

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 4, 2003—9:30 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Those who listen to me, Lord,
Know that I try to pray
About the issues I hear discussed
Throughout each session day.

But there is another subject
More and more I hear:
It dominates the dialogue
About this time of year.

Besides shortfall and budget,
Its Jayhawks and Final Four,
Marquette and New Orleans
Are topics on the floor.

Along with Sebelius and Kline,
It's Collison, Hinrich, and Miles,
Langford, Lee, and Graves
Are names that are now in style.

Another subject being discussed
Makes all the Jayhawks groan.
So our message to North Carolina is,
"Leave our coach alone!"

It's a shame we don't get as excited
About the blessings that we get
As we do about a basketball
Swishing through the net.

O God, I doubt that basketball
Matters much to You,
But as long as some team has to win,
It might as well be K.U.!

I submit this thought to You
in the Name of the Lord Jesus,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **SR 1842**.

Federal and State Affairs: **SB 283**.

Public Health and Welfare: **SB 282**.

Ways and Means: **HB 2067**.

CHANGE OF REFERENCE

The President withdrew **SB 282** from the Committee on Public Health and Welfare, and referred the bill to the Committee on Ways and Means.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Kerr determined **H Sub for SB 251**, as amended by the House, to be materially changed.

President Kerr referred the bill to the Committee on Education.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Harrington the Senate nonconcurred in the House amendments to **H Sub for SB 2** and requested a conference committee be appointed.

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

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" 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;

By renumbering section 4 as section 3;

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

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 12;

By renumbering sections 7 through 14 as sections 4 through 11, respectively;

Also on page 6, in line 18, by striking "8" and inserting "5";

On page 7, in line 27, by striking "10" and inserting "7"; in line 40, by striking "8" and inserting "5";

On page 8, in line 6, by striking "8" and inserting "5"; in line 17, by striking "8" and inserting "5";

On page 9, in line 1, by striking "8" and inserting "5"; in line 3, by striking "8" and inserting "5";

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

Senator Umbarger moved the Senate not adopt the Conference Committee Report on **SB 7** and a new conference committee be appointed.

The motion carried and President Kerr appointed Senators Umbarger, Vratil and Downey as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102**, 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 3, by striking all of line 42, and inserting:

“Sec. 4. K.S.A. 2002 Supp. 25-302a is hereby amended to read as follows: 25-302a. Any political party seeking official recognition in this state after the effective date of this act shall file in its behalf, not later than 12:00 noon, June 1, prior to the primary election held on the first Tuesday of August in even-numbered years, or if such date falls on a Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday petitions signed by qualified electors equal in number to at least 2% of the total vote cast for all candidates for the office of governor in the state in the last preceding general election. Such petitions shall declare support for the official recognition of a political party, the name of which shall be stated in the declaration. No political party seeking official recognition shall assume a name or designation which ~~is similar~~, in the opinion of the secretary of state, *is unreasonably lengthy or so similar to that the name or designation* of an existing political party as to confuse or mislead the voters at an election.

Petitions seeking official recognition of a political party shall be substantially in the following form:

PETITION SEEKING THE OFFICIAL RECOGNITION OF
THE _____ PARTY IN THE STATE OF KANSAS

I, the undersigned, hereby declare my support for the official recognition of the _____ Party.

I have personally signed this petition; I am a registered elector of the state of Kansas and the County of _____, and my residence address is correctly written after my name.

NAME OF SIGNER ADDRESS AS REGISTERED CITY DATE OF SIGNING

Appended to each petition page or set of pages shall be an affidavit by the circulator of the petition affirming that such circulator is a resident of the state of Kansas and has the qualifications of an elector in Kansas and that the circulator personally witnessed the signing of the petition by each person whose name appears thereon. The affidavit shall be executed before a person authorized to administer oaths and include the address of the circulator.

Each page of such petition shall bear the names of registered voters of a single county. All petitions shall be grouped according to the county in which each was circulated before being filed with the secretary of state. All such petitions shall be filed at one time. Any related petitions presented thereafter will be deemed to be separate and not a part of earlier filings. County election officers shall cooperate with the secretary of state in verifying the sufficiency of these petitions as required by law.

The secretary of state shall transmit such petitions to the county election officer of each county for which petitions were presented to be examined for sufficiency pursuant to the

provisions of K.S.A. 25-3601 *et seq.* and amendments thereto and applicable regulations. Not more than 20 days following receipt of such petitions from the secretary of state, the county election officer shall return these documents to the secretary of state certifying the number of sufficient signatures thereon. The secretary of state shall gather all petitions and determine whether a sufficient number of signatures was submitted. The secretary of state shall forthwith notify the person who submitted the declaration of intent to circulate such petitions of the sufficiency or insufficiency of the number of signatures.

Sec. 5. K.S.A. 25-304 is hereby amended to read as follows: 25-304. All certificates of nomination shall be in writing, shall contain the name of each person nominated, with such person's residence and the office for which nominated. Party certificates of nomination shall designate ~~in not more than two words of which the word "party" shall be one;~~ the political party which the convention, primary election or caucus making the nominations represented; ~~as, for instance, "republican party," "democratic party," "people's party," "populist party," or "prohibition party";~~ but a compound or hyphenated word shall not be used to designate ~~the name of a political party within the meaning of this act.~~ When electors for president and vice-president of the United States are nominated, the names of the candidates for president and vice-president may also be shown on the certificates. Independent nomination petitions for presidential electors shall contain the names of each elector and the names of the candidates for president and vice-president of the United States, together with the residence of each elector and candidate. The provisions of this section shall not apply to city or school elections, nor to the election of officers for which it is provided by law to be elected at the time of city and school elections.

Sec. 6. K.S.A. 25-4501 is hereby amended to read as follows: 25-4501. (a) Subject to the provisions of this section, there shall be held a presidential preference primary election in the year ~~2004~~ 2008, and every fourth year thereafter.

(b) On or before November ~~3, 2003~~ 1, 2007, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representatives and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or a caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such a selection process in the next succeeding year, the secretary of state shall certify to the governor, the chief clerk of the house of representatives and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held.

(c) The date certified by the secretary of state pursuant to subsection (b) shall be the date on which the presidential preference primary election authorized by subsection (a) shall be held in the state of Kansas.

Sec. 7. K.S.A. 25-4505 is hereby amended to read as follows: 25-4505. The county board of canvassers of each county shall meet at the office of the county election officer unless another place is agreed upon and announced as provided in K.S.A. 25-3105, *and amendments thereto*, at any time between 8:00 and 10:00 o'clock a.m. on the Friday following the day a presidential preference primary election is held and canvass the vote of such preference primary. *The county election officer may move the canvass to the Monday next following the election if notice of such change is published prior to the canvass in a newspaper of general circulation within the county.* Upon completion of such canvass, the county election officer of each county shall prepare an abstract of the vote of the presidential preference primary election in his or her county as such vote is determined by the county board of canvassers and shall promptly transmit the same to the secretary of state no later than the tenth day after the day of the election. Each county election officer shall also post a copy of such abstract in a public place in the courthouse of his or her county.

Every such transmittal shall be made by first class mail or by a messenger. If the secretary of state fails to receive the abstract of the canvass from any county within ~~fourteen (14)~~ 14 days next after the election, he or she shall dispatch a special messenger to obtain a copy of the same, and the county election officer shall immediately, on demand of such messenger, make out and deliver to such messenger the copy required. Thereupon, the messenger

shall deliver such copy to the secretary of state, and the secretary of state shall be reimbursed for the expenses of such messenger by such county.

Sec. 8. K.S.A. 12-523 is hereby amended to read as follows: 12-523. Annexation ordinances of cities shall take effect on publication as provided by law, except that any annexation ordinance published within ~~thirty (30)~~ 60 days before any election specified in this section shall become effective on the day following such election, unless such day is also within ~~thirty (30)~~ 60 days before any election specified in this section in which case such ordinance shall become effective on the day following the last such election. Elections to which this section shall apply are: (1) Primary and general election of state, county and national officers, and (2) primary and general city elections, and (3) primary and general school elections. The provisions of this section shall not apply to any special election.

New Sec. 9. If any provision of this act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the application of such provision to other persons and circumstances shall not be affected thereby.

