* excerpts for House Bill 2504, which was introduced during the 1983 legislative session. Approval of both chambers was not obtained by the end of the session, and the bill carried over to the following year. The bill again failed to be approved and thus died at the end of the biennium. The particularly turbulent history of this bill makes it ideal for study.

On the pages that follow, the bill's progress—as noted in the Senate and House journals—appears on the right, and corresponding explanatory comments appear on the left.

## CASE STUDY NOTES

- H-1** House Bill 2504 is introduced.
- H-2** The next day, the bill is referred to the Committee on Governmental Organization for study.
- H-3** After one week of study, the bill is reported back to the House with a recommendation of “be passed.” The committee recommends no amendments to the bill.
- H-4** The Committee of the Whole (House) considers the bill and recommends it be passed without amendment.
- H-5** On the same day as Committee of the Whole consideration, a motion is made to declare an emergency and advance the bill to final action. (House rules prevent final action until the day **after** Committee of the Whole consideration, except in cases of “emergency.”)

Feb. 22,  
1983  
HJ 271



**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

**HB 2504**, by Committee on Governmental Organization: An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section.

Feb. 23,  
1983  
HJ 276



**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Governmental Organization: **HB 2501, 2502, 2503, 2504, 2505.**

Mar. 3,  
1983  
HJ 330



**REPORTS OF STANDING COMMITTEES**

Committee on Governmental Organization recommends **HB 2479, 2504** be passed.

Mar. 7,  
1983  
HJ 368



**COMMITTEE OF THE WHOLE**

On motion of Rep. Whitaker, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2446, 2447, 2504, 2505, 2125, 2010, 2228** be passed.

Mar. 7,  
1983  
HJ 380



**INTRODUCTION OF ORIGINAL MOTIONS**

On emergency motion of Rep. Hoagland, **HB 2074, 2242, 2334, 2446, 2447, 2479, 2504, 2505, 2125**; Sub. **HB 2132**; **HB 2208, 2010, 2215, 2228, 2373, 2475, 2493, 2358, 2468** were advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**H-6** Upon final action, the bill passes the House 105 to 19. Thirteen days have elapsed since the bill's introduction, and it passed, unamended, with an 84 percent "yea" vote. The bill is half-way toward becoming a law.

**S-1** The Senate receives a message from the House announcing passage of House Bill 2504.

**S-2** The bill is introduced into the Senate.

**S-3** The bill is referred to the Federal and State Affairs Committee for deliberation.

**S-4** Following 45 calendar days, the committee recommends the bill "be amended" and passed. [Note: For brevity in this case study, amendments contained in committee reports have been omitted.]

Mar. 7,  
1983  
HJ 382

H-6

**HB 2504**, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, was considered for final action.

On roll call, the vote was: Yeas 105, nays 19; present but not voting 1; absent or not voting 0.

Yeas: Acheson, Adam, Apt, Arbuthnot, Aylward, Baker, Barkis, Barr, Blumenthal, Braden, Brady, Branson, Buehler, Bunten, Bussman, Campbell, Charlton, Chronister, Cloud, Cobb, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dempsey, Duncan, Dyck, Eckert, Ediger, Erne, Farrar, Flottman, Foster, Fox, Frey, R., Friedeman, Fry, L., Fuller, B., Fuller, W., Goossen, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Helgerson, Hoagland, Holderman, Hoy, Johnson, L., Johnson, M., King, Kline, Knopp, Laird, Leach, Long, Louis, Luzzati, Matlack, Meacham, Miller, D., Miller, R. D., Miller, R. H., Moomaw, Moore, Nichols, Niles, Ott, B., Ott, K., Patrick, Peterson, Polson, Ramirez, Reardon, Reinhardt, Rezac, Roe, Roenbaugh, Rolfs, Roper, Runnels, Sallee, Sand, Schmidt, Shelor, Smith, Spaniol, Sughrue, Sutter, Teagarden, Turnquist, Vancrum, Wagnon, Walker, Weaver, Webb (Darrel), Webb (David), Whitaker, Wilbert, Wunsch.

Nays: Dillon, Douville, Francisco, Heinemann, Hensley, Jarchow, Justice, Love, Lowther, Mainey, Miller, V., Murphy, Myers, Patterson, Rosenau, Schweiker, Shriver, Solbach, Wisdom.

Present but not voting: Littlejohn.

Absent or not voting: None.

The bill passed.

Mar. 7,  
1983  
SJ 258

S-1

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2010, 2074, 2125**; Sub **HB 2132**; **HB 2208, 2215, 2228, 2242, 2334, 2358, 2373, 2446, 2447, 2468, 2475, 2479, 2493, 2504, 2505**.

S-2

#### INTRODUCTION OF HOUSE BILLS

**HB 2010, 2074, 2125**; Sub. **HB 2132**; **HB 2208, 2215, 2228, 2242, 2334, 2358, 2373, 2446, 2447, 2468, 2475, 2479, 2493, 2504, 2505** were thereupon introduced and read by title.

Mar. 8,  
1983  
SJ 294

S-3

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:  
Federal and State Affairs: **HB 2228, 2504, 2505**.

Apr. 23,  
1983  
SJ 737

S-4

#### REPORTS OF STANDING COMMITTEES

Upon unanimous consent, the Senate referred back to that order of business, "Reports of Standing Committees."

Committee on Federal and State Affairs recommends **HB 2504** be amended on page 1, following line 37, by inserting the following:

**S-5** An emergency is declared and the bill advances to final action. Since there has been no Committee of the Whole action in the Senate, the bill is subject to amendment and debate. The committee amendments are adopted and the amended bill is approved by the Senate.

Since the bill has been amended, it must return to the House to obtain House concurrence with the Senate amendments.

**H-7** A motion is made that the House concur with the Senate amendments. If concurrence is obtained, the bill will go to the governor for approval.

A substitute motion is offered, suggesting that the House nonconcur and request a conference committee. The substitute motion is adopted, and the speaker of the House appoints conference committee members (conferees).

**S-6** The Senate consents to the House request for a conference, and the president of the Senate appoints conferees.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Talkington an emergency was declared by a 2/3 constitutional majority, and **HB 2504, 2582** were advanced to final action, subject to amendment, debate and roll call.

SJ 739

S-5

**HB 2504**, An act concerning alcoholic liquor; increasing penalties for commission of certain unlawful acts in connection with the purchase or possession thereof; relating to private clubs; amending K.S.A. 41-715, 41-2601, 41-2606, 41-2608 and 41-2627 and repealing the existing sections, was considered for final action.

The bill was amended by adoption of the committee amendments.

On roll call, the vote was: Yeas 30, nays 10; present and passing 0; absent or not voting 0.

Yeas: Allen, Bogina, Burke, Chaney, Daniels, Feleciano, Gaar, Gaines, Gannon, Gordon, Harder, Hein, Hess, Johnston, Karr, McCray, Meyers, Montgomery, Morris, Mulich, Parrish, Pomeroy, Rehorn, Reilly, Roitz, Steineger, Talkington, Vidricksen, Werts, Winter.

Nays: Angell, Arasmith, Doyen, Ehrlich, Francisco, Hayden, Kerr, Norvell, Thiessen, Warren.

The bill passed, as amended.

Apr. 23,  
1983  
HJ 936

H-7

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Cloud to concur in Senate amendments to **HB 2504**, Rep. Laird offered a substitute motion to nonconcur and asked that a conference committee be appointed. The substitute motion prevailed.

Speaker Hayden thereupon appointed Reps. Whitaker, Vancrum and Peterson as conferees on the part of the House.

Apr. 23,  
1983  
SJ 751

S-6

## ORIGINAL MOTION

On motion of Senator Reilly, the Senate acceded to the request of the House for a conference on **HB 2504**.

The president appointed Senators Reilly, Vidricksen and Gannon as conferees on the part of the Senate on **HB 2504**.



**H-8** The conference committee makes its report to the House.

**H-9** A House motion is made to adopt the conference committee report. A substitute motion is made **not** to adopt the report, and to request a second conference committee. The substitute motion fails. Consideration returns to the original motion to accept the conference committee report.

According to the rules of the House, a Call of the House is imposed. A tally of the votes reveals that the motion to adopt the conference committee report has failed.

**H-10** A House member who voted **not** to adopt the conference committee report asks the House to reconsider that action. The membership agrees.

**H-11** The same member then asks to reconsider the substitute motion requesting a new conference committee. In light of the failure to adopt the current conference committee report, the members agree.

The House members reconsider the substitute motion to ask for a new conference, and agree with the motion. The speaker of the House appoints new conferees.

