

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 24, 2004—10:00 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,
Jody's the Sergeant-At-Arms.
One Assistant Sergeant's Ken.
Charles is a doorkeeper
These and the others blend.
Roger is a doorkeeper;
Another Assistant Sergeant's "Nick".
Gary is a doorkeeper;
He and Roger "click".
Two Larry's are doorkeepers;
One Larry is name Carr.
The other one is Barker;
They come from near and far.
These men are necessary
To help make the Senate run.
Making sure the doors are open
And closed when things are done.
They watch all who enter
To make sure their badge is worn;
Except for Senators of course;
All of them are known.
They check all desks each day
To see if something's hidden
Making sure we are secure
Because weapons are forbidden!
Decorum is maintained,
We must remove our hats.
This applies to everyone:
Republicans and Democrats.
Senators must not be bothered
When it's voting time.
Refreshments are forbidden
And distractions are a crime.

There are many other chores
That these people do.
They are firm but friendly,
And very thorough, too.

So thank You, Lord, for these men
Who help make the Senate run.
Keep them healthy and alert,
And bless them everyone.

I pray in the Name of Christ,
AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:
Ways and Means: **HB 2918**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Wagle moved the Senate concur in house amendments to **SB 418**.

SB 418, An act establishing a birth defects information system; providing for administration by the secretary of health and environment and for collection of data.

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

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

The Senate concurred.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

SB 381, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; beneficiaries; amending K.S.A. 2003 Supp. 74-4902 and 74-4927 and repealing the existing sections, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 512, An act concerning school districts; relating to budgets; amending K.S.A. 79-2925 and K.S.A. 2003 Supp. 72-8247 and 79-2926 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 22, Nays 17, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Barone, Bunten, Clark, Corbin, Donovan, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lyon, Morris, O'Connor, Pugh, Schmidt, Taddiken, Tyson, Wagle.

Nays: Allen, Barnett, Betts, Brownlee, Brungardt, Buhler, Downey, Emler, Goodwin, Lee, Oleen, Salmans, Schodorf, Steineger, Teichman, Umbarger, Vratil.

Present and Passing: Gilstrap.

The bill passed, as amended.

SB 547, An act concerning eminent domain; relating to certain limitations on taking of private property; amending K.S.A. 26-502 and 26-513 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 15, Nays 22, Present and Passing 3, Absent or Not Voting 0.

Yeas: Clark, Emler, Goodwin, Haley, Huelskamp, Journey, Lee, Lyon, O'Connor, Pugh, Salmans, Schmidt, Tyson, Umbarger, Wagle.

Nays: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Corbin, Gilstrap, Helgerson, Hensley, Jackson, Jordan, Kerr, Morris, Oleen, Schodorf, Steineger, Taddiken, Teichman, Vratil.

Present and Passing: Bunten, Donovan, Downey.

A constitutional majority having failed to vote in favor of the bill, **SB 547** did not pass.

EXPLANATION OF VOTE

I vote "NO" on **SB 547** because it "overcorrects" the existing problem. Make no mistake, there have been some abuses of the current law with even the most responsible property owners losing out to those with better "connections." However, we can and should correct the problem without the very great impact of **SB 547**. I will support an interim study of this situation with the expectation that we can craft a policy that will improve the certainty of responsible ownership while not creating an absolute roadblock to future development that we will regret.—DAVE KERR:

Senators Barone, Betts, Brownlee, Helgerson, Jordan, Oleen, Taddiken, Teichman, and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Kerr on **SB 547**.

MR. PRESIDENT: I vote no on **SB 547**. Although the issue of eminent domain and its use by governments has been abused in certain instances across the state of Kansas, **SB 547** excessively restricts the public interest in the area of economic development. When a bill is developed which better balances the interests of landowners and the public good, such a bill deserves support and passage into statute.—DAVID JACKSON

MR. PRESIDENT: I vote yes. This bill limiting eminent domain presents a clear choice for us.

Our Founding Fathers understood and stated that our individual freedom rests with protecting individual property rights.

A vote for **SB 547** is a clear vote for free enterprise and individual property rights, declaring that our unalienable rights belong to the individual.

A vote no on **SB 547** is a repudiation of individual property rights, declaring that our unalienable rights belong to the government.—ROBERT TYSON

Senators Clark, Haley, Huelskamp, Lyon, Journey and Pugh request the record to show they concur with the "Explanation of Vote" offered by Senator Tyson on **SB 547**.

SB 556, An act concerning certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 2003 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, was considered on final action.

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

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

Nays: Huelskamp, Journey.

The bill passed.

HB 2347, An act enacting the Kansas uniform securities act; amending K.S.A. 12-1675, 12-1677b, 12-4516, 16-214, 17-4632, 50-1009, 50-1016, 66-1508, 74-8229 and 75-6302 and K.S.A. 2003 Supp. 17-49a01, 21-4619 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-1260, 17-1266, 17-1267, 17-1269, 17-1273, 17-1274 and 17-1275 and K.S.A. 2003 Supp. 17-1252, 17-1253, 17-1254, 17-1255, 17-1257, 17-1258, 17-1259, 17-1261, 17-1262, 17-1262a, 17-1263, 17-1264, 17-1264a, 17-1265, 17-1265a, 17-1266a, 17-1268, 17-1270, 17-1270a, 17-1270b, 17-1271 and 17-1272, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub HB 2516, An act concerning utilities; providing certain incentives to increase electric transmission system and electric generating capacity; relating to powers and duties of the state corporation commission; relating to inclusion of certain expenses in rates; amending K.S.A. 66-128 and K.S.A. 2003 Supp. 66-1239 and 74-8946 and repealing the existing sections, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2525, An act concerning crimes and punishment; relating to criminal use of explosives; amending K.S.A. 2003 Supp. 21-3731 and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Brungardt, Emler, Goodwin, Kerr, Vratil.

Nays: Barnett, Barone, Betts, Brownlee, Buhler, Bunten, Clark, Corbin, Donovan, Gilstrap, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Wagle.

Present and Passing: Downey.

A constitutional majority having failed to vote in favor of the bill, **HB 2525** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2525** because this bill unnecessarily and without good reason significantly raises the penalties for possession of large firecrackers and possibly model rocketry components. It changes a presumptive probation crime to presumptive prison. It is bad public policy to promote such legislation without knowing the potential costs of dozens or perhaps hundreds of man years over the next decade in prison space because of this crime's new nature of being presumptive prison. It is bad public policy to put children in juvenile detention for forgetting to dispose of the fireworks they purchase in Missouri when they come home to Kansas. Current statute is sufficient and gives the court discretion in dealing with the variety of cases that come before it with their varying circumstances.—PHILLIP B. JOURNEY

Senator Gilstrap requests the record to show he concurs with the "Explanation of Vote" offered by Senator Journey on **HB 2525**.

