

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 20, 2003—2:30 p.m.

The Senate was called to order by President Dave Kerr.
The roll was called with thirty-eight senators present.
Senators Donovan and Wagle were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

In the book of Matthew, chapter 24, verses six through eight, Jesus spoke these words:
“You will hear of wars and rumors of wars, but see to it that you are not alarmed. Such things must happen, but the end is still to come. Nation will rise against nation, and kingdom against kingdom. There will be famines and earthquakes in various places. All these are the beginning of birth pains.”

There was the Revolution and the War of 1812,
Followed by the Civil War and the war with Spain.
Then came two world wars and war with North Korea;
Then Vietnam and Desert Storm and once again Hussein.

Once more the bombs are falling,
And once more we are informed
That we need to support our troops
Who wear the uniform.

No one in his proper mind
Considers war the norm;
Especially those of us
Who wore the uniform.

To free our world from chronic fear
And from the wicked swarm,
Our youth today are following those
Who once wore the uniform.

They have come in from the factories,
From the farms and college dorms,
To fight along with others
Who wear the uniform.

We call on You, once more, O God,
To protect from evil storm
Those who once again must fight
And wear the uniform.

I pray for all of them in the Name of Christ,

AMEN

GUESTS

Senator Haley rose on a point of personal privilege to introduce his sons, Dawson Spenser and Daniel Jordan.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

SB 266, An act concerning campaign finance; relating to local offices; amending K.S.A. 2002 Supp. 25-4143 and repealing the existing section, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1613—

By Senators Gilstrap, Hensley, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle

A CONCURRENT RESOLUTION urging the International Speedway Corporation to enter into an agreement with the Kansas Speedway Corporation to allow an additional NASCAR Winston Cup race date.

WHEREAS, Since 1999 the Kansas Speedway Corporation, in partnership with state and local governments, established the Kansas Speedway, a state-of-the-art auto racing facility in Kansas City; and

WHEREAS, Racing commenced in 2001 and has provided sold-out attendance for each year; and

WHEREAS, In 2003 the Kansas Speedway expanded its grandstand capacity to 80,187; and

WHEREAS, The Kansas Speedway provided the impetus for creating Village West, an economic district in Wyandotte County; and

WHEREAS, Village West will have more than \$380 million in total investment and ultimately provide sales of more than \$440 million; and

WHEREAS, Village West will create an estimated 3,300 jobs and more than \$10 million in property taxes and \$26 million in sales tax revenue annually; and

WHEREAS, For each NASCAR Winston Cup race date an estimated \$75 million in tourism dollars is generated; and

WHEREAS, The Kansas Speedway is being considered for an additional NASCAR Winston Cup date; and

WHEREAS, The Kansas Speedway Corporation, in partnership with the State of Kansas and the Unified Government of Wyandotte County, is preparing a proposal requesting an additional NASCAR Winston Cup race date: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the International Speedway Corporation be urged to grant the Kansas Speedway an additional NASCAR Winston Cup race date; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to the Governor of the State of Kansas, the Mayor of the Unified Government of Wyandotte County and to the President of the International Speedway Corporation.

On emergency motion of Senator Gilstrap, **SCR 1613** was adopted on voice vote.

President Kerr and members of the Senate welcomed Jeff Boerger, President of the Kansas Speedway.

CHANGE OF REFERENCE

The President withdrew **HB 2353** from the Committee on Judiciary, and referred the bill to the Committee on Commerce.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 17**, **SB 65**, **SB 118**.

Also, passage of **SB 109**, as amended.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Vratil the Senate nonconcurrent in the House amendments to **SB 21** and requested a conference committee be appointed.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on Public Health and Welfare introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1832—

A RESOLUTION relating to the public health of all Kansans; identifying major health care issues and establishing objectives and priorities.

WHEREAS, This resolution is intended to build on the efforts and activities of the many Kansans who were involved in the project Healthy Kansans 2000 and to work within the parameters of the national initiative, Healthy People 2010, to (1) establish a limited number of major health care issues which are most pertinent to the citizens of Kansas and (2) to establish objectives and priorities intended to ameliorate the adverse effects of such conditions and to develop action plans to accomplish such goals; and

WHEREAS, The state is concerned with the health of all Kansans, including issues relating to care and staffing (particularly in underserved areas of the state), financing, insurance (including the problems of the uninsured and underinsured), the role of the state and local government in the development and delivery of health services, and the role of education and technology in health care including mental health care; and

WHEREAS, The department of health and environment is complimented on its role in the planning and implementation of the project Healthy Kansans 2000, and there is a need to continue such efforts: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the department of health and environment is tasked to follow through with its earlier activities in light of the new national initiative, Healthy People 2010, to identify major health issues pertinent to this decade and to formulate needed objectives and priorities; and

Be it further resolved: That such efforts should be the collective actions of government agencies, professional and nonprofit health organizations and the rendering health care community, integrated with local communities, under the direction of the secretary of health and environment; and

Be it further resolved: That these endeavors are to be undertaken subject to available appropriations; and

Be it further resolved: That the secretary of health and environment is encouraged to seek out alternative funding resources; and

Be it further resolved: That the secretary of health and environment is to report to the governor and legislature the actions taken pursuant to this resolution prior to the commencement of the 2007 legislative session; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the governor of the state of Kansas and to the Kansas secretary of health and environment.