Apr. 24,  
1983  
HJ 954

H-8

CONFERENCE COMMITTEE REPORT

MR. SPEAKER. Your committee on conference on Senate amendments to HB 2504, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, begs leave to submit the following report:

The Senate recedes from its amendments to the bill;

And your committee on conference further agrees to amend the bill, as printed without amendments, as follows:

On page 1, in line 33, after "by", by inserting a colon; by striking all of lines 34 through 37 and inserting the following:

• • •

private clubs"; also in line 18, before "and", by inserting ", 41-2601, 41-2606, 41-2608, 41-2623, 41-2624 and 41-2627 and K.S.A. 1982 Supp. 41-311"; in line 19, by striking "section" and inserting "sections";

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

EDWARD REILLY, JR.  
RICHARD G. GANNON  
BEN VIDRICKSEN  
*Conferees on part of Senate.*

NEAL D. WHITAKER  
ROBERT J. VANCUM  
MICHAEL PETERSON  
*Conferees on part of House.*

H-9

On motion of Rep. Peterson to adopt the conference committee report on HB 2504, Rep. Laird offered a substitute motion to not adopt the conference committee report and asked that a conference committee be appointed. The substitute motion did not prevail and the question then reverted back to the original motion of Rep. Peterson to adopt the conference committee report.

Call of the House was demanded.

On roll call, the vote was: Yeas 48, nays 74; present but not voting 0; absent or not voting 3.

Yeas: Apt, Arbuthnot, Aylward, Barr, Branson, Bunten, Cloud, Cribbs, Duncan, Eckert, Foster, Fox, Francisco, Frey, R., Fuller, W., Heinemann, Helgerson, Hoagland, Holderman, Hoy, Johnson, L., Justice, King, Kline, Knopp, Littlejohn, Lowther, Mainey, Meacham, Miller, R. D., Moomaw, Nichols, Ott, B., Patrick, Patterson, Peterson, Reinhardt, Rezac, Rolfs, Roper, Runnels, Schmidt, Schweiker, Shriver, Spaniol, Vancrum, Whitaker, Wilbert.

Nays: Acheson, Adam, Baker, Barkis, Blumenthal, Braden, Brady, Buehler, Bussman, Campbell, Charlton, Chronister, Crowell, Crumbaker, Dean, DeBaun, Dempsey, Dillon, Douville, Dyck, Ediger, Erne, Farrar, Flottman, Friedeman, Fry, L., Fuller, B., Goossen, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Hayden, Hensley, Jarchow, Johnson, M., Laird, Leach, Long, Louis, Matlack, Miller, D., Miller, R. H., Miller, V., Moore, Murphy, Myers, Niles, Polson, Ramirez, Reardon, Roe, Roenbaugh, Rosenau, Sallee, Sand, Shelor, Smith, Solbach, Sprague, Sughrue, Sutter, Teagarden, Turnquist, Wagnon, Walker, Weaver, Webb (Darrel), Webb (David), Wisdom, Wunsch.

Present but not voting: None.

Absent or not voting: Love, Luzzati, Ott, K.

The motion to adopt the conference committee report did not prevail.

Having voted on the prevailing side on the motion to adopt the conference committee report on HB 2504, Rep. Reardon moved the House reconsider its adverse action of not adopting the conference committee report. The motion of Rep. Reardon prevailed.

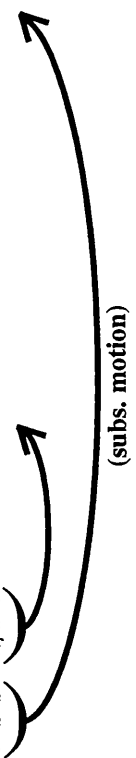
H-10

Having voted on the prevailing side on the motion to not adopt the conference committee report and ask for a new conference, Rep. Reardon moved the House reconsider its previous action of not adopting the motion. The motion of Rep. Reardon prevailed.

H-11

Rep. Laird renewed the substitute motion to not adopt the conference committee report and ask for a new conference. The substitute motion prevailed.

Speaker Hayden thereupon appointed Reps. Whitaker, Vancrum and Laird as second conferees on the part of the House.



- S-7** The conference committee makes its report to the Senate.
- S-8** The Senate adopts the conference committee changes to the bill. If the House also adopts the report, the bill will go to the governor for approval.
- S-9** The Senate receives a message regarding House rejection of the conference committee report and the request for a new conference committee.
- S-10** The Senate again accepts the House request, and the president of the Senate appoints new conferees.
- H-12** The bill was still under consideration at the end of the 1983 session, so it carried over to the second year of the biennium. A House member of the conference committee has left the Legislature, so the speaker of the House appoints a replacement member.

Apr. 24,  
1983  
SJ 760

S-7

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2504**, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, begs leave to submit the following report:

The Senate recedes from its amendments to the bill;

And your committee on conference further agrees to amend the bill, as printed without amendments, as follows:

On page 1, in line 33, after "by", by inserting a colon; by striking all of lines 34 through 37 and inserting the following:

• • •

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

EDWARD REILLY  
BEN VIDRICKSEN  
RICHARD GANNON  
*Conferees on part of Senate.*

NEAL WHITAKER  
ROBERT VANCURUM  
MICHAEL PETERSON  
*Conferees on part of House.*

S-8

Senator Reilly moved the Senate adopt the Conference Committee report on **HB 2504**.

On roll call, the vote was: Yeas 28, nays 11; present and passing 1; absent or not voting 0.

Yeas: Allen, Bogina, Burke, Chaney, Daniels, Feleciano, Gaar, Cannon, Gordon, Harder, Hein, Hess, Johnston, Karr, Montgomery, Morris, Mulich, Parrish, Pomeroy, Rehorn, Reilly, Roitz, Steineger, Talkington, Vidricksen, Warren, Werts, Winter.

Nays: Angell, Arasmith, Doyen, Ehrlich, Francisco, Gaines, Kerr, McCray, Meyers, Norvell, Thiessen.

Present and passing: Hayden.

The conference committee report was adopted.

SJ 772

S-9

#### MESSAGE FROM THE HOUSE

Announcing the House not adopts conference committee report on **HB 2504**, requests a new conference and appoints Representatives Whitaker, Vancrum and Laird as 2nd conferees on the part of the House.

Also, the House adopts conference committee report on **SB 414**.

S-10

#### ORIGINAL MOTION

On motion of Senator Talkington, the Senate acceded to the request of the House for a conference on **HB 2504**.

The president appointed Senators Reilly, Vidricksen and Cannon as conferees on the part of the Senate on **HB 2504**.

Feb. 28,  
1984  
HJ 1329

H-12

#### CHANGE OF CONFEREES

Speaker Hayden announced former Rep. Whitaker would be replaced as a conferee on the conference committee on **HB 2504** by Rep. R. H. Miller.

**H-13** The conference committee, unable to come to a compromise, “agrees to disagree” and recommends appointment of a third conference committee. The House adopts the report, and new conferees are appointed.

**Note: No further action occurs in the House.**

**S-11** The conference committee, unable to come to a compromise, “agrees to disagree” and recommends appointment of a third conference committee.

**S-12** The Senate adopts the report, and new conferees are appointed.

Mar. 1,  
1984  
HJ 1382

H-13

#### CONFERENCE COMMITTEE REPORT

MR. SPEAKER. Your committee on conference on Senate amendments to **HB 2504**, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, begs leave to submit the following report.

Your committee on conference agrees to disagree and recommend that a new conference committee be appointed;

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

EDWARD F. REILLY, JR.  
RICHARD G. GANNON  
BEN F. VIDRICKSEN  
*Conferees on part of Senate.*

ROBERT H. MILLER  
ROBERT J. VANCUM  
CHARLES F. LAIRD  
*Conferees on part of House.*

On motion of Rep. R. H. Miller, the conference committee report on **HB 2504** was adopted.

Speaker Hayden thereupon appointed Reps. R. H. Miller, Vancrum and Laird as third conferees on the part of the House.

Mar. 1,  
1984  
SJ 1045

S-11

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2504**, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, begs leave to submit the following report:

Your committee on conference agrees to disagree and recommend that a new conference committee be appointed;

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

EDWARD F. REILLY, JR.  
RICHARD G. GANNON  
BEN E. VIDRICKSEN  
*Conferees on part of Senate.*

ROBERT H. MILLER  
ROBERT J. VANCUM  
CHARLES F. LAIRD  
*Conferees on part of House.*

On motion of Senator Vidricksen, the Senate adopted the conference committee report on **HB 2504**, and requested a new conference committee be appointed.