Sub HB 2558, An act relating to charter schools; amending K.S.A. 72-1906, 72-1907 and 72-1910 and repealing the existing sections, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

HB 2597, An act concerning insurance; pertaining to the elimination of the errors and omissions requirement for insurance agents; relating to the issuance of insurance policies in a foreign language; relating to risk-based capital requirements; relating to the Kansas uninsurable health insurance plan; relating to the purchase of insurance by state agencies; relating to group health insurance; relating to health benefit plans by the Kansas business

health partnership; amending K.S.A. 40-216, 40-241, 40-246b, 40-2,131, 40-2118, 40-2122, 40-2124, 40-2209, 40- 4503, 75-4105 and 75-4109 and K.S.A. 2003 Supp. 40-2c01, 40-2404, 40-4702, 40-4704 and 40- 4706 and repealing the existing sections; also repealing K.S.A. 40-246f, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2685, An act relating to payday loans; concerning the regulation thereof; amending K.S.A. 2003 Supp. 16a-2-404 and repealing the existing section, was considered on final action.

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

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

Nays: Journey, Pugh.

The bill passed.

HB 2695, An act concerning waste; relating to littering; providing for criminal littering; creating a traffic infraction of littering; also relating to recyclables and recycling programs; amending K.S.A. 8-2118, 21-3722 and 65-3410 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Bunten, Corbin, Donovan, Downey, Emler, Goodwin, Helgerson, Hensley, Jackson, Kerr, Morris, Oleen, Pugh, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Betts, Brownlee, Buhler, Clark, Gilstrap, Haley, Huelkamp, Jordan, Journey, Lee, Lyon, O'Connor, Salmans.

The bill passed, as amended.

HB 2725, An act concerning county jails; relating to the costs of maintaining inmates; amending K.S.A. 2003 Supp. 19-1930 and repealing the existing section, was considered on final action.

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

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

Nays: Journey, Oleen.

The bill passed.

HB 2760, An act concerning hospitals; amending K.S.A. 65-468 and repealing the existing section; also repealing K.S.A. 2003 Supp. 65-441a, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2781, An act relating to prearranged funeral agreements, contracts or plans; amending K.S.A. 2003 Supp. 16-304 and 16-311 and repealing the existing sections, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2795, An act concerning higher education; concerning postsecondary educational institutions and tuition and fees relating thereto; relating to savings programs therefor; amending K.S.A. 72-1111, 72-4432 and 74-32,161 and K.S.A. 2003 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610, 71-1705, 72-4470a, 74-32,151, 75-646 and 79-32,117; also repealing K.S.A. 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940 and 74-3249 through 74-3253 and K.S.A. 2003 Supp. 72-4938, was considered on final action.

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

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

Nays: Huelskamp.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 550** be amended on page 1, in line 22, by striking "to realize" and inserting "in realizing"; in line 32, by striking "are" and inserting "is";

On page 7, in line 8, after "2004-2005" by inserting "and each school year thereafter"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2602** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2602," as follows:

"SENATE Substitute for HOUSE BILL NO. 2602

By Committee on Judiciary

"AN ACT concerning children and minors; pertaining to death or injury under certain circumstances; amending K.S.A. 22a-243 and 38-1508 and K.S.A. 2003 Supp. 38-1507 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2869**, as amended by House Committee, be amended on page 1, in line 16, by striking all after "(a)"; by striking all in lines 7 through 22; in line 23, by striking "mine," and inserting "(1) The court may admit into evidence an alleged controlled substance if, prior to the preliminary examination, the alleged controlled substance:

(A) Has been subjected to a field test, which test has been approved by the director of the Kansas bureau of investigation;

(B) the field test has been administered by a law enforcement officer trained in the use of such field test by a person certified by the manufacturer of that field test; and

(C) the result of such field test was positive for the presumptive presence of the alleged controlled substance.

(2) A positive result on a field test described in and conducted pursuant to this subsection shall be deemed sufficient to establish probable cause to believe that the tested substance is the controlled substance alleged.

(3)"; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2657**, as amended by House Committee, be amended on page 1, in line 16, by striking "A" and inserting "Except as otherwise provided by law and in accordance with any applicable legal requirements, a"; also in line 16, by striking "may be" and inserting "which is"; in line 17, by striking "and" and inserting "shall be"; in line 21, by striking "or other location of final interment, and"

and inserting a comma; in line 22, before the period, by inserting “or other location of final disposition”; in line 24, by striking “board” and inserting “state board of mortuary arts”; in line 35, by striking “board” where it appears for the first time and inserting “state board of mortuary arts”; in line 41, by striking “board” and inserting “state board of mortuary arts”;

On page 2, in line 19, by striking “beginning” and inserting “on and after”;

On page 3, in line 27, by striking “crime” and inserting “felony”; in line 30, before the semicolon, by inserting “, or has been convicted of any offense involving moral turpitude or has been convicted of criminal desecration”; in line 33, by striking “incapacitated” and inserting “unable”; in line 36, before the semicolon, by inserting “as determined by the board after receiving the results of an evaluation by a person licensed to practice medicine and surgery or a person licensed to diagnose and treat mental illness, or both, as directed by the board”;

On page 4, in line 23, before the semicolon, by inserting “, an attested copy of the record of the action of the other jurisdiction being presumptive evidence thereof”; and the bill be passed as amended.

Also, **HB 2813**, as amended by House Committee, be amended on page 1, in line 30, by striking all after “(b)”; by striking all in lines 31 through 37; in line 38, by striking all before “The” and inserting: “The board shall immediately petition the court for appointment of a custodian of a health care provider’s health care records if the board is notified or has independent knowledge that a health care provider: (1) Has abandoned health care records, abandoned the health care provider’s practice, had the health care provider’s license suspended or revoked, had a license canceled or dissolved a business entity and the health care provider is unable or refuses to allow patients access to their health care records as authorized by law or (2) has died and the health care provider’s patients are unable to access their health care records as authorized by law.”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

Sub SB 380 reported correctly engrossed March 24, 2004.

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 Morris in the chair.

Recommended **SB 561**; **HB 2615**, **HB 2746** be passed.

The committee report on **HB 2352** recommending a **S Sub for HB 2352** be adopted, and the substitute bill be passed.

The committee report on **HB 2375** recommending a **S Sub for HB 2375** be adopted, and the substitute bill be passed.

HB 2554, **HB 2600**, **HB 2652** be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2624 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 2, in line 33, following “violating” by inserting “paragraph (1) or (2) of”; also in line 33, by striking “or”; in line 34, by striking “(b)”

Senator Donovan further amended the bill as amended by Senate Committee, on page 4, following line 30, by inserting the following:

“Sec. 10. K.S.A. 75-46a04 is hereby amended to read as follows: 75-46a04. (a) The ~~department~~ *secretary* of administration shall select and assign a driver and an alternate driver for each motor vehicle designated for use in accomplishing the purposes of K.S.A. 75-46a02 to 75-46a09, inclusive, *and amendments thereto*. Each ~~said~~ driver shall be an employee of the state and shall possess a valid driver’s license issued by the state.

