

# Journal of the House

FIFTY-SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, April 4, 2003, 9:45 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 122 members present.  
Reps. Holland, Krehbiel and Neighbor were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Loving and giving God, we stand before you this morning in praise and thanksgiving for the bounty of your love and for the grace that you offer to us all.

As this House completes this portion of the work that you have set before them, we offer our thanksgiving for your presence and your guidance in the midst of difficult discussions about issues that matter to us all. Your Spirit, O Lord, has moved with power and wisdom among your servants and among their leaders. Thank you for the spirit of charity and civility that they have shaped among us.

As the men and women gathered here leave for their homes and their families, bless their going out and their coming in. Be at their right hand and protect them from all harm, going always before them and showing them the way, the truth and the life.

In all our prayers, our thoughts and our actions, we acknowledge you, O Lord, our ever present blessing and joy. Amen.

The Pledge of Allegiance was led by Rep. Faber.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to committees as indicated:

Appropriations: **HB 2467**.

Federal and State Affairs: **HR 6024**.

## COMMUNICATIONS FROM STATE OFFICERS

From Joan Wagnon, Secretary of Revenue, pursuant to K.S.A. 74-50,118), Annual Report, Kansas Enterprise Zone Act.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

## MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 225**, and requests return of the bill.

The Senate adopts conference committee report on **SB 6**.

The Senate adopts conference committee report on **SB 21**.

The Senate adopts conference committee report on **SB 33**.

The Senate adopts conference committee report on **SB 36**.

The Senate adopts conference committee report on **SB 61**.

The Senate adopts conference committee report on **SB 71**.

The Senate adopts conference committee report on **Sub. SB 104**.

The Senate adopts conference committee report on **SB 110**.

The Senate adopts conference committee report on **HB 2038**.

The Senate adopts conference committee report on **HB 2088**.

The Senate adopts conference committee report on **S. Sub. for Sub. HB 2219**.

The Senate adopts conference committee report on **HB 2247**.

The Senate adopts conference committee report on **HB 2288**.

The Senate adopts conference committee report on **HB 2332**.

The Senate accedes to the request of the House for a conference on **HB 2101** and has appointed Senators Harrington, Brungardt and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2160** and has appointed Senators Donovan, Salmans and Gooch as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2397** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

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

On motion of Rep. P. Long, **HR 6020**, A resolution recognizing Emporia veterans and honoring Veterans Day, was adopted.

Reps. P. Long and Hill addressed a few remarks to the members of the House and Rep. Hill also introduced those veterans who were in attendance.

On motion of Rep. Hutchins, **HR 6022**, A resolution recognizing the centennial anniversary of the commemoration of Constitution Hall-Topeka, presented July 4, 1903, by the Topeka Chapter of the Daughters of the American Revolution and dedicated by Miss Zu Adams, who was the daughter of Franklin G. Adams, the first executive secretary of Kansas State Historical Society, and its long-time key employee, was adopted.

Reps. Hutchins and Flora addressed a few remarks to the members of the House.

On motion of Rep. D. Johnson, **HR 6023**, A resolution congratulating and commending the Hays High School "We the People" team, was adopted.

Reps. D. Johnson and Phelps addressed a few remarks to the members of the House and welcomed the "We the People" team and their sponsor.

#### **CHANGE OF CONFEREES**

Speaker Mays announced the appointment of Rep. Sloan as a member of the conference committee on **HB 2037** to replace Rep. Krehbiel.

Also, the appointment of Rep. Sloan as a member of the conference committee on **HB 2374** to replace Rep. Krehbiel.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2423**, An act concerning the department of health and environment; relating to financing the civil registration and health statistics functions thereof; establishing the civil registration and health statistics fee fund; prescribing certain fees; amending K.S.A. 65-2418 and repealing the existing section; also repealing K.S.A. 65-2418b and 65-2418d, was considered on final action.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehom, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Burroughs, Faber, Goering, Goico, Henderson, Howell, Huebert, Hutchins, Huy, Kauffman, Kuether, Loyd, McLeland, F. Miller, O'Neal, Ostmeyer, Owens, Patterson, Siegfried.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

The bill passed.

**HB 2461**, An act authorizing the secretary of corrections to convey certain land, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafaneli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Wimm, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

The bill passed, as amended.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 43**, submits the following report:

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

On page 1, in line 22, after "with" by inserting "big game or migratory waterfowl"; also in line 22, by striking "or fishing"; in line 25, after "for" by inserting "big game or migratory waterfowl"; also in line 25, by striking "or fishing";

On page 2, in line 10, by reinserting "or"; in line 12, by striking "; or"; by striking all in line 13; in line 14, by striking all before the period; in line 30, by striking "or"; in line 31, by striking "fishing";

On page 3, in line 18, by striking "or"; in line 19, by striking "fishing"; in line 34, by striking "Unless"; by striking all in lines 35 through 37; in line 38, by striking all before "A";

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

MELVIN J. NEUFELD  
SHARON SCHWARTZ  
DOUG GATEWOOD  
*Conferees on part of House*

STEPHEN R. MORRIS  
DAVID ADKINS  
PAUL FELICIANO, JR.  
*Conferees on part of Senate*

On motion of Rep. Schwartz, the conference committee report on **SB 43** was adopted.

On roll call, the vote was: Yeas 89; Nays 33; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, Decker, Feuerborn, Flaharty, Freeborn, Gate-

wood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Klein, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Brunk, Burroughs, Campbell, Carter, DeCastro, Dillmore, Dreher, Edmonds, Faber, Flora, Goering, Goico, Henderson, Howell, Huebert, Huy, Kassebaum, Kauffman, Kirk, Kuether, Landwehr, P. Long, McLeland, Merrick, F. Miller, Judy Morrison, Newton, Ostmeyer, Powers, Siegfried, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 64**, submits the following report:

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

On page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 38 and inserting in lieu thereof the following: "Section 1. (a) The appeal bond that an appellant in civil litigation under any legal theory, involving a signatory or a successor to a signatory of the master settlement agreement, as defined in K.S.A. 2002 Supp. 50-6a02, and amendments thereto, may be required to post to stay execution on a judgment during an appeal or discretionary review shall be set in accordance with existing law and court rules, except that in no case shall an appeal bond exceed \$25,000,000, regardless of the total value of the judgment.

(b) If it is proved by a preponderance of the evidence that the appellant for whom the bond has been limited pursuant to this section is intentionally dissipating or diverting assets outside of the ordinary course of its business for the purpose of avoiding payment of the judgment, the court shall enter such orders as are necessary to prevent the dissipation or diversion of assets.";

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all after "ACT"; by striking all in lines 11 through 13 and inserting in lieu thereof the following: "concerning tobacco; relating to the master settlement agreement; appeal bonds in certain litigation.";

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

MICHAEL R. O'NEAL  
DOUG PATTERSON  
JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
DEREK SCHMIDT  
GRETA GOODWIN  
*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **SB 64** was adopted.

On roll call, the vote was: Yeas 88; Nays 34; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Landwehr, Larkin, Light, M. Long, P. Long, Mason, Mays, McCreary, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, New-

ton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Pottorff, Powell, Reitz, Schwab, Schwartz, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, Wilson, Yoder, Yonally.

Nays: Burroughs, Carlin, Crow, Davis, Edmonds, Flaharty, Flora, Henderson, Henry, Hill, Howell, Jack, Kassebaum, Kirk, Klein, Kuether, Loganbill, Loyd, McKinney, F. Miller, J. Miller, Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, S. Sharp, Swenson, Ward, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 82**, submits the following report:

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

On page 4, in line 33, by striking "shall" and inserting "may";

On page 5, following line 29, by inserting:

"(c) The board of education may adopt a resolution exempting the school district from the requirements of subsections (a) and (b). The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the school district. If, within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors in the school district is filed in the office of the county election officer requesting an election thereon, the school district shall remain subject to the provisions of subsections (a) and (b) unless the question is submitted to and approved by a majority of the voters of the school district voting at an election called by the governing body. Such election shall be called and held in the manner provided under the provisions of K.S.A. 10-120, and amendments thereto. Such election also may be conducted by mail ballot.";

Also on page 5, by striking all in lines 30 through 37 and inserting:

"New Sec. 6. (a) On or before October 1 of each year, the board of education of each school district shall provide to a newspaper of general circulation within the district a statement showing the name, position and salary of the superintendent, deputy superintendents, assistant superintendents, directors, principals and any other administrator with district-wide responsibilities of such school district.

(b) The provisions of this section shall expire on June 30, 2006.

Sec. 7. K.S.A. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as  $\frac{1}{2}$  pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the pupil shall be counted as that proportion of

one pupil (to the nearest  $\frac{1}{10}$ ) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as  $\frac{1}{2}$  pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as  $\frac{1}{2}$  pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddell Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than ~~3,756~~ preschool-aged at-risk pupils to be counted in the ~~2001-02~~ school year and not more than 5,500 preschool-aged at-risk pupils to be counted in any school year thereafter.

(e) "Enrollment" means: (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this clause (1), the number of pupils regularly enrolled in the district on September 20; (2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3) the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means ~~any community juvenile corrections center or facility~~; (1) *Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;*

(2) *any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and*

(3) *the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.*

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

Sec. 8. K.S.A. 72-67,115 is hereby amended to read as follows: 72-67,115. (a) The board of ~~any unified~~ education of any school district may:

(1) Offer and teach courses and conduct preschool programs for children under the age ~~provided by law for enrollment in~~ of eligibility to attend kindergarten.

(2) Enter into cooperative or interlocal agreements with one or more other boards for the establishment, operation and maintenance of such preschool programs.

(3) Contract with private, nonprofit corporations or associations or with any public or private agency or institution, whether located within or outside the state, for the establishment, operation and maintenance of such preschool programs.

(4) Prescribe and collect fees for providing such preschool programs.

(b) Fees for providing preschool programs shall be prescribed and collected only to recover the costs incurred as a result of and directly attributable to the establishment, op-

eration and maintenance of the preschool programs. Revenues from fees collected by a board under this section shall be deposited in the general fund of the school district and shall be considered reimbursements to the district for the purpose of the school district finance and quality performance act and may be expended whether the same have been budgeted or not and amounts so expended shall not be considered operating expenses.”;

By renumbering sections 6 and 7 as sections 9 and 10;

Also on page 5, in line 39, following “72-1626a,” by inserting “72-6407, 72-6407a,”; also in line 39, following “72-6735,” by inserting “72-67,115, 72-7108a,”;

In the title, in line 16, before “72-8134,” by inserting “72-6407, 72-67,115,”; in line 17, following “72-1626a,” by inserting “72-6407a,”; in line 18, following “72-6735,” by inserting “72-7108a,”;

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

KATHE DECKER

CAROL E. BEGGS

BILL REARDON

*Conferees on part of House*

DWAYNE UMBARGER

JOHN VRATIL

ANTHONY HENSLEY

*Conferees on part of Senate*

On motion of Rep. Decker to adopt the conference committee report on **SB 82**, Rep. Yonally offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Decker and the conference committee report was adopted.

On roll call, the vote was: Yeas 95; Nays 27; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beggs, Betts, Boyer, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, Merrick, J. Miller, Minor, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Ballou, Barbieri-Lightner, Bethell, Brunk, Campbell, Craft, Crow, Dahl, Edmonds, Faber, Freeborn, Goering, Goico, Howell, Huebert, Huy, Kauffman, Landwehr, McLeland, F. Miller, Jim Morrison, Neufeld, Powell, Schwartz, Shultz, Siegfried, Yonally.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

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

On page 7, by striking all in lines 20, 21 and 22; in line 37, by striking “fund” and inserting “levy”;

On page 12, in line 25, by striking “liability expense” and inserting “reserve”;

On page 13, following line 26, by inserting:

“Sec. 18. K.S.A. 79-2926 is hereby amended to read as follows: 79-2926. (a) *Subject to the provisions of subsection (b)*, the director of accounts and reports shall prepare and prescribe forms for the annual budgets of all taxing subdivisions or municipalities of the

state. Such forms shall show the information required by this act ~~and by K.S.A. 1973 Supp. 79-4401 et seq.~~, necessary and proper to ~~fully~~ disclose complete information as to the financial condition of such taxing subdivision or municipality, and the receipts and expenditures thereof, both past and anticipated.

(b) (1) *From and after July 1, 2004 and based upon recommendations by the state department of education, the director shall prepare and prescribe forms for the annual budget and a summary of the proposed budget of school districts. The state department of education shall make such recommendations after considering the best practices and standards established by the government finance officers association and the association of school business officials.*

(2) (A) *The school district budget form shall include a separate table outlining the aggregate amount of expenditures for salaries and wages for the following categories:*

- (i) *Certified and noncertified administrators;*
- (ii) *persons employed full-time as teachers;*
- (iii) *other certified employees who are not employed full-time as teachers;*
- (iv) *classified employees;*
- (v) *other positions designated by the state department of education; and*
- (vi) *substitutes and other temporary employees.*

(B) *The school district budget form shall show the number of full-time employee positions specified in paragraph (A) of this subsection and the average salaries or wages for such positions.*

(C) *The school district budget form shall show any other information recommended by the state department of education.*

(3) *The summary of the proposed budget form shall include:*

- (A) *An overview of the proposed budget of the school district and the budgetary process;*
- (B) *a summary of the changes in the proposed budget from the previous budget year;*
- (C) *a summary of the estimated expenditures to be made and revenues to be received in the ensuing budget year and the sources of such revenue;*
- (D) *the internet website address for school building report cards compiled by the state department of education; and*
- (E) *any other information specified by the state department of education.*

(4) *Nothing in this subsection (b) shall be construed as limiting the authority of school districts to develop and provide material or information in addition to that required by the state department of education.*

(5) *The state department of education shall provide technical advice and assistance to school districts to insure compliance with the provisions of this section.*

(c) *All such budget and tax levy forms shall be printed by the ~~director~~ division of printing and in such quantity as required by the director. The director shall deliver the forms for all school districts to the clerk of the board of education of each school district. The forms for all other taxing subdivisions or municipalities of the state shall be delivered by the director to the county clerk of each county, who shall ~~immediately~~ deliver the same to the presiding officer of the governing body of the ~~said~~ respective taxing subdivisions or municipalities within the county. ~~Whenever in article 29 of chapter 79 of Kansas Statutes Annotated the words state auditor or auditor of state, or words of like effect, occur, the same shall mean director of accounts and reports.~~”;*

And by renumbering sections accordingly;

On page 15, by striking all in lines 1 through 43;

On page 16, by striking all in lines 1 through 43;

On page 17, by striking all in lines 1 and 2; following line 2, by inserting:

“New Sec. 20. (a) When preparing the budget for a school district, the board of education of the district shall budget to expend only the amount estimated to be spent from each fund of the school district.