Sec. 10. K.S.A. 12-523, 25-304, 25-1122f, 25-2908, 25-3002, 25-4501 and 25-4505 and K.S.A. 2002 Supp. 25-302a are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 12, preceding “amending” by inserting “relating to the names of political parties; relating to the presidential primary; relating to publication of certain notices after an election.”; also in line 12, following “K.S.A.” by inserting “12-523, 25-304.”; in line 13, by striking “and 25-3002” and inserting “, 25-3002, 25-4501 and 25-4505 and K.S.A. 2002 Supp. 25-302a”;

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

DON MYERS
TED POWERS
TOM SAWYER

Conferees on part of House

BARBARA P. ALLEN
KAY O’CONNOR
MARK GILSTRAP

Conferees on part of Senate

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 102**.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Goodwin, Harrington, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O’Connor, Oleen, Pugh, Salmans, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Adkins, Gooch, Haley, Huelskamp, Schmidt, Wagle.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT:

Once again, I vote “No” on any provision (one of which has been amended into **SB 102**) which prevents Kansans from voting.

I believe in democracy.

I represent the right of my constituents to be heard. . . , at *any* cost, and to participate in the process of selecting a candidate to represent their views.

Every four years the majority of the Kansas Legislature has *voted to cancel* the presidential primary, due to “prohibitive costs” associated with holding this crucial election.

What a crock.

Democracy is never too expensive.

If we, each the product of a primary and/or a general election, are not committed to the process, how the heck can we expect anyone else to be?

I want Kansans to be able to select by voting who they prefer to represent their respective party for President of the United States. Other states’ voters should not have that privilege

while we in Kansas, as will be the custom now for over a *dozen* years (3 consecutive presidential primaries), are prohibited because of a non-democratic majority in the Legislature.—
DAVID HALEY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 103**, 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 28, before “The” by inserting “(a)”;

On page 7, in line 16, after “willfully” by inserting “engage in”; in line 17, by striking “such person” and inserting “while”; in line 22, by striking “person” and inserting “person’s”;

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

DON MYERS
TED POWERS
TOM SAWYER
Conferees on part of House

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

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 103**.

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

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

Nays: Huelskamp.

The Conference Committee report was adopted.

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

Senator Tyson moved the Senate adopt the Conference Committee Report on **HB 2078**.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Tad-diken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Feleciano, Harrington, Huelskamp.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: As a member of the Senate Natural Resources Committee, I recognize that **HB 2078** contains language limiting the use of transferable permits to one *designated* county and one *additional* county. While the language of the bill clearly limits the designation of the *additional* county to one in which the landowner or tenant owns a tract or tracts of land of any size, it does not place this ownership restriction on the choice of the *designated* county. Additionally, the bill does not require the landowner or tenant applicant to specify either county at that time of application. Instead, the bill permits identification of the *designated* county, as well as that of the *additional* county, to be made at the time of transfer.—TIM HUELSKAMP

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2121**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The Conference Committee report was adopted.

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

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2201**.

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

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

Nays: Gooch, Haley.

The Conference Committee report was adopted.

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

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2234**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The Conference Committee report was adopted.

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. ~~21-3914~~ 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. 2. 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

Senator Vratil moved the Senate adopt the Conference Committee Report on **S Sub HB 2308**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The Conference Committee report was adopted.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Oleen moved the following appointment be confirmed as recommended by the Standing Senate Committee:

On the appointment to the:

Member, Kansas Public Employees Retirement System Board of Trustees,

Jarold W. Boettcher, term expires January 15, 2007.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The appointment was confirmed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 94, An act concerning estate taxation; relating to inheritance or succession tax; abolishing tax liability therefor and refunding any tax paid; amending K.S.A. 2002 Supp. 79-15,101, 79-15,102, 79-15,103 and 79-15,109 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 79-15,106, 79-15,107, 79-15,108, 79-15,114, 79-15,115 and 79-15,127, was considered on final action.

On roll call, the vote was: Yeas 33, Nays 6, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Bunten, Clark, Corbin, Donovan, Emler, Gilstrap, Gooch, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Buhler, Feleciano, Goodwin, Haley, Steineger.

Present and Passing: Downey.

The bill passed, as amended.

SB 272, An act concerning medical assistance; concerning the repayment thereof; creating and imposing a lien on real property of certain recipients of medical assistance; making

certain transfers of property voidable; amending K.S.A. 39-709 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The bill passed, as amended.

HB 2125, An act concerning the support and care of children; relating to children in need of care; concerning rights of certain parties to be present at certain proceedings, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The bill passed, as amended.

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, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 16, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Barone, Brownlee, Bunten, Clark, Corbin, Donovan, Emler, Gilstrap, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Pugh, Salmans, Taddiken, Tyson, Umbarger, Wagle.

Nays: Adkins, Allen, Brungardt, Buhler, Downey, Feleciano, Gooch, Goodwin, Haley, Hensley, Oleen, Schmidt, Schodorf, Steineger, Teichman, Vratil.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **HB 2176**. I strongly support efforts to assure patient safety in all health care settings, and believe all Kansans should reasonably expect the services they receive from physicians and other health care professionals are performed competently. However, this legislation is unnecessary. Physicians who perform abortions are already regulated in that they must be licensed by the healing Arts Board. If they practice in a substandard manner, or in a manner that puts patients at risk of harm, the Healing Arts Board has ample authority to take action, including loss of license to practice medicine. I am not convinced this legislation will measurably improve patient safety, or that there has been a demonstrated problem with patient safety that requires our intervention. This legislation is so detailed as to put the legislature in the unprecedented position dictating appropriate standards of care in the practice of medicine, something I believe should be left to physicians and the Healing Arts Board.—BARBARA P. ALLEN

Senators Adkins, Feleciano, Goodwin, Oleen, Schodorf, Steineger, Teichman, Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Allen on **HB 2176**.

MR. PRESIDENT: I vote in support of **HB 2176** to further protect and improve the quality of health care in Kansas. **HB 2176** sets minimum standards of care and will reduce the risk of complications and death from abortions performed in our state. Passage of this legislation is a pro-health vote and provides an opportunity for the legislature and the Governor to improve health care delivery that will impact 43% (testimony-National Organization of Women) of the women in our state.—JIM BARNETT

Senators Barone, Gilstrap, Harrington, Jackson, Jordan, O'Connor and Tyson request the record to show they concur with the "Explanation of Vote" offered by Senator Barnett on **HB 2176**.

MR. PRESIDENT: I vote yes on **HB 2176**. This bill recognizes the unique nature of women's health care as provided in abortion clinics. When a woman has received inferior care at the hands of an abortionist, she is likely to remain silent because of the shame and secrecy which often accompanies this major surgery. To guarantee safety in abortion clinics when we neither inspect nor license them deceives the public. This bill will allow us to begin to monitor the very facilities that are caring for women facing a life changing crisis.—KARIN BROWNLEE

Senators Harrington, O'Connor and Wagle request the record to show they concur with the "Explanation of Vote" offered by Senator Brownlee on **HB 2176**.

MR. PRESIDENT: **HB 2176** purports to protect women's health by regulating abortion clinics under the Kansas Department of Health and Environment. The fact that this bill proposes regulation based on a procedure identifies the measure as highly unusual. Facilities are regulated by KDHE as hospitals or ambulatory surgical hospitals. These regulations are based on the level of complexity, the gravity of complications, and the need for accessibility and standards for different levels of care in the hospital settings.

Free standing clinics are not regulated. The appropriate boards that license the people practicing in their clinics have oversight for the public. As a result, the Board of Healing Arts regulates dermatology clinics, podiatry clinics, and plastic surgeons. The Dental Board regulates dentists. These facilities have clinical standards for practice acts. Facility standards are addressed by each profession in their clinical guidelines.

I cannot support **HB 2176** until and unless it covers all the surgical procedures of similar anaesthesia, complications, and complexity the same way. Instead, it singles out abortion for motives other than women's health protection.—PETE BRUNGARDT

Senators Adkins, Buhler, Downey, Feleciano, Schodorf, Teichman and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Brungardt on **HB 2176**.

MR. PRESIDENT: I vote "No" on **HB 2176**.

This *purely political* bill (designed and promoted *only* to provide a legislative "litmus test" on abortion) is discriminatory on its face. By singling out only surgical abortion providers, this legislation adds financial, regulatory burden to what is overwhelmingly the safest surgical procedure in Kansas...and in the U.S. This unrefuted statistic strips the pretext of legitimacy from **HB 2176**. Since virtually any other surgical procedure is more dangerous than the average abortion, why is Kansas adding regulation and costs to only these procedures? Costs that providers will pass on to poor women already in crisis?

Politics, Mr. President, politics.