~~(b) All state employees participating in the vanpool program shall be considered to be in the scope or course of their employment for worker’s compensation purposes only.~~

~~(c) (b) Every motor vehicle designated for use in the state vanpool program shall be owned and registered in the name of the state, and. In accordance with K.S.A. 75-4101 et seq., and amendments thereto, the state shall purchase for each ~~said~~ vehicle in the state vanpool program such liability, property damage and ~~such~~ other insurance as deemed nec-~~

essary by the committee on surety bonds and insurance, *except that a minimum of \$1,000,000 of liability coverage shall be purchased for each vehicle in the state vanpool program.*”;

By renumbering sections accordingly;

On page 5, in line 8, by striking all following “for”; in line 9, by striking “the program” and inserting “each vanpool”; in line 10, by striking “uniform”; also in line 10, following “fee” by inserting “for each vanpool”; in line 11, by striking “the program” and inserting “each vanpool”; in line 13, by striking “appropriate”; in line 27, by striking all following “may”; in line 28, by striking all preceding “terminate”; in line 30, by striking all following “that”; by striking all in lines 31 and 32 and inserting “either of the following conditions exist:

(a) It is no longer feasible to operate the vanpool program in a self-sufficient manner without the assistance of state funding; or

(b) it is otherwise no longer feasible to operate the program in a manner consistent with the provisions of K.S.A. 75-46a02 through 75-46a08, and amendments thereto.”;

Also on page 5, in line 34, after “75-46a03,” by inserting “75-46a04.”;

In the title, in line 13, following “75-46a03,” by inserting “75-46a04.”

Senator Journey further amended the bill as amended by Senate Committee, on page 1, following line 25, by inserting the following:

“New Sec. 2. (a) No person shall willfully fail or refuse to comply with any lawful order or direction of any uniformed adult school crossing guard invested by law with authority to direct, control or regulate traffic.

(b) The section shall be part of and supplemental to the uniform act regulating traffic.”;

By renumbering sections accordingly;

On page 4, preceding line 15, by inserting:

“Sec. 9. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit;

		21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit;
		31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
<i>Disobeying school crossing guard</i>	<i>section 2</i>	\$60
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection, railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$30
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30

Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60
Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30

Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30
Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passen- ger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and em- blems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on imple- ments of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30
Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30

Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
TV screen visible to driver	8-1748	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) *Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under subsection (a)(4) of K.S.A. 8-1560, and amendments thereto.*;

By renumbering sections accordingly;

On page 5, in line 33, preceding "75-" by inserting "8-2118,";

In the title, in line 12, preceding "amending" by inserting "relating to school zones;" in line 13, preceding "75-46a02" by inserting "8-2118," and **HB 2624** be passed as further amended.

The committee rose and reported progress (see Committee of the Whole, afternoon session)

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2749**.

Passage of **SB 446, SB 447, SB 448, SB 449**.

Also, passage of **SB 309**, as amended, **SB 382**, as amended, **SB 472**, as amended.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2749 was thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

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

Recommended **Sub HB 2435; HB 2603, HB 2693, HB 2717, HB 2718** be passed.

The committee report on **HB 2404** recommending a **S Sub for HB 2404** be adopted, and the substitute bill be passed.

HB 2604, HB 2641, HB 2653, HB 2712 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2606 be amended by motion of Senator Huelskamp on page 1, following line 20, by inserting the following:

“Sec. 2. K.S.A. 2003 Supp. 16-1611 is hereby amended to read as follows: 16-1611. (a) If a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by other applicable law, is attached to or logically associated with the signature or record.

(b) *The secretary of state is hereby authorized to promulgate rules and regulations establishing procedures for an electronic notarization.*”;

By renumbering sections accordingly;

Also on page 1, in line 21, by striking “is” and inserting “and K.S.A. 2003 16-1611 are”;

In the title, in line 10, following “25-3202” by inserting “and K.S.A. 2003 Supp. 16-1611”; in line 11, by striking “section” and inserting “sections”, and **HB 2606** be passed as amended.

Sub HB 2143 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 1, in line 30, by striking all before “thereto” where it appears for the second time;

On page 6, by striking all in lines 37 through 43;

On page 7, by striking all in lines 1 and 2 and inserting:

“Sec. 3. K.S.A. 8-1,146 is hereby amended to read as follows: 8-1,146. (a) Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person has proof of having served and is designated as a veteran, and has had an honorable discharge from the United States army, navy, air force, marine corps, coast guard or merchant marines, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as an United States military veteran. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) *In addition to such license plate, on and after January 1, 2005, the person may request a decal for each license plate indicating:*

(1) *The appropriate military branch in which the person served; and*

(2) upon submitting satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary, that such person was awarded a silver star or bronze star medal by the United States government.

A fee of \$2 shall be paid for each decal. The decals shall be affixed to the license plate in the location required by the director.

(b) Any person who is a veteran of the United States army, navy, air force, marine corps, coast guard or merchant marines may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the United States army, navy, air force, marine corps, coast guard or merchant marines. Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (c). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.”;

On page 8, by striking all in lines 38 through 43;

On page 9, by striking all in lines 1 through 43;

On page 10, by striking all in lines 1 through 19;

By renumbering the remaining sections accordingly;

Also on page 10, in line 20, following “8-1,142” by inserting “, 8-1,146”; also in line 20, by striking “and K.S.A. 2003”; in line 21, by striking all preceding “are”;

In the title, in line 15, by striking “and 8-1,142 and K.S.A. 2003 Supp. 8-1,147” and inserting “, 8-1,142 and 8-1,146”

Senator Umbarger further amended **Sub HB 2143** as amended by Senate Committee, on page 10, following line 19, by inserting:

“Sec. 8. K.S.A. 8-161 is hereby amended to read as follows: 8-161. (a) Any disabled veteran as defined in K.S.A. 8-160, and amendments thereto, who resides in Kansas and who makes application to the director of vehicles on a form furnished by the director for registration of a motor vehicle that is a passenger vehicle or a truck with a gross weight of not more than 20,000 pounds or motorcycle and is owned or leased and used by such veteran may have such motor vehicle registered, and the director shall issue a distinctive license plate for it. Such license plate shall be issued for the same period of time as other license plates are issued. Such registration shall be made and such license plates issued free of charge to the disabled veteran. The director of vehicles shall also issue to the disabled veteran an individual identification card which must be carried by the disabled veteran when the motor vehicle being operated by the disabled veteran or used for the transportation of such disabled veteran is parked in a designated accessible parking space.

(b) Any Kansas resident who owns or leases a motor vehicle and who is responsible for the transportation of a disabled veteran or any resident disabled veteran desiring a distinctive license plate for a vehicle other than a motor vehicle owned or leased by the veteran may make application to the director of vehicles for such a license plate. Such license plate shall be issued for the same period of time as other license plates are issued. There shall be no fee for such license plates in addition to the regular registration fee.