(b) Except as provided by this subsection, any unexpended moneys remaining in a fund of a school district at the end of the budget year may be carried forward into such fund for succeeding budget years. The provisions of this subsection shall not apply to the general fund or the supplemental general fund of the school district.

(c) Whenever unexpended moneys in a school district fund are carried forward into such fund for the succeeding budget year, the budget of the school district shall reflect the ending balance in such fund which the school district estimates will be carried forward to the succeeding budget year.

(d) If the board of education determines it is necessary to expend moneys which had been budgeted to be carried forward into the next succeeding budget year, the board shall amend its previously adopted budget. Any amended budget shall be subject to the same publication, notice and public hearing requirements as is required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget.

New Sec. 21. (a) Each year the board of education of a school district shall prepare a budget and a summary of the proposed budget. Such budget and summary shall be in the form prescribed by the director pursuant to K.S.A. 79-2926, and amendments thereto.

(b) The budget and the summary of the proposed budget shall be on file at the administrative offices of the school district. Copies of such budget and summary shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that the budget and the summary of the proposed budget is on file at the administrative offices of the district and that copies of such budget and summary are available upon request.

New Sec. 22. (a) From and after July 1, 2004, each year the board of education of a school district shall prepare a profile of the school district. The profile shall include any information specified by the state department of education to be included in such profile, including but not limited to, information relating to the governing body of the school district, an overview of the budget of the school district adopted by the board pursuant to K.S.A. 79-2925 through 79-2935, and amendments thereto, and the budgetary process.

(b) The profile of the school district shall be on file at the administrative offices of the school district. Copies of the profile of the school district shall be available upon request.

(c) The notice required to be published by K.S.A. 79-2929, and amendments thereto, shall include a statement that a profile of the school district will be on file at the administrative offices of the district after the board adopts the budget for the ensuing budget year and that copies of the profile will be available upon request.”;

And by renumbering sections accordingly;

On page 18, in line 7, following “75-6110” by inserting “, 79-2926”;

In the title, in line 18, following “75-6110” by inserting “, 79-2926”;

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

KATHE DECKER

CAROL E. BEGGS

MARTI CROW

*Conferees on part of House*

DWAYNE UMBARGER

JOHN VRATIL

ANTHONY HENSLEY

*Conferees on part of Senate*

On motion of Rep. Decker, the conference committee report on **Sub. SB 83** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patter-

son, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 131**, submits the following report:

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

On page 2, in line 25, by striking "\$100" and inserting "\$25";

On page 4, in line 22, by striking all after the period; by striking all in lines 23 through 26 and inserting "Except as otherwise provided, animal units for public livestock markets shall be determined by using the average annual animal units sold by the market during the past five calendar years divided by 365. Such animal unit determination may be adjusted by the department if the public livestock market submits documentation that demonstrates that such adjustment is appropriate based on the amount of time in 24-hour increments or partials thereof that animals are at the market.";

On page 8, after line 41, by inserting the following:

"Sec. 3. K.S.A. 65-6a18 is hereby amended to read as follows: 65-6a18. As used in this act:

- (a) "Secretary" means the secretary of the state board of agriculture.
- (b) "Person" means any individual, partnership, firm, corporation, association or other business unit or governmental entity.
- (c) "Meat broker" means any person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat or meat food products of livestock on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.
- (d) "Poultry products broker" means any person engaged in the business of buying or selling poultry products on commission, or otherwise negotiating purchases or sales of such articles other than for the person's own account or as an employee of another person.
- (e) "Animal food manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of livestock, domestic rabbits or poultry.
- (f) "Intrastate commerce" means commerce within the state of Kansas.
- (g) "Meat food product" means any product capable of use as human food which is made wholly or in part from any meat or other portions of the carcasses of any livestock or domestic rabbits, excepting products which contain meat or other portions of such carcasses only in a relatively small proportion or historically have not been considered by consumers as products of the meat food industry and which are exempted from definition as a meat food product by the secretary under such conditions as the secretary may prescribe to assure that the meat or other portions of such carcasses contained in such product are not adulterated and that such products are not represented as meat food products.
- (h) "Poultry" means any domesticated bird, whether live or dead.
- (i) "Poultry product" means any poultry carcass, or part thereof or any product which is made wholly or in part from any poultry carcass or part thereof, excepting products which contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry and which are exempted by the secretary from definition as a poultry product under such conditions as the secretary may prescribe to assure that the poultry ingredients in such products are not adulterated and that such products are not represented as poultry products.
- (j) "Capable of use as human food" means any carcass, or part or product of a carcass, of any animal unless it is denatured or otherwise identified as required by regulations

adopted by the state board of agriculture to deter its use as human food or it is naturally inedible by humans.

(k) "Prepared" means slaughtered, canned, salted, rendered, boned, cut up or otherwise manufactured or processed.

(l) "Adulterated" means any carcass, or part thereof, any meat or meat food product, or any poultry or poultry product under one or more of the following circumstances:

(1) If the product bears or contains any poisonous or deleterious substance which may render it injurious to health, except that if the substance is not an added substance, the product shall not be considered adulterated if the quantity of such substance on or in the product does not render it injurious to health;

(2) (A) if the product bears or contains, by reason of administration by feeding or by injection of any substance to the live animal or otherwise, any added poisonous or added deleterious substance, other than one which is (i) a pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive, which, in the judgment of the secretary, may make the product unfit for human food;

(B) if the product is, in whole or in part, a raw agricultural commodity and bears or contains a pesticide chemical which is unsafe within the meaning of rules and regulations adopted by the state board of agriculture;

(C) if the product bears or contains any food additive which is deemed unsafe in accordance with rules and regulations adopted by the state board of agriculture;

(D) if the product bears or contains any color additive which is deemed unsafe in accordance with rules and regulations adopted by the state board of agriculture; or

(E) any such product which is not adulterated under provisions (B), (C) or (D) shall nevertheless be deemed adulterated if the use of the pesticide chemical, the food additive or the color additive on or in such product is prohibited by rules and regulations of the state board of agriculture in establishments at which inspection is maintained under this act;

(3) if the product consists, in whole or in part, of any filthy, putrid or decomposed substance or is for any other reason unsound, unhealthful, unwholesome or otherwise unfit for human food;

(4) if the product has been prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth or whereby it may have been rendered injurious to health;

(5) if the product is, in whole or in part, the product of an animal which has died otherwise than by slaughter;

(6) if the container for the product is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(7) if the product has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to rules and regulations adopted by the state board of agriculture;

(8) (A) if any valuable constituent on or in the product has been, in whole or in part, omitted or abstracted therefrom;

(B) if any substance has been extracted and substitution made therefor, in whole or in part, or if any damage to, or inferiority of, the product has been concealed in any manner; or

(C) if any substance has been added to such product, or if any substance has been mixed or packed therewith, so as (i) to increase the bulk or weight of the product (ii) to reduce the quality or strength of the product or (iii) to make the product appear better or of greater value than it is, except that this provision does not apply to any cured or smoked pork product by reason of its containing added water; or

(9) if the product is a margarine containing animal fat and if any of the raw material used therein consisted, in whole or in part, of any filthy, putrid or decomposed substance.

(m) "Misbranded" means any carcass, part thereof, meat or meat food product, or poultry or poultry product, under any one or more of the following circumstances:

(1) If the labeling on the product or product container is false or misleading in any particular;

(2) if the product is offered for sale under the name of another food;

(3) if the product is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(4) if the container on the product is so made, formed or filled as to be misleading;

(5) if the product is in a package or other container, unless it bears a label showing (A) the name and place of business of the manufacturer, packer or distributor and (B) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count; under clause (A) of this provision, reasonable variations may be permitted and exemptions as to small packages may be established by rules and regulations adopted by the state board of agriculture;

(6) if any word, statement or other information, which is required by or under authority of this act to appear on the label or other labeling for the product, is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs or devices in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(7) if the product purports to be, or is represented to be, a food for which a definition and standard of identity or composition has been prescribed by rules and regulations of the state board of agriculture, unless (A) it conforms to such definition and standard and (B) the label thereon bears the name of the food specified in the definition and standard, and insofar as may be required by such rules and regulations, the common names of optional ingredients (other than spices, flavoring and coloring) present in such food;

(8) if the product purports to be, or is represented to be, a food for which a standard of fill of container has been prescribed by rules and regulations of the state board of agriculture and if such product falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such rules and regulations specify, a statement that it falls below such standard;

(9) if the product is not subject to provision (7), unless its label bears (A) the common or usual name of the food, if there is any, and (B) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient, except that spices, flavorings and colorings, when authorized by the secretary, may be designated as spices, flavorings and colorings without naming each; to the extent that compliance with the requirements of clause (B) of this provision is impracticable or results in deception or unfair competition, exemptions shall be established by rules and regulations adopted by the state board of agriculture;

(10) if the product purports to be, or is represented to be, for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the secretary, after consultation with the secretary of agriculture of the United States, determines to be, and by rules and regulations adopted by the state board of agriculture are prescribed to be, necessary in order to fully inform a purchaser as to its value for such uses;

(11) if the product bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating that fact; to the extent that compliance with the requirements of this provision is impracticable, exemptions shall be established by rules and regulations adopted by the state board of agriculture; or

(12) if the product fails to bear directly thereon, or on the product container, as the state board of agriculture may prescribe by rules and regulations, the inspection legend unrestricted by any of the foregoing and such other information as the state board of agriculture may require in such rules and regulations to assure that the product will not have any false or misleading labeling and that the public will be informed of the manner of handling required to maintain the product in a wholesome condition.

(n) "Label" means a display of written, printed or graphic matter upon the immediate container (not including package liners) of any article.

(o) "Labeling" means all labels and other written, printed or graphic matter (1) upon any article or any of its containers or wrappers or (2) accompanying the article.

(p) "Federal meat inspection act" means the act so entitled, approved March 4, 1907, (21 U.S.C.A. 601 *et seq.*, 34 Stat. 1260) as amended by the federal wholesome meat act (8 Stat. 584).

(q) "Federal food, drug and cosmetic act" means the act so entitled, approved June 25, 1938, (21 U.S.C.A. 301 *et seq.*, 52 Stat. 1040) and acts amendatory thereof or supplementary thereto.

(r) "Federal poultry products inspection act" means the act so entitled, approved August 28, 1957, (21 U.S.C.A. 451 *et seq.*, 71 Stat. 441) as amended by the federal wholesome poultry products act (82 Stat. 791).

(s) "Pesticide chemical," "food additive," "color additive" and "raw agricultural commodity" have the meanings for purposes of this act as ascribed thereto under K.S.A. 65-656 and amendments thereto.

(t) "Official mark" means the official inspection legend or any other symbol prescribed by rules and regulations of the state board of agriculture to identify the status of any article or animal under this act.

(u) "Official inspection legend" means any symbol prescribed by rules and regulations of the state board of agriculture showing that an article was inspected and passed in accordance with this act.

(v) "Official certificate" means any certificate prescribed by rules and regulations of the state board of agriculture for issuance by an inspector or other person performing official functions under this act.

(w) "Official device" means any device prescribed or authorized by the state board of agriculture for use in applying any official mark.

(x) "Slaughterhouse" means any plant which carries on the slaughter and dressing of animals but which does not engage in the further processing of meat into meat food products.

(y) "Packing plant" or "packing house" means any installation processing meat into meat food products.

(z) "Buffalo" means the American buffalo or bison (*Bos*, *Bison bison* or *Bison americanus*).

(aa) "Livestock" means cattle, buffaloes, sheep, swine, goats, domesticated deer, all creatures of the ratite family that are not indigenous to this state, including but not limited to ostriches, emus and rheas or horses, mules or other equines. *Livestock shall not include buffalo or domesticated deer slaughtered for sport or recreational purpose.*

(bb) "Slaughter facility" means a slaughterhouse or poultry dressing plant.

(cc) "Processing facility" means a packing house, sausage plant or poultry packing plant.

(dd) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.;

And by renumbering sections accordingly;

Also on page 8, in line 42, by striking "and" and inserting a comma; also in line 42, after "65-171d" by inserting "and 65-6a18";

On page 1, in the title, in line 10, after "ACT" by inserting "concerning livestock,;" in line 13, after the semicolon by inserting "inspection,;" also in line 13, by striking "and" the first time it appears and inserting a comma; also in line 13, after "65-171d" by inserting "and 65-6a18";

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

DAN JOHNSON  
LARRY R. POWELL  
JAMES F. MILLER  
*Conferees on part of House*

DEREK SCHMIDT  
TIM HUELSKAMP  
CHRISTINE DOWNEY  
*Conferees on part of Senate*

On motion of Rep. D. Johnson, the conference committee report on **SB 131** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: J. Miller.

Absent or not voting: Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 145**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 145, as follows:

On page 1, in line 16, after "impounded" by inserting "may post a cash or security bond as provided in this section which"; also in line 16, after "prevent" by inserting "the"; in line 17, by striking "by posting a" and inserting ". Such"; also in line 17, after "bond" by inserting "shall be";

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

DAN JOHNSON  
LARRY R. POWELL  
BILL FEUERBORN  
*Conferees on part of House*

DEREK SCHMIDT  
TIM HUELSKAMP  
CHRISTINE DOWNEY  
*Conferees on part of Senate*

On motion of Rep. D. Johnson, the conference committee report on **H. Sub. for SB 145** was adopted.

On roll call, the vote was: Yeas 74; Nays 48; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Burroughs, Campbell, Carlin, Cox, Craft, Crow, Davis, Decker, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Henderson, Henry, Hill, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Loganbill, M. Long, Loyd, J. Miller, Minor, O'Malley, O'Neal, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Betts, Boyer, Brunk, Burgess, Carter, Compton, Dahl, DeCastro, Dillmore, Faber, Goering, Hayzlett, Holmes, Horst, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, Osborne, Ostmeyer, Patterson, Powell, Powers, Schwab, Schwartz, Siegfried, Svaty, D. Williams.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Neighbor.