On emergency motion of Senator Barnett **SR 1832** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **Substitute for HB 2036** be amended on page 2, in line 5, after "oil" by inserting ", recycled cooking oil"; in line 7, before the semicolon, by inserting "or a later version as adopted by rules and regulations of the secretary. If a retail petroleum marketer is alleged to have violated the provisions of this subsection, it shall be a defense, that the retail petroleum marketer relied in good faith upon the bill of lading";

On page 3, after line 14, by inserting the following:

"New Sec. 2. (a) As used in this section, "motor-vehicle fuels" has the meaning provided by K.S.A. 79-3401, and amendments thereto.

(b) All bulk motor-vehicle fuels purchased by any state agency, as defined in K.S.A. 75-3701, and amendments thereto, in each fiscal year for use in state-owned motor vehicles shall be motor-vehicle fuels blends containing at least 10% ethanol. No state agency shall spend more than ten cents per gallon more on fuel blends containing at least 10% ethanol than the current price per gallon of regular fuel on bulk motor vehicle fuel purchases.

(c) Where available under current state purchasing agreements, individual motor-vehicle fuel purchases for state-owned motor vehicles shall be of motor-vehicle fuels blends containing at least 10% ethanol. Individual motor vehicle fuel purchases for state-owned motor vehicles shall not be more than ten cents per gallon more on fuel blends containing at least 10% ethanol than the current price per gallon of regular fuel.

(d) Where available, and as long as the price is no greater than 10 cents more per gallon than the price of diesel fuel; a 2% or higher blend of biodiesel must be purchased for use in state-owned diesel powered vehicles and equipment.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 9, by striking “the”; also in line 9, by striking “inspection act”; in line 10, before “amend-” by inserting “fuel purchases for state motor vehicles;”; and the substitute bill be passed as amended.

Also **HB 2038**, as amended by House Committee, be amended on page 3, in line 18, by striking “15%” and inserting “10%”; in line 32, by striking “issue notice of meetings” and inserting “be subject to the Kansas open meetings act”; in line 37, by striking all after “including”; in line 38, by striking “ited to”;

On page 4, in line 7, following the period by inserting “The council shall not use any funds collected by the council to purchase consumer products or replace consumer products, including through cost-share programs, for Kansas consumers, except that the council may use such funds for the purchase of consumer products for displays in such programs or projects.”; in line 16, following the period by inserting “The report provided in 2004 shall include a review of propane safety policies, statutes, rules and regulations in Kansas and adjoining states and shall include recommendations the council deems appropriate for policy, statutory or regulatory changes in Kansas to improve propane safety.”; by striking all in lines 37 through 41 and inserting “The council may establish an alternative means of collecting the assessment if another means is found to be more efficient and effective. The council may establish a late payment charge and rate of interest to be imposed on any person who fails to remit or pay to the council any amount due under this act.”;

And by relettering the remaining subsections accordingly;

On page 5, in line 15, by striking all after “(g)”; by striking all in lines 16 through 23; in line 24, by striking “(h)”; in line 27, by striking “Moneys” and inserting “Except as provided in subsection (j) of section 3, moneys”; in line 29, by striking all after “contributions”; by striking all of line 30; in line 31, by striking all before the period; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2214** be passed.

Also **SCR 1607** be amended on page 1, in line 28, by striking “representative” and inserting “representatives”; in line 32, following the period, by inserting “Kansas house of representatives districts and Kansas senate districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence. Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.”; in line 36, by striking “repre-”; in line 37, by striking “sentative” and inserting “representatives”;

On page 5, in line 37, following “Redistricting” by inserting “of legislative districts”; in line 38, by striking “without”; in line 39, by striking “adjustment” and inserting “, adjusted to exclude certain military personnel and certain students at colleges and universities”; and the concurrent resolution be adopted as amended.