The vice president appointed Senators Hess, Angell and Gannon as a third conference committee on the part of the Senate on **HB 2504**.

S-12

**S-13** The third conference committee agrees to eliminate the Senate's original amendments to the bill and recommends new amendments.

**S-14** A motion is made not to adopt the report, and to request a fourth conference committee.

A substitute motion is made to refer the bill back to the Federal and State Affairs Committee for further study. The presiding officer rules that the substitute motion is out of order.

Pursuant to Senate rules, a challenge to the chair's ruling is made and a roll call vote is requested, forcing the recording of "yeas" and "nays."

**S-15** By a margin of one vote, the membership overrules the presiding officer, so the substitute motion to refer the bill back to committee is under consideration. Again, a roll call vote is requested and the motion squeaks by, thus sending the bill back to committee as though it had just come from the House. [Sending a bill to a standing committee this late in the session is usually deemed inadvisable.]

Apr. 4,  
1984  
SJ 1418

S-13

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT: Your committee on conference on Senate amendments to **HB 2504**, An act concerning alcoholic liquor; unlawful acts in connection with purchases or possession thereof; increasing penalties for commission thereof; amending K.S.A. 41-715 and repealing the existing section, begs leave to submit the following report:

The Senate recedes from its amendments to the bill;  
And your committee on conference further agrees to amend the bill, as printed without amendments, as follows:

• • •

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

PAUL HESS  
CHARLIE L. ANGELL  
*Conferees on part of Senate.*

ROBERT H. MILLER  
CHARLES F. LAIRD  
ROBERT J. VANCURUM  
*Conferees on part of House.*

Apr. 4,  
1984  
SJ 1418

S-14

Senator Reilly moved that the Senate not adopt the Conference Committee Report on **HB 2504** and a new Conference Committee be appointed.

Senator Winter offered a substitute motion to rerefer the bill to the Committee on Federal and State Affairs. The Chair ruled the substitute motion out of order. The ruling of the chair was challenged. A roll call vote was requested by five senators.

The vote was: Yeas 19, nays 21; present and passing 0; absent or not voting 0.  
Yeas: Allen, Angell, Arasmith, Doyen, Ehrlich, Francisco, Gaines, Gordon, Harder, Hayden, Hess, Kerr, Montgomery, Morris, Roitz, Talkington, Thiessen, Warren, Werts.

Nays: Bogina, Burke, Chaney, Daniels, Feleciano, Gaar, Gannon, Hein, Johnston, Karr, McCray, Meyers, Mulich, Norvell, Parrish, Pomeroy, Rehorn, Reilly, Steineger, Vidricksen, Winter.

The chair was over-ruled and the substitute motion stands.  
On the substitute motion to re-refer **HB 2504** to the Committee on Federal and State Affairs, a roll call vote was requested by five senators.

The vote was: Yeas 21, nays 19; present and passing 0; absent or not voting 0.  
Yeas: Bogina, Chaney, Daniels, Feleciano, Gaar, Gannon, Hein, Johnston, Karr, Montgomery, Mulich, Norvell, Parrish, Pomeroy, Rehorn, Reilly, Roitz, Steineger, Vidricksen, Werts, Winter.

Nays: Allen, Angell, Arasmith, Burke, Doyen, Ehrlich, Francisco, Gaines, Gordon, Harder, Hayden, Hess, Kerr, McCray, Meyers, Morris, Talkington, Thiessen, Warren.

The substitute motion was adopted.

S-15



**S-16** Never say die! A senator moves on the next legislative day to reconsider the re-referral of the bill. At the request for a roll call vote, the “yeas” and “nays” are recorded and the motion to reconsider is adopted.

**S-17** The Senate is now considering whether to **not** adopt the conference committee report. A substitute motion is offered to adopt the report.

Perhaps seeing this bill as being bogged in a quagmire, a senator introduces a motion to postpone further consideration until April 26, 1984. A roll call vote is demanded, and the matter is postponed by a one-vote margin.

**The Senate never again takes up this issue. Despite all the political maneuvering, the bill dies upon final legislative adjournment in 1984.**

Apr. 5,  
1984  
SJ 1447

S-16

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Having voted on the prevailing side, Senator Roitz moved the Senate reconsider its action of April 4, 1984, to rerefer **HB 2504** to the committee on Federal and State Affairs.

A roll call vote was requested by five senators.

On roll call, the vote was: Yeas 25, nays 15; present and passing 0, absent or not voting 0.

Yeas: Allen, Angell, Arasmith, Bogina, Burke, Doyen, Ehrlich, Francisco, Gaines, Gordon, Harder, Hayden, Hein, Hess, Kerr, McCray, Meyers, Montgomery, Morris, Roitz, Talkington, Thiessen, Vidricksen, Warren, Werts.

Nays: Chaney, Daniels, Feleciano, Gaar, Gannon, Johnston, Karr, Mulich, Norvell, Parrish, Pomeroy, Rehorn, Reilly, Steineger, Winter.

The motion carried and the Senate returned to consideration of the original motion by Senator Reilly to not adopt the Conference Committee Report and request a new conference committee be appointed.

A substitute motion was offered by Senator Hess to adopt the Conference Committee Report.

Upon consideration of the substitute motion, Senator Gannon moved that the Senate postpone consideration and debate of **HB 2504** until April 26, 1984.

A roll call vote was requested by 5 senators.

On roll call, the vote was: Yeas 21, nays 19; present and passing 0; absent or not voting 0.

Yeas: Bogina, Burke, Chaney, Daniels, Feleciano, Gaar, Gannon, Hein, Johnston, Karr, Meyers, Mulich, Norvell, Parrish, Pomeroy, Rehorn, Reilly, Steineger, Vidricksen, Werts, Winter.

Nays: Allen, Angell, Arasmith, Doyen, Ehrlich, Francisco, Gaines, Gordon, Harder, Hayden, Hess, Kerr, McCray, Montgomery, Morris, Roitz, Talkington, Thiessen, Warren.

The motion was adopted and consideration of **HB 2504** was suspended.

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

S-17

**IX**  
**HISTORICAL EXCERPTS FROM THE**  
**1861 LEGISLATIVE SESSION**

Reprinted here are *Journal of the Senate* excerpts from the first Kansas legislative session, convened in 1861. Aside from the formal language, the format of the journal is quite similar to the format in use today. The legislative procedure has gone through some stylistic alterations during the past 130 years of statehood, but remains fundamentally the same.

[Historic note: Senator Sam Wood, who seems to be a center of controversy in these excerpts, was mortally wounded in the Stevens County seat fight.]



SENATE JOURNAL  
OF THE  
LEGISLATIVE ASSEMBLY  
OF THE  
STATE OF KANSAS,

BEGUN AND HELD AT TOPEKA, ON

TUESDAY, MARCH 26TH, A. D. 1861:

IT BEING THE FIRST SESSION OF THE LEGISLATURE OF THE STATE  
OF KANSAS.

.....  
PUBLISHED BY AUTHORITY.  
.....

Lawrence, Kansas:  
PRINTED AT THE REPUBLICAN BOOK & JOB OFFICE.  
SPEER & MOORE, PUBLIC PRINTERS.  
1861.

# SENATE JOURNAL.

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SENATE CHAMBER, TOPEKA, March 26, 1861.

Pursuant to the Proclamation of the Governor, the Senate convened at 12, m., and were called to order by his Honor, Joseph P. Root, Lieutenant Governor of the State and ex-officio President of the Senate, who submitted the following remarks:

*Gentlemen of the Senate:*

It becomes my duty at the present time, as ex-officio President of the Senate, to call your honorable body to order; and while so doing, I feel, and I have no doubt we all feel, that this is a moment of deep interest to us, and to the new State of Kansas, so ably represented in this Senate Chamber.

The time so long looked for, so long prayed for, and so long and arduously struggled and worked for, has at length arrived, and Kansas has taken her place among the troubled Sisterhood of States.

That old and glorious Constellation of Stars, originally numbering thirteen, and called THE UNION, once burnished bright with the holy blood of 1776, and shining with dazzling splendor among the political constellations of Earth, now increased to thirty-four, is covered with dark and threatening clouds.

You, gentlemen of this Senate—we, citizens of Kansas—have something to do in view of the perils that hang over this nation; and like men, like patriots, let us that duty perform. Let us show our devotion to Freedom, as given us by the Fathers of the Republic—youngest though we are of the family—by being the FOREMOST and the FIRMEST to PROTECT in their entirety the CONSTITUTION and the UNION.