**INTRODUCTION OF ORIGINAL MOTIONS**

In accordance with subsection (a) of House Rule 1503, Rep. Peterson moved that the order on General Orders of **H. Sub. for SB 9** be changed to the third measure of business to be considered on General Orders. Not having received the required 70 votes, the motion did not prevail.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Howell in the chair.

**COMMITTEE OF THE WHOLE**

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

Recommended that **HB 2412** be passed over and retain a place on the calendar.

Committee report to **HB 2464** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

On motion of Rep. Nichols **SB 265** be amended on page 2, in line 34, by striking all after "2002"; by striking line 35; in line 36, by striking all before the period; and **SB 265** be passed as amended.

Committee report to **HB 2237** be adopted; also, on motion of Rep. Bethell be amended on page 12, following line 12, by inserting the following:

"Sec. 4. K.S.A. 2002 Supp. 8-170, as amended by section 5 of 2003 House Bill No. 2193, is hereby amended to read as follows: 8-170. (a) Upon the transfer of ownership of any vehicle registered under the foregoing provisions of this act, its registration and right to use the license plates thereon shall expire and thereafter there shall be no transfer of any registration, and the license plates shall be removed by the owner thereof and it shall be unlawful for any person other than the person to whom such license plates were originally issued to have the same in possession. In case of a transfer of ownership of a registered vehicle the original owner of the license plates may register another antique vehicle under the same license plate designation, upon application therefor and the payment of a fee of \$1.50. On and after January 1, 2000, any model year license plate transferred shall comply with the provisions of subsection (c) of K.S.A. 8-172, and amendments thereto.

(b) Upon the transfer and sale of a registered vehicle by any person, the new owner thereof, before using a vehicle on the highways of this state, shall make application to the division for registration of the vehicle.

(c) Certificate of title:

(1) Application for certificate of title on an antique vehicle shall be made by the owner ~~or the owner's agent~~ upon a blank form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. ~~For~~

(A) *Except as provided in paragraph (B), any antique vehicle located within the state of Kansas having a model year prior to 1950, the application together with a bill of sale for the antique vehicle shall be accepted as prima facie evidence that the applicant is the owner of the vehicle and the certificate of title shall be issued for such vehicle. In addition to the application and bill of sale, the applicant shall provide an affidavit stating that the antique vehicle is located in Kansas, the vehicle is not assembled, a street rod or special interest vehicle, as defined under K.S.A. 8-194, and amendments thereto, and such applicant is the owner of such antique vehicle.*

(B) If the application and bill of sale are used to obtain a certificate of title for any antique vehicle having a model year of 1950 or later *or any assembled, street rod or special interest vehicle, as defined in K.S.A. 8-194, and amendments thereto, having a model year prior to 1950*, the certificate of title shall not be issued until an inspection in accordance with subsection (a) of K.S.A. 8-116, and amendments thereto, has been completed.

(C) The certificate of title shall be delivered to the applicant. The certificate shall contain the words "antique vehicle."

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner ~~before a notary public or some other officer authorized to administer an oath~~. A certificate of title may be issued under the provisions of this act without an application for registration.

(3) The fee for each original certificate of title so issued shall be \$10. The certificate of title shall be good for the life of the antique vehicle, so long as the same is owned or held by the original holder of the certificate of title, and shall not have to be renewed. In the event of a sale or transfer of ownership of an antique vehicle for which a certificate of title has been issued under the provisions of this subsection, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, as prescribed by the director, and the transferor must deliver the same to the buyer at the time of delivery of the vehicle. The buyer shall then present such certificate of title, assigned as aforesaid, to the director or an authorized agent of the director, whereupon a new certificate of title shall be issued to the buyer, the fee therefor being \$10.”;

By renumbering sections accordingly;

Also on page 12, in line 13, following “Supp.” by inserting “8-170, as amended by section 1 of 2003 House Bill No. 2118, 8-170, as amended by section 5 of 2003 House Bill No. 2193,”;

In the title, in line 10, by striking all following the semicolon; in line 11, by striking all preceding “amending”; in line 12, following “Supp.” by inserting “8-170, as amended by section 5 of 2003 House Bill No. 2193,”; in line 13, following “sections” by inserting “; also repealing K.S.A. 2002 Supp. 8-170, as amended by section 1 of House Bill No. 2118”;

Also, roll call was demanded on motion of Rep. Faber to amend **HB 2237** on page 1, in line 25, following the period, by inserting “No city shall impose a retailers’ sales tax under the provisions of this act and pledge or use the revenue received therefrom to or for a school or school district for general use, education budget, capital improvement spending or any other educational funding purpose.”;

On page 2, in line 13, following the period, by inserting “No county shall impose a retailers’ sales tax under the provisions of this act and pledge or use the revenue therefrom to or for a school district for general use, education budget, capital improvement spending or any other educational funding purpose.”;

On page 1, in the title, in line 11, by striking “in certain counties”;

On roll call, the vote was: Yeas 67; Nays 52; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Betts, Burroughs, Carlin, Craft, Crow, Dahl, DeCastro, Dillmore, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Hayzlett, Henderson, Henry, Holmes, Howell, Huy, Jack, E. Johnson, Kauffman, Kirk, Kuether, Landwehr, Larkin, Loganbill, M. Long, Loyd, Mason, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Myers, Neufeld, Nichols, Osborne, Ostmeyer, Pauls, Peterson, Powell, Powers, Reardon, Ruff, Sawyer, Schwartz, B. Sharp, Showalter, Shriver, Shultz, Sloan, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Davis, Decker, Dreher, Edmonds, Goering, Goico, Gordon, Hill, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kassebaum, Light, P. Long, Mays, Merrick, Jim Morrison, Judy Morrison, Newton, Novascone, O’Malley, O’Neal, Owens, Patterson, Pottorff, Rehorm, Reitz, Schwab, S. Sharp, Siegfried, Storm, Svaty, Tafanelli, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Grant, Holland, Klein, Krehbiel, Neighbor, Phelps.

The motion of Rep. Faber prevailed.

Also, on motion of Rep. Patterson to amend **HB 2237**, Rep. Edmonds requested the question be divided. The question was divided.

On Part A, the motion to amend did not prevail. On Part B, the motion was withdrawn.

Also, on motion of Rep. Larkin to amend **HB 2237**, Rep. Goering requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Larkin challenged the ruling, the question being “Shall the Rules Chair be sustained?” The Rules Chair was sustained.

Also, roll call was demanded on motion of Rep. Kirk to amend **HB 2237** on page 12, after line 12, by inserting the following:

“Sec. 4. K.S.A. 2002 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110.

(a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220,

and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

If the taxable income is:	The tax is:
Not over \$30,000 .....	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000 .....	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000 .....	\$2,925 plus 6.45% of excess over \$60,000

(2) *All other individuals.*

(A) For tax year 1997:

If the taxable income is:	The tax is:
Not over \$20,000 .....	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000 .....	\$820 plus 7.5% of excess over \$20,000
Over \$30,000 .....	\$1,570 plus 7.75% of excess over \$30,000

(B) For tax year 1998, and all tax years thereafter:

If the taxable income is:	The tax is:
Not over \$15,000 .....	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000 .....	\$525 plus 6.25% of excess over \$15,000
Over \$30,000 .....	\$1,462.50 plus 6.45% of excess over \$30,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

(1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and

(2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

(e) *In addition to the tax imposed pursuant to subsections (a) and (b) and except as otherwise provided, effective for tax year 2003 and tax years thereafter, a surtax shall be imposed on resident individuals and nonresident individuals in the amount of 4% of the tax due pursuant to subsections (a) and (b), computed without regard to any applicable income tax credits. The provisions of this subsection shall expire upon the United States congress authorizing the states to collect out-of-state sales tax.”;*

And by renumbering sections accordingly;

Also on page 12, in line 13, by striking “and” the second time it appears and inserting a comma; also in line 13, after “12-189” by inserting “and 79-32,110”;

On page 1, in the title, in line 11, after the semicolon by inserting “income tax surcharge.”; in line 12, by striking “and” where it appears for the first time and inserting a comma; also in line 12, after “12-189” by inserting “and 79-32,110”;

On roll call, the vote was: Yeas 5; Nays 112; Present but not voting: 0; Absent or not voting: 8.

Yeas: Flaharty, Larkin, Loganbill, McKinney, Storm.

Nays: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn,

Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Davis, Holland, Krehbiel, Minor, Neighbor, Nichols, B. Sharp, Wilson.

The motion of Rep. Kirk did not prevail.

Also, on motion to not recommend **HB 2237** favorably for passage, the motion prevailed.

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 126**, by Representative P. Long, commending the Coffey County Republican on being the best supporting newspaper for drug free communities;

**Request No. 127**, by Representative Reardon, congratulating the Bishop Miede girls' basketball team on winning the Class 5-A State Basketball Championship;

**Request No. 128**, by Representative J. Miller, commending Brian Shepard on serving as an intern during the 2003 Legislature;

**Request No. 129**, by Representative Powers, congratulating Andrew Hansen on attaining the rank of Eagle Scout;

**Request No. 130**, by Representative Dahl, congratulating Marvin and Elfrieda Funk on their 50th wedding anniversary and Wallace and Betty Seibel on their 60th wedding anniversary;

**Request No. 131**, by Representative Judy Morrison, congratulating Kyle Austin Sissom on attaining the rank of Eagle Scout;

**Request No. 132**, by Representative Gordon, congratulating Jamie Gordon and Tim Schwsaba on their engagement;

**Request No. 133**, by Representatives Phelps and D. Johnson, congratulating Dr. Richard Rajewski, M. D. on being named 2003 Family Practice Doctor of the Year;

**Request No. 134**, by Representative D. Johnson, congratulating Sue Rouse on being given the "Women Helping Women" award;

**Request No. 135**, by Representative Schwartz, congratulating Joy and Robert Claycamp, Sr., Hubert and Hedwig Kroeger, Eldred and Verena Schaefer and Norbert and Olga Heuer on their 50th wedding anniversaries;

**Request No. 136**, by Representative Dreher, congratulating Marie Nelson on her 100th birthday;

**Request No. 137**, by Representative Compton, congratulating the Sarah Phelan and Tyrel Entz on receiving Honorable Mention All Class 3A basketball honors;

**Request No. 138**, by Representatives Winn and Henderson, congratulating P.R.I.D.E. on the 25th anniversary of the Kansas City, Kansas chapter of the International Association of Black Professional Fire Fighters;

**Request No. 139**, by Representative Huff, congratulating Manfred and Dorothy Wehrly on their 50th wedding anniversary;

**Request No. 140**, by the House Taxation Committee, commending Don Hayward on his long service to the State of Kansas as the top revisor of the House Taxation Committee;

**Request No. 141**, by Representative Reitz, congratulating Don and Nayola Norris on their 50th wedding anniversary;

**Request No. 142**, by Representatives Winn and Henderson, congratulating Ethel Mills on her 105th birthday;

**Request No. 143**, by Representatives Winn and Henderson, congratulating Mary Lawson on her 100th birthday;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

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 were thereupon introduced and read by title:

**HB 2468.** An act concerning the school district finance and quality performance act; relating to certain general state aid payments; amending K.S.A. 72-6417 and repealing the existing section, by Committee on Appropriations.

**HB 2469.** An act concerning postsecondary education; relating to tuition waivers for foster care children; amending K.S.A. 74-32,151 and 74-32,161 and repealing the existing sections, by Representative Landwehr.

#### MESSAGES FROM THE SENATE

The Senate not adopts the conference committee report on **SB 7**, requests a new conference committee be appointed and has appointed Senators Umbarger, Vratil and Downey as second conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 2**, requests a conference and has appointed Senators Harrington, Vratil and Gooch as conferees on the part of the Senate.

Also, announcing passage of **SB 94, SB 272.**

Announcing passage of **HB 2241, HB 2310.**

Announcing passage of **HB 2125**, as amended; **HB 2176**, as amended.

The Senate adopts conference committee report on **SB 102.**

The Senate adopts conference committee report on **SB 103.**

The Senate adopts conference committee report on **HB 2078.**

The Senate adopts conference committee report on **HB 2121.**

The Senate adopts conference committee report on **HB 2201.**

The Senate adopts conference committee report on **HB 2234.**

The Senate adopts conference committee report on **S. Sub. for HB 2308.**

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

**SB 94, SB 272.**

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 2.**

Speaker pro tem Ballou thereupon appointed Reps. Mason, D. Williams and Rehorn as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 7.**

Speaker pro tem Ballou thereupon appointed Reps. Sloan, Horst and Storm as second conferees on the part of the House.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2125** and asked for a conference.

Speaker pro tem Ballou thereupon appointed Reps. Loyd, Owens and Ward as conferees on the part of the House.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Ballou in the chair.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Horst in the chair.

## COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Wilk **HB 2412** be amended on page 6, in line 4, by striking “of any”; in line 5, by striking all before “for”;

On page 8, in line 36, by striking all after the period; by striking all in lines 37 and 38;

On page 10, in line 31, by striking “transportation facilities.”; in line 35, by striking “, whether located within or outside of the state of Kansas”; in line 37, by striking “within the state of Kansas”;

On page 11, in line 4, by striking “within the state”; in line 5, by striking “of Kansas”;

On page 12, in line 42, by striking “, other than bonds issued”; in line 43, by striking “subsection (b) of”;

Also, on further motion of Rep. Wilk **HB 2412** be amended on page 2, in line 24, by striking all following “fund”; by striking all in line 25; in line 26, by striking all preceding the period;

On page 4, in line 8, following “council”, by inserting “, upon the affirmative vote of the governor and seven or more legislative members of the council,”; in line 9, by striking “and the”; by striking all in line 10; in line 11, by striking all preceding “hereby” and inserting “is”; in line 12, by striking “matters” and inserting “a matter”; in line 15, by striking all following “council”; by striking all in line 16;

On page 5, in line 12, by striking all following “fund”; by striking all in line 13; in line 14, by striking all preceding the period;

Also, on motion of Rep. Nichols **HB 2412** be amended on page 9, in line 1, after the comma by inserting “one member of the house of representatives appointed by the minority leader of the house of representatives, one member of the senate appointed by the minority leader of the senate.”;

Also, on motion of Rep. Wilson **HB 2412** be amended on page 4, in line 14, by striking all following the period; by striking all in lines 15 through 17;

Also, on motion of Rep. Gordon to amend **HB 2412**, the motion was withdrawn.