(c) The director of vehicles shall design a special license plate to be issued as provided in this act. No registration or license plates issued under this act shall be transferable to any other person. No registration under this act shall be made until the applicant has filed with the director acceptable proof that the applicant is a disabled veteran as defined by K.S.A. 8-160, and amendments thereto, or is responsible for the transportation of such veteran.

Motor vehicles displaying the distinctive license plates provided for in this act shall be permitted to park in any parking space on public or private property which is clearly marked as being reserved for the use of persons with a disability or persons responsible for the transportation of a person with a disability, except a parking space on private property which is clearly marked as being reserved for the use of a specified person with a disability, or park without charge in any metered zone and shall be exempt from any time limitation imposed on parking in any zone designated for parking, during the hours in which parking is permitted in any city.

Any person who willfully and falsely represents that such person has the qualifications to obtain the distinctive license plates provided for by this section, or who falsely utilizes the parking privilege accorded by this section, shall be guilty of an unclassified misdemeanor punishable by a fine of not more than \$250.

Sec. 9. K.S.A. 8-177a is hereby amended to read as follows: 8-177a. (a) Any owner or lessee of one or more passenger vehicles ~~or~~, trucks registered for a gross weight of not more than 20,000 pounds *or motorcycles*, who is a resident of the state of Kansas, and who is a regularly enlisted or retired, warrant or commissioned member of the Kansas national guard, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such motor vehicle ~~or~~, truck *or motorcycle* that is not required to be registered with the state corporation commission designating the owner or lessee of such vehicle as a member or retired member of the Kansas national guard. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any such member or retired member of the Kansas national guard may make application for such distinctive license plates, not less than 60 days prior to such member's renewal of registration date, on a form furnished by the director of vehicles, and any applicant for such distinctive license plates shall furnish the director with such applicant's armed forces of the United States identification card as proof that the applicant is a member or a retired member of the Kansas national guard. Application for the registration of passenger vehicles ~~or~~, trucks *or motorcycles* and issuance of the distinctive license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plate issued under this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(e) The adjutant general, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a distinctive license plate for issuance to members and retired members of the Kansas national guard.

Sec. 10. K.S.A. 8-177c is hereby amended to read as follows: 8-177c. (a) As used in this section, "prisoner of war" means any person who was held as a prisoner of war while serving in the army, navy, coast guard, air force or marine corps of the United States in World War I or World War II or while serving with the armed forces of the United States during the military, naval and air operations in Korea, Vietnam or other places under the flags of the United States and the United Nations or under the flag of the United States alone.

(b) Any owner or lessee of a passenger vehicle ~~or~~, truck of gross weight of 20,000 pounds or less *or motorcycle*, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a former prisoner of war or is the surviving spouse of a former prisoner of war, may, upon compliance with the provisions of this section, be issued one distinctive license plate designating such person as a prisoner of war. The license plate shall be issued for the same period of time as other license plates are issued upon proper registration without payment of the regular license fee as provided in K.S.A. 8-143,

and amendments thereto. Only one distinctive license plate may be issued to any prisoner of war or surviving spouse of a prisoner of war, to be displayed on such a vehicle owned or leased by such person.

(c) Any prisoner of war or surviving spouse of a prisoner of war may make application for the distinctive license plate, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plate shall furnish the director with such proof as the director shall require that the applicant was a prisoner of war or is the surviving spouse of a prisoner of war. Application for the registration of a passenger vehicle or truck and issuance of the distinctive license plate under the provisions of this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon the appropriate form furnished by the director.

(d) Any registration or distinctive license plate issued under the authority of this section shall not be transferable to any other person, except to the surviving spouse of a prisoner of war.

(e) Renewals of registration hereunder shall be made annually, without charge, in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until the applicant has filed with the director a form as provided in subsection (c). If the form is not filed, the applicant shall be required to register the motor vehicle as provided in K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer.

(f) The rights of the surviving spouse of a prisoner of war under this section shall terminate upon remarriage of such person.

(g) Nothing in this section shall authorize the surviving spouse of a prisoner of war to be issued a distinctive license plate under this section, unless the deceased prisoner of war had already been issued such distinctive license plate.

Sec. 11. K.S.A. 8-1,139 is hereby amended to read as follows: 8-1,139. (a) Any owner or lessee of a passenger vehicle ~~or~~, truck of a gross weight of 20,000 pounds or less *or motorcycle*, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a survivor of the attack on Pearl Harbor, upon compliance with the provisions of this section, may be issued one distinctive license plate designating such person as a survivor of the attack on Pearl Harbor. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person making application for a survivor of the attack on Pearl Harbor license plate must comply with the following:

- (1) Was a member of the United States armed forces on December 7, 1941;
- (2) was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu or offshore at a distance not to exceed three miles therefrom;
- (3) received an honorable discharge from the United States armed forces; and
- (4) has been approved by the chairperson of the Kansas Pearl Harbor survivors association as being a survivor of the attack on Pearl Harbor.

(c) Any survivor of the attack on Pearl Harbor may make application for the distinctive license plate, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any application for the distinctive license plate shall furnish the director with such proof as the director shall require that the applicant was a survivor of the attack on Pearl Harbor. Application for the registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant

until such applicant has filed with the director a form as provided in subsection (c). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

Sec. 12. K.S.A. 8-1,140 is hereby amended to read as follows: 8-1,140. (a) Any owner or lessee of one or more passenger vehicles ~~or~~, trucks of a gross weight of 20,000 pounds or less *or motorcycles*, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person was awarded a purple heart medal by the United States government for wounds received in military or naval combat against an armed enemy of the United States, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle ~~or~~, truck *or motorcycle* designating such person as a recipient of the purple heart medal. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any recipient of the purple heart medal may make application for the distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with such proof as the director shall require that the applicant was a recipient of the purple heart medal. Application for the registration of a passenger vehicle ~~or~~, truck *or motorcycle* and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

Sec. 13. K.S.A. 8-1,145 is hereby amended to read as follows: 8-1,145. (a) On and after January 1, 2001, any owner or lessee of one or more passenger vehicles ~~or~~, trucks of a gross weight of 20,000 pounds or less *or motorcycles*, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person was awarded the congressional medal of honor, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle ~~or~~, truck *or motorcycle* designating such person as a recipient of the congressional medal of honor. Such license plates shall be issued for the same period of time as other license plates upon proper registration and without payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any recipient of the congressional medal of honor may make application for the distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with such proof as the director shall require that the applicant was a recipient of the congressional medal of honor. Application for the registration of a passenger vehicle ~~or~~, truck *or motorcycle* and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, without charge, in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall

be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.”;

By renumbering sections accordingly;

Also on page 10, in line 20, following “K.S.A.” by inserting “8-161, 8-177a, 8-177c, 8-1,139, 8-1,140,”; also in line 20, following “8-1,142” by inserting “, 8-1,145”;

In the title, in line 14, following “K.S.A.” by inserting “8-161, 8-177a, 8-177c, 8-1,139, 8-1,140,”; in line 15, by striking “and 8-1,142” and inserting “, 8-1,142 and 8-1,145”

Senator Brownlee further amended **Sub HB 2143** as amended by Senate Committee, on page 10, after line 19, by inserting the following:

“New Sec. 8. (a) On and after January 1, 2005, any owner or lessee of one or more passenger vehicles or trucks of a gross weight of 20,000 pounds or less, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a firefighter, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle or truck designating such person as a firefighter. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a firefighter may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a firefighter. Application for the registration of a passenger vehicle or truck and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.”;

By renumbering sections accordingly, and **Sub HB 2143** be passed as further amended.