As U.S. men and women fight on foreign soil in "operation's" dedicated to national "Freedom's"; allegedly to lift oppressions from men and women living under autocratic, religious regimes, I believe we should dispense with our own hypocrisy and rededicate ourselves to an "Operation: American Freedom"; insuring that an American woman's ability to determine her own health and social decisions are no longer oppressed as they are in Iraq and Afghanistan, as well, by the dictates of despots spouting misconstrued "moralities."—DAVID HALEY

MR. PRESIDENT: Proponents of **HB 2176** have stated that its passage will not reduce the number of abortions in Kansas. I take them at their word. The bill's only stated purpose is to make Kansas abortion clinics safer.

But the case has not been made that Kansas abortion clinics are today medically unsafe for women, that current regulation of abortion providers by the Board of Healing Arts is inadequate, or that the proposed requirements would make clinics safer. The case has not been made for putting these detailed health requirements into statute rather than leaving them to the Department of Health and Environment as we do other health care regulations. The case has not been made to justify the \$200,000 this legislation's proposed bureaucracy would cost taxpayers and medical providers.

If we want Kansas medical facilities to be safer, we should rely on regulations established by the medical profession; but the Senate rejected an alternative proposal, which I supported, to implement medical guidelines crafted by the medical community. If our concern is the health of Kansans, we should address the safety of all outpatient clinics; but the Senate rejected an alternative proposal, which I supported, to apply this bill's requirements to all outpatient clinics. If our concern is public health, we should be considering legislation advocated by public health organizations; but public health organizations have been silent in this debate.

For those reasons, I am not convinced this bill is necessary nor that it would achieve its stated purpose. However, it almost certainly will lead to expensive litigation. I therefore vote no.—DEREK SCHMIDT

Senators Adkins, Buhler, Downey, Goodwin, Hensley, Schodorf, Teichman and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Allen on **HB 2176**.

HB 2241, An act concerning accountants and accountancy; regarding examination fees; relating to education requirements and examinations; amending K.S.A. 1-301, 1-302a and 1-304 and repealing the existing sections; also repealing K.S.A. 1-306, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The bill passed.

HB 2310, An act concerning the juvenile justice authority; relating to unclassified employees; amending K.S.A. 76-3202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

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

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Barnett introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843—

A RESOLUTION recognizing Emporia veterans and honoring Veterans Day.

WHEREAS, In 1953, Alvin J. King of Emporia proposed that Armistice Day be changed to Veterans Day to recognize and honor all veterans from all wars and conflicts. Although Alvin King was only 15 years old when the United States went to war in 1917 and never served in the Armed Forces, he had a deep respect for veterans. Alvin King lost John Cooper, a stepson that he raised, who was killed-in-action in Belgium during World War II while serving with Rifle Company B of the 137th Infantry Regiment. Subsequently he developed friendships with the surviving members of Rifle Company B of the 137th Infantry Regiment; and

WHEREAS, in the early 1950s, Alvin King suggested either creating a special day to honor all veterans or adopting Armistice Day so that it was dedicated to all veterans because, at that time, Armistice Day honored the veterans of World War I. By 1953, the community of Emporia had raised enough money to send Alvin King and his wife, Gertrude, to Washington, D.C. to garner support for an official veterans day. Alvin King had a friend and

supporter in United States Representative Ed Rees of Emporia who was strongly in favor of King's idea and said "it would give the holiday a new meaning and more widespread patriotic observance"; and

WHEREAS, President Dwight D. Eisenhower signed an Act proclaiming November 11 as Veterans Day, stating with respect to that day, "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain"; and

WHEREAS, Emporia area men and women, time and again, have answered the call to arms and put their lives at risk to defend our nation's interests and the cause of freedom around the world. They have proudly worn the American uniforms of freedom and democracy guided by a simple credo exemplified by the words duty, honor and country, which to them has real meaning. As veterans, they love their country dearly and stand behind all the good that our nation represents. They also take pride in knowing that no other group of Americans has done more for our country and our freedom: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and honor the men and women of the Emporia community who have served in our nation's military forces and ask that all Kansans observe Veterans Day; and

Be it further resolved: That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Senator Barnett.

On emergency motion of Senator Barnett **SR 1843** was adopted unanimously.

Veterans honored as guests were: Tom Tholen, Bob Ecklund, Bill Reynolds, Bill Gardner, Merle Sayre, Larry D. Hall, Frank D. Lowery, Mark Hall, Jeff DeBauge, Mike Reiber and Norm Fields.

Senators Gooch and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1844—

A RESOLUTION congratulating Curtis R. McClinton, Sr. upon his 90th birthday.

WHEREAS, The McClinton family is planning a birthday party and recognition event for Curtis R. McClinton, Sr. on April 19. He was 90 years of age on March 20. The event will be held in the Kansas African American Museum in Wichita; and

WHEREAS, Curtis R. McClinton, Sr. was born in Brages, Oklahoma. He was graduated from the Manual Training High School in Muskogee, Oklahoma, and from Langston University in 1938. He later pursued master and doctorate level degrees from Wichita State University and Emporia State University. Locating in Wichita in 1942, he taught school and began a lengthy career in real estate and the grocery business. Currently he is a licensed real estate broker in Kansas and Missouri and president of Urban Housing in Wichita. A political activist, Mr. McClinton ran for the Wichita Board of Education in the 1940's and was the first African American Kansas state senator; and

WHEREAS, Mr. McClinton served in the Kansas House of Representatives from 1957 to 1959 and in the Kansas Senate from 1965 to 1969. While in the House of Representatives he served on the committees on building and loan, education, fees and salaries and state parks and memorials; while in the Senate he served on the committees on education, municipalities, printing, savings and loan and water resources; and

WHEREAS, Senator McClinton was instrumental in passing Kansas' first accommodation law. He cosponsored legislation giving the city of Wichita home rule powers. He worked hard to advance the civil rights of African Americans enabling them to work as teachers and as policemen, firemen and in other positions in the city of Wichita and Sedgwick County; and

WHEREAS, As a community volunteer, Mr. McClinton served as president of the Wichita Branch NAACP, second vice president of The National Association of Independent Fee Appraisers, member of The Associate Real Estate Brokers, member of The President's Club of Avon Distribution Company, Chairman of The Publicity Committee at McAdams Golden Age Club, Precinct Committee member of The #108 Precinct of Sedgwick County, a volunteer teacher at The Youth Resident Hall, Juvenile Court, and Perpetual Help Leading Lab, board president of The Wichita Area Credit Union and executive board of The Foster Grandparents Program; and

WHEREAS, In 1991, the Wichita chapter of the National Business League recognized Mr. McClinton for his dedicated service, commitment and support to the African American business community. He received an honorary membership to the organization in 1995. The same year, he received the Theo Cribbs Memorial Award from the African American Legislative Caucus. Mr. McClinton is a member of the Calvary Baptist Church. In 2002 Senator McClinton was named a national History Maker by The History Makers, a national not-for-profit organization founded in 1999 and located in Chicago, Illinois. The goal of The History Makers is to create African American oral histories on video. He is the father of Curtis McClinton, Jr., who was an outstanding football player at Wichita North High School, Kansas University and the Kansas City Chiefs: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Curtis R. McClinton, Sr. upon attaining 90 years of age and for the stellar career he has had in business and in furthering the civil rights cause; and

Be it further resolved: That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Senator Gooch.

On emergency motion of Senator Gooch **SR 1844** was adopted unanimously.

Former Senator Curtis R. McClinton, Sr. was a guest and was honored with a standing ovation. He was accompanied by his son, Curtis R. McClinton, Jr.

Senators Bunten and Oleen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1845—

A RESOLUTION congratulating and commending Joe Schrag.

WHEREAS, Joe Schrag, the athletic director at Topeka West High School, is retiring at the end of the current school year. He will have completed a career of 41 years at Topeka West High School, having joined the faculty in the school's second year of operation; and

WHEREAS, Joe Schrag has been involved in cross country and track during all of his years at Topeka West High School. He also coached the boys junior varsity basketball team for five years and the girls basketball team for two years; and

WHEREAS, Coach Schrag's teams have won four state championships in cross country, two indoor track championships and two outdoor championships; and

WHEREAS, The Topeka West High School cross country and track teams have won more city, league and regional titles than any other Topeka school; and

WHEREAS, In 2002 Topeka West High school named its newly refurbished track facility after Coach Schrag; and

WHEREAS, Coach Schrag has been recognized for his efforts by being selected State Cross Country Coach of the Year in 1991 and State Athletic Director of the Year in 1991; and

WHEREAS, Coach Schrag has been involved in numerous organizations including and has served as the chairperson of the high school committee for the KU Relays, is a member on the National Track and Field Association Advisory Board and the Kansas A.D. Association; and

WHEREAS, During his 41 years at Topeka West High School, Coach Schrag has touched the lives of many students. Through his efforts Topeka West High School has established an Athletic Hall of Fame. A caring teacher and coach who is highly involved in the details of his work, his dedication has produced positive experiences for the myriad of Topeka West High School students and athletes he has known: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Joe Schrag upon completion of an outstanding career of 41 years in public education, and for the positive effect he has had on his students and athletes; and we wish him many happy years in his retirement; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Dr. Stanley Wagstaff, Principal, Topeka West High School, 2001 S.W. Fairlawn Road, Topeka, KS 66604 for presentation to Mr. Schrag and for display at Topeka West High School.