Also, roll call was demanded on motion of Rep. Nichols to amend **HB 2412** on page 2, in line 6, by striking “The” and inserting “Except as provided by this section, the”; in line 9, following the period, by inserting “The secretary of administration shall not sell any amount of tobacco settlement receipts that are required to be deposited in the state treasury to the credit of the Kansas endowment for youth fund to satisfy the transfers of moneys that are prescribed by K.S.A. 38-2102 and amendments thereto to be transferred from the Kansas endowment for youth fund to the children’s initiatives fund at the times prescribed by that statute.”;

On roll call, the vote was: Yeas 50; Nays 67; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Betts, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Feuerborn, Flaherty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Nichols, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, S. Sharp, Showalter, Shriver, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Wimm, Yoder.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, Decker, Dreher, Freeborn, Goering, Gordon, Hayzlett, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Light, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O’Malley, O’Neal, Osborne, Ostmeyer, Patterson, Powell, Powers,

Reitz, Schwab, Schwartz, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Wilk, D. Williams, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, DeCastro, Edmonds, Goico, Holland, Krehbiel, Landwehr, Neighbor.

The motion of Rep. Nichols did not prevail.

Also, rose and reported progress.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **SB 265** was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 265**, An act concerning state governmental ethics; concerning contracts involving state officers and employees; exemptions; amending K.S.A. 46-233 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 16; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Carlin, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Henderson, Henry, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Malley, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Campbell, Carter, Compton, Dahl, Faber, Freeborn, Hayzlett, Howell, Kauffman, Loyd, Mason, F. Miller, Novascone, O'Neal, Osborne, Ostmeyer.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, Neighbor.

The bill passed, as amended.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hutchins, the House concurred in Senate amendments to **HB 2212**, An act concerning cities; relating to annexation amending K.S.A. 12-523 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 79; Nays 40; Present but not voting: 0; Absent or not voting: 6.

Yeas: Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Cox, Craft, DeCastro, Dreher, Faber, Feuerborn, Flaharty, Flora, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Landwehr, Larkin, Loganbill, M. Long, Mason, Mays, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer, Schwab, Schwartz, Showalter, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Aurand, Ballou, Bethell, Campbell, Compton, Crow, Dahl, Davis, Decker, Dillmore, Freeborn, Gatewood, Hill, Holmes, Horst, Huntington, D. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Light, P. Long, Loyd, McCreary, F. Miller, Neufeld, Newton, O'Malley, Owens, Pottorff, Reitz, B. Sharp, S. Sharp, Shultz, Siegfried, Vickrey, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, Neighbor, Shriver.

On motion of Rep. P. Long, the House concurred in Senate amendments to **HB 2176**, An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions.

On roll call, the vote was: Yeas 87; Nays 33; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Barbieri-Lightner, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Craft, Dahl, DeCastro, Decker, Faber, Feuerborn, Freeborn, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Larkin, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, S. Sharp, Shriver, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Beggs, Betts, Carlin, Compton, Cox, Crow, Davis, Dillmore, Dreher, Flaharty, Flora, Gordon, Henderson, Hill, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Loganbill, Minor, Peterson, Pottorff, Rehorn, Reitz, Sawyer, B. Sharp, Showalter, Sloan, Storm, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, Neighbor.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 178**, submits the following report:

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

On page 9, in line 42, following "owners" by inserting "is";

On page 10, in line 8, following "services" by inserting "taxable pursuant to the provisions of the Kansas retailers' sales tax act, and amendments thereto,";

On page 11, in line 7, by striking all following "ury"; by striking all in line 8; in line 9, by striking all preceding the period;

On page 15, by striking all in lines 23 through 25 and inserting:

"Sec. 18. K.S.A. 12-1617e is hereby amended to read as follows: 12-1617e. (a) The governing body of any city ~~shall have the power to~~ *may* have removed or abated from any lot or parcel of ground within the city any and all nuisances, including rank grass, weeds or other vegetation ~~and shall have the power to cause to be.~~ *The governing body may have* drained any pond or ponds of water, at the cost and expense of the owner of the property on which the nuisance is located, whenever the city, county or joint board of health or other agency as may be designated by the governing body of the city files with the clerk of such city its statement in writing that such nuisance, rank vegetation, or pond of water, describing the same and where located, is a menace and dangerous to the health of the inhabitants of the city, or of any neighborhood, family or resident of the city. The governing body of the city, by resolution, also may make such determination.

~~The city clerk shall issue notice requiring~~ *(b) Except as provided by subsection (c), the governing body of the city shall order* the owner or agent of the owner of the ~~premises property~~ *premises property* to remove and abate from the ~~premises property~~ *premises property* the thing or things therein described as a nuisance within a time, not exceeding 10 days, to be specified in the ~~notice.~~ *notice order. The order shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The notice order shall be served on the owner or agent of such property by certified mail, return receipt requested, or by personal service, or if the same. If the property is unoccupied and the owner is a nonresident, then by mailing a notice the order by certified mail, return receipt requested, to the last known address of the owner.*

(c) *If the owner or agent of the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding twenty-four month period, the governing body of a city may provide notice of the issuance of any further orders to abate or remove a nuisance from such property in the manner provided by subsection (b) or as provided in this subsection. Except as specifically provided in this subsection, the governing body may provide notice of the order by such methods including, but not limited to, door hangers, conspicuously posting notice of such order on the property, personal notification, telephone communication or first class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first class mail.*

(d) *If the owner or agent fails to comply with the requirement of the ~~notice~~ order for a period longer than that named in the ~~notice~~ order, the city shall proceed to have the things described in the ~~notice~~ order removed and abated from the lot or parcel of ground. If the city abates or removes the nuisance, the city shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. The city also may recover the cost of providing notice, including any postage, required by this section. If the cost of such removal or abatement and notice is not paid within the thirty-day period, the cost shall be collected in the manner provided by K.S.A. 12-1,115, and amendments thereto, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid. The city may pursue collection both by levying a special assessment and in the manner provided by K.S.A. 12-1,115, and amendments thereto, but only until the full cost and any applicable interest has been paid in full.*

~~(e)~~ (e) *Any city may remove and abate from property other than public property or property open to use by the public a motor vehicle determined to be a nuisance. Disposition of such vehicle shall be in compliance with the procedures for impoundment, notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof thereof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of such motor vehicle. If a public auction is conducted, but no responsible bid received, the city may file proof thereof with the division of vehicles, and the division shall issue a certificate of title of such motor vehicle to the city. Any person whose motor vehicle has been disposed of pursuant to this subsection shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 *et seq.*, and amendments thereto. The amount of such refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.”;*

By renumbering sections accordingly;

On page 15, in line 26, following “K.S.A.” by inserting “12-1617e.”;

In the title, in line 11, following the semicolon, by inserting “the powers and duties of the governing bodies thereof.”; in line 12, following “K.S.A.” by inserting “12-1617e.”;

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

JENE VICKREY  
RALPH OSTMEYER  
ROGER TOELKES  
*Conferees on part of House*

BARBARA P. ALLEN  
KAY O’CONNOR  
MARK GILSTRAP  
*Conferees on part of Senate*

On motion of Rep. Vickrey, the conference committee report on **SB 178** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 7**, submits the following report:

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

On page 2, in line 26, following the semicolon, by inserting "and"; in line 29, by striking "4" and inserting "3"; in line 31, by striking ";" and inserting a period; by striking all in lines 32 and 33; in line 34, following "(b)" by inserting "(1)"; following line 40, by inserting:

"(2) After June 30, 2007, if the governing body of the technical college and the state board of regents have not approved a plan submitted pursuant to subsection (a), the state board of regents shall have the power to approve the plan and upon such approval and on the date determined in the approved plan, the independent governing board established pursuant to subsection (a) shall operate subject to the rules, regulations and supervision of the state board of regents in the same manner as other technical colleges, technical schools and area vocational technical schools.";

On page 3, by striking all in lines 15 through 28;

On page 4, by striking all in lines 4 through 43;

By striking all on pages 5 through 8;

On page 9, by striking all in lines 1 through 6;

By renumbering sections accordingly;

On page 10, in line 40, by striking "75-2319"; in line 41, by striking "and";

In the title, in line 16, by striking "75-2319 and";

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

TOM SLOAN  
DEENA HORST  
SUE STORM

*Conferees on part of House*

DWAYNE UMBARGER  
JOHN VRATIL  
CHRISTINE DOWNEY

*Conferees on part of Senate*

On motion of Rep. Sloan, the conference committee report on **SB 7** was adopted.

On roll call, the vote was: Yeas 103; Nays 17; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, Decker,

Dreher, Feuerborn, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Kuether, Landwehr, Larkin, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, DeCastro, Dillmore, Faber, Flaharty, Henry, Howell, Huy, Kauffman, Klein, Loganbill, F. Miller, Rehorn, Sawyer, Shriver, Swenson, Ward.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 2**, submits the following report:

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

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

WILLIAM G. MASON  
DAN WILLIAMS  
*Conferees on part of House*

NANCEY HARRINGTON  
JOHN VRATIL  
*Conferees on part of Senate*

On motion of Rep. Mason to adopt the conference committee report on **H. Sub. for SB 2**, the motion did not prevail and the bill remains in conference.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2038**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as amended by Senate Committee, as follows:

On page 4, in line 10, by striking "consumer" and inserting "propane"; also in line 10, after "products" by inserting "and equipment"; in line 11, by striking "consumer" and inserting "propane"; also in line 11, after "products" by inserting "and equipment for Kansas consumers"; in line 12, by striking "for Kansas consumers,,"; in line 13, by striking "consumer" and inserting "propane"; also in line 13, after "products" by inserting "and equipment";

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

DEREK SCHMIDT  
TIM HUELSKAMP  
CHRISTINE DOWNEY  
*Conferees on part of Senate*

DAN JOHNSON  
LARRY R. POWELL  
DANIEL J. THIMESCH  
*Conferees on part of House*

On motion of Rep. D. Johnson, the conference committee report on **HB 2038** was adopted.

On roll call, the vote was: Yeas 87; Nays 32; Present but not voting: 0; Absent or not voting: 6.

Yeas: Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Carlin, Comp-ton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty,

Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Henderson, Henry, Hill, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, J. Miller, Jim Morrison, Myers, Nichols, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, B. Sharp, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Brunk, Campbell, Carter, Dahl, Faber, Goering, Hayzlett, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, McLeland, Merrick, F. Miller, Minor, Judy Morrison, Neufeld, Newton, Osborne, Ostmeyer, Powell, Powers, Schwartz, Shultz, Vickrey, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2088**, submits the following report:

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

On page 2, in line 37, by striking all after the period; by striking all in lines 38 and 39;

On page 1, in the title, in line 11, by striking all after the semicolon; in line 12, by striking all before "amending";

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

JOHN VRATIL  
EDWARD W. PUGH  
GRETA GOODWIN  
*Conferees on part of Senate*

WARD LOYD  
THOMAS C. OWENS  
JAMES WARD  
*Conferees on part of House*

On motion of Rep. Loyd, the conference committee report on **HB 2088** was adopted.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2219**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for Substitute for House Bill No. 2219, as amended by Senate Committee of the Whole, as follows:

On page 3, in line 30, by striking all after the period; by striking all in lines 31 through 36; in line 37, by striking all before "The" and inserting "The classified stream segment shall only be considered impaired for primary contact recreational use-Class A if the calculated geometric mean of at least five samples collected in separate 24-hour periods within a 30-day period exceeds the corresponding water quality criterion.";

On page 4, in line 4, by striking "If"; by striking all in lines 5 through 10; in line 11, by striking all before "The" and inserting "The classified stream segment shall only be considered impaired for primary contact recreational use-Class B if the calculated geometric mean of at least five samples collected in separate 24-hour periods within a 30-day period exceeds the corresponding water quality criterion."; in line 24, by striking all after the period; by striking all in lines 25 through 29; in line 30, by striking all before "The" and inserting "The classified stream segment shall only be considered impaired for primary contact recreational use-Class C if the calculated geometric mean of at least five samples collected in separate 24-hour periods within a 30-day period exceeds the corresponding water quality criterion.";

On page 5, by striking all in lines 6 through 12 and inserting "The classified stream segment shall only be considered impaired for secondary contact recreational use-Class A if the calculated geometric mean of at least five samples collected in separate 24-hour periods within a 30-day period exceeds the corresponding water quality criterion."; in line 19, by striking all after the period; by striking all in lines 20 through 26 and inserting "The classified stream segment shall only be considered impaired for secondary contact recreational use-Class B if the calculated geometric mean of at least five samples collected in separate 24-hour periods within a 30-day period exceeds the corresponding water quality criterion."; in line 43, by striking "the Kansas department of";

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

ROBERT TYSON  
MARK TADDIKEN  
JANIS K. LEE

*Conferees on part of Senate*

JOANN LEE FREEBORN  
LEE E. TAFANELLI  
VAUGHN L. FLORA

*Conferees on part of House*

On motion of Rep. Freeborn, the conference committee report on **S. Sub. for Sub. HB 2219** was adopted.

On roll call, the vote was: Yeas 93; Nays 25; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Landwehr, Larkin, Light, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Phelps, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, S. Sharp, Showalter, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Burroughs, Crow, Davis, Dillmore, Faber, Flaharty, Flora, Gilbert, Henderson, Henry, Kirk, Klein, Kuether, Loganbill, Nichols, Pauls, Peterson, Reardon, Rehorn, Sawyer, B. Sharp, Shriver, Siegfried, Ward, Wimm.

Present but not voting: None.

Absent or not voting: Ballard, Betts, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2247**, submits the following report:

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

On page 6, following line 40, by inserting:

“(c) Restrictions, prohibitions and zoning requirements placed on property by a local or state government may be substituted in place of an environmental use control. Such restrictions, prohibitions and zoning requirements may be utilized in addition with any environmental use controls approved by the department. This provision does not grant or expand authority of local government to restrict, prohibit, zone or regulate land.”;

Also on page 6, in line 41, by striking “(c)” and inserting “(d)”;

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

ROBERT TYSON  
MARK TADDIKEN  
JANIS K. LEE  
*Conferees on part of Senate*

JOANN LEE FREEBORN  
LEE E. TAFANELLI  
JOSH SVATY  
*Conferees on part of House*

On motion of Rep. Freeborn, the conference committee report on **HB 2247** was adopted.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Kuetter, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Crow, Dreher, Holmes, Howell, Huebert, Kassebaum, Klein, Powers.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2288**, submits the following report:

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

On page 9, in line 8, by striking all after “card” where it appears for the first time; in line 9, by striking all before “or”;

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

BARBARA P. ALLEN  
KAY O'CONNOR  
*Conferees on part of Senate*

DON MYERS  
 TED POWERS  
*Conferees on part of House*

On motion of Rep. Myers, the conference committee report on **HB 2288** was adopted.