The following amendment offered by Senator Emler was rejected: as amended by Senate Committee, on page 1, by striking all in lines 19 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 24;

“New Section 1. (a) The provisions of K.S.A. 8-1,142, 8-1,148, 8-1,150 and 8-1,151 shall expire on January 1, 2005.

(b) Notwithstanding the provisions of subsection (a), any person issued a license plate under the provisions of K.S.A. 8-1,142, 8-1,148, 8-1,149, 8-1,150 or 8-1,151, and amendments thereto, and which has a valid registration, may continue to display such license plate until the next annual renewal of registration. Renewal of registration shall be made in the manner provided for in K.S.A. 8-126 *et seq.*, and amendments thereto.”;

On page 7, by striking all in lines 3 through 43;

On page 8, by striking all in lines 1 through 37;

By renumbering sections accordingly;

On page 10, in line 20, by striking all following “K.S.A.” where it appears for the first time; in line 21, by striking all preceding “hereby” and inserting “8-1,147 is”;

In the title, in line 14, by striking “8-”; in line 15, by striking all preceding “8-1,147”; in line 16, by striking “sections” and inserting “section”

HB 2774 be amended by adoption of the committee amendments, be further amended by motion of Senator Jackson as amended by Senate Committee, on page 4, following line 37, by inserting the following:

“New Sec. 5. (a) No land located in a township shall be annexed pursuant to subsection (a) (1) of K.S.A. 12-520, and amendments thereto, unless the city adopts a resolution stating its intent to annex such land. Such resolution shall be published at least once in a newspaper of general circulation within the city and in the area sought to be annexed. If within 30 days after the publication of such resolution, a petition requesting the appointment of an annexation review board signed by at least 40% of the landowners in the area sought to be annexed is filed with the city clerk, no land shall be annexed unless such annexation, or portion thereof, is approved by an annexation review board as provided by this section.

(b) The mayor shall convene a review board composed of the following persons:

(1) The mayor of the city desiring to annex such land or the mayor’s designee.

(2) A landowner in the area sought to be annexed appointed by majority vote of the landowners in the area sought to be annexed.

(3) A hearing officer from the office of administrative hearings within the department of administration or such officer’s designee.

(c) The review board shall determine whether the proposed annexation is in the public interest and in the best interest of the city, county and other political subdivisions in the area sought to be annexed. The governing bodies of the city, county and other political subdivisions in the area sought to be annexed shall assist the board in making its decision. Such governing bodies shall provide all relevant information and records requested by the review board. In making its determination the review board shall be guided, but not be limited to, by its findings with respect to the following factors:

(1) The immediate and prospective populations of the area to be annexed.

(2) The assessed valuation of the area to be annexed, and its relationship to population.

(3) The history of and prospects for construction of improvements in the area to be annexed.

(4) The needs and possibilities for geographical expansion of the city.

(5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to, water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks and other municipal services, and transportation and drainage.

(6) The relative capabilities of the city, county, and other political subdivisions in the area sought to be annexed to provide or obtain governmental services when needed.

(7) The existence of benefit districts within the area proposed to be annexed, and the impact of annexation upon such districts.

(8) The elimination of isolated unincorporated areas existing without adequate economical governmental services.

(9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.

(d) The board shall make its determination either approving or disapproving the annexation, or a portion thereof, within 90 days of the appointment of the first member of the annexation review board. The board specifically shall state its reasons and findings for its determination. Such findings need not include specific data on every finding made, but shall indicate that all factors listed in subsection (c) were considered. A copy of the board’s determination shall be filed with the mayor of the city seeking to make such annexation and with the board of county commissioners.

(e) The city may annex the land sought to be annexed to the extent approved by the annexation review board under subsection (d).

(f) All costs incurred pursuant to this section shall be paid by the city if the annexation is not approved. If the annexation of a part, but not all, of the land sought to be annexed is approved by the board, the city shall pay costs in an amount which is proportionate to the amount approved to be annexed. All costs incurred pursuant to this section shall be paid by the landowners whose land is annexed pursuant to the approval of the board.

(g) This section shall apply only to townships located in the counties of Sedgwick and Shawnee in the state of Kansas.

Sec. 6. K.S.A. 12-520 is hereby amended to read as follows: 12-520. (a) ~~Except as hereinafter provided,~~ The governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) *Subject to the provisions of section 5, and amendments thereto*, the land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county.

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A 19-2753 *et seq.*, and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) Any owner of land annexed by a city under the authority of this section, within 30 days next following the publication of the ordinance annexing the land, may maintain an action in the district court of the county in which the land is located challenging the authority of the city to annex the land, *the reasonableness of the annexation* and the regularity of the proceedings had in connection therewith.”;

By renumbering sections accordingly;

Also on page 4, in line 38, following “K.S.A.” by inserting “12-520,”;

In the title, in line 12, preceding “amending” by inserting “relating to townships having fire districts; relating to annexation of township territory by cities;”; also in line 12, following “K.S.A.” by inserting “12-520,” and **HB 2774** be passed as further amended.

HB 2833 be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 3, by striking all in lines 22 through 33;

By renumbering sections accordingly

Senator Schmidt further amended **HB 2833** as amended by Senate Committee, on page 1, after line 15, by inserting the following:

“New Section 1. The provisions of sections 1 and 2, and amendments thereto, shall be known as and may be cited as the governors of Kansas hometown heritage act.

New Sec. 2. (a) As used in this section:

(1) “Qualified hometown” means a city or unincorporated community that is a governor’s hometown as defined by this section and which has satisfied the requirements of this section; and

(2) “governor’s hometown” means the city or unincorporated community listed in the election records of the secretary of state as the residence of a successful candidate for governor of the state of Kansas the first time such candidate was elected governor.

(b) For all qualified hometowns, the secretary of the Kansas department of transportation shall install governor’s hometown signs at all appropriate locations near the city limits of a city or the edges of an unincorporated community.

The secretary of transportation shall install such governors’ hometown signs only if:

(1) The governing body of the city or the board of county commissioners for the unincorporated community has adopted a resolution requesting the installation of such signs;

(2) the city or unincorporated community is located on a highway which is part of the state highway system; and

(3) the secretary has received sufficient moneys from gifts and donations to reimburse the secretary for the initial cost of installing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs.