GENTLEMEN, I will not detain you. What I feel you all feel; and I have confidence to believe that no act of this body will tend to weaken the fraternal bonds that have so long bound our country to-

## JOURNAL OF

gether. We have passed through trials before, caused by the fickleness and base falseness of mere political rulers. My memory needs no unusual touch to enable it to bring before my vision here, on this very spot—now as then, the capital of the STATE of Kansas—whole companies of mounted soldiers, with sabers drawn, and steed eager for the battle, with loaded cannon, and the lighted fuse burning, ready at a moment's warning to send death and destruction through the streets of this quiet town—all these, and a thousand worse scenes, are fresh in our minds; but FREEDOM has triumphed, and Kansas is FREE! With a firm and steady faith and purpose, thus it will ever be.

On motion of Mr. Elder,

John A. Martin, member elect from the Second District, was elected temporary Secretary.

The following Senators presented their credentials, and took and subscribed the following oath, which was administered by Jacob Safford, Esq., Judge of the Third Judicial District, viz :

*First District*—H. N. Seaver, Thomas A. Osborn.

*Second District*—John A. Martin, H. R. Dutton.

*Third District*—Samuel Lappin.

*Fourth District*—Samuel D. Houston.

*Sixth District*—H. W. Farnsworth, Edward Lynde.

*Seventh District*—John H. McDowell, Jesse Connell.

*Eighth District*—John Lockhart, O. B. Gunn, Josiah Miller, Robert Morrow.

*Ninth District*—J. C. Burnett, J. F. Broadhead, J. A. Phillips.

*Tenth District*—P. P. Elder, William Spriggs.

*Eleventh District*—Samuel E. Hoffman.

*Twelfth District*—E. P. Bancroft, H. S. Sleeper.

*Thirteenth District*—S. N. Wood.

ABSENT.

*Fifth District*—Josiah M. Hubbard.

*Seventh District*—Hampton B. Denman.

THE SENATE.

STATE OF KANSAS, }  
SHAWNEE COUNTY, } ss.

SENATE HALL, TOPEKA, March 26, 1861.

I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my office as Senator of said State. So help me God.

O. B. GUNN,  
S. E. HOFFMAN,  
JESSE CONNELL,  
E. P. BANCROFT,  
H. R. DUTTON,  
W. SPRIGGS,  
H. S. SLEEPER,  
H. W. FARNSWORTH,  
JOSIAH MILLER,  
J. W. McDOWELL,  
THOS. A. OSBORN,  
JOHN A. MARTIN,  
SAMUEL LAPPIN,  
P. P. ELDER,  
EDWARD LYNDE,  
JOHN LOCKHART,  
J. C. BURNETT,  
J. F. BROADHEAD,  
H. N. SEAVER,  
J. A. PHILLIPS,  
S. D. HOUSTON,  
S. N. WOOD,  
R. MORROW.

I, Jacob Safford, do hereby certify that the foregoing oath was by me duly administered to each and every one of the persons whose names are above thereto attached, as Senators of the State of Kansas, in the Senate Hall, at Topeka, on the twenty-sixth day of March, A. D. 1861; and I further certify, that the same was duly subscribed by said persons.

Witness my hand, this first day of April, A. D. 1861.

JACOB SAFFORD,  
*Judge Third Judicial District, State of Kansas.*



## THE SENATE.

Report, that we have performed that duty, and that the Governor will communicate forthwith to each House in writing.

S. N. WOOD,  
J. H. MCDOWELL, } Committee.  
R. MORROW,

Mr. Wood rose to a question of privilege, and read the following from the proceedings of the House, as reported in the *State Record* of the 30th ult. :

“Whilst the vote was being taken in the negative, Mr. Buckmaster called ‘Sam Wood’ to sit down.” Mr. Wood said: With a number of Senators he was in the House Chamber yesterday, at the time the vote was taken referred to ; that there being no other seat, he sat at the time, on a desk of one of the members ; that he did not move from his seat whilst the vote was being taken, either in the affirmative or negative ; that the insinuation that he attempted to vote in the House was false. He was unwilling such an impression should go to the public uncontradicted.

The Governor, through his Private Secretary, communicated the following Message, which was read to the Senate :

*To the Members of the Senate and House of Representatives of the State of Kansas :*

It is a source of congratulation that the people of Kansas, after a pupillage of more than six years, are permitted to inaugurate a government of their own. Probably no Territory of the United States has had such a varied history as that ceded by France, and of which Kansas is a part. From September 14, 1712, until ceded to the United States, April 30, 1803, the Civil Code, as modified by France and regulations of Spain, was the law of the Territory. In March, 1804, the Territory was divided by a line corresponding with the thirty-third degree of north latitude, and the northern portion called the District of Louisiana. The executive power of the Governor of Indiana was extended over the Territory, embracing the present State of Kansas, and the Governor and Judges of Indiana were authorized to establish inferior courts, prescribe their jurisdiction and duties, and make laws for the government of the people. In 1805 a Territorial Government was granted to the Northern Province, and it was called the Territory of Louisiana. Under this Government, the legislative power was vested in a Governor

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and three Judges. In 1812 this Territory was organized and named Missouri Territory, its legislative power consisting of a Governor, Council and House of Representatives. In 1820 Missouri was admitted into the Union, leaving Kansas without any organized government.

On the 30th of May, 1854, Kansas and Nebraska were organized, with an Executive and Judiciary appointed by the President, and a Legislature elected by the people. Under the Organic Act it was claimed that the people were left perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States. This perfect freedom resulted in an earnest contest upon the question of Slavery, which enlisted on one side or the other the sympathies of the people of the States generally. The temptation to plant the institution of Slavery in the Territory before consecrated to Freedom, was too strong to be resisted, and to carry out that purpose, the first Legislature was elected by non-residents, citizens of an adjoining State. This proceeding was earnestly protested against, and the Legislature thus elected, with its enactments, repudiated by the inhabitants. The usurping Legislature elected all county and local officers for a term of four years, and provided such tests and restrictions for voting as to exclude from the polls all Free State men with self respect, thus rendering their rule perpetual. The usurpation was endorsed by the President, and there was no way out of the difficulty short of revolution, except in the formation a State Constitution. Accordingly, in October, 1855, a Delegate Convention met at Topeka, and framed a Constitution, and provided for a State Government. This instrument, although repeatedly ratified by the people, was rejected by the U. S. Senate. After vainly endeavoring to enforce the Territorial usurpation, and after the removal of several Governors, for their inability or refusal to enslave the people, the obnoxious tests and restrictions were removed from the ballot-box, and the people allowed their rights under the Organic Act. In the mean time, a movement originated under the auspices of the usurpers, which resulted in the Constitution known as the Lecompton Constitution. This Constitution, like the Legislature providing for it, was repudiated by our citizens, and conditionally rejected by Congress, although approved by the President. While the Lecompton Constitution was pending in Congress, the people, in order to secure a Government of their own, called another Convention, which assembled at Leavenworth and passed a third Constitution, that was also rejected by Congress.

## THE SENATE.

Persistent in their efforts to secure their political rights, another Convention was called by the people, through their Legislature, which met at Wyandot, July 5th, 1859, and framed the Constitution under which you were elected, and are called upon to legislate.

This Constitution has been approved by Congress, and by the act of admission we are placed on an equal footing, politically, with all the States of the Union.

The necessity for so much Constitution-making and strife as Kansas has experienced during the past six years, has been caused chiefly by the question of Slavery. That question, so far as the Constitution and laws can settle it, is now settled. Whether or not there is a vestige of the institution remaining, is for the Judiciary to decide. It is truly a cause for rejoicing that this disturbing element is forever removed from our local politics, and that our domestic institutions are such as are best calculated to develop the resources and secure the highest good of the State.

The formation of so many Constitutions was made necessary by the Slavery contest. This contest was opened by the action of Congress in removing the Slavery Restriction, and continued by its rejection of the Topeka and Leavenworth Constitutions.

It is customary for Congress to pay the expenses of making one Constitution in all new States, and as it was owing to no fault or action of the people that Kansas was not admitted under the first or third Constitution, but to the failure of Congress to respond to the popular sentiment in the Territory, the General Government should pay the expense incurred in framing them.