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Dahl, DeCastro, Decker, Dreher, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Landwehr, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Schwab, Schwartz, S. Sharp, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder.

Nays: Betts, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Shultz, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: This bill should be called HAVA not. Instead of making it easier to vote, this bill will turn off voters. Mr. Speaker, I must vote no on **HB 2288**.—TOM SAWYER

MR. SPEAKER: I disagree with the Kansas provisions of the Help Americans Vote Act. The proposed state law will disenfranchise certain groups of Kansas voters while at the same time exposing the social security number and date of birth of every registered voter in the state. The polling place is no longer safe!

This act doesn't help Kansans vote . . . it simply turns our election process into a system of fear and concern for most Kansans. We should be adopting the federal minimum, not the most oppressive election reform in the country. I vote no on **HB 2288**!—TOM THULL, DONALD BETTS JR., ETHEL PETERSON, NILE DILLMORE, BILL FEUERBORN, SYDNEY CARLIN, JAMES F. MILLER, JUDY SHOWALTER, JUDITH LOGANBILL, R.J. WILSON, JOSH SVATY, GERALDINE FLAHARTY, L. CANDY RUFF, BILL REARDON, EBER PHELPS, JERRY D. WILLIAMS, DOUG GATEWOOD, JIM WARD

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2332**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows: on page 28, following line 17, by inserting the following:

“Sec. 6. K.S.A. 2002 Supp. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise:

(a) (1) “Annual payroll” means the total amount of wages paid or payable by an employer during the calendar year.

(2) “Average annual payroll” means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer's “average annual payroll” shall be the average of the payrolls for those two calendar years.

(3) "Total wages" means the total amount of wages paid or payable by an employer during the calendar year, including that part of remuneration in excess of the limitation prescribed as provided in subsection (o)(1) of this section.

(b) "Base period" means the first four of the last five completed calendar quarters immediately preceding the first day of an individual's benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(1) If an individual lacks sufficient base period wages in order to establish a benefit year in the matter set forth above and satisfies the requirements of subsection (g) of K.S.A. 44-705 and subsection (hh) of K.S.A. 44-703, and amendments thereto, the claimant shall have an alternative base period substituted for the current base period so as not to prevent establishment of a valid claim. For the purposes of this subsection, "alternative base period" means the last four completed quarters immediately preceding the date the qualifying injury occurred. In the event the wages in the alternative base period have been used on a prior claim, then they shall be excluded from the new alternative base period.

(2) For the purposes of this chapter, the term "base period" includes the alternative base period.

(c) (1) "Benefits" means the money payments payable to an individual, as provided in this act, with respect to such individual's unemployment.

(2) "Regular benefits" means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) "Benefit year" with respect to any individual, means the period beginning with the first day of the first week for which such individual files a valid claim for benefits, and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the first day of the first week with respect to which an individual next files a claim for benefits. When such filing occurs with respect to a week which overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year. Any claim for benefits made in accordance with subsection (a) of K.S.A. 44-709 and amendments thereto shall be deemed to be a "valid claim" for the purposes of this subsection if the individual has been paid wages for insured work as required under subsection (e) of K.S.A. 44-705 and amendments thereto. Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting-period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.

(e) "Commissioner" or "secretary" means the secretary of human resources.

(f) (1) "Contributions" means the money payments to the state employment security fund which are required to be made by employers on account of employment under K.S.A. 44-710 and amendments thereto, and voluntary payments made by employers pursuant to such statute.

(2) "Payments in lieu of contributions" means the money payments to the state employment security fund from employers which are required to make or which elect to make such payments under subsection (e) of K.S.A. 44-710 and amendments thereto.

(g) "Employing unit" means any individual or type of organization, including any partnership, association, limited liability company, agency or department of the state of Kansas and political subdivisions thereof, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, which has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by

such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) "Employer" means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) of this section is performed and which during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the federal migrant and seasonal agricultural workers protection act or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, which is provided by such crew leader; and

(ii) such individual is not in the employment of such other person within the meaning of subsection (i) of this section.

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the service in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual for the service in agricultural labor performed by them; and

(iii) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit which: (i) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of \$1,500 or more, or (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service is employment as defined in subsection (i)(3)(E) of this section.

(4) (A) Any employing unit, whether or not it is an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to (i) substantially all of the employing enterprises, organization, trade or business, or (ii) substantially all the assets, of another employing unit which at the time of such acquisition was an employer subject to this act;

(B) any employing unit which is controlled substantially, either directly or indirectly by legally enforceable means or otherwise, by the same interest or interests, whether or not such interest or interests are an employing unit under subsection (g) of this section, which acquires or in any manner succeeds to a portion of an employer's annual payroll, which is less than 100% of such employer's annual payroll, and which intends to continue the acquired portion as a going business.

(5) Any employing unit which paid cash remuneration of \$1,000 or more in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa) of this section.

(6) Any employing unit which having become an employer under this subsection (h) has not, under subsection (b) of K.S.A. 44-711 and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit which has elected to become fully subject to this act in accordance with subsection (c) of K.S.A. 44-711 and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or which, as a condition for approval of this act for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(i) "Employment" means:

(1) Subject to the other provisions of this subsection, service, including service in interstate commerce, performed by

(A) Any active officer of a corporation; or

(B) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee; or

(C) any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services, for such individual's principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for side-line sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(D), the term "employment" shall include services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) the individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(c) the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term "employment" shall include an individual's entire service within the United States, even though performed entirely outside this state if,

(A) The service is not localized in any state, and

(B) the individual is one of a class of employees who are required to travel outside this state in performance of their duties, and

(C) the individual's base of operations is in this state, or if there is no base of operations, then the place from which service is directed or controlled is in this state.

(3) The term "employment" shall also include:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to subsection (l) of K.S.A. 44-714 and amendments thereto between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the secretary that: (i) Such individual has been and will continue to be free from control or direction over the performance of such services, both under the individual's contract of hire and in fact; and (ii) such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed.

(E) Service performed by an individual in the employ of this state or any instrumentality thereof, any political subdivision of this state or any instrumentality thereof, or in the employ of an Indian tribe, as defined pursuant to section 3306(u) of the federal unemployment tax act, any instrumentality of more than one of the foregoing or any instrumentality which is jointly owned by this state or a political subdivision thereof or Indian tribes and one or more other states or political subdivisions of this or other states, provided that such service is excluded from "employment" as defined in the federal unemployment tax act by reason of section 3306(c)(7) of that act and is not excluded from "employment" under subsection (i)(4)(A) of this section. For purposes of this section, the exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall also be applicable to services performed in the employ of an Indian tribe.

(F) Service performed by an individual in the employ of a religious, charitable, educational or other organization which is excluded from the term "employment" as defined in the federal unemployment tax act solely by reason of section 3306(c)(8) of that act, and is not excluded from employment under paragraphs (I) through (M) of subsection (i)(4).

(G) The term "employment" shall include the service of an individual who is a citizen of the United States, performed outside the United States except in Canada, in the employ of an American employer (other than service which is deemed "employment" under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state's law), if:

(i) The employer's principal place of business in the United States is located in this state; or

(ii) the employer has no place of business in the United States, but

(A) The employer is an individual who is a resident of this state; or

(B) the employer is a corporation which is organized under the laws of this state; or

(C) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) none of the criteria of paragraphs (i) and (ii) above of this subsection (i)(3)(G) are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An "American employer," for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States; or

(ii) a partnership if  $\frac{2}{3}$  or more of the partners are residents of the United States; or

- (iii) a trust, if all of the trustees are residents of the United States; or
- (iv) a corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2) of this section, all service performed by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or which as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the current calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term "employment" shall not include: (A) Service performed in the employ of an employer specified in subsection (h)(3) of this section if such service is performed by an individual in the exercise of duties:

- (i) As an elected official;
- (ii) as a member of a legislative body, or a member of the judiciary, of a state, political subdivision or of an Indian tribe;
- (iii) as a member of the state national guard or air national guard;
- (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
- (v) in a position which, under or pursuant to the laws of this state or tribal law, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) service performed by an individual in the employ of such individual's son, daughter or spouse, and service performed by a child under the age of 21 years in the employ of such individual's father or mother;

(D) service performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code of 1986, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the same manner and within the same period as is provided in subsection (f) of K.S.A. 44-717 and amendments thereto with respect to contributions erroneously collected;

(E) service covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit's duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) service performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) service performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) service performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code of 1986 (other than an organization described in section 401(a) or under section 521 of such code) if the remuneration for such service is less than \$50. In construing the application of the term "employment," if services performed during ½ or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than ½ of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term "pay period" means a period (of not more than 31 consecutive days) for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) service performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual's ministry or by a member of a religious order in the exercise of duties required by such order;

(K) service performed in a facility conducted for the purpose of carrying out a program of:

(i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or

(ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(L) service performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training;

(M) service performed by an inmate of a custodial or correctional institution, unless such service is performed for a private, for-profit employer;

(N) service performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) service performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital;

(Q) services performed as a qualified real estate agent. As used in this subsection (i)(4)(Q) the term "qualified real estate agent" means any individual who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers' and salespersons' license act and for whom:

(i) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other

output, including the performance of services, rather than to the number of hours worked; and

(ii) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes;

(R) services performed for an employer by an extra in connection with any phase of motion picture or television production or television commercials for less than 14 days during any calendar year. As used in this subsection, the term "extra" means an individual who pantomimes in the background, adds atmosphere to the set and performs such actions without speaking and "employer" shall not include any employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(S) services performed by an oil and gas contract pumper. As used in this subsection (i)(4)(S), "oil and gas contract pumper" means a person performing pumping and other services on one or more oil or gas leases, or on both oil and gas leases, relating to the operation and maintenance of such oil and gas leases, on a contractual basis for the operators of such oil and gas leases and "services" shall not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(T) service not in the course of the employer's trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$200 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer's trade or business, or

(ii) such individual was regularly employed, as determined under subparagraph (i), by such employer in the performance of such service during the preceding calendar quarter.

Such excluded service shall not include any services performed for an employer which is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income taxation under section 501(a) of the code;

(U) service which is performed by any person who is a member of a limited liability company and which is performed as a member or manager of that limited liability company; and

(V) services performed as a qualified direct seller. The term "direct seller" means any person if:

(i) Such person:

(a) is engaged in the trade or business of selling or soliciting the sale of consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise rather than in a permanent retail establishment; or

(b) is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) substantially all the remuneration whether or not paid in cash for the performance of the services described in subparagraph (i) is directly related to sales or other output including the performance of services rather than to the number of hours worked;

(iii) the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee for federal and state tax purposes;

(iv) for purposes of this act, a sale or a sale resulting exclusively from a solicitation made by telephone, mail, or other telecommunications method, or other nonpersonal method does not satisfy the requirements of this subsection; ~~and~~

(W) service performed as an election official or election worker, if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000; and

(X) *service performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 1101 (a)(15)(H)(ii)(a) of the immigration and nationality act.*

(j) "Employment office" means any office operated by this state and maintained by the secretary of human resources for the purpose of assisting persons to become employed.

(k) "Fund" means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) "State" includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) "Unemployment." An individual shall be deemed "unemployed" with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual's weekly benefit amount.

(n) "Employment security administration fund" means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) "Wages" means all compensation for services, including commissions, bonuses, back pay and the cash value of all remuneration, including benefits, paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. Compensation payable to an individual which has not been actually received by that individual within 21 days after the end of the pay period in which the compensation was earned shall be considered to have been paid on the 21st day after the end of that pay period. Effective January 1, 1986, gratuities, including tips received from persons other than the employing unit, shall be considered wages when reported in writing to the employer by the employee. Employees must furnish a written statement to the employer, reporting all tips received if they total \$20 or more for a calendar month whether the tips are received directly from a person other than the employer or are paid over to the employee by the employer. This includes amounts designated as tips by a customer who uses a credit card to pay the bill. Notwithstanding the other provisions of this subsection (o), wages paid in back pay awards or settlements shall be allocated to the week or weeks and reported in the manner as specified in the award or agreement, or, in the absence of such specificity in the award or agreement, such wages shall be allocated to the week or weeks in which such wages, in the judgment of the secretary, would have been paid. The term "wages" shall not include:

(1) That part of the remuneration which has been paid in a calendar year to an individual by an employer or such employer's predecessor in excess of \$3,000 for all calendar years prior to 1972, \$4,200 for the calendar years 1972 to 1977, inclusive, \$6,000 for calendar years 1978 to 1982, inclusive, \$7,000 for the calendar year 1983, and \$8,000 with respect to employment during any calendar year following 1983, except that if the definition of the term "wages" as contained in the federal unemployment tax act is amended to include remuneration in excess of \$8,000 paid to an individual by an employer under the federal act during any calendar year, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer's predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term "employment" shall include service constituting employment under any employment security law of another state or of the federal government;

(2) the amount of any payment (including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment) made to, or on

behalf of, an employee or any of such employee's dependents under a plan or system established by an employer which makes provisions for employees generally, for a class or classes of employees or for such employees or a class or classes of employees and their dependents, on account of (A) sickness or accident disability, except in the case of any payment made to an employee or such employee's dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workers compensation law. Any third party which makes a payment included as wages by reason of this subparagraph (2)(A) shall be treated as the employer with respect to such wages, or (B) medical and hospitalization expenses in connection with sickness or accident disability, or (C) death;

(3) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

(4) any payment made to, or on behalf of, an employee or such employee's beneficiary:

(A) From or to a trust described in section 401(a) of the federal internal revenue code of 1986 which is exempt from tax under section 501(a) of the federal internal revenue code of 1986 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust;

(B) under or to an annuity plan which, at the time of such payment, is a plan described in section 403(a) of the federal internal revenue code of 1986;

(C) under a simplified employee pension as defined in section 408(k)(1) of the federal internal revenue code of 1986, other than any contribution described in section 408(k)(6) of the federal internal revenue code of 1986;

(D) under or to an annuity contract described in section 403(b) of the federal internal revenue code of 1986, other than a payment for the purchase of such contract which was made by reason of a salary reduction agreement whether evidenced by a written instrument or otherwise;

(E) under or to an exempt governmental deferred compensation plan as defined in section 3121(v)(3) of the federal internal revenue code of 1986;

(F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subparagraph to take into account some portion or all of the increase in the cost of living, as determined by the secretary of labor, since retirement but only if such supplemental payments are under a plan which is treated as a welfare plan under section 3(2)(B)(ii) of the federal employee retirement income security act of 1974; or

(G) under a cafeteria plan within the meaning of section 125 of the federal internal revenue code of 1986;

(5) the payment by an employing unit (without deduction from the remuneration of the employee) of the tax imposed upon an employee under section 3101 of the federal internal revenue code of 1986 with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

(6) remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

(7) remuneration paid to or on behalf of an employee if and to the extent that at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the federal internal revenue code of 1986 relating to moving expenses;

(8) any payment or series of payments by an employer to an employee or any of such employee's dependents which is paid:

(A) Upon or after the termination of an employee's employment relationship because of (i) death or (ii) retirement for disability; and

(B) under a plan established by the employer which makes provisions for employees generally, a class or classes of employees or for such employees or a class or classes of employees and their dependents, other than any such payment or series of payments which would have been paid if the employee's employment relationship had not been so terminated;

- (9) remuneration for agricultural labor paid in any medium other than cash;
- (10) any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 129 of the federal internal revenue code of 1986 which relates to dependent care assistance programs;
- (11) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the federal internal revenue code of 1986;
- (12) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;
- (13) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74(c), 117 or 132 of the federal internal revenue code of 1986; or
- (14) any payment made, or benefit furnished, to or for the benefit of an employee, if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127 of the federal internal revenue code of 1986 relating to educational assistance to the employee.