On emergency motion of Senator Bunten **SR 1845** was adopted unanimously.

Senators welcomed Coach Schrag, who was accompanied by his daughter, Monica.

Senators Jackson, Bunten and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1846—

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.

WHEREAS, Constitution Hall-Topeka, the vernacular style commercial building presently addressed 427-429 S. Kansas Avenue in Topeka, Kansas, served as the capitol of the free state territorial government from 1855 until 1861, and the Kansas state government from 1863 to 1869; and

WHEREAS, The free state legislature assembled on July 4, 1856, at this building to consider a constitution that would provide that “there shall be no slavery in this state”; and

WHEREAS, The 1998 Kansas Legislature recognized this building as historically significant in the nation and state by granting \$100,000 in funds for its immediate acquisition, and Friends of the Free State Capitol, a 501 (c)(3) not-for-profit corporation, acquired the building, prevented its demolition and progressed in steps toward its preservation and restoration; and

WHEREAS, The National Park Service Network to Freedom registered the building in May, 2001, for its use as an underground railroad station on the Lane trail to freedom; and

WHEREAS, A stated objective of the Daughters of the American Revolution, Washington D.C., through which its Topeka Chapter was organized in Kansas in January 1896, is, “To cherish, maintain, and extend institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty”; and

WHEREAS, One hundred years ago a bronze commemorative tablet was given by the Topeka Chapter of the Daughters of the American Revolution “. . . to carry out the design and spirit of the national society by aiding in the preservation of that which is most worthy and important in our own state.” Zu Adams placed this tablet in the sidewalk in front of 429 S. Kansas Avenue to mark the historic building’s location, on which tablet was inscribed:

CONSTITUTION HALL

WHERE THE TOPEKA CONSTITUTIONAL CONVENTION

MET IN 1855

AND THE

TOPEKA LEGISLATURE WAS DISPERSED

BY COL. E.V. SUMNER

JULY 4, 1856

USED AS STATE CAPITOL, 1864-1869

PLACED HERE BY THE DAUGHTERS OF THE AMERICAN REVOLUTION,

JULY 4, 1903

Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we recognize and join in celebrating the July 4, 2003, centennial of the commemoration of Constitution Hall; and

Be it further resolved: That the Secretary of the Senate be directed to transmit an enrolled copy of this resolution to: Mary Hoyt, Topeka Chapter, DAR, 5815 SW 25th, Topeka, KS 66614; Greg Allen, Friends of the Free State Capitol, P.O. Box 2551, Topeka, KS 66601; Diane Miller, National Director, National Park Service Network To Freedom, 1709 Jackson St., Omaha, NE; Mary R. Allman, Executive Director, Kansas State Historical Society, 642 S.W. 6th Avenue, Topeka, KS 66605; Harry “Butch” Felker, Mayor, City of Topeka, 215 S.E. 7th, Topeka, KS and to each member of the Kansas congressional delegation.

On emergency motion of Senator Jackson **SR 1846** was adopted unanimously.

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1847—

A RESOLUTION congratulating and commending the Bethany College mens basketball team and Coach R. Clair Oleen.

WHEREAS, The Bethany College mens basketball team was the champion of the 2003 KCAC post season tournament and advanced to the finals of the NAIA Division II mens national tournament; and

WHEREAS, Bethany advanced to the finals by winning four straight games, three of which were against higher seeded teams. The championship game was a hard fought loss to number one ranked Northwestern College, Orange City, Iowa, with the final score being 77 to 57; and

WHEREAS, The Bethany “Swedes” basketball team finished the season with a record of 26 wins and 10 losses which was a school record. It was the third time in five years that Bethany has advanced to the NAIA National Tournament. In addition Bethany players Nathan Hiebert, Dustin Hildebrand and Roderick Johnson were named to the All Tournament Team, and Dustin Hildebrand was also named as an Honorable Mention All-American player; and

WHEREAS, Coach Oleen was named the 2003 NAIA National Coach of the Year, and his national tournament semifinal win was his 350th coaching victory at Bethany College; and

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

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school’s administrators, the faculty, the students, the players’ parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Bethany College mens basketball team and Coach Oleen be congratulated and commended for being KCAC tournament champions and advancing to the finals of the NAIA Division II mens national tournament; and

Be it further resolved: That the Secretary of the Senate be directed to send 15 enrolled copies of this resolution to Dr. Paul Formo, President, Bethany College, Lindsborg, Kansas 67456 for presentation to Coach Oleen and team members.

On emergency motion of Senator Emler **SR 1847** was adopted unanimously.

Senator Emler introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1848—

A RESOLUTION congratulating and commending the Bethany College womens basketball team and Coach Trent May.

WHEREAS, The Bethany College womens basketball team finished the 2002-2003 season with an overall record of 30 wins and 3 losses, had a 25 consecutive game winning streak and were ranked number 2 in the nation for four consecutive weeks; and

WHEREAS, The Bethany College “Lady Swedes” were the KCAC champion with a conference play record of 18 wins and 0 losses, and also were undefeated at the conference tournament. At the NAIA-Division II national tournament they advanced to the sweet 16 round of play; and

WHEREAS, The team had the distinction of having four academic All Americans, two All Americans and one conference player of the year. Jodi Strathman was named as a 1st Team All American, Co-Conference Player of the Year, 1st Team All Conference and as an Academic All American; Jill Nech was named to the 2nd Team All American and to the 1st Team All Conference; Amber Terrell was named to the 1st Team All Conference and as an Academic All American; Cayla Cox was named as an Academic All American and to All Conference Honorable Mention; Dallas Archer was named as an All Conference Honorable Mention and Teresia Smith was named as an All Conference Honorable Mention. Additionally, the Lady Swedes Head Coach, Trent May, was named as the KCAC Coach of the Year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Bethany College womens basketball team and Coach Trent May be congratulated and commended for their successful season and for being the conference champion; and

Be it further resolved: That the Secretary of the Senate be directed to send 18 enrolled copies of this resolution to Dr. Paul Formo, President, Bethany College, Lindsborg, Kansas 67456.

On emergency motion of Senator Emler **SR 1848** was adopted unanimously.

Senator Allen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION congratulating and commending Daniel James Wilson upon becoming an Eagle Scout.

WHEREAS, Daniel James Wilson, age 18, will be honored as an Eagle Scout at an Eagle Scout Court of Honor to be held at Atonement Lutheran Church in Overland Park on April 14. This honor caps a long record in scouting which began at age six. Daniel attends Shawnee Mission South High School and resides at 10404 Cody Street in Overland Park with his parents, David and Pam Wilson; and

WHEREAS, As part of the work involved in earning his Eagle Scout badge Daniel organized a group of scouts to build and install bird feeders and houses at the Indian Creek Nursing Home; and

WHEREAS, Daniel has been on the Principal's Honor Roll each year at his high school and is a member of the National Honor Society. Additionally, he is a member of the high school marching band; and

WHEREAS, This body acknowledges the hard work and dedication it has taken for Daniel to become an Eagle Scout and congratulates him upon his outstanding academic performance at Shawnee Mission South High School: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Daniel James Wilson upon attaining the rank of Eagle Scout and his fine academic record and wish him great success as he goes beyond scouting and high school; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Daniel James Wilson, and one to his parents, Mr. and Mrs. David Wilson, both addressed to 10404 Cody Street, Overland Park, Kansas 66214.

On emergency motion of Senator Allen **SR 1849** was adopted unanimously.

Senator Allen introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1850—

A RESOLUTION congratulating and commending John G. Porter upon becoming an Eagle Scout.