The secretary of transportation may accept and administer gifts and donations to aid in obtaining and installing governors’ hometown signs.

(c) The secretary of transportation, or the secretary’s designee, shall design the governors’ hometown signs. The size, shape, color, design and content of such signs shall be distinctive and shall be determined by the secretary of transportation, except that such signs shall include: (1) The name of the city or unincorporated community; (2) the governor’s hometown logo; and (3) an indication that such city or unincorporated community is the hometown of one or more governors of Kansas, the name of each governor of Kansas whose hometown is such city or unincorporated community, the numerical designation of each such governor in the succession of governors of Kansas and the years each such governor served as governor of Kansas.

(d) The secretary of commerce, or the secretary’s designee, shall conduct a competition for the design of the governor’s hometown logo. The logo shall include a representation of the dome of the state capitol building. In organizing and conducting such competition, the secretary of commerce shall consult with and cooperate with the executive director of the state historical society, the executive director of the Kansas arts commission, Kansas humanities council and such other agencies, persons or organizations as the secretary finds appropriate.

(e) The governing body of any city or the board of county commissioners for any unincorporated community, not located on a highway which is part of the state highway system, may request a governor’s hometown sign from the secretary of transportation which meets the design specifications of subsection (c). Such city or unincorporated community shall reimburse the secretary for the cost of such sign and shall be responsible for the installation, repair, maintenance or replacement of such sign.

(f) (1) The governing body of any city or the board of county commissioners for any unincorporated community which was a territorial capital of Kansas, may request the secretary of transportation, subject to the same procedure, conditions and limitations contained in subsections (b) and (e).

(2) The secretary of transportation, or the secretary’s designee, shall design the territorial governor’s signs. The size, shape, color, design and content of such signs shall be distinctive and shall be determined by the secretary of transportation, except that such signs shall include: (1) The name of the city or unincorporated community; (2) an indication that such city or unincorporated community was a territorial capital of Kansas, the name of each territorial governor of Kansas who served in such territorial capital, the numerical design-

nation of each such governor in the succession of governors of Kansas and the years each such governor served as territorial governor of Kansas.”;

And by renumbering sections accordingly;

On page 3, by striking all in lines 22 through 33;

And by renumbering sections accordingly, and **HB 2833** be passed as further amended. Also, the committee rose and reported progress.

On motion of Senator Oleen, the Senate recessed until 4:00 p.m.

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

MESSAGE FROM THE HOUSE

The House accedes to the request of the Senate for a conference on **SB 197** 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 **H Sub for SB 166** and has appointed Representatives Myers, McLeland and Sawyer as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **H Sub for SB 272** and has appointed Representatives Neufeld, Bethel and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 292** and has appointed Representatives Vickrey, Ostmeier and Toelkes as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 393** and has appointed Representatives Wilk, Gordon and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 394** and has appointed Representatives Wilk, Gordon and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 417** and has appointed Representatives Wilk, Gordon and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 480** and has appointed Representatives as Wilk, Gordon and Burroughs conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 520** and has appointed Representatives as Wilk, Gordon and Burroughs conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 384** and requested a conference committee be appointed.

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

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Committee on Education introduced the following Senate resolution, which was read and referred to the Committee of the Whole:

SENATE RESOLUTION No. 1834—

A RESOLUTION urging the United States Congress to reevaluate the requirements of the No Child Left Behind Act and to fund the authorized levels required by the act.

WHEREAS, on January 8, 2002, President Bush signed into law the No Child Left Behind Act of 2001 (Act) which applies to all states that accept federal Title I education funds; and

WHEREAS, The State of Kansas receives federal Title I funds and therefor is subject to the requirements of the Act; and

WHEREAS, The Act mandates that every public school in Kansas to make adequate yearly progress toward the goal of 100% student proficiency in math, reading, language arts and science by school year 2013-2014; and

WHEREAS, The Act requires that an entire school be identified as not making adequate yearly progress in any school year whether it is the school as a whole or a single subgroup within that school which fails to make such progress; and

WHEREAS, It will be extremely difficult for the subgroup of students with disabilities to make adequate yearly progress because of significant educational challenges which adversely affect their capacities to achieve proficiency in the measured areas; and

WHEREAS, It will be extremely difficult for the subgroup of students with limited English proficiency to meet the adequate yearly progress standard in the area of reading and language arts since those students are required to be tested in English after only three years in the public school system, which is not likely to be a sufficient time-period for such students to become proficient in English; and

WHEREAS, Once a student has been identified as not being proficient, the Act requires schools to help such students to become proficient which may involve tutoring, mentoring, summer school or other costly programs that provide for more instructional time; and

WHEREAS, Prior to the enactment of the Act, the state of Kansas had reached high levels of educational achievement through the efforts of its students, teachers and schools and by establishing its own quality performance accreditation system and standards of learning; and

WHEREAS, There is a projected shortfall of \$6.15 billion in the original congressional appropriation of Title I funds for 2004 with Kansas receiving funds in an amount which is \$150 million less than projected costs: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Kansas Legislature, on behalf of the people of the state of Kansas and its outstanding system of public elementary and secondary school education, respectfully requests the President and Congress of the United States to hold harmless those states which, as a result of their own educational accountability systems, meet or exceed requirements of or standards of the Act; and

Be it further resolved: That federal funding be provided in amounts consistent with the levels authorized in the Act for education programs and expanded information systems needed to accurately reflect student, school and school-district performance and to pay the costs of making students proficient; and

Be it further resolved: That appropriate methods of assessments be authorized for students who are not yet proficient in English and for students with certain disabilities; and

Be it further resolved: That an alternative methodology be allowed for determining adequate yearly progress targets and progress of students with disabilities or who are not proficient in English; and

Be it further resolved: That current provisions relating to adequate yearly progress be modified to apply sanctions only when the same groups or subgroups within a grade level fails to meet adequate yearly progress targets in the same subject area for two consecutive years; and

Be it further resolved: That flexibility be allowed in calculating adequate yearly progress for students belonging to multiple groups and subgroups; and

Be it further resolved: That provisions relating to school choice be modified by limiting the option only to those students whose performance consistently is below the proficient level; and

Be it further resolved: That an implementation study be conducted, including Congressional hearings to be completed by July 1, 2005, regarding federal and state funding, adequate yearly progress provisions and other significant provisions; and

Be it further resolved: That the current law and any revisions thereof recognize that under our federal system of government, education is primarily a state and local responsibility; and

Be it further resolved: That the Secretary of State send enrolled copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Kansas Congressional Delegation, the United States House of Representatives

Committee on Education and the Workforce and the United States Senate Committee on Health, Education, Labor and Pensions.