The attempt to fasten upon Kansas an institution distasteful to a large majority of the people, in direct violation of the letter and spirit of the Organic Act, caused much suffering and pecuniary loss. It is the duty of all Governments to preserve the peace. It is for this they are organized and supported. The citizen who is taxed to defray the expenses of a Government has a right to full protection to life and property, and the power that assumes the Government of a people is responsible for the peace of the same. It is notorious that the peace of Kansas was not preserved by the Government, but on the contrary in many instances the officers were the aggressors. In short, had it not been for the interference on the part of the Federal Administration, and its attempt to fasten Slavery upon us, in opposition to the wishes of a large majority of our people, but little, if any, loss would have been suffered by our citizens.

The Territorial Legislature of 1859 provided for a Commission

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to audit the losses incurred during the disturbances, and they award, as due to our people, nearly five hundred thousand dollars. This amount it is clearly the duty of the Federal Government to pay, and it is believed that an appropriation will be made, at the next session of Congress, for that purpose. As the Legislature provided for issuing warrants on the Territorial Treasurer, for the amount of the awards of the Commissioners, it would avoid confusion, and do justice to all parties, should Congress provide that the money paid should be to the claimant in person, or his attorney, on the surrender of his warrant, or to the State Treasurer, who should pay it out in like manner. This method would protect all parties and relieve the State from liability, should any now exist, without loss to itself, and without incurring the odium inseparable from repudiation. The claimants are very numerous, for the most part worthy citizens, who suffered in a just cause, and it is highly proper that the State should render all aid possible, in procuring from Congress their due, while it protects all parties from loss.

From the report of the Territorial Auditor to the Territorial Legislature, it will be seen that the present indebtedness of the State cannot be less than \$100,000. On the principle that taxation and representation are inseparable, this debt should be assumed by Congress. Kansas has not only had no Representative in Congress, but the control of the Territorial Government has been with the Federal Administration. While we have furnished our full proportion of revenue to the Federal Treasury, without representation, it is not too much to ask that the expenses of the Territorial Government should be met by that Treasury. In the Act of Admission Congress rejected the ordinance attached to the Constitution, and proposed, instead, to give the State the 16th and 36th sections in each township, for Schools; 72 sections for a University; 10 sections for Public Buildings; 6 sections to each salt spring, not exceeding twelve in number, and five per cent. of the sales of the Public Lands, with the following proviso: "That the foregoing propositions, hereinbefore offered, are on the condition that the people of Kansas shall provide, by an ordinance, irrevocable without the consent of the United States, that said State shall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title in said soil to bonafide purchasers thereof; and that the said State shall never tax the lands or the property of the United States in said State."

## THE SENATE.

The right to tax the lands of the United States is thus virtually conceded, unless relinquished by an ordinance of the State. Such is the decision of the Supreme Court of the United States. In 1838, Judge McLean, of the Supreme Court, made the following decision: "It is true, the United States held the proprietary right, and also the right of sovereignty, until the State Government was established; but mere proprietary right, if it exists, gives no right of sovereignty. The United States may own land within a State, but political jurisdiction does not follow this ownership. Where jurisdiction is necessary, as for forts and arsenals, a cession of it is obtained from the State. Even the lands of the United States, within the State, are exempted from taxation by compact."

Gov. Robert J. Walker, in his Inaugural Address to the people of Kansas, said: "I do not dispute the title of the Government to the Public Lands of Kansas, but I do say that this right is that of an owner only, and that when Kansas becomes a State, the Public Lands are subject to taxation by State authority, like those of any individual proprietor, unless that power is relinquished by the State in the ordinance assuming the form of a compact, by which the State is admitted into the Union."

It is a serious detriment to the revenue and prosperity of any State, to have within it large tracts of land not subject to taxation, and more especially to a new State. Should Kansas relinquish the right to tax the Public Lands, a fair equivalent should be granted. While no exorbitant demands should be made, and the most friendly relations to the Federal Government be cherished, it is the right and duty of the Legislature to ask such terms as are just and equitable. The terms proposed by Congress are for our "free acceptance or rejection," and may be accepted absolutely or conditionally. Should the Legislature accept the proposition, and exempt the Public Lands from taxation, on condition that the expenses of the several Constitutional Conventions, the awards of the Claim Commissioners, and the indebtedness of the Territory, should be paid, and a grant of money and land for public institutions, buildings and railroads should be made, equal to grants made to other States, these conditions would doubtless be readily acceded to by Congress.

The Act of Admission provides that where either, or any part of sections 16 or 36, have been sold or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to said State for the use of Schools. No provision is made for making this selection of equivalent lands for School purposes

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and it is important that it should be made by this Legislature.

The lands for University, Public Buildings and Salt Springs are to be selected by the Governor, subject to the approval of the Commissioner of the General Land Office, and to be disposed of in such manner as the Legislature may prescribe. These lands not having been selected, their value cannot, as yet, be estimated, nor can they be intelligently disposed of.

The School Lands, by the Constitution, cannot be sold, unless authorized by a vote of the people at a general election, although they are subject to valuation and lease for any number of years, not exceeding twenty-five, at a rate established by law. It is important to obtain a revenue from these lands as soon as may be, without sacrifice, and some legislation is demanded on this subject. In addition to a provision for leasing School Lands, it may be desirable to submit proposition to the people to authorize the disposal of a limited amount of the most valuable land. Care, however, should be taken to guard against sacrificing them at a low price for the benefit of speculation. It is only in the more thickly populated portions of the State that School Lands should be sold, and then at a valuation with a minimum of eight or ten dollars an acre. Posterity will hold the present generation to a strict accountability for the disposition of the School Lands, and the income secured from their sale.

With proper management of the School Funds, Kansas, in a few years, can have the most munificent endowment for her Common Schools of any State in the Union, save Minnesota.

The Constitution contemplates legislation upon the following subjects :

The times and places of holding District Courts, and their jurisdiction ;

Jurisdiction of Supreme Court ;

Duties of the Clerk of the District Court ;

Jurisdiction of the Probate Courts and Justices of the Peace ;

The selections of *pro tem.* Judge of District Court ;

Duties of the State and County Superintendent of Public Instruction ;

Establish uniform system of Schools ;

State University ;

Benevolent Institutions ;

Penitentiary ;

Provision for the Poor ;

Organization of Militia ;

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Apportionment; Assessment of Taxes; Public Printing;  
Property rights of married women;  
Location of Capital;  
Removal of Suits from Territorial to State Courts;  
A State Seal.

The present Militia Law provides for the organization of military companies, but for no regimental or brigade officers. If amended in this respect, it would make the present law sufficiently effective. The election of field officers by commissioned officers of the companies comprising the respective regiments or brigades, would be more satisfactory to the rank-and-file, and a surer reward of merit, than elections by the Legislature, or appointments by the Executive.

As all laws or parts of laws in force in the Territory, at the time of our admission, not inconsistent with the Constitution, remain in force until they expire or shall be repealed, it may not be necessary or expedient for the Legislature to act upon all the subjects above enumerated at its first session. It is made the duty of the first Legislature, however, to provide for an apportionment of the members of the Legislature, and for submitting the question of permanent location of the Capital to a vote of the people. Some legislation concerning the jurisdiction of the several Courts is called for once, that this branch of the Government may have no doubts thrown over its action.

Although the Constitution continues in force, the Territorial laws, until they shall expire or are repealed, there is not one that does not require some change in phraseology or otherwise, to make it harmonize with the State Government. This being the case, and as the laws, in many instances, are contradictory and obscure, no time can be more appropriate than the present, for a complete revision and codification of all the laws. A Codifying Committee, composed of the best legal talent in the State, to sit during the recess, would save expense and hurried legislation. Should such a Committee be appointed, the first session could be limited to a few days, and all legislation, excepting such as may be necessary to the harmonious working of the Government, postponed until the regular session.

The Constitution declares that "the Legislature shall provide, each year, for raising revenue sufficient to defray the current expenses of the State;" but for "extraordinary expenses," the State may contract debts.

The subject of Finances will call for early, earnest and careful consideration. With the most rigid economy, the taxes, for a few

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years, must be onerous, especially when the comparatively impoverished condition of the people is considered. It is, therefore, important to provide for funding the extraordinary expenses attending the change from a Territorial to a State Government, including the expenses of the Legislature.

The current expenses of the Government might be greatly diminished without detriment, by reducing the number of members of the Legislature. Until our population shall have largely increased, forty-five members of the House, and fifteen members of the Senate, would subserve the public interests quite as well as the present number, and reduce the per diem aggregate nearly one-half.

To lessen the tax for the support of the Judiciary, which cannot be less by the terms of the Constitution than twelve thousand dollars, annually, the Legislature might provide that each suitor should pay to the Clerk, for the use of the State, a small fee of one or two dollars, to be reckoned as costs against the delinquent party. As parties to suits are the persons chiefly benefited by the Courts, no injustice is done them if they are taxed proportionally.