Nothing in any paragraph of subsection (o), other than paragraph (1), shall exclude from the term "wages": (1) Any employer contribution under a qualified cash or deferred arrangement, as defined in section 401(k) of the federal internal revenue code of 1986, to the extent that such contribution is not included in gross income by reason of section 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount treated as an employer contribution under section 414(h)(2) of the federal internal revenue code of 1986.

Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this section as of the later of when the services are performed or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of this paragraph, and the income attributable thereto, shall not thereafter be treated as wages for purposes of this section. For purposes of this paragraph, the term "nonqualified deferred compensation plan" means any plan or other arrangement for deferral of compensation other than a plan described in subsection (o)(4).

(p) "Week" means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) "Calendar quarter" means the period of three consecutive calendar months ending March 31, June 30, September 30 or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) "Insured work" means employment for employers.

(s) "Approved training" means any vocational training course or course in basic education skills approved by the secretary or a person or persons designated by the secretary.

(t) "American vessel" or "American aircraft" means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft which is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) "Institution of higher education," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this state to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section, except that no college, university, junior college or other postsecondary school or institution which is operated by the federal government or any agency thereof shall be an institution of higher education for purposes of the employment security law.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u) of this section, or any institution, except private for profit institutions, in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and which is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school or to an Indian tribe in the operation of an educational institution. The courses of study or training which an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended (46 Stat. 1500, sec. 3; 12 U.S.C. 1141j) or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than ½ of the commodity with respect to which such service is performed;

(ii) in the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in paragraph (i) above of this subsection (w)(1)(D), but only if such operators produced more than ½ of the commodity with respect to which such service is performed;

(iii) the provisions of paragraphs (i) and (ii) above of this subsection (w)(1)(D) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of the employer's trade or business.

(2) "Agricultural labor" does not include service performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the federal immigration and nationality act.

(3) As used in this subsection (w), the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(4) For the purpose of this section, if an employing unit does not maintain sufficient records to separate agricultural labor from other employment, all services performed during any pay period by an individual for the person employing such individual shall be deemed

to be agricultural labor if services performed during ½ or more of such pay period constitute agricultural labor; but if the services performed during more than ½ of any such pay period by an individual for the person employing such individual do not constitute agricultural labor, then none of the services of such individual for such period shall be deemed to be agricultural labor. As used in this subsection (w), the term “pay period” means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the individual by the person employing such individual.

(x) “Reimbursing employer” means any employer who makes payments in lieu of contributions to the employment security fund as provided in subsection (e) of K.S.A. 44-710 and amendments thereto.

(y) “Contributing employer” means any employer other than a reimbursing employer or rated governmental employer.

(z) “Wage combining plan” means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the “paying state,” and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) “Domestic service” means any service for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer’s trade, occupation, profession, enterprise or vocation.

(bb) “Rated governmental employer” means any governmental entity which elects to make payments as provided by K.S.A. 44-710d and amendments thereto.

(cc) “Benefit cost payments” means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) “Successor employer” means any employer, as described in subsection (h) of this section, which acquires or in any manner succeeds to (1) substantially all of the employing enterprises, organization, trade or business of another employer or (2) substantially all the assets of another employer.

(ee) “Predecessor employer” means an employer, as described in subsection (h) of this section, who has previously operated a business or portion of a business with employment to which another employer has succeeded.

(ff) “Lessor employing unit” means any independently established business entity which engages in the business of providing leased employees to a client lessee.

(gg) “Client lessee” means any individual, organization, partnership, corporation or other legal entity leasing employees from a lessor employing unit.

(hh) “Qualifying injury” means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers compensation act, K.S.A. 44-501 *et seq.*, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 28, in line 18, after “Supp.” by inserting “44-703.”;

On page 1, in the title, in line 13, before “amending” by inserting “relating to the definition of employment.”; in line 14, after “Supp.” by inserting “44-703.”;

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

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

*Conferees on part of Senate*

DONALD L. DAHL

TODD NOVASCONE

L. CANDY RUFF

*Conferees on part of House*

On motion of Rep. Dahl, the conference committee report on **HB 2332** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2078**, submits the following report:

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

On page 4, in line 7, by striking all after the stricken "10%"; in line 8, by striking all before "for"; by striking all in line 17; in line 18, by striking "17%";

On page 5, in line 11, by striking "adjacent" and inserting "additional"; in line 22, by striking "2008" and inserting "2007";

On page 9, in line 29, by striking "environment" and inserting "tourism and parks";

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

ROBERT TYSON

MARK TADDIKEN

JANIS K. LEE

*Conferees on part of Senate*

BECKY HUTCHINS

GARY K. HAYZLETT

TOM THULL

*Conferees on part of House*

On motion of Rep. Hutchins, the conference committee report on **HB 2078** was adopted.

On roll call, the vote was: Yeas 102; Nays 17; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McKinney, McLeland, F. Miller, J. Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Burroughs, Carter, Davis, Dillmore, Faber, Goering, Goico, Henderson, Howell, Huebert, Huy, McCreary, Merrick, Jim Morrison, Powers, Siegfried, J. Williams.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Neighbor.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2121**, submits the following report:

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

On page 2, in line 1, before "\$100", by inserting "\$50 for the period commencing on the effective date of this act and ending on June 30, 2004, and the amount of"; also in line 1, after "\$100", by inserting "on or after July 1, 2004,"; following line 12, by inserting the following:

"Sec. 3. On and after July 1, 2003, K.S.A. 2002 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in this act, unless the context otherwise requires:

(a) "Offender" means: (1) A sex offender as defined in subsection (b);  
 (2) a violent offender as defined in subsection (d);  
 (3) a sexually violent predator as defined in subsection (f);  
 (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:

(A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;

(B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or

(C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;

(5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:

(A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;

(B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;

(C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;

(D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;

(E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto; or

(F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;

(6) any person ~~who is a resident of this state~~ who has been required to register under any federal, military or other state's law *or is otherwise required to be registered*;

(7) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4) or (5), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4) or (5); or

(8) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4) or (5).

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

(1) Rape as defined in K.S.A. 21-3502 and amendments thereto;

(2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;

(3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;

(4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;

(5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;

(6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;

(7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;

(8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;

(9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;

(10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;

(11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or

(12) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;

(13) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or

(14) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, after the effective date of this act, is convicted of any of the following crimes:

(1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;

(2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;

(3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;

(4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;

(5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto;

or

(6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or

(7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

(f) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

(1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 2002 Supp. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) "Institution of higher education" means any post-secondary school under the supervision of the Kansas board of regents.

Sec. 4. On and after July 1, 2003, K.S.A. 2002 Supp. 22-4903 is hereby amended to read as follows: 22-4903. Any person who is required to register as provided in this act who violates any of the provisions of this act, *including all duties set out in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto*, is guilty of a severity level 10, nonperson felony.

Sec. 5. On and after July 1, 2003, K.S.A. 2002 Supp. 22-4904 is hereby amended to read as follows: 22-4904. (a) (1) Except as provided in subsection (a)(2), within 10 days of the offender coming into any county in which the offender resides or is temporarily domiciled for more than 10 days, the offender shall register with the sheriff of the county.

(2) Within 10 days of the offender coming into any county in which the offender resides or temporarily resides for more than 10 days, any offender who has provided the information and completed and signed the registration form as required in K.S.A. 22-4905 and amendments thereto, shall verify with the sheriff of the county that the sheriff has received such offender's information and registration form.

(3) Upon registration with a school or educational institution, a nonresident student attending such school or educational institution shall register with the sheriff within 10 days of the commencement of the school term.

(4) Upon commencement of employment, a nonresident worker shall register with the sheriff within 10 days of the commencement date of employment.

(5) For persons required to register as provided in subsections (a)(1), (a)(3) and (a)(4), the sheriff shall: (A) Explain the duty to register and the procedure for registration;

(B) obtain the information required for registration as provided in K.S.A. 22-4907 and amendments thereto;

(C) inform the offender that the offender must give written notice of any change of address within 10 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(D) inform the nonresident student offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any change or termination of attendance at the school or educational institution the offender is attending, within 10 days of such change or termination;

(E) inform the nonresident worker offender that the offender must give written notice to the sheriff and the Kansas bureau of investigation of any termination of employment at the offender's place of employment, within 10 days of such termination;

(F) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 10 days of such change in residence;

(G) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student; ~~and~~

(H) *inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 10 days upon commencement of enrollment or employment;*

(I) *inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 10 days of the change or termination; and*

(J) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(6) Such sheriff, within three days of receipt of the initial registration shall forward this information to the Kansas bureau of investigation.

(7) Notwithstanding any other provision of law, if a diversionary agreement or probation order, either adult or juvenile, or a juvenile offender sentencing order, requires registration under the Kansas offender registration act then all provisions of that act shall apply, except

that the term of registration shall be controlled by such diversionary agreement, probation order or juvenile offender sentencing order.

(b) (1) If any person required to register as provided in this act changes the address of the person's residence, the offender, within 10 days, shall inform in writing the Kansas bureau of investigation of the new address.

(2) After receipt of the change of address, the Kansas bureau of investigation shall forward this information to the law enforcement agency having jurisdiction of the new place of residence within 10 days of such receipt of the change of address.

(c) For any person required to register as provided in this act, every 90 days after the person's initial registration date during the period the person is required to register, the following applies:

(1) The Kansas bureau of investigation shall mail a nonforwardable verification form to the last reported address of the person.

(2) The person shall mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form.

(3) The verification form shall be signed by the person and shall provide the following information, as applicable, to the Kansas bureau of investigation: (A) Whether the person still resides at the address last reported; (B) whether the person still attends the school or educational institution last reported; (C) whether the person is still employed at the place of employment last reported; and (D) whether the person's vehicle registration information is the same as last reported.

(4) If the person fails to mail the verification form to the Kansas bureau of investigation within 10 days after receipt of the form, the person shall be in violation of the Kansas offender registration act.

(5) Nothing contained in this section shall be construed to alleviate any person required to register as provided in this act from meeting the requirements prescribed in subsections (a)(1), (a)(2) and (b)(1).

Sec. 6. On and after July 1, 2003, K.S.A. 2002 Supp. 22-4905 is hereby amended to read as follows: 22-4905. (a) (1) Any offender, who is discharged or paroled from a prison, hospital or other institution or facility involving a violation of any crime or confinement as provided in subsection (a), (b), (d) or (f) of K.S.A. 22-4902 and amendments thereto, prior to discharge, parole or release, shall be informed by the staff of the facility in which the offender was confined of the duty to register as provided in this act.

(2) (A) The staff of the facility shall: (i) Explain the duty to register and the procedure for registration;

(ii) obtain the information required for registration as provided in K.S.A. 22-4907 and amendments thereto;

(iii) inform the offender that the offender must give written notice of any change of address within 10 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(iv) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 10 days of such change in residence;

(v) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student; ~~and~~

(vi) *inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days or an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 10 days upon commencement of enrollment or employment;*

(vii) *inform the offender that if there is any change or termination in attendance or employment, at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 10 days of the change or termination; and*

(viii) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(B) The staff of the facility shall give one copy of the form to the person, within three days, and shall send two copies of the form provided by subsection (2)(A)(v) to the Kansas bureau of investigation, which shall then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon discharge, parole or release. The Kansas bureau of investigation must immediately ensure that such information is entered in the state law enforcement record system. The Kansas bureau of investigation shall transmit such conviction data and fingerprints to the federal bureau of investigation.

(b) (1) Any offender who is released on probation, receives a suspended sentence, sentenced to community corrections or released on postrelease supervision because of the commission of any crime as provided in subsection (a), (b) or (d) of K.S.A. 22-4902 and amendments thereto, prior to release, shall be informed of the offenders duty to register as provided in this act by the court in which the offender is convicted.