Committee on **Federal and State Affairs** recommends **SB 136** be amended on page 1, in line 34, following "owned", by inserting ", occupied"; by striking all in lines 41 and 42 and inserting "property described in paragraph (a) of this subsection;"; also in line 43, following "city" by inserting "or county"; On page 3, by striking all in line 16 and inserting: "Sec. 2. K.S.A. 72-8222 is hereby amended to read as follows: 72-8222. (a) The board of education of any school district or the board of trustees of any community college may employ school security officers, and may designate any one or more of such school security officers as a ~~school law enforcement~~ *campus police* officer, to aid and supplement law enforcement agencies of ~~this state and of the community~~ *the state, city and county* in which the school district or community college is located. ~~The protective function of school security officers and school law enforcement officers shall extend to all school district property and the protection of students, teachers and other employees together with the property of such persons on or in any school or college property or areas adjacent thereto, or while attending or located at the site of any school or community college-sponsored function. While engaged in the protective functions specified in this section, each school security officer and each school law enforcement officer shall possess and exercise all general law enforcement powers, rights, privileges, protections and immunities in every county in which there is located any part of the territory of the school district or community college.~~

(b) *Such campus police officers shall have the power and authority of law enforcement officers:*

(1) *On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;*

(2) *on the streets, property and highways immediately adjacent to and coterminous with the property described in paragraph (1) of this subsection;*

(3) *within the city or county where such property as described in paragraph (1) of this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this section shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved before such agreement may take effect; and*

(4) *additionally when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in paragraph (1) or (2) of this subsection, such officers, with appropriate notification of, and coordination with, local law enforcement agencies, may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Campus police officers also shall have authority to transport persons in custody to an appropriate facility, wherever it may be located.*

(c) *In addition to enforcement of state law, county resolutions and city ordinances, campus police officers shall enforce rules and regulations of the school board or board of trustees and rules and policies of the school board or community college, whether or not violation thereof constitutes a criminal offense. While on duty, campus police officers shall wear and display a badge of office. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such person shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this act or any other law, campus police officers shall have the same rights, protections and immunities afforded to other law enforcement officers.*

Sec. 3. K.S.A. 2002 Supp. 76-726 is hereby amended to read as follows: 76-726. (a) The chief executive officer of any state educational institution may employ ~~university~~ *campus* police officers to aid and supplement state and local law enforcement agencies. Such ~~university~~ *campus* police officers shall have the power and authority of law enforcement officers:

(1) On property owned or operated by the state educational institution, by a board of trustees of the state educational institution, an endowment association, an athletic associa-

tion, a fraternity, sorority or other student group associated with the state educational institution;

(2) on the streets, property and highways immediately adjacent to *and coterminous with* the campus of the state educational institution;

(3) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this ~~provision~~ *section* shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and

(4) additionally when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in ~~provisions paragraph~~ (1) or (2) *of this subsection*, such officers, with appropriate notification of, and coordination with, local law enforcement agencies, may investigate and arrest persons for such a violation anywhere within the city *or county* where such property, streets and highways are located. ~~University Campus~~ police officers ~~shall~~ *shall* also *shall* have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.

(b) In addition to enforcement of state law, county resolutions and city ordinances, ~~university campus~~ police officers shall enforce rules and regulations of the board of regents and rules and policies of the state educational institution, whether or not violation thereof constitutes a criminal offense. ~~Every university police officer shall~~. While on duty, *campus police officers shall* wear and ~~publicly~~ display a badge of office, ~~except that~~. No such badge shall be required to be worn by any plain clothes investigator or departmental administrator, but any such person shall present proper credentials and identification when required in the performance of such officer's duties. In performance of any of the powers, duties and functions authorized by this act or any other law, ~~university campus~~ police officers shall have the same rights, protections and immunities afforded to other law enforcement officers.

Sec. 4. K.S.A. 21-3110 is hereby amended to read as follows: 21-3110. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) "Act" includes a failure or omission to take action.
- (2) "Another" means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
- (3) "Conduct" means an act or a series of acts, and the accompanying mental state.
- (4) "Conviction" includes a judgment of guilt entered upon a plea of guilty.
- (5) "Deception" means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.
- (6) To "deprive permanently" means to:
 - (a) Take from the owner the possession, use or benefit of ~~his or her~~ property, without an intent to restore the same; or
 - (b) Retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - (c) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (7) "Dwelling" means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (8) "Forcible felony" includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.

(9) "Intent to defraud" means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.

(10) "Law enforcement officer" means:

(a) any person who by virtue of such person's office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes ~~or~~.

(b) Any officer of the Kansas department of corrections or for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415 and subsection (a)(2) of K.S.A. 21-3413 and amendments thereto, any employee of the Kansas department of corrections.

(c) *Any campus police officer as defined by K.S.A. 22-2401a, and amendments thereto.*

(11) "Obtain" means to bring about a transfer of interest in or possession of property, whether to the offender or to another.