WHEREAS, John G. Porter, age 15, will be honored as an Eagle Scout at an Eagle Scout Court of Honor to be held at the Village Presbyterian Church in Prairie Village on April 13. This honor caps a long record of scouting which began at age six. John attends Shawnee Mission South High School and resides at 9610 Kessler in Overland Park with his parents, Jim and Sally Porter. He is a member of Troop 91, Northern Tier District; and

WHEREAS, As part of the work involved in earning his Eagle Scout Badge, John organized a group of scouts to collect items for the burn unit at Children's Mercy Hospital; over 200 toys, 58 items of clothing and \$458 in cash were contributed for this endeavor. This project was especially meaningful to John in that he had been a patient in the facility and had first-hand knowledge of the suffering there; and

WHEREAS, John has been on the President's Honor Roll in high school, Junior Beta Club in middle school and a member of the Mic-o-say and Order of the Arrow national honor camping societies. He plays in the marching, symphonic and jazz bands at his high school and enjoys skiing; and

WHEREAS, This body acknowledges the hard work and dedication it has taken for John to become an Eagle Scout, commends his academic and musical success and his willingness to assist others: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend John G. Porter upon attaining the rank of Eagle Scout, for his fine academic record and concern for others, and wish him great success as he goes beyond scouting and high school; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to John G. Porter and one to his parents, Mr. and Mrs. Jim Porter, both addressed to 9610 Kessler, Overland Park, Kansas 66212.

On emergency motion of Senator Allen **SR 1850** was adopted unanimously.

Senators Lee and Salmans introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1851—

A RESOLUTION congratulating and commending the Hays High School
“We the People” team.

WHEREAS, In a rigorous competition held in Topeka on February 1, the Hays High School “We the People” team defeated six other Kansas high school teams to be the state champion and to have the privilege of representing Kansas in the national competition to be held in Washington, D.C. from April 25 to 29. The competition tested the team members’ knowledge of the Constitution and the Bill of Rights; and

WHEREAS, The students are part of a growing network of schools using a program known as “We the People. . .the Citizen and the Constitution.” This nationally acclaimed civic education program about the history and philosophy of the United States Constitution and the Bill of Rights is funded by the United States Department of Education by an act of Congress. The primary goal of the program is to promote civic competence and responsibility in America’s youth; and

WHEREAS, Since the inception of the “We the People” program in 1987, more than 24 million students and 75 thousand educators have participated in this innovative course of study. The program enjoys the active participation of members of Congress, as well as support from professional, business and community organizations across the nation; and

WHEREAS, The 22 students on the team are anxious to represent Kansas in the very rigorous and prestigious national competition. The team members are Amy Befort, Daniel Bernasconi, Josh Blau, Mark Colwell, Katie Dreiling, Casey Herrman, Cole Hoosier, Katy Michaelis, Mylee Morin, Jessica Mortinger, Trenton Wilson, Stacy Ryan, Cherise Schaeffer, Shad Schreiner, Nathan Smith, Seth Toepfer, Tiffany Wong, Janell Elliott, Wendy Fossum, Megan Greer, Eli Parke and Paige Pfannenstiel; and their coach is Sue Boldra: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the state champion “We the People” team from Hays High School and wish them great success at the national competition; and

Be it further resolved: That the Secretary of the Senate be directed to provide 23 enrolled copies of this resolution to Sue Boldra, Hays High School, 2300 East 13th Street, Hays, Kansas 67601-2699.

On emergency motion of Senator Lee **SR 1851** was adopted unanimously.

Team members were guests and were acknowledged and welcomed.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1852—

A RESOLUTION congratulating and commending Ringneck Ranch.

WHEREAS, The Ringneck Ranch, Inc., operated by Keith and Debra Houghton of rural Tipton, will celebrate its 20th anniversary this year. The Houghtons provide traditional field hunts of upland game bird species native to North Central Kansas. While ringneck pheasant is the normal quarry, the Houghtons also provide hunting for quail and greater prairie chicken. They offer hunts from mid-October through March. The ranch sits isolated in a pristine prairie valley which has been home to some of the most respected men and women in the state. The cattle and farming operations therein were long-time benchmarks for their industries. The same can be said for the modern day hunting offered there; and

WHEREAS, The Ringneck Ranch hunting operation covers nearly 10,000 pristine acres of the finest native pheasant, bobwhite quail and prairie chicken habitat in Kansas. While the ranch can accommodate 38 guests at one time, hunting parties are divided into small groups of six or less. Each hunting group is accompanied by an experienced local guide who also functions as the dog handler for the hunting party. Guests are provided with transportation to and from the ranch, sleeping accommodations and meals that can best be described as “country gourmet” when not in the field. Only one word describes an establishment that can make strangers feel so comfortable, happy and at home—and that word is quality: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Ringneck Ranch upon providing 20 years of quality service to satisfied hunters; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. and Mrs. Keith Houghton, H.C. 61, Box 7, Tipton, KS 67485.

On emergency motion of Senator Lee **SR 1852** was adopted unanimously.

Senator Lee introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating and commending the Hays Kiwanis Club upon its 50th anniversary.

WHEREAS, The Hays Kiwanis club is celebrating its 50th anniversary this year. The club was sponsored by the Russell Kiwanis Club and received its charter June 10, 1953, with 40 charter members; and

WHEREAS, The Hays Kiwanis club follows the example set by Kiwanis International in that its objects are to encourage the daily living of the Golden Rule in all human relationships, to promote the adoption and application of higher social life, business and professional standards, to provide a practical means through club associations to form enduring friendships, to render altruistic service and to build better communities; and

WHEREAS, Kiwanis members take pride in their community and work to better their communities through projects and fundraisers. The Hays Kiwanis club sponsors and helps maintain two local parks, the Kiwanis Park at 17th and Harvest Road and Hickock Park at 26th and Donald. In the past 10 years the Hays Kiwanis club has invested more than \$55,000 in facilities at and for maintenance of these parks. The Hays Kiwanis club sponsors the community’s annual Easter Egg Hunt which serves and delights hundreds of our children, recognizes area students which have excelled academically by sponsoring “Academic Breakfasts” at area schools, provides volunteers to participate in and assist with the annual Special Olympics, recognizes the members of the Ellis County Ministerial Alliance with a special luncheon and program, recognizes local military veterans who have served and continue to serve our country and financially supports local United Way agencies; and

WHEREAS, The Hays Kiwanis club continues to recognize the need to support human life and to improve their community. The Hays Kiwanis club never fails to look beyond their current projects for other ways in which they can help their community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Hays Kiwanis club upon its 50th anniversary and express our thanks for the civic service it has provided and continues to provide; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mary Sprenkel, President, Hays Kiwanis Club, P.O. Box 354, Hays, Kansas 67601.

On emergency motion of Senator Lee **SR 1853** was adopted unanimously.

Senator Adkins introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1854—

A RESOLUTION congratulating and commending Kansas Alpha Chapter of Sigma Alpha Epsilon Fraternity.

WHEREAS, The Kansas Alpha Chapter of Sigma Alpha Epsilon fraternity is celebrating its 100th year at the University of Kansas on April 25 and 26. Scheduled events include a

gathering of present and former members on April 25 plus a golf outing and banquet on April 26; and

WHEREAS, The Kansas Alpha Chapter began through the efforts of Elmer B. Stanford, of Michigan Iota-Beta, who arrived on the University of Kansas campus in 1900. He recruited other University of Kansas young men into a local fraternity which petitioned and received its national charter in 1902. The Kansas Alpha Chapter was installed at the University of Kansas on February 14, 1903; and

WHEREAS, In 1919 the Chapter completed construction of a new Chapter house, which could house 32 men, and was the first building at the University of Kansas built specifically for a fraternity. In 1952 an addition was made to the Chapter house; in 1969 the 1952 addition was remodeled and the original section was razed and rebuilt so that the fraternity house could accommodate 98 men. In 1996 a fundraising campaign was initiated for the purpose of building a new Chapter house and by 1997 nearly \$2.5 million had been raised. In 1998 the new house was completed at a cost of \$3.1 million and officially dedicated in August 1998; and

WHEREAS, Kansas Alpha now has 72 men living in the Chapter house which is the largest in the past five years. The Chapter continues to work hard on membership, improving its academic standing and ranking among fraternities at the University of Kansas, performing well in Greek athletics and being active in community activities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Kansas Alpha Chapter of the Sigma Alpha Epsilon fraternity upon completion of 100 successful years at the University of Kansas and wish it many more; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Matt Zinn, Eminent Archon, 1301 West Campus Road, Lawrence, KS 66044.