(2) (A) The court shall: (i) Explain the duty to register and the procedure for registration;

(ii) obtain the information required for registration as provided in K.S.A. 22-4907 and amendments thereto;

(iii) inform the offender that the offender must give written notice of any change of address within 10 days of a change in residence to the law enforcement agency where last registered and the Kansas bureau of investigation;

(iv) inform the offender that if the offender changes residence to another state, the offender must inform the law enforcement agency where last registered and the Kansas bureau of investigation of such change in residence and must register in the new state within 10 days of such change in residence;

(v) inform the offender that the offender must also register in any state or county where the offender is employed, carries on a vocation or is a student; ~~and~~

(vi) *inform the offender that if the offender expects to or subsequently becomes enrolled in any institution of higher education in the state of Kansas on a full-time or part-time basis or have any full-time or part-time employment at an institution of higher education in the state of Kansas, with or without compensation, for more than 14 days or for an aggregate period exceeding 30 days in one calendar year, the offender must provide written notice to the Kansas bureau of investigation within 10 days upon commencement of enrollment or employment;*

(vii) *inform the offender that if there is any change or termination in attendance or employment at an institution of higher education, the offender must provide written notice to the Kansas bureau of investigation within 10 days of the change or termination; and*

(viii) require the offender to read and sign the registration form which shall include a statement that the requirements provided in this subsection have been explained to the offender.

(B) The court shall give one copy of the form to the person and, within three days, shall send two copies of the form provided by subsection (2)(A)(v) to the Kansas bureau of investigation which shall then forward one copy to the law enforcement agency having jurisdiction where the person expects to reside upon release. The Kansas bureau of investigation must immediately ensure that such information is entered in the state law enforcement record system. The Kansas bureau of investigation shall transmit such conviction data and fingerprints to the federal bureau of investigation.

Sec. 7. On and after July 1, 2003, K.S.A. 2002 Supp. 22-4902, 22-4903, 22-4904 and 22-4905 are hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 10, by striking “relat-”; by striking all of line 11; in line 12, after “22-4529”, by inserting “, 22-4902, 22-4903, 22-4904 and 22-4905”;

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

JOHN VRATIL  
BARBARA P. ALLEN  
GRETA GOODWIN  
*Conferees on part of Senate*

WARD LOYD  
THOMAS C. OWENS  
JAMES WARD  
*Conferees on part of House*

On motion of Rep. Loyd, the conference committee report on **HB 2121** was adopted.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Powers.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Mason, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2201**, submits the following report:

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

- On page 1, by striking all in lines 31 through 43;
- By striking all on pages 2 through 14;
- On page 15, by striking all in line 1;
- By renumbering the remaining sections accordingly;
- On page 24, in line 5, preceding "K.S.A." by inserting "On and after July 1, 2003,;" in line 36, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 25, in line 19, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 26, in line 29, preceding "(a)" by inserting "On and after July 1, 2003,;"
- On page 27, in line 4, preceding "K.S.A." by inserting "On and after July 1, 2003,;" in line 39, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 28, in line 19, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 29, in line 10, preceding "K.S.A." by inserting "On and after July 1, 2003,;" in line 39, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 30, in line 16, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 35, in line 11, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 36, in line 20, preceding "K.S.A." by inserting "On and after July 1, 2003,;" in line 42, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 37, in line 36, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 38, in line 14, preceding "K.S.A." by inserting "On and after July 1, 2003,;" in line 26, preceding "K.S.A." by inserting "On and after July 1, 2003,;"
- On page 39, in line 4, preceding "K.S.A." by inserting "On and after July 1, 2003,;"

On page 40, in line 3, by striking all following "K.S.A."; by striking all in line 4; in line 5, by striking all preceding "are" and inserting "22-3902, 22-3904, 31-133 and 41-2611 and K.S.A. 2002 Supp. 22-3901 and 41-2708"; in line 11, by striking "21-3610 and 41-727" and inserting "12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 21-3610, 21-4603d, 41-727, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913, 80-1917 and 80-1921";

In the title, by striking all in lines 17 through 28 and inserting:

"AN ACT concerning certain unlawful activities; providing penalties therefor; relating to investigation of arson and the expenses of such investigation; relating to the use of pyrotechnics in places of public assembly; relating to consumption of alcoholic beverages by minors; amending K.S.A. 22-3902, 22-3904, 31-133, 31-137 and 41-2611 and K.S.A. 2002 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 21-3610, 21-4603d, 22-3901, 41-727, 41-2708, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections.";

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

BARBARA P. ALLEN  
KAY O'CONNOR  
MARK GILSTRAP  
*Conferees on part of Senate*

JENE VICKREY  
RALPH OSTMEYER  
ROGER E. TOELKES  
*Conferees on part of House*

On motion of Rep. Vickrey to adopt the conference committee report on **HB 2201**, Rep. Loyd offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker Mays thereupon appointed Reps. Vickrey, Ostmeyer and Toelkes as second conferees on the part of the House.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2234**, submits the following report:

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

On page 5, by striking all in lines 34 through 43;

On page 6, by striking all in lines 1 through 24; in line 25, by striking "thereto.";

On page 7, by striking all in lines 34 through 43;

On page 8, by striking all in lines 1 through 20 and inserting in lieu thereof the following:  
"Sec. 3. K.S.A. 65-6309 is hereby amended to read as follows: 65-6309. (a) *Except as provided in subsections (b) and (c)*, an applicant shall be exempted from the requirement for any examination provided for herein if:

(1) The applicant proves to the board that the applicant is licensed or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this act as determined by the board; and

(2) pursuant to the laws of any such state or territory, the applicant has taken and passed an examination similar to that for which exemption is sought, as determined by the board.

(b) *The board may issue a license to an individual who is currently licensed to practice social work at the clinical level in another jurisdiction if the board determines that:*

(1) *The standards for licensure to practice social work at the clinical level in the other jurisdiction are substantially equivalent to the requirements of this state for licensure at the clinical level; or*

(2) *the applicant demonstrates on forms provided by the board compliance with the following standards as adopted by the board:*

(A) *Continuous licensure to practice social work at the clinical level during the five years immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;*

(B) *the absence of disciplinary actions of a serious nature brought by a licensing board or agency; and*

(C) *a masters or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work program recognized and approved by the board pursuant to rules and regulations adopted by the board.*

(c) *Applicants for licensure as a clinical specialist social worker shall additionally demonstrate competence to diagnose and treat mental disorders through meeting the following requirements:*

(1) *Passing a national clinical examination approved by the board or, in the absence of the national examination, continuous licensure to practice as a clinical social worker during the 10 years immediately preceding the application; and*

(2) *three years of clinical practice with demonstrated experience in diagnosing or treating mental disorders.*

(d) *An applicant for a license under this section shall pay an application fee established by the board under K.S.A. 65-6314 and amendments thereto.*

~~(b) An applicant for a license as a baccalaureate social worker who is, on the effective date of this act, employed as a social worker, social work supervisor or a social work administrator and who applied for such license on or before July 1, 1975, shall be exempt from academic and examination requirements imposed under the provisions of this act. An applicant for a license as a baccalaureate social worker who is a social worker, otherwise qualified for licensure as a baccalaureate social worker, and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements imposed under the provisions of this act.~~

~~(c) An applicant for a license as a master social worker who applied for such license on or before July 1, 1975, and who presents proof to the board that such applicant is engaging in the private practice of social work may be exempt from the two years' supervised experience otherwise required by this act.~~

~~(d) An applicant for a license as a master social worker who has satisfactorily completed a master's program in social work and was awarded a certificate, and who is employed in a position for which the master's degree is normally required and who applied for such license on or before July 1, 1975, shall be exempt from academic and examination requirements for licensing under the provisions of this act. An applicant for a license as a master social worker who is otherwise qualified for such licensure on the effective date of this act and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements for licensing under the provisions of this act.~~

~~(e) An applicant for a license in a social work specialty who has satisfactorily completed two years of graduate social work training and was awarded a certificate, and who is employed in a position for which the master's degree is normally required and who applied for such license on or before July 1, 1975, shall be exempt from academic requirements for licensing under the provisions of this act.~~

~~(f) An applicant for a license in a social work specialty who is otherwise qualified for such license on the effective date of this act and who applied for such license on or before July 1, 1975, shall be exempt from the examination requirements for licensing under the provisions of this act.~~

~~(g) An applicant for licensing in a social work specialty who was engaged in the practice of a specialty approved by the board on the effective date of this act and who meets the academic requirements for licensing as a master social worker or qualifies for an exemption therefrom under the provisions of this section shall be exempt from the requirement for two years of supervised experience required for licensing under the provisions of this act.~~

~~(h) (e) Upon application, the board shall issue temporary licenses to persons who have met all qualifications for licensure under provisions of this act, except passage of the required examination, who must wait for completion of the next examination, who have paid the required fee and who have submitted documentation as required by the board under the following provisions: (1) The temporary license shall expire upon receipt and recording of~~

the person's examination score by the board if such person fails the examination or upon the date the board issues or denies the person a license to practice social work if such person passes the examination; (2) such persons shall take the next license examination subsequent to the date of issuance of the temporary license unless there are extenuating circumstances approved by the board; (3) no person may be granted a temporary license more than once; and (4) no person may work under a temporary license except under the supervision of a licensed social worker. Nothing in this subsection shall affect any temporary permit to practice issued under this subsection prior to the effective date of this act and in effect on the effective date of this act. Such temporary permit shall be subject to the provisions of this subsection in effect at the time of its issuance and shall continue to be effective until the date of expiration of the permit as provided under this subsection at the time of issuance of such temporary permit.

(f) Any individual employed by a hospital and working in the area of hospital social services to patients of such hospital on July 1, 1974, is exempt from the provisions of this act.

(g) If an applicant is denied licensure, the board shall provide the applicant with a written explanation of the denial within 10 days after the decision of the board, excluding Saturdays, Sundays and legal holidays.”;

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

SUSAN WAGLE  
JIM BURNETT  
DAVID HALEY  
*Conferees on part of Senate*

JIM MORRISON  
PEGGY LONG  
NANCY A. KIRK  
*Conferees on part of House*

On motion of Rep. Jim Morrison, the conference committee report on **HB 2234** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 114; Nays 4; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Howell, Huebert, Neufeld.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Mason, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2308**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2308, as follows:

On page 1, in line 34, by striking "Lists" and inserting "lists"; also in line 34, by striking "the state"; by striking all of line 35; in line 36, by striking "thereto, and"; in line 38, by

striking “their” and inserting “such institution’s”; also in line 38, by striking “501(c)(3)”; in line 39, before “for” by inserting “, which qualify under section 501(c)(3) of the federal internal revenue code of 1986,”; in line 40, by striking “state educational”; also in line 40, after “institutions” by striking the comma; also in line 40, by striking all after “and”; in line 41, before “affiliates” by inserting “such”; by striking all in line 43;

On page 2, by striking all in line 1 and inserting the following:

“(b) Any person subject to this section who knowingly violates the provisions of this section shall be liable for the payment of a civil penalty in an action brought by the attorney general or county or district attorney in a sum set by the court not to exceed \$500 for each violation.

(c) The provisions of this section shall not apply to nor impose any civil liability or penalty upon any public official, public agency or records custodian for granting access to or providing copies of public records or information containing names and addresses, in good faith compliance with the Kansas open records act, to a person who has made a written request for access to such information and has executed a written certification pursuant to subsection (c)(2) of K.S.A. 45-220, and amendments thereto.

(d) This section shall be a part of and supplemental to the Kansas open records act.

Sec. 2. K.S.A. 45-220 is hereby amended to read as follows: 45-220. (a) Each public agency shall adopt procedures to be followed in requesting access to and obtaining copies of public records, which procedures shall provide full access to public records, protect public records from damage and disorganization, prevent excessive disruption of the agency’s essential functions, provide assistance and information upon request and insure efficient and timely action in response to applications for inspection of public records.

(b) A public agency may require a written request for inspection of public records but shall not otherwise require a request to be made in any particular form. Except as otherwise provided by subsection (c), a public agency shall not require that a request contain more information than the requester’s name and address and the information necessary to ascertain the records to which the requester desires access and the requester’s right of access to the records. A public agency may require proof of identity of any person requesting access to a public record. No request shall be returned, delayed or denied because of any technicality unless it is impossible to determine the records to which the requester desires access.

(c) If access to public records of an agency or the purpose for which the records may be used is limited pursuant to K.S.A. ~~21-3014~~ or 45-221 or section 1, and amendments thereto, the agency may require a person requesting the records or information therein to provide written certification that:

(1) The requester has a right of access to the records and the basis of that right; or

(2) the requester does not intend to, and will not: (A) Use any list of names or addresses contained in or derived from the records or information for the purpose of selling or offering for sale any property or service to any person listed or to any person who resides at any address listed; or (B) sell, give or otherwise make available to any person any list of names or addresses contained in or derived from the records or information for the purpose of allowing that person to sell or offer for sale any property or service to any person listed or to any person who resides at any address listed.

(d) A public agency shall establish, for business days when it does not maintain regular office hours, reasonable hours when persons may inspect and obtain copies of the agency’s records. The public agency may require that any person desiring to inspect or obtain copies of the agency’s records during such hours so notify the agency, but such notice shall not be required to be in writing and shall not be required to be given more than 24 hours prior to the hours established for inspection and obtaining copies.

(e) Each official custodian of public records shall designate such persons as necessary to carry out the duties of custodian under this act and shall ensure that a custodian is available during regular business hours of the public agency to carry out such duties.

(f) Each public agency shall provide, upon request of any person, the following information:

(1) The principal office of the agency, its regular office hours and any additional hours established by the agency pursuant to subsection (c).

(2) The title and address of the official custodian of the agency's records and of any other custodian who is ordinarily available to act on requests made at the location where the information is displayed.

(3) The fees, if any, charged for access to or copies of the agency's records.

(4) The procedures to be followed in requesting access to and obtaining copies of the agency's records, including procedures for giving notice of a desire to inspect or obtain copies of records during hours established by the agency pursuant to subsection (c).

Sec. 3. K.S.A. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which: (1) Relate to the physical or mental condition of any person; (2) have been expunged; or (3) are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to criminal justice agencies, as defined in K.S.A. 22-4701, and amendments thereto, for use in criminal investigations or criminal proceedings. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by K.S.A. 8-1567, and amendments thereto;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by ~~K.S.A. 21-3914~~ ~~section 1~~, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects,

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed; or

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history

reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 4. K.S.A. 74-9304 is hereby amended to read as follows: 74-9304. (a) In order to achieve its purpose as provided in this act, INK shall:

(1) Serve in an advisory capacity to the secretary of administration, division of information services and communications and other state agencies regarding the provision of state data to the citizens and businesses of Kansas;

(2) seek advice from the general public, its subscribers, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of networking, electronic mail, public information access, gateway services, add-on services and electronic filing of information; and

(3) develop charges for the services provided to subscribers, which include the actual costs of providing such services.