Although it is believed that the General Government will assume and pay the Territorial indebtedness, amounting to about \$100,000, in the mean time it should be funded, payable some years hence, that the credit of the State may not suffer, and that the taxes already levied may be appropriated for current State expenses.

The past year has been one of unprecedented drouth and consequent scarcity in Kansas. Our farmers, encouraged by the bountiful return for labor bestowed upon the soil in years past, had an unusual quantity of land under cultivation. With an ordinary supply of rain, a large amount of produce would have been raised for export, and no people would have been more highly favored than our own. Instead, however, of plenty, and consequent prosperity, many of our citizens have been recipients of foreign charity. For the prompt and generous relief afforded by States and individuals, a suitable acknowledgment should be made by the Legislature, and it is proper to inquire if our State is not able to provide for its own poor in future. No spirited and energetic people will be recipients of charity when able to procure their own subsistence. Such a course would be demoralizing and degrading. If the State has sufficient credit, it would be better to use it for the relief of her citizens, should it be necessary, than longer live upon the generosity of others. Seed has already been furnished in abundance, for spring planting, and by the first of June the stock that abounds upon our



## THE SENATE.

prairies will be suitable for food ; it is, therefore, to be hoped that a general call for charity will soon cease.

Although the past year has been one of adversity to our people, yet, with stern integrity and mutual co-operation of the several departments of the Government, together with a firm reliance upon that Providence which has thus far sustained and directed us, and whose promise that seed time and harvest shall not fail, inspires us with hope and courage in the darkest hour, we may confidently look forward to a happy and prosperous future for our new State.

When Kansas applied for admission into the Union, it was supposed there was a Federal Government that would endure until the present generation, at least, should pass away. Recent developments, however, have given rise to serious doubts as to its existence. Theoretically, there is such a Government extended over thirty-four States, but practically there is none. In seven States the laws are openly repudiated—the forts are siezed—the revenue stolen—the Federal officers defied, and the flag of the Nation insulted with impunity; while eight others threaten to do likewise, if the Government attempts to assert its authority by force in any rebellious State. Such is the condition of affairs as bequeathed by the late Administration to the present. The future none can predict. Should matters progress as for a few months past, and coercion be decried as at present, not a prominent seaboard State will remain in the Union, and not a law of the United States will be enforced anywhere. Our Government, once regarded as a power in the earth, will become a hissing and a by-word among the Nations—a stench in the nostrils of all men. This Nation occupies a very remarkable position before the civilized world. It has heretofore been prompt and efficient in putting down treason and rebellion, and the whole force of the army and navy has been called into requisition at once whenever danger threatened. Shay's rebellion, the whisky insurrection, South Carolina nullification, and the John Brown raid, were all summarily disposed of, with no cry against "coercion." Now, when certain persons in the South have siezed upon the revenues, forts, ships, postoffices, mints, arms and army and navy stores, waged war upon the United States troops, set up an Independent Government, and bid defiance to all law, the position of the authorities have been simply that of non-resistance. Two independent and hostile Governments cannot long exist at the same time over the same territory without conflict, and either the Confederate States of the South or the Federal Government must succumb, or civil war is inevitable.

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A demand is made by certain States, that new concessions and new guaranties be made to Slavery, or the Union must be destroyed. The present Constitution, however faithfully adhered to, is declared to be incompatible with the existence of Slavery: its change is demanded, or the Government under it must be overthrown. If it is true that the continued existence of Slavery requires the destruction of the Union, it is time to ask if the existence of the Union does not require the destruction of Slavery. If such an issue be forced upon the Nation, it must be met, and met promptly. The people of Kansas, while they are willing to fulfill their Constitutional obligations toward their brethren in the sister States to the letter, even to the yielding of the "pound of flesh," cannot look upon the destruction of the fairest and most prosperous Government on earth with indifference. If the issue is presented to them—the overthrow of the Union, or the destruction of Slavery—they will not long hesitate as to their choice. But it is to be hoped that this issue will be withdrawn, and the Nation still go on in its career of prosperity and power—the just pride of every citizen, and envy of the world.

The position of the Federal Executive is a trying one. The Government, when assumed by him, was rent in twain; the cry against coercion was heard in every quarter; while his hands were tied, having neither men nor money, nor the authority to use either. While it is the duty of each loyal State to see that equal and exact justice is done to the citizens of every other State, it is equally its duty to sustain the Chief Executive of the Nation in defending the Government from foes, whether from within or without; and Kansas, though last and least of the States in the Union, will ever be ready to answer the call of her Country.

C. ROBINSON.

Message from the House of Representatives.

MR. PRESIDENT: I am directed to notify your honorable body that the House of Representatives has organized by the election of W. W. Updegraff, Speaker, and D. B. Emmert, Clerk, and are now ready to proceed to business.

Also, that the following resolution was adopted:

*Resolved*, That a Committee of five be appointed to act in conjunction with a similar Committee on the part of the Senate, to wait upon the Governor and inform his Excellency that the two Houses

THE SENATE.

are duly organized, and ready to receive any communication he may desire to make.

*Committee:*—Messrs. Lawrence, Eaton, Blake, Gamble and Scott.

D. B. EMMERT,  
*Chief Clerk.*

Mr. Wood moved

That a Committee of five be appointed to refer the subjects of the Governor's Message to the appropriate Standing Committees.

Agreed to.

The President appointed

Messrs. Wood, Martin, McDowell, Bancroft and Burnett.

Mr. Martin offered the following order, which was agreed to.

*Resolved,* That the Secretary be instructed to have 100 copies of the Governor's Message printed for the use of the members and officers of the Senate.

Mr. Lynde, from the Select Committee on Rules, presented a report, which was received.

On motion of Mr. Wood,

The Senate went into Committee of the Whole for the consideration of the subject.

Mr. Wood in the Chair.

After some time spent therein, the Committee rose, reported the Rules, with certain amendments, and recommended their adoption.

The report of the Committee was agreed to.

On motion of Mr. Wood,

The Sergeant-at-Arms was directed to procure drawers and locks and keys for the desks of the members.

On motion of Mr. Farnsworth,

The Sergeant-at-Arms was directed to inclose the stairway, and have a door at the head of the stairs.

Mr. Lockhart offered the following order:

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man, Hubbard, Lappin, Lockhart, Miller, Osborn, Phillips, Seaver, Sleeper, Wood—15.

And so the amendment was lost.

The original motion was then lost.

Mr. Wood offered the following order :

*Resolved*, That when the Senate adjourn, it be to meet on Monday, 2, P. M.

The Yeas and Nays were demanded, and the vote resulted as follows :

**YEAS**—Messrs. Burnett, Connell, Denman, Elder, Farnsworth, Gunn, Hoffman, Houston, Lockhart, Lynde, Martin, McDowell, Miller, Seaver, Sleeper, Spriggs, Wood—17.

**NAYS**—Messrs. Bancroft, Broadhead, Hubbard, Lappin, Osborn, Phillips—6.

And so the motion prevailed.

Adjourned.

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## AFTERNOON SESSION.

MONDAY, April 8, 1861, 2, P. M.

Senate assembled.

President in the Chair.

**PRESENT**—Messrs. Dutton, Elder, Farnsworth, Gunn, Houston, Lappin, Lockhart, Lynde, McDowell, Seaver—10.

**ABSENT**—Messrs. Bancroft, Broadhead, Burnett, Connell, Denman, Hoffman, Hubbard, Martin, Miller, Morrow, Osborn, Phillips, Sleeper, Spriggs, Wood—15.

A quorum not being present, on motion of Mr. Farnsworth, the Senate adjourned.

THE SENATE.

MORNING SESSION.

TUESDAY, April 9, 1861, 10, A. M.

Senate assembled.

President in the Chair.

Prayer by Rev. Mr. Steele.

PRESENT—Messrs. Bancroft, Broadhead, Dutton, Elder, Farnsworth, Gunn, Houston, Hubbard, Lappin, Lockhart, Lynde, McDowell, Osborn, Seaver, Wood—15.

ABSENT—Messrs. Burnett, Connell, Denman, Hoffman, Martin, Miller, Morrow, Phillips, Sleeper, Spriggs—10.

Journal of Friday and Monday read and approved.

On motion of Mr. Lynde, ...

The Journal of the Joint Session was laid upon the table.