On emergency motion of Senator Adkins **SR 1854** was adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 281** be amended on page 2, in line 10, after "and" by inserting "(2)"; in line 21, after "that" by inserting "during the maturity of such obligations but not to exceed 20 years"; in line 22, by striking "79-3924" and inserting "79-3294";

On page 3, in line 8, by striking "of"; in line 9, by striking "the section"; in line 13, after "authority" by inserting ", the paying agent for such obligations"; after line 19, by inserting the following:

"Sec. 2. K.S.A. 74-8017 is hereby amended to read as follows: 74-8017. On and after January 1, 2003, it shall be the duty of Kansas, Inc. to prepare an annual report evaluating the cost effectiveness of the various income tax credits and sales tax exemptions enacted to encourage economic development within this state and submit the same to the standing committees on taxation and economic development of the house and assessment and taxation and commerce of the senate at the beginning of each regular session of the legislature. The secretary of revenue, in consultation with the president of Kansas, Inc., shall develop a questionnaire on the utilization of state income tax credits and sales tax exemptions that shall be completed by all corporate taxpayers subject to state income tax that shall be submitted to the department of revenue concurrently with the filing of an annual corporate income tax return. The secretary shall provide the completed questionnaires to Kansas, Inc. for use in the preparation of such annual report. The questionnaire shall require respondents to indicate utilization of the following credits and exemptions:

(a) Income tax credits authorized under the provisions of the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto;

(b) income tax credits for expenditures in research and development activities authorized by K.S.A. 79-32,182, and amendments thereto;

(c) income and financial institutions privilege tax credits for cash investment in stock of Kansas Venture Capital, Inc. authorized by K.S.A. 74-8205 and 74-8206, and amendments thereto;

(d) income tax credits for cash investment in certified Kansas venture capital companies authorized by K.S.A. 74-8304, and amendments thereto;

(e) income tax credits for cash investment in certified local seed capital pools authorized by K.S.A. 74-8401, and amendments thereto;

(f) income tax credits for investment in the training and education of qualified firms' employees authorized by K.S.A. 74-50,132, and amendments thereto;

(g) sales tax exemptions for property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business, or retail business meeting the requirements of K.S.A. 74-50,115, and amendments thereto, and machinery and equipment for installation at such business or retail business authorized by subsection (cc) of K.S.A. 79-3606, and amendments thereto; ~~and~~

(h) sales tax exemptions for machinery and equipment used directly and primarily for the purposes of manufacturing, assembling, processing, finishing, storing, warehousing or distributing articles of tangible personal property in this state intended for resale by a manufacturing or processing plant or facility or a storage, warehousing or distribution facility. The secretary of revenue shall provide the completed questionnaires and copies of sales tax exemption certificates to Kansas, Inc. for the preparation of such report; *and*

(i) *obligation bonds issued pursuant to the provisions of the economic revitalization reinvestment act, section 1, and amendments thereto.*

Sec. 3. K.S.A. 74-8017 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, before the period, by inserting “; amending K.S.A. 74-8017 and repealing the existing section” and the bill be passed as amended.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Teichman in the chair.

Recommended **HB 2456** be passed.

SR 1842 be adopted.

SB 279; HB 2418 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 280 be amended by adoption of the committee amendments, be further amended by motion of Senator Morris as amended by Senate Committee, on page 1, in line 27, before “all” by inserting “and K.S.A. 74-8711, and amendments thereto.”; in line 34, by striking “74-33,145” and inserting “74-32,145”, and **SB 280** be passed as further amended.

HB 2014 be amended by adoption of the committee amendments and be passed over and retain a place on the calendar.

HB 2416 be passed over and retain a place on the calendar.

The Committee rose and reported progress (further action follows).

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2423, HB 2461**.

The House adopts the conference committee report on **SB 43**.

The House adopts the conference committee report on **SB 64**.

The House adopts the conference committee report on **SB 82**.

The House adopts the conference committee report on **Substitute SB 83**.

The House adopts the conference committee report on **SB 131**.

The House adopts the conference committee report on **House Substitute for SB 145**.

The House announces the appointment of Representative Sloan to replace Representative Krehbiel as a conferee on **HB 2037**.

The House announces the appointment of Representative Sloan to replace Representative Krehbiel as a conferee on **HB 2374**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2423, HB 2461 were thereupon introduced and read by title.

On motion of Senator Donovan, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with President Kerr in the chair.

PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

SP 11, A petition imploring the Kansas Legislature and Governor Kathleen Sebelius to place the most urgent priority on fulfilling their funding obligations to the Board of Regents and the Kansas Regents institutions filed by Zac Cook, Student Body President, and the unanimous consent of Kansas State University and the Salina Student Governing Associations.

MESSAGE FROM THE HOUSE

Announcing, the House nonconcur in Senate amendments to **HB 2125**, requests a conference and has appointed Representatives Loyd, Owens and Ward as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 2** and has appointed Representatives Mason, D. Williams and Rehorn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 7** and has appointed Representatives Sloan, Horst and Storm as second conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brownlee moved the Senate concur in house amendments to **SB 237**.

SB 237, An act relating to the redevelopment of property located within a federal enclave in Johnson and Labette counties; authorizing certain powers, including tax increment financing and sales tax revenue bonds; relating to projects of the Kansas development finance authority; amending K.S.A. 74-8902, 74-8905, 74-8921, 74-8922, 74-8923, 74-8924, 74-8925, 74-8927 and 74-8929 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Buntin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jordan, Kerr, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Clark, Corbin, Haley, Huelskamp, Lee, Lyon, Pugh.

Absent or Not Voting: Tyson.

The Senate concurred.

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 NEUFELD
SHARON SWARTZ
DOUG GATEWOOD
Conferees on part of House

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

Senator Morris moved the Senate adopt the Conference Committee Report on **SB 43**.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gooch, Goodwin, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barone, Feleciano, Gilstrap, Haley, Harrington, Huelskamp, Salmans.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 64**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Schmidt.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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. Riddel 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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 82**.

On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Donovan, Downey, Emler, Gilstrap, Gooch, Goodwin, Hensley, Jackson, Kerr, Lee, Morris, Oleen, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Barone, Bunten, Clark, Corbin, Feleciano, Haley, Harrington, Huelskamp, Jordan, Lyon, O'Connor, Salmans, Wagle.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **Sub SB 83**.

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

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

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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 MILLER
Conferees on part of House

DEREK SCHMIDT
TIM HUELSKAMP
CHRISTINE DOWNEY
Conferees on part of Senate

Senator Schmidt moved the Senate adopt the Conference Committee Report on **SB 131**.

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

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

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

Senator Schmidt moved the Senate adopt the Conference Committee Report on **H Sub for SB 145**.

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

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

Nays: Huelskamp, Salmans.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2032**.

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

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

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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. RIP GOOCH
Conferees on part of Senate

GARY K. HAYZLETT
JOHN FABER
MARGARET E. LONG
Conferees on part of House

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2160**.

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

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

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2297**.
On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

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

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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
JOANN POTTORFF
ROCKY NICHOLS
Conferees on part of House

Senator Morris moved the Senate adopt the Conference Committee Report on **HB 2369**.
On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting

1.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington,

Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

REPORT ON ENGROSSED BILLS

SB 71; Sub SB 104 reported correctly engrossed April 4, 2003.

Also: **SB 33, SB 36, SB 61, SB 102, SB 103, SB 110, SB 225** correctly re-engrossed April 4, 2003.

REPORT ON ENROLLED BILLS

SB 55, SB 63, SB 91, SB 119, SB 120, SB 134, SB 159, SB 205, SB 206 reported correctly enrolled, properly signed and presented to the Governor on April 4, 2003.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders, with Senator Teichman in the chair.

On motion of Senator Teichman the morning report and the following afternoon report were adopted:

Recommended **HB 2014** be amended by adoption of the committee amendments.

Senator Huelskamp moved to amend the bill as amended by Senate Committee, on page 7, in line 30, after "officer" by inserting "or in the case of a member of the legislature as provided in subsection (d), the election to not become a member of the system must be filed within 90 days of the effective date of this act"; in line 34, after "(b)" by inserting "or a member of the legislature as provided in subsection (d)";

On page 8, in line 21, after "legislature" by inserting ", including any member of the legislature";

On page 15, in line 22, after the comma by inserting "and subject to the provisions of subsection (e), and to any member of the legislature as provided in subsection (d)"; in line 25, after "officers" by inserting "and any such member of the legislature"

The motion failed and the amendment was rejected.

The Committee recommended **HB 2014** be passed as amended.