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

SENATE RESOLUTION No. 1835—

A RESOLUTION commending The Greater Kansas City Chapter of LINKS, Inc.; The Jackson County (MO) Chapter of Links, Inc.; The Topeka Chapter of LINKS, Inc. and The Wichita Chapter of LINKS, Inc.

WHEREAS, Sincere commendation is made to The Greater Kansas City Chapter of LINKS, Inc.; The Jackson County (MO) Chapter of Links, Inc.; The Topeka Chapter of LINKS, Inc. and The Wichita Chapter of LINKS, Inc. in recognition of their trip to the State Capitol which allowed them a dialogue with their respective public officials, to learn the political process, to increase their ability to continue their commitment of service to their communities and to enrich the lives of others so that they may continue their dedication to improving health care, economic empowerment, the arts, education and scholarship opportunities: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the entire membership extends its very best wishes and expresses the hope for your continued success; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to The Greater Kansas City Chapter of LINKS, c/o Jessie Carpenter, President, P.O. Box 10101, Kansas City, Missouri 64171; The Jackson County (MO) Chapter of Links, Inc., c/o Lorene James, President, P.O. Box 413921, Kansas City, MO 64141; The Topeka Chapter of LINKS, c/o Glenda DuBois, President, P.O. Box 692, Topeka, Kansas 66603; and The Wichita Chapter of LINKS, c/o Inger Shaw, President, 8217 Tamarac, Wichita, Kansas 67206 plus three copies to Senator David Haley.

On emergency motion of Senator Haley **SR 1835** was adopted unanimously.

Senator Haley had earlier in the day introduced women visiting the Senate who are members of the Greater Kansas City Chapter of LINKS, Inc; The Jackson County (MO) Chapter of LINKS and the Topeka Chapter of LINKS, Inc. and their young women students also visiting the Chamber.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2531**, as amended by House Committee, be amended on page 2, in line 39, by striking all after “land”;

On page 4, in line 29, by striking “agricultural”; in line 32, before “approved” by inserting “considered or”; also in line 32, before “publication” by inserting “mail or”; in line 33, by striking “Such” and inserting “Publication”; in line 37, after the period by inserting “Whenever the state historic sites board of review submits a notice to a newspaper for publication under this subsection, such board shall, at the same time, also submit a copy of such notice to the secretary of the department of wildlife and parks.” and the bill be passed as amended.

Also, **HB 2622**, as amended by House Committee of the Whole, be amended on page 2, in line 6, by striking “June 30, 2006” and inserting “June 30, 2010”; in line 30, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 3, in line 35, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 5, in line 22, by striking “June 30, 2006” and inserting “June 30, 2010”; in line 26, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 6, in line 30, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 7, in line 41, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 8, in line 39, by striking “June 30,”; in line 40, by striking “2006” and inserting “June 30, 2010”;

On page 9, in line 31, by striking “June 30, 2006” and inserting “June 30, 2010”; in line 41, by striking “June 30,”; in line 42, by striking “2006” and inserting “June 30, 2010”;

On page 11, in line 6, by striking “June 30,”; in line 7, by striking “2006” and inserting “June 30, 2010”;

On page 12, in line 7, by striking “June 30, 2006” and inserting “June 30, 2010”; in line 19, by striking “June”; in line 20, by striking “30, 2006” and inserting “June 30, 2010”; in line 34, by striking “June 30, 2006” and inserting “June 30, 2010”;

On page 13, in line 11, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 21, by striking "June 30,"; in line 22, by striking "2006" and inserting "June 30, 2010";

On page 14, in line 5, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 15, in line 11, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 18, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 23, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 31, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 39, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 16, in line 3, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 21, by striking "June"; in line 22, by striking "30, 2006" and inserting "June 30, 2010"; in line 30, by striking "June"; in line 31, by striking "30, 2006" and inserting "June 30, 2010"; in line 36, by striking "June"; in line 37, by striking "30, 2006" and inserting "June 30, 2010";

On page 17, in line 1, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 11, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 20, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 29, by striking "June 30,"; in line 30, by striking "2006" and inserting "June 30, 2010";

On page 18, in line 39, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 19, in line 29, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 21, in line 5, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 19, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 23, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 22, in line 24, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 32, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 38, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 23, in line 13, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 34, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 37, by striking "June 30, 2006" and inserting "June 30, 2010";

On page 25, in line 9, by striking "June 30, 2006" and inserting "June 30, 2010"; in line 12, by striking "June 30, 2006" and inserting "June 30, 2010";

and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2267** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2267," as follows:

"SENATE Substitute for HOUSE BILL NO. 2267

By Committee on Commerce

"AN ACT concerning workers compensation; relating to work disability; date of accident; amending K.S.A. 44-501 and K.S.A. 2003 Supp. 44-508 and repealing the existing sections.;"

and the substitute bill be passed

Committee on **Elections and Local Government** recommends **HB 2805**, as amended by House Committee, be amended on page 1, in line 20, following "act" by inserting "or the duly elected sheriff as determined by the qualified electors at the election at which a proposition to consolidate law enforcement in such county is adopted"; in line 33, by striking all following "the" where it appears for the first time; by striking all in lines 34 and 35; in line 36, by striking all preceding "not" and inserting "county election officer shall certify that a petition has been filed in such office, requesting that the proposition be placed on the ballot and signed by not less than 10% of the qualified electors who voted for the office of secretary of state in the last preceding election and who reside in any city located within the county and having a population equal to not less than 25% of the total population of such county";

On page 2, following line 11, by inserting:

"Upon the ballot a second proposition shall be stated as follows:

"If the county of _____ (name of county) elects to consolidate law enforcement, then shall the director of the consolidated law enforcement agency be the duly elected sheriff of the county of _____ (name of county)?"

If a majority of the votes cast upon such second proposition shall be in favor of the proposition, the director of the consolidated law enforcement agency shall be the duly elected sheriff; otherwise the director of the consolidated law enforcement agency shall be selected as provided by law.;"

Also on page 2, in line 37, following “years” by inserting “unless the director is the duly elected sheriff who shall have a term of four years”;

On page 5, in line 7, by striking “Appoint” and inserting “(1) Unless the county has decided that the law enforcement director shall be the duly elected sheriff, appoint”; following line 8, by inserting:

“(2) Establish the salary and compensation of the law enforcement director.”;

On page 6, in line 25, by striking “The” and inserting “Unless the county has decided that the law enforcement director shall be the duly elected sheriff, the”; in line 26, by striking all following “of”; in line 27, by striking “by resolution of.”; also in line 27, following the period, by inserting “The director shall receive such salary and compensation as shall be fixed by resolution of the agency.”;

On page 9, in line 31, by striking all following “17.”; by striking all in lines 32 through 43;

By striking all on page 10;