Mr. Wood, from the Committee on Judiciary, submitted the following

MAJORITY REPORT:

MR. PRESIDENT: We, the majority of the Committee to whom was referred Joint Resolution No. 1, proposing amendment to Section 12, Article 2, of the Constitution of the State of Kansas, agree to report that the section referred to, although objectionable, in our opinion yet should receive a fair trial before being rejected. We are also of the opinion that, owing to the hard times, the great expense of putting our State Government into operation, and the expense attending the amendment of the Constitution, that the proposition to amend the Constitution, at this time, is inexpedient. We, therefore, recommend the indefinite postponement of the Resolution.

S. N. WOOD,  
J. F. BROADHEAD,  
JOSIAH MILLER.

Mr. Elder, from same Committee, submitted the following

MINORITY REPORT:

The Minority of the Judiciary Committee, to whom was referred Joint Resolution No. 1, proposing amendments to the Constitution

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Mr. Miller, from the Committee on Ways and Means, reported Bill No. 125, "An Act to provide for the postponement of the sales of Lands for Taxes," back, with amendments, and recommended its passage.

Mr. Phillips, from Committee on Engrossed Bills, submitted the following

### REPORT:

The Committee on Engrossed Bills, to whom was referred Bills Nos. 92 and 169, have examined the same, and find them, with the amendments, correctly engrossed.

J. A. PHILLIPS,  
*Chairman.*

Mr. Wood offered the following order:

**WHEREAS**, The people of Northern Kansas and Southern Nebraska, are very desirous of becoming incorporated into one Government; and

**WHEREAS**, It is claimed that the Platte River is the natural boundary for two separate States; and

**WHEREAS**, The Kansas River is equally the natural boundary for two separate States; and

**WHEREAS**, A mystical individual by the name of *Jesse John*, formerly President of a Wildcat Bank, at Brownville, N. T., has written a letter urging the union of the two sections, so nearly identified in interest; and

**WHEREAS**, Said proposition is viewed in good faith, and receives almost the unanimous favor of the people of Northern Kansas; and

**WHEREAS**, The country between the Kansas and Platte rivers, and east of Colorado, contains *an area* of over forty-four thousand square miles, longer than the State of Iowa, and a population of one hundred thousand; and

**WHEREAS**, The country south of the Kansas river, and north of thirty-six thirty degrees North latitude, the southern boundary of Missouri, and East of Colorado, contains *an area* of over sixty thousand square miles, and a population of over one hundred thousand, connected by the strongest bonds of local and commercial interest, and being a unit in political sentiment: Therefore,

**Resolved**, That the Committee on Federal Relations be instructed

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to prepare a Memorial to Congress, asking that the southern boundary of the State of Kansas be changed from the 37th to the 36th 30th degree North latitude, and that all that portion of Kansas north of the Kansas and Smoky Hill rivers, be detached from the State of Kansas, and all that portion of Nebraska south of the Platte river be detached from the Territory of Nebraska, and erected into a new State, and admitted into the Union on an equal footing with the other States.

Mr. Elder moved its reference to Committee on Federal Relations.

Lost.

Mr. Wood moved that the order be adopted.

The Yeas and Nays were demanded, and the vote resulted as follows:

YEAS—Messrs. Lockhart, Phillips, Sleeper, Spriggs, Wood—5.

NAYS—Messrs. Bancroft, Broadhead, Burnett, Denman, Dutton, Farnsworth, Houston, Hubbard, Lappin, Lynde, McDowell, Miller, Morrow, Osborn, Seaver—15.

And so the order was lost.

Senate Concurrent Resolution No. 26, "To open the Cherokee Reserve," was referred to Committee on Public Lands.

Senate Joint Resolution No. 6, "To annul Section 12, Article 2, of the Constitution," was read third time.

The question being, "Shall the Joint Resolution pass?" the vote resulted as follows:

YEAS—Messrs. Bancroft, Broadhead, Burnett, Denman, Dutton, Elder, Farnsworth, Hoffman, Houston, Hubbard, Lappin, Lockhart, McDowell, Morrow, Osborn, Seaver, Sleeper, Spriggs—18.

NAYS—Messrs. Lynde, Miller, Phillips, Wood—4.

And so the Joint Resolution passed.

Senate Joint Resolution No. 7, "Respecting Indian Reservations," was read third time.

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House of Representatives have passed Bill No. 228, "An Act to organize and define the Jurisdiction of the Supreme Court;" Bill No. 247, "An Act Legalizing the Assessment and Collection of Taxes in the City of Eudora for the year 1860;" Bill No. 211, "An Act relating to the office of State Reporter;" Bill No. 201 "An Act to declare a certain Survey a State Road;" Bill No. 80, "An Act to provide for an additional Justice of the Peace for Wakarusa township;" and Bill No. 75, "An Act in regard to cases removed from Justices of the Peace to District Court;" and request your concurrence.

They have concurred in Senate amendments to Bill No. 243, "An Act fixing the form of Oath or Affirmation of Officers, Privates and Musicians," and by unanimous consent have amended Bill No. 60, "An Act to provide for the State Printing," by striking out the words "during the first week in May, 1861," and inserting the words "Immediately upon the publication of this act," and desire your concurrence therein.

A. R. BANKS,  
*Chief Clerk pro tem.*

Bill No. 75, "An Act in regard to cases removed from Justices of the Peace to District Courts," was read first time.

Bill No. 80, "An Act to provide for an additional Justice of the Peace for Wakarusa township," was read first time.

Bill No. 211, "An Act relating to the office of State Reporter," was read first time.

Bill No. 201, "An Act to declare a certain Survey a State Road," was read first time.

Bill No. 228, "An Act to organize and define the Jurisdiction of the Supreme Court," was read first time.

Bill No. 247, "An Act Legalizing the Assessment and Collection of Taxes in the City of Eudora, for the year 1860," was read first time.

On motion of Mr. Lockhart,

The Senate concurred in House amendment to Bill No. 60.

Mr. Gunn offered the following order, which was adopted :



## THE SENATE.

*Resolved*, That the Committee on Incorporations be requested to examine the laws now on the Statutes of the State, and report whether any further legislation is necessary upon the subject of a General Incorporation Law.

Bill No. 95, "An Act providing for Division Fences," was read third time.

The question being "Shall the Bill pass?" the vote resulted as follows:

YEAS—Messrs. Bancroft, Broadhead, Burnett, Connell, Denman, Dutton, Elder, Farnsworth, Gunn, Hubbard, Lappin, Martin, Miller, Osborn, Phillips, Seaver, Sleeper, Spriggs—19.

NAY—Mr. Morrow.

And so the bill passed.

The title was agreed to.

Bill No. 208, "An Act to provide for the election of State, District and County Officers, Senators and Members of the House of Representatives, Justices of the Snpreme Court and Judges of the District Courts, and Representative in Congress," was read second time, and referred to Committee on Elections.

On motion of Mr. Broadhead,

Bill No. 221 was made the special order for Saturday next, at 10 o'clock, A. M.

Mr. Wood offered the following order :

WHEREAS, S. C. Pomeroy and J. H. Lane, in a letter to the Governor of Kansas, dated Washington, April 18th, 1861, informs the Governor that a requisition has been issued for two Regiments of Kansas Militia, to be mustered into service, of 780 men each, to be equipped at Fort Leavenworth, and kept in Kansas, for the protection of our frontiers ; and

WHEREAS, Said letter states that the papers are sent by the Hon. G. A. Colton, member of the Legislature ; and

WHEREAS, An order has been sent from the War Department, through Gen. Lane and the said Colton, to Captain Reno, of the Arsenal at Fort Leavenworth, to arm said Regiments ; and

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WHEREAS, Said Requisition has failed to reach the Governor, and said Regiment cannot be mustered into the service of the United States, and our State is thus left at the mercy of the Secessionist on the one side, and the Indians upon the other ; and

WHEREAS, culpable negligence exists somewhere : Therefore,

*Resolved*, That a Committee of five be appointed to investigate the matter, with power to send for persons and papers, and report the facts to the Senate.

Mr. Elder moved that the Resolution be made the special order for to-morrow morning, at 10 o'clock, which was

Lost.

Mr. Morrow moved that the Resolution be adopted.

The Yeas and Nays were demanded, and the vote resulted as follows :

YEAS—Messrs. Bancroft, Broadhead, Connell, Denman, Dutton, Gunn, Hoffman, Hubbard, Lappin, Lynde, Martin, Morrow, Phillips, Wood—14.

NAYS—Messrs. Burnett, Elder, Farnsworth, Miller, Lockhart, Osborn, Seaver, Sleeper, Spriggs—9.

And so the Resolution was adopted.