HB 2416 be amended by motion of Senator Corbin on page 1, in line 14, before "Section" by inserting "New";

On page 3, after line 7, by inserting the following:

"Sec. 2. K.S.A. 79-3702 is hereby amended to read as follows: 79-3702. For the purposes of this act: (a) "Purchase price" means the consideration paid or given or contracted to be paid or given by any person to the seller of an article of tangible personal property for the article purchased. The term shall include, in addition to the consideration paid or given or contracted to be paid or given, the actual cost of transportation from the place where the article was purchased to the person using the same in this state. If a cash discount is allowed and taken on the sale it shall be deducted in arriving at the purchase price.

(b) The meaning ascribed to words and phrases in K.S.A. 79-3602, and amendments thereto, insofar as is practicable, shall be applicable herein unless otherwise provided. The provisions of K.S.A. 79-3601 to 79-3625, inclusive, and amendments thereto, relating to enforcement, collection and administration, insofar as practicable, shall have full force and effect with respect to taxes imposed under the provisions of this act.

(c) "Use" means the exercise within this state by any person of any right or power over tangible personal property incident to the ownership of that property, except that it shall not include processing, or the sale of the property in the regular course of business, and except storage as hereinafter defined.

(d) "Storage" means any keeping or retaining in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property purchased from a retailer.

(e) "Storage" and "use" do not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this state for the purpose

of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

(f) "Property used in processing" means: (1) Any tangible personal property which, when used in fabrication, compounding, manufacturing or germination, becomes an integral part of the new article resulting from such fabrication, compounding, manufacturing, or germination, and intended to be sold ultimately at retail; (2) fuel which is consumed in creating power, heat, or steam for processing or for generating electric current.

(g) "Retailer" means every person engaged in the business of selling tangible personal property for use within the meaning of this act, except that, when in the opinion of the director it is necessary for the efficient administration of this act to regard any salesperson, representatives, truckers, peddlers or canvassers as the agents of the dealers, distributors, supervisors, employers or persons under whom they operate or from whom they obtain the tangible personal property sold by them, irrespective of whether they are making sales on their own behalf or on behalf of such dealers, distributors, supervisors, employers, or persons, the director may so regard them and may regard the dealers, distributors, supervisors, employers, or persons as retailers for the purposes of this act.

(h) (1) "Retailer doing business in this state" or any like term, means: (A) Any retailer ~~(1) having or maintaining within~~ in this state, *permanently, temporarily, directly or by indirectly through* a subsidiary, *agent or representative*, an office, distribution house, sales house, warehouse or other place of business; ~~or any agent or other representative operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent is located here permanently or temporarily, or whether such retailer or subsidiary is admitted to do business within the state,~~ (2) engaging in regular or systematic solicitation of sales of tangible personal property in this state by the distribution of catalogs, periodicals, advertising flyers, or other advertising, by means of print, radio or television media, or by mail, telegraphy, telephone, computer data base, cable, optic, microwave or other communication system for the purpose of effecting retail sales of tangible personal property;

(B) *any retailer having an employee, independent contractor, agent, representative, salesperson, canvasser or solicitor operating in this state either permanently or temporarily, under the authority of the retailer or its subsidiary, for the purpose of selling, delivering, installing, assembling, servicing, repairing, soliciting sales or the taking of orders for tangible personal property;*

(C) *any retailer, including a contractor, repair person or other service provider, who enters this state to perform services that are enumerated in K.S.A. 79-3603 and amendments thereto, and who is required to secure a retailer's sales tax registration certificate before performing those services;*

(D) *any retailer deriving rental receipts from a lease of tangible personal property situated in this state;*

(E) *any person having a franchisee or licensee operating under its trade name if the franchisee or the licensee is required to collect the tax under the Kansas retailers' sales tax act;*

(F) *any person regularly maintaining a stock of tangible personal property in this state for sale in the normal course of business; and*

(G) *any retailer who has any other contact with this state that would allow this state to require the retailer to collect and remit tax under the provisions of the constitution and laws of the United States.*

(2) A retailer shall be presumed to be doing business in this state if:

(A) Both of the following conditions exist:

(i) *The retailer holds a substantial ownership interest in, or is owned in whole substantial part by, a retailer maintaining a sales location in Kansas; and*

(ii) *the retailer sells the same or a substantially similar line of products as the related Kansas retailer and does so under the same or a substantially similar business name, or the Kansas facilities or Kansas employees of the related Kansas retailer are used to advertise, promote or facilitate sales by the retailer to consumers.*

(B) *The retailer holds a substantial ownership interest in, or is owned in whole or in substantial part by, a business that maintains a distribution house, sales house, warehouse or similar place of business in Kansas that delivers property sold by the retailer to consumers.*

(C) *For purposes of paragraphs (A) and (B):*

(i) *“Substantial ownership interest” means an interest in an entity that is not less than the degree of ownership of equity interest in an entity that is specified by Section 78p of Title 15 of the United States Code, or any successor to that statute, with respect to a person other than a director or officer; and*

(ii) *“ownership” means and includes both direct ownership, and indirect ownership through a parent, subsidiary or affiliate.*

(3) *The processing of orders electronically, by fax, telephone, the internet or other electronic ordering process, does not relieve a retailer of responsibility for collection of the tax from the purchaser if the retailer is doing business in this state pursuant to this section.*

(i) *“Director” means the director of taxation.*

New Sec. 3. When tangible personal property is delivered by an owner or former owner thereof, or by a factor, or agent of that owner, former owner or factor to a consumer, pursuant to a retail sale made by a retailer who has not been issued a registration certificate pursuant to K.S.A. 79-3608 and amendments thereto, or a permit issued pursuant to K.S.A. 79-3705d and amendments thereto, the person making the delivery shall be deemed the retailer of that property. Such person shall include the retail selling price of the property in such person’s gross receipts. As used in this section, “factor” means either an agent who is employed to sell property for the principal and who is vested with possession or control of the property or a person who receives and sells goods for a commission. This section shall be part of and supplemental to the Kansas retailers’ sales tax act.

Sec. 4. K.S.A. 79-3702 is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 11, after “program” by inserting “; definition of doing business in state for sales and compensating tax purposes; amending K.S.A. 79-3702 and repealing the existing section”, and **HB 2416** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 279**, **SB 280**; **SR 1842**; **HB 2014**, **HB 2416**, **HB 2418**, **HB 2456** were advanced to Final Action and roll call.

SB 279, An act concerning taxation; relating to time for payment; amending K.S.A. 79-3607, 79-4220 and 79-4221 and K.S.A. 2002 Supp. 79-3298 and repealing the existing sections.

On roll call, the vote was: Yeas 4, Nays 35, Present and Passing 0, Absent or Not Voting 1.

Yeas: Downey, Goodwin, Hensley, Lee.

Nays: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Emler, Feleciano, Gilstrap, Gooch, Haley, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lyon, Morris, O’Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Tyson.

A constitutional majority having failed to vote in favor of the bill, **SB 279** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote “no” on **SB 279**. It appears that this Republican-controlled Senate is unwilling to adopt the Governor’s revenue enhancement package. If the Republican party is unwilling to support our Governor’s recommendations, then it’s time for the Republican party to step to the plate and offer its solutions to the revenue shortfall, primarily created on its watch.

We await your proposals and commit to you and to the citizens of Kansas to consider them fairly and with an open mind.—PAUL FELECIANO, JR.

Senators Barone, Gilstrap, Gooch and Steineger request the record to show they concur with the “Explanation of Vote” offered by Senator Feleciano on **SB 279**.

MR. PRESIDENT: **SB 279** is part of the Governor's revenue plan in response to our current budget crisis. There are those who will say this bill is anti-business. Actually, this bill is intended to accomplish two beneficial goals.

The first goal is to accelerate tax withholding and tax collections by \$18 million to help reduce the \$230 million shortfall in our state's budget. By supporting this acceleration, we are asking the business community to be a partner in solving our budget crisis. I don't believe that is too much to ask.

We are all in this together.

The second and most important goal of this bill is to avoid a tax increase on the same people. The business community should not and cannot take on any additional tax burden given the bad conditions of our economy.

SB 279 is a needed and reasonable alternative to higher taxes.—ANTHONY HENSLEY

I vote no on **SB 279**.

The consequences of accelerating the collection of income tax withholdings will impose a cumbersome and ill-advised hardship on more than 21,000 small businesses. In addition, the collection of sales taxes on a monthly basis would affect 24,000 businesses across our state. This change simply collects the money earlier, does not increase the income, but does greatly increase the paperwork for filers.