(b) All state agencies shall cooperate with INK in providing such assistance as may be requested for the achievement of its purpose. Agencies may recover actual costs incurred by providing such assistance. Services and information to be provided by any agency shall be specified pursuant to contract between INK and such agency and shall comply with the provisions of K.S.A. 45-215 et seq. and ~~21-3914~~ *section 1*, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 2, by striking “is” and inserting “, 45-220, 74-2012 and 74-9304 are”;

On page 1, in the title, in line 9, after the semicolon by inserting “amending K.S.A. 45-220, 74-2012 and 74-9304 and repealing the existing sections; also”;

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

JOHN VRATIL  
LANA OLEEN  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
DOUG PATTERSON  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **S. Sub. for HB 2308** was adopted.

On roll call, the vote was: Yeas 114; Nays 3; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Crow, Faber, Klein.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Mason, Neighbor, Neufeld.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 280**.

Announcing passage of **HB 2456**.

Announcing passage of **HB 2014**, as amended; **HB 2416**, as amended; **HB 2418**, as amended.

The Senate adopts conference committee report on **HB 2032**.

The Senate adopts conference committee report on **HB 2369**.

The Senate concurs in House amendments to **SB 237**, and requests return of the bill.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

**SB 280.**

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. McCreary, the House nonconcurred in Senate amendments to **HB 2014** and asked for a conference.

Speaker Mays thereupon appointed Reps. McCreary, Neufeld and Shriver as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2416** and asked for a conference.

Speaker Mays thereupon appointed Reps. Edmonds, Huff and Larkin as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2418** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2068**, An act concerning certain municipalities; relating to the Kansas tort claims act; amending K.S.A. 2002 Supp. 75-6102 and 75-6104 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Mason, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2032**, submits the following report:

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

On page 4, in line 41, by striking "and" and inserting a comma; in line 42, after "3502" by inserting "and 58-3505";

On page 1, in the title, in line 15, preceding the period, by inserting "; also repealing K.S.A. 58-3505";

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

JOHN VRATIL  
DEREK SCHMIDT  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
DOUG PATTERSON  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2032** was adopted. On roll call, the vote was: Yeas 113; Nays 5; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn,

Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Faber, Flora, Howell, Huy, F. Miller.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, P. Long, Mason, Neighbor.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2369**, submits the following report:

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

On page 2, in line 17, by striking "an employee suggestion bonus upon approval of"; in line 18, by striking all before "by" and inserting "a monetary employee award for innovation pursuant to subsection (a) of this section upon adoption of the suggestion by the agency. Such a monetary award for innovation shall be non-discretionary and shall be in the amount of 2.5% of the estimated cost reduction, as certified"; in line 19, before the period by inserting "up to a maximum of \$3,500"; also in line 19, by striking "The" and inserting "Each employee making a suggestion for cost reduction shall also be paid an"; in line 20, by striking "shall be"; also in line 20, before "10%" by inserting "the difference between the amount of the innovation award received by the employee and"; also in line 20, by striking "estimated"; in line 22, by striking all after "as"; in line 23, by striking all before the comma and inserting "documented to the division of the budget"; by striking all in lines 27 through 38;

On page 3, in line 9, by striking "Suggestions" and inserting "Monetary innovation awards"; also in line 9, by striking all after "(f)"; in line 10, by striking all before the comma; after line 17, by inserting the following:

"(i) The provisions of subsections (f) and (g) of this section shall expire on June 30, 2006."

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

STEPHEN R. MORRIS  
DAVID ADKINS  
PAUL FELECiano, JR.  
*Conferees on part of Senate*

MELVIN J. NEUFELD  
JO ANN POTTORFF  
ROCKY NICHOLS  
*Conferees on part of House*

On motion of Rep. Neufeld, the conference committee report on **HB 2369** was adopted.

On roll call, the vote was: Yeas 104; Nays 10; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Loganbill, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Crow, Faber, Howell, Huebert, Kassebaum, Light, Ostmeyer, Powell, Powers, Yonally.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, M. Long, P. Long, Mason, Jim Morrison, Neighbor, Patterson, B. Sharp.

**MESSAGE FROM THE SENATE**

- The Senate adopts conference committee report on **SB 43**.
- The Senate adopts conference committee report on **SB 64**.
- The Senate adopts conference committee report on **SB 82**.
- The Senate adopts conference committee report on **Sub. SB 83**.
- The Senate adopts conference committee report on **SB 131**.
- The Senate adopts conference committee report on **H. Sub. for SB 145**.
- The Senate adopts conference committee report on **HB 2160**.
- The Senate adopts conference committee report on **HB 2297**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2160**, submits the following report:

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

- On page 1, by striking all in lines 42 and 43;
- On page 2, by striking all in lines 1 through 4;
- By renumbering sections accordingly;
- On page 23, by striking all in lines 41 and 42 and inserting:

“For application for motor common carrier certificate, license or authority ..... not to exceed \$250”;

On page 39, following line 23, by inserting:

“(d) If the owner of a motor vehicle which has been impounded pursuant to this section refuses to pay any towing, impoundment, storage or other fees relating to the impoundment of such vehicle or fails to take possession of such vehicle within 30 days following the date of the expiration of the impoundment period, such vehicle shall be deemed abandoned and the vehicle may be disposed of by the person having possession of such vehicle. If the person having possession of such vehicle is a public agency, disposition of such vehicle shall be in compliance with the procedures for notice and public auction provided by paragraph (2) of subsection (a) of K.S.A. 8-1102, and amendments thereto. If the person having possession of such vehicle is not a public agency, disposition of such vehicle shall be in compliance with K.S.A. 8-1103 through 8-1108, and amendments thereto.”;

In the title, in line 13, by striking “and railroads”;

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

LES DONOVAN  
 LARRY D. SALMANS  
 U.L. GOOCH  
*Conferees on part of Senate*

GARY K. HAYZLETT  
 JOHN FABER  
 MARGARET E. LONG  
*Conferees on part of House*

On motion of Rep. Hayzlett, the conference committee report on **HB 2160** was adopted.

On roll call, the vote was: Yeas 85; Nays 31; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballou, Beggs, Bethell, Betts, Boyer, Burroughs, Carlin, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Flaharty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Larkin, Light, Loganbill, Loyd, McCreary, McLeland, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Peterson,

Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Barbieri-Lightn, Brunk, Burgess, Campbell, Carter, Crow, Faber, Feuerborn, Flora, Goering, Goico, Henderson, Howell, Huebert, Huy, Klein, Kuether, Landwehr, Mays, McKinney, Merrick, F. Miller, Minor, Newton, Osborne, Ostmeyer, Powell, Powers, Schwartz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, M. Long, P. Long, Mason, Neighbor, B. Sharp.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2297**, submits the following report:

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

On page 2, in line 4, by striking "garnishee's receipt of the order of"; in line 5, by striking "garnishment" and inserting "receipt of the answer of the garnishee by the court"; in line 36, by striking "garnishee's receipt of the order of"; in line 37, by striking "garnishment" and inserting "receipt of the answer of the garnishee by the court";

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

JOHN VRATIL  
DEREK SCHMIDT  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O'NEAL  
DOUG PATTERSON  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2297** was adopted.

On roll call, the vote was: Yeas 114; Nays 1; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Crow.

Present but not voting: None.

Absent or not voting: Ballard, Ballou, Edmonds, Holland, Krehbiel, M. Long, P. Long, Mason, Neighbor, B. Sharp.

#### CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2467** from Committee on Appropriations and referral to Committee of the Whole.

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 thereupon introduced and read by title:

**HB 2470**, An act concerning adult care homes; enacting a quality assurance assessment on facilities for skilled nursing and long term care units of hospitals; prescribing certain guidelines; powers, duties and functions; disposition of proceeds; authorizing a group-funded pool, by Committee on Appropriations.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Holmes, the House concurred in Senate amendments to **HB 2374**, An act concerning public utilities; relating to procedures to recover certain security costs.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 73; Nays 42; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Barbieri-Lightn, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Flora, Freeborn, Goering, Goico, Gordon, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kuether, Landwehr, Larkin, Light, Loganbill, Loyd, Mays, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, S. Sharp, Shriver, Shultz, Siegfried, Sloan, Tafanelli, Tolkes, Vickrey, Ward, D. Williams, J. Williams, Yoder, Yonally.

Nays: Betts, Burroughs, Carlin, Crow, Dillmore, Faber, Feuerborn, Flaharty, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Howell, Huy, Kirk, Klein, McCreary, McKinney, F. Miller, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Schwartz, Showalter, Storm, Svaty, Swenson, Thimesch, Thull, Wilk, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Ballard, Ballou, Edmonds, Holland, Krehbiel, M. Long, P. Long, Mason, Neighbor, B. Sharp.

The House stood at ease until the sound of the gavel.

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Speaker Mays called the House to order.

**MESSAGE FROM THE SENATE**

The Senate adopts conference committee report on **SB 7**.

The Senate adopts conference committee report on **SB 178**.

The Senate adopts conference committee report on **S. Sub. for HB 2208**.

The Senate concurs in House amendments to **SB 223**, and requests return of the bill.

The Senate nonconcur in House amendments to **SB 265**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2014** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2125** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2201** and has appointed Senators Allen, O'Connor and Gilstrap as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2416** and has appointed Senators Corbin, Donovan and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2418** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 265**.

Speaker Mays thereupon appointed Reps. Neufeld, Shultz and Nichols as conferees on the part of the House.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to SENATE Substitute for **HB 2208**, submits the following report:

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

On page 2, in line 30, by striking “, but “el-”; in line 31, by striking all before the period;

On page 3, in line 4, before the period, by inserting “and the effect, if any, the redevelopment or special bond project will have on any outstanding special obligation bonds as authorized pursuant to subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto”;

On page 5, after line 16, by inserting the following:

“(dd) “Commence work” means the manifest commencement of actual operations on the development site, such as, erecting a building, excavating the ground to lay a foundation or a basement or work of like description which a person with reasonable diligence can see and recognize as being done with the intention and purpose to continue work until the project is completed.

(ee) “Major commercial entertainment and tourism area” shall include, but not be limited to, a major multi-sport athletic complex.

(ff) “Major multi-sport athletic complex” means an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments.”;

Also on page 5, in line 31, before the period, by inserting “or the granting of such project would cause a default in the payment of any outstanding special obligation bonds as authorized pursuant to subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto”; after line 35, by inserting the following:

“(c) Any redevelopment project plan in a redevelopment district located in the city of Wichita that is eligible for benefits provided by K.S.A. 12-1774 *et seq.*, and amendments thereto, and includes an arena or arena-like structure shall be subject to approval by a vote by the citizens of Wichita at an election held for this purpose prior to approval by the secretary of commerce and housing.”;

On page 7, in line 14, after the period, by inserting “Kansas resident employees shall be given priority consideration for employment in construction projects located in a special bond project area.”; after line 14, by inserting the following:

“(h) Any developer of a special bond project shall commence work on such project within two years from the date of adoption of the project plan. Should the developer fail to commence work on the special bond project within the two-year period, funding for such project shall cease and the developer of such project shall have one year to appeal to the secretary for reapproval of such project and the funding for it. Should the project be reapproved, the two-year period for commencement shall apply.

(i) The provisions of this act regarding special bond projects shall expire on and after July 1, 2007.”;

Also on page 7, in line 35, after “that” by inserting “based upon the feasibility study”;

On page 8, in line 5, by striking all after the comma; by striking all in lines 6 through 10; in line 11, by striking all before the period and inserting “100% of city and county sales taxes collected pursuant to K.S.A. 12-187, and amendments thereto, shall be pledged for such project except for amounts committed to other use by election of voters prior to the effective date of this act”; by striking all in lines 15 through 20;

And by renumbering the remaining subsections accordingly;

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

KARIN BROWNLEE  
 NICK JORDAN  
 JIM BARONE  
*Conferees on part of Senate*  
 KENNY A. WILK  
 LANA GORDON  
 TOM BURROUGHS  
*Conferees on part of House*

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2208** was adopted.

On roll call, the vote was: Yeas 73; Nays 40; Present but not voting: 1; Absent or not voting: 11.

Yeas: Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, DeCastro, Decker, Dillmore, Dreher, Flaharty, Gilbert, Goering, Goico, Gordon, Grant, Hill, Horst, Huebert, Huff, Humerickhouse, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Landwehr, Light, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, Judy Morrison, Myers, Newton, Novascone, O'Malley, Owens, Patterson, Pottorff, Powers, Reitz, Sawyer, Schwab, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Swenson, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Crow, Dahl, Davis, Faber, Feuerborn, Flora, Freeborn, Gatewood, Hayzlett, Henderson, Henry, Holmes, Howell, Hutchins, Kuether, Larkin, Loganbill, F. Miller, J. Miller, Minor, Jim Morrison, Neufeld, Nichols, Ostmeyer, Pauls, Peterson, Phelps, Powell, Reardon, Rehorn, Ruff, Schwartz, Shultz, Svaty, Tafanelli, Thimesch, Vickrey, Winn.

Present but not voting: Huntington.

Absent or not voting: Ballard, Edmonds, Holland, Krehbiel, M. Long, P. Long, Mason, Neighbor, O'Neal, Osborne, B. Sharp.

#### MESSAGE FROM THE SENATE

Announcing passage of **HB 2400**, as amended by **S. Sub. for HB 2400**.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld to concur in Senate amendments to **S. Sub. for HB 2400**, Rep. Nichols offered a substitute motion to nonconcur and that a new conference committee be appointed. The substitute motion prevailed.

Speaker Mays thereupon appointed Reps. Neufeld, Shultz and Nichols as conferees on the part of the House.

#### REPORT ON ENGROSSED BILLS

**HB 2179, HB 2461** reported correctly engrossed April 4, 2003.

**HB 2254** reported correctly re-engrossed April 4, 2003.

#### REPORT ON ENROLLED BILLS

**HB 2015, HB 2034, HB 2035; Sub. HB 2036; HB 2090, HB 2120, HB 2132, HB 2138, HB 2158, HB 2171, HB 2192; Sub. HB 2197; HB 2224; Sub. HB 2294; HB 2314, HB 2329, HB 2353, HB 2448** reported correctly enrolled, properly signed and presented to the governor on April 4, 2003.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6020, HR 6022** reported correctly enrolled and properly signed on April 4, 2003.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Wednesday, April 30, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