The President appointed Messrs. Wood, Dutton, Gunn, Martin and Lynde said Committee.

On motion of Mr. Miller,

The Senate went into Committee of the Whole, for the consideration of Bill No. 82, "An Act providing for the funding of the indebtedness of the Territory of Kansas."

Mr. Gunn in the Chair.

After some time spent therein, the Committee rose, reported the Bill back, with sundry amendments, and recommended its passage.

The Report of the Committee was agreed to, and the Bill was ordered to a third reading.

## THE SENATE.

Mr. Morrow moved that the Rules be suspended and Bill No. 80, "An Act to provide for an additional Justice of the Peace in Warkarusa Township," be read a second time.

Lost.

On motion of Mr. Miller,

The vote by which the Senate refused to suspend the Rules, was reconsidered.

On motion of Mr. Morrow,

The Rules were suspended, and Bill No. 80 read a second time, and referred to Committee on Judiciary.

On motion of Mr. Wood,

The Judiciary Committee was instructed to report a general law as an amendment, providing for the increase of the number of Justices of the Peace, in any township in Kansas, by the County Commissioners.

Mr. Fainsworth offered the following order :

WHEREAS, The Honorable Harris F. Otis, Mayor of the City of Topeka, by a sudden dispensation of Divine Providence, has met an untimely death : Therefore,

*Resolved*, That when the Senate adjourns finally for the day, it adjourn to meet on Friday, at 2 o'clock, p. m., and that the members of the Senate, as a body, attend the funeral of the deceased, at 10 o'clock, to-morrow.

The question being on the adoption of the order,

The Yeas and Nays were demanded, and the vote resulted as follows :

YEAS—Messrs. Broadhead, Burnett, Connell, Denman, Elder, Farnsworth, Hubbard, Lockhart, Miller, Morrow, Osborn, Spriggs—12.

NAYS—Messrs. Bancroft, Dutton, Lappin, Martin, Phillips, Sleeper, Wood—7.

And so the order was adopted.

Adjourned.

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House Bill No. 82, "An Act providing for funding the indebtedness of the Territory of Kansas," was read first time.

Mr. Bancroft moved that the further consideration of Bill No. 82, be indefinitely postponed.

The Yeas and Nays were demanded, and the vote resulted as follows :

YEAS—Messrs. Bancroft, Connell, Denman, Gunn, Hubbard, Lappin, Lockhart, Martin, Seaver—9.

NAYS—Messrs. Broadhead, Burnett, Farnsworth, Houston, Morrow, Osborn, Phillips, Sleeper, Wood—9.

And so the motion was lost.

Adjourned.

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## MORNING SESSION.

MONDAY, May 20, 1861, 9, A. M.

Senate assembled.

President in the Chair.

Prayer by Rev. Mr. Paulson.

ABSENT—Messrs. Farnsworth, Hoffman, Houston, Morrow, Phillips, Seaver, Spriggs—7.

Journal of Saturday read and approved.

Mr. Wood asked to have the following Protest, against a certain Resolution of the House, spread upon the Journal :

MR. PRESIDENT: I notice in the Topeka *State Record* of May 19th, the following Resolution, purporting to have been passed by the House of Representatives, May 18th, 1861, to wit :

“WHEREAS, S. N. Wood, a member of the Senate, did, on the 17th instant, commit in this Hall a cowardly and unprovoked assault upon the person of P. G. D. Morton, a member of this House, and also did mutilate the printed Bills of this House, for the purpose of deceiving the members : Therefore,

## THE SENATE.

“*Resolved*, That the said S. N. Wood be, and is hereby excluded from the privileges of this House, and that the Sergeant-at-Arms be directed to enforce the Resolution.”

Availing myself of the provisions of Section 11, of Article 2, of the Constitution of the State of Kansas, I hereby “*Protest*” against the passage of the above Preamble and Resolution by the House, for the following reasons :

1st. Said Preamble is *untrue*, in almost every particular. No assault was committed in the “Hall of the House.” The difficulty alluded to took place, not in the “Hall of the House,” but in the “Lobby,” after adjournment. The assault was not “unprovoked.” The member from Butler had spoken of me, as no *Honorable* member of the House would speak of a Senator. At the time the blow was struck by me, the member from Butler, in a threatening attitude, had me by the collar, and refused, at my demand, to release his hold. The assault was not committed by me on the member, but was in fact, an assault committed by the member from Butler, on me, and I struck him in self-defense, which I could prove before any fair Committee, or in any Court of Justice. My course may have been “cowardly,” but certainly not more so than was that of the House, in censuring me without an investigation, or without my having an opportunity of being heard through a Committee in my defense. I did not “mutilate the printed Bills of the House;” but confess that I did go to the desks of certain members and ask them to make a certain amendment, and without objection on their part, marked the amendment I desired. I did not know that I was violating the privileges of the House, and had no intention of deceiving any member. I regret that the member from Breckinridge should have been so easily *deceived*, but *Protest*, that he should have given me some hint that he objected to my marking the amendment proposed on the Bill, before proclaiming to the world the charge of mutilating the Bills. I also *Protest* against the charge, that members of the Honorable House of Representatives could be so easily *deceived*.

I *Protest* against the passage of the Resolution :

1st. Because it is an assumption of power on the part of the House that they had no right to exercise. If I violated the “privileges of the House,” a Committee should have been appointed, the facts ascertained, reported to the Senate, and the proper remedy applied, or I should have been arraigned at the bar of the House.

## JOURNAL OF

2d. The passage of the Resolution was a violation of the Rules of the House, itself, and consequently *null* and *void*.

Rule 46, of the House, says the following classes of persons, and *no* others, shall have admission to the floor of the House :

- 1st. "All members and officers of the Legislature.
- 2d. "Federal and State officers.
- 3d. "Reporters of the Public Press.
- 4th. "Judges of the Supreme, District and Probate Courts."

Rule 52 provides, "No Rule or Order of the House shall be suspended, rescinded or changed, except by a vote of *two-thirds* of all the members voting."

The only way a member of the Senate could be excluded from the floor of the House, under the Rules of the House, would be by suspending, rescinding or changing Rule 46, and this can only be done by a two-thirds vote.

I therefore *Protest* against the whole proceedings, and ask that this, my solemn *Protest*, may be entered upon the Journals of the Senate.

S. N. WOOD.

Mr. Martin, from Committee on Elections, reported Bills Nos. 244 and 214, without amendments, and recommended their passage.

Mr. Hubbard, from Special Committee, reported Bill No. 190, "An Act for the regulation and support of Common Schools," with amendments, and recommended its passage.

Bill No. 190 and Report, were referred to Committee of the Whole.

Message from the House :

MR. PRESIDENT : The House have concurred in Senate amendments to Bill No. 254, "An Act to establish the salaries of State Officers, Justices of the Supreme Court, Judges of the District Courts, and officers of the Legislature ;"

In amendments to Bill No. 171, "An Act relating to the refunding of certain taxes ;" and

In amendment to the title of Bill No. 220, "An Act defining the punishment of Treason and other offenses, and prescribing for their punishment."

## THE SENATE.

The House have also concurred in all of Senate amendments to Bill No. 3, "An Act to regulate elections, to prescribe the qualifications of voters, and to prevent illegal voting," except those to Sections 19 and 46, in which they have nonconcurred ;

Also, nonconcurred in Senate amendments to Bill No. 80, "An Act to provide for an additional Justice of the Peace for Wakarusa township," and desire the Senate's further consideration.

D. B. EMMERT,  
*Chief Clerk.*

Mr. Martin, from Committee of Conference on Joint House Resolution No. 1, "On State Seal," submitted a Report, which was referred to Committee of the Whole.

Mr. Phillips, from Committee on Engrossed Bills, submitted the following

### REPORT :

The Committee on Engrossed Bills, to whom was referred Bill No. 208, "An Act to provide for the election of State, District and County Officers, Senators and Members of the House of Representatives, Justices of the Supreme Court and Judges of the District Courts, and Representatives in Congress," have examined the same, and find it, with amendments, correctly engrossed.

JAS. A. PHILLIPS,  
*Chairman.*

Mr. Morrow moved that Bills Nos. 20, 86, 92, 82, and 127, be returned to the House, with the request that they be renumbered as new Bills.

Mr. Bancroft moved, as an amendment, that the House be requested to state if the Bills were passed second time, by the constitutional majority.

Lost.

Mr. Morrow's motion was agreed to.

Bill No. 201, An Act to declare a certain Survey a State Road," was read a third time.

The question being, "Shall the Bill pass?" the vote resulted as follows :

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