According to the National Council of State Legislatures, the change to monthly collections would make Kansas the only state in the country following this make-work policy.

The severance tax acceleration would require 500 taxpayers to make estimated payments and subsequently adjust payments once final data was available. The collection in this manner will create problems with unpaid or overpaid accounts, ongoing collection efforts, and additional administrative correspondence with taxpayers.

While our budgetary needs are great at this time, I find it distasteful to consider asking so many small business owners to shoulder this burden and simply cannot imagine a proposal that is less friendly to business.—DAVE KERR

Senators Adkins, Brungardt, Bunten and Harrington request the record to show they concur with the "Explanation of Vote" offered by Senator Kerr on **SB 279**.

SB 280, An act concerning the Kansas lottery; establishing a veterans benefit lottery game.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

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

Present and Passing: Downey.

Absent or Not Voting: Tyson.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 280**. This bill proposes a unique way for Kansans to support the members of the Kansas National Guard and the veterans who reside in our veteran's homes. As a member of the committee that drafted and considered this bill I want it known that this bill should not be construed as an invitation to other groups to seek similar legislation. Extraordinary circumstances justify this special dedicated revenue source which provides Kansans with a convenient way to offer their support for those who serve and those who served in our armed forces.—DAVID ADKINS

MR. PRESIDENT: I cannot say no to financial support for our Kansas Veteran's and Soldier's Homes or for National Guard scholarships, but I cannot cast a yes vote because of the method of support being advanced in this bill. The honorable method of support for Veteran's Homes and scholarships is from the State General Fund not from games of chance.—CHRISTINE DOWNEY

SR 1842, A Resolution establishing a long-range revenue structure planning group to review tax and revenue structure.

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

1. Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Lyon, O'Connor.

Absent or Not Voting: Tyson.

The resolution was adopted.

HB 2014. An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirement annuities of certain members of the legislature; death and disability benefits; membership; issuance of revenue bonds; amending K.S.A. 74-4911f, 74-4925, 74-4927, 74-4927f and 74-4927k and repealing the existing sections.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting

1. Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Pugh, Salmans, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Jackson, Lyon, Schmidt.

Absent or Not Voting: Tyson.

The bill passed, as amended.

HB 2416. An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest on certain unpaid taxes; procedures and requirements of program; definition of doing business in state for sales and compensating tax purposes; amending K.S.A. 79-3702 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting

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

Nays: Schmidt.

Absent or Not Voting: Tyson.

The bill passed, as amended.

HB 2418. An act concerning courts; relating to the court of appeals; amending K.S.A. 2002 Supp. 20-3002 and 20-3006 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 20-3005.

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

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

Absent or Not Voting: Tyson.

The bill passed, as amended.

HB 2456. An act concerning the attorney general; authorizing transfers between items of appropriation from the state general fund concerning interstate water rights.

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

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

Absent or Not Voting: Tyson.

The bill passed.

MESSAGE FROM THE HOUSE

Announcing passage of **SB 265**, as amended.

The House adopts the conference committee report on **SB 7**.

The House adopts the conference committee report on **SB 178**.

The House concurs in Senate amendments to **HB 2176**.

The House concurs in Senate amendments to **HB 2212** and requests the Senate to return the bill.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brownlee moved the Senate concur in house amendments to **SB 223**.

SB 223, An act concerning state agency purchasing procedures; relating to the reverse auctioning electronic procurement process; repealing the Kansas performance review act; amending K.S.A. 75-3711a, 75-3711b, 75-3738, 75-3740 and 76-721 and K.S.A. 2002 Supp. 75-3739 and 75-3739a and repealing the existing sections; also repealing K.S.A. 75-3711d, 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107.

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

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

Absent or Not Voting: Tyson.

The Senate concurred.

Senator O'Connor moved the Senate concur in house amendments to **H Sub for SB 2**.

H Sub for SB 2, An act concerning alcoholic beverages; providing for certain purchases and shipping of wines; amending K.S.A. 41-301, 41-302, 41-303, 41-710, 41-712 and 41-2704 and K.S.A. 2002 Supp. 41-719 and repealing the existing sections.

On roll call, the vote was: Yeas 18, Nays 19, Present and Passing 2, Absent or Not Voting 1.

Yeas: Barone, Brungardt, Buhler, Bunten, Emler, Feleciano, Gilstrap, Gooch, Haley, Hensley, Jackson, Lee, Morris, O'Connor, Schmidt, Schodorf, Steineger, Teichman.

Nays: Adkins, Allen, Barnett, Brownlee, Clark, Corbin, Downey, Goodwin, Harrington, Huelskamp, Jordan, Kerr, Lyon, Oleen, Pugh, Salmans, Taddiken, Umbarger, Vratil.

Present and Passing: Donovan, Wagle.

Absent or Not Voting: Tyson.

The motion to concur failed and **H Sub for SB 2** remains in conference.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 265**.

The President appointed Senators Allen, O'Connor and Gilstrap as a conference committee on the part of the Senate.

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" 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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 7**.

On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting

1.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Goodwin, Haley, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Gooch, Harrington, Huelskamp, Schodorf.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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 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.~~

~~The 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.*

~~(b)~~ (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

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 178**.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, O'Connor.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

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

Senator Brownlee moved the Senate adopt the Conference Committee Report on **S Sub for 2208**.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Bunten, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Tad-diken, Teichman, Umbarger, Vratil, Wagle.

Nays: Corbin, Haley, Huelskamp, Lyon, Pugh.

Absent or Not Voting: Tyson.

The Conference Committee report was adopted.

MESSAGE FROM THE HOUSE

Announcing, the House nonconcur in Senate amendments to **HB 2014**, requests a conference and has appointed Representatives McCreary, Neufeld and Shriver as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2416**, requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2418**, requests a conference and has appointed Representatives O'Neal, Patterson and Pauls as conferees on the part of the House.

The House not adopts the conference committee report on **HB 2201**, requests a conference and appoints Representatives Vickrey, Ostmeyer and Toelkes as second conferees on the part of the House.

The House adopts the conference committee report on **HB 2032**.

The House adopts the conference committee report on **HB 2038**.

The House adopts the conference committee report on **HB 2078**.

The House adopts the conference committee report on **HB 2088**.

The House adopts the conference committee report on **HB 2121**.

The House adopts the conference committee report on **HB 2160**.

The House adopts the conference committee report on **Senate Substitute for HB 2219**.

The House adopts the conference committee report on **HB 2247**.

The House adopts the conference committee report on **HB 2288**.

The House adopts the conference committee report on **HB 2297**.

The House adopts the conference committee report on **HB 2332**.

The House adopts the conference committee report on **HB 2234**.

The House adopts the conference committee report on **Senate Substitute for HB 2308**.

The House adopts the conference committee report on **HB 2369**.

The House concurs in Senate amendments to **HB 2068** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2374** and requests the Senate to return the bill.

ORIGINAL MOTION

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2014**.

The President appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2125**.

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

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **HB 2201**.

The President appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2416**.

The President appointed Senators Corbin, Donovan and Lee as conferees on the part of the Senate.

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **HB 2418**.

The President appointed Senators Morris, Adkins and Feleciano conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2400** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2400," as follows:

"SENATE Substitute for HOUSE BILL No. 2400

By Committee on Ways and Means

"AN ACT concerning the Kansas lottery; establishing a veterans benefit lottery game."; and the substitute bill be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2400** was advanced to Final Action, subject to amendment, debate and roll call.

S Sub for HB 2400, An act concerning the Kansas lottery; establishing a veterans benefit lottery game.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

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

Present and Passing: Downey.

Absent or Not Voting: Tyson.

The bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I cannot say no to financial support for our Kansas Veteran's and Soldier's Homes or for National Guard scholarships, but I cannot cast a yes vote because of the method of support being advanced in this bill. The honorable method of support for Veteran's Homes and scholarships is from the State General Fund not from games of chance.—CHRISTINE DOWNEY

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **Senate Substitute for HB 2208**.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2400**, requests a conference and has appointed Representatives Neufeld, Shultz and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 265** and has appointed Representatives Neufeld, Shultz and Nichols as conferees on the part of the House.

Rejection of **House Substitute for SB 250**.

ORIGINAL MOTION

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **S Sub for HB 2400**.

The President appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

In compliance with **HCR 5021**, Senator Morris moved the Senate adjourn until 10:00 a.m., Wednesday, April 30, 2003.

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

PAT SAVILLE, *Secretary of the Senate*.