(12) "Obtains or exerts control" over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.

(13) "Owner" means a person who has any interest in property.

(14) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(15) "Personal property" means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.

(16) "Property" means anything of value, tangible or intangible, real or personal.

(17) "Prosecution" means all legal proceedings by which a person's liability for a crime is determined.

(18) "Public employee" is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."

(19) "Public officer" includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

(20) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(21) "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit a crime.

(22) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(23) "Stolen property" means property over which control has been obtained by theft.

(24) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(25) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.

Sec. 5. K.S.A. 21-3409 is hereby amended to read as follows: 21-3409. Assault of a law enforcement officer is an assault, as defined in K.S.A. 21-3408 and amendments thereto, committed against a uniformed or properly identified state, county or city law enforcement officer or a *campus police officer* while such officer is engaged in the performance of such officer's duty.

Assault of a law enforcement officer is a class A person misdemeanor.

Sec. 6. K.S.A. 21-3411 is hereby amended to read as follows: 21-3411. Aggravated assault of a law enforcement officer is an aggravated assault, as defined in K.S.A. 21-3410 and amendments thereto, committed against a uniformed or properly identified state, county or city law enforcement officer or *campus police officer* while such officer is engaged in the performance of such officer's duty.

Aggravated assault of a law enforcement officer is a severity level 6, person felony. A person convicted of aggravated assault of a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 21-4704, and amendments thereto.

Sec. 7. K.S.A. 2002 Supp. 21-3413 is hereby amended to read as follows: 21-3413. Battery against a law enforcement officer is a battery, as defined in K.S.A. 21-3412 and amendments thereto:

(a) (1) Committed against a uniformed or properly identified state, county or city law enforcement officer or *campus police officer* other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer's duty;

(2) committed against a state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(3) committed against a juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(4) committed against a juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(5) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(b) Battery against a law enforcement officer as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5) is a severity level 5, person felony.

(c) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections.

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution.

(3) "Juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 38-1602 and amendments thereto.

(4) "Juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-1602 and amendments thereto.

(5) "City or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility.

Sec. 8. K.S.A. 2002 Supp. 21-3415 is hereby amended to read as follows: 21-3415. (a) Aggravated battery against a law enforcement officer is: (1) An aggravated battery, as defined in subsection (a)(1)(A) of K.S.A. 21-3414 and amendments thereto, committed against a uniformed or properly identified state, county or city law enforcement officer or *campus police officer* while the officer is engaged in the performance of the officer's duty;

(2) an aggravated battery, as defined in subsection (a)(1)(B) or (a)(1)(C) of K.S.A. 21-3414 and amendments thereto, committed against a uniformed or properly identified state, county or city law enforcement officer *or campus police officer* while the officer is engaged in the performance of the officer's duty; or

(3) intentionally causing bodily harm to a uniformed or properly identified state, county or city law enforcement officer *or campus police officer* with a motor vehicle, while the officer is engaged in the performance of the officer's duty.

(b) (1) Aggravated battery against a law enforcement officer as described in subsection (a)(1) or (a)(3) is a severity level 3, person felony.

(2) Aggravated battery against a law enforcement officer as described in subsection (a)(2) is a severity level 6, person felony.

(3) A person convicted of aggravated battery against a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 21-4704 and amendments thereto.

Sec. 9. K.S.A. 21-3110, 21-3409, 21-3411 and 72-8222 and K.S.A. 2002 Supp. 21-3413, 21-3415, 22-2401a and 76-726 are hereby repealed.”;

By renumbering section 3 as section 10;

In the title, by striking all in lines 9, 10 and 11 and inserting:

“AN ACT concerning campus police officers; relating to powers and duties thereof; relating to crimes committed against such officers; amending K.S.A. 21-3110, 21-3409, 21-3411 and 72-8222 and K.S.A. 2002 Supp. 21-3413, 21-3415, 23-2401a and 76-726 and repealing the existing sections.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2171**, as amended by House Committee of the Whole, be passed.

Also **HCR 5008** be adopted.

Committee on **Transportation** recommends **HB 2118**, **HB 2120**, **HB 2189** be passed.

Committee on **Utilities** recommends **HB 2130**, as amended by House Committee, be amended on page 1, in line 34, preceding “through” by inserting “, in a manner consistent with the determination of transmission related costs from an order of a regulatory authority having legal jurisdiction,”;

On page 2, in line 11, by striking “five” and inserting “30”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 259** be passed.

REPORT ON ENGROSSED BILLS

SB 4 reported correctly engrossed March 20, 2003.

Also: **SB 73**, **SB 175** correctly re-engrossed March 20, 2003.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, March 21, 2003.

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

PAT SAVILLE, *Secretary of the Senate.*