On page 11, by striking all in lines 1 through 10 and inserting the following “County law enforcement agencies established under the provisions of this act are hereby declared to be “eligible employers” as defined by subsection (14) of K.S.A. 74-4902, and amendments thereto, for the purpose of affiliating with the Kansas public employees retirement system established under the provisions of K.S.A. 74-4901 et seq., and amendments thereto. All such agencies shall make application for affiliation with such system in the manner provided by K.S.A. 74-4910, and amendments thereto, to be effective on the first day of January next following the appointment of the first members of such agency. Such application shall cover all county law enforcement officers and employees.”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2658**, as amended by House Committee, be amended on page 1, in line 36, by striking “contact the”; by striking all in lines 37 and 38; in line 39, by striking all before the period and inserting: “appoint a panel of three persons to compose the independent review panel. One member shall be an employee from the department on aging adult care home survey unit, provided that the individual did not participate in the survey in dispute. Two members shall be appointed from outside of the survey unit and may be employees of the department on aging, or a health care professional or consumer not employed by the department on aging”; in line 41, by striking “not in dispute”;

On page 2, in line 1, after the period, by inserting: “Any decision or proposed resolution of the independent review panel shall be advisory to the secretary of aging.”; in line 3, by striking all after “by”; by striking all in line 4; in line 5, by striking all before “the”; and the bill be passed as amended.

Also, **HB 2770**, as amended by House Committee, be amended on page 6, in line 15, by striking the period and inserting a semicolon; following line 15, by inserting the following:

“(6) comply with all rules and regulations of the board establishing limits and conditions on the delegation and supervision of services constituting the practice of medicine and surgery.”;

Also on page 6, after line 37, by inserting the following:

“(g) The board may adopt rules and regulations establishing limits and conditions on the delegation and supervision of services constituting the practice of medicine and surgery.”;

Also on page 6, in line 38, by striking “(g)” and inserting “(h)”;

in line 42, by striking “may” and inserting “shall”; in line 43, by striking “by rules and regulations”;

On page 7, in line 1, before the period, by inserting “to the equivalent of two full-time physician assistants as approved in each case by the board”; and the bill be passed as amended.

HB 2820 be amended on page 6, in line 2, by striking “and”; in line 4, by striking the period and inserting: “; and

(p) for a postgraduate permit, an amount of not more than \$60.”;

On page 15, preceding line 36, by inserting the following:

“Sec. 11. K.S.A. 2003 Supp. 65-2920 is hereby amended to read as follows: 65-2920. ~~A policy of Professional liability insurance approved by the commissioner of insurance and issued by an insurer duly authorized to transact business in this state coverage shall be maintained in effect by each licensed physical therapist actively practicing in this state as a~~

condition to rendering professional services as a physical therapist in this state. The ~~state board of healing arts~~ shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.

Sec. 12. K.S.A. 65-7217 is hereby amended to read as follows: 65-7217. ~~(a) A policy of Professional liability insurance approved by the commissioner of insurance and issued by an insurer duly authorized to transact business in this state~~ coverage shall be maintained in effect by each naturopathic doctor as a condition to rendering professional service as a naturopathic doctor in this state. *The board shall fix by rules and regulations the minimum level of coverage for such professional liability insurance.*

~~(b) The provisions of this section shall take effect on and after January 1, 2003.~~;

And by renumbering sections accordingly;

Also on page 15, in line 37, after "65-7208" by inserting ", 65-7217"; also in line 37, after "65-2910" by inserting "and 65-2920";

On page 1, in the title, in line 13, after "7208" by inserting ", 65-7217"; also in line 13, after "65-2910" by inserting "and 65-2920"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2886** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL NO. 2886," as follows:

"SENATE Substitute for HOUSE BILL NO. 2886

By Committee on Ways and Means

"AN ACT concerning legislative post audit; amending K.S.A. 46-1114 and repealing the existing section; also repealing K.S.A. 74-8840."; and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 418 reported correctly engrossed March 24, 2004.

REPORT ON ENROLLED BILLS

SR 1831, **SR 1832**, **SR 1833** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 24, 2004.

COMMITTEE OF THE WHOLE

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

On motion of Senator Oleen an emergency was declared, the rules suspended, and **SB 41**; **SR 1829**; **HB 2487**, **HB 2528**, **HB 2530**, **HB 2557**; **S Sub for Sub HB 2593**; **Sub HB 2635**; **S Sub for Sub HB 2713**; **HB 2758**, **HB 2793** were advanced on the calendar under the heading of General Orders.

On motion of Senator Morris the morning, afternoon and the following evening reports were adopted:

Recommended **HB 2487**, **HB 2528**, **HB 2530**, **Sub HB 2635** be passed.

The committee report on **Sub HB 2713** recommending a **S Sub for Sub HB 2713** be adopted, and the substitute bill be passed.

SR 1829 be amended by adoption of the committee amendments, and the resolution be adopted as amended.

HB 2557, **HB 2758**, **HB 2793** be amended by adoption of the committee amendments, and the bills be passed as amended.

Having voted on the prevailing side, Senator Oleen moved the Senate reconsider its action on **HB 2712**. The motion carried and the bill was returned to General Orders.

HB 2712 be further amended by motion of Senator Brungardt as amended by Senate Committee, on page 2, following line 40, by inserting:

"Sec. 3. K.S.A. 2003 Supp. 31-150 is hereby amended to read as follows: 31-150. (a) Except as otherwise provided in subsection (b), the construction of school buildings shall comply with the requirements of the ~~1985 edition of the uniform building code, volume I, and the 1985 edition of the uniform mechanical code, of the international conference of building officials~~ *2000 edition of the international building code, of the international code council and the 2000 edition of the uniform mechanical code as published by the interna-*

tional association of plumbing and mechanical officials or the 2000 edition of the international mechanical code as published by the international codes council. All electric wiring shall conform to requirements of the ~~1994~~ 1999 issue of the national electric code of the national fire protection association. Minimum plumbing requirements shall meet the ~~1995~~ 2000 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials or the 2000 edition of the international plumbing code as published by the international codes council.

(b) The construction of mobile, modular, portable or relocatable school buildings shall conform to the requirements of the ~~1995~~ 2000 edition of the life safety code ~~as adopted as published~~ by the national fire protection association. Minimum plumbing requirements shall meet the ~~1995~~ 2000 edition of the uniform plumbing code issued by the international association of plumbing and mechanical officials or the 2000 edition of the international plumbing code as published by the international codes council.

(c) The construction of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-1311, and amendments thereto.

(d) No contract shall be let for the construction of any school building, and it shall be illegal to pay out any public funds for the construction of a school building until the plans for such building shall: (1) Bear the seal of an architect or a professional engineer licensed by the state board of technical professions of the state of Kansas certifying that the plans meet the applicable requirements of this act; and (2) be submitted to the state board of education for approval as to compliance with such requirements.

(e) The provisions of subsections (c) and (d) of this section shall not apply to any building or structure operated or used for any purpose by, or located upon the land of any community college, area vocational school, area vocational-technical school, technical college, ~~or municipal university~~, institution under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto. Prior to construction of any new building or remodeling of any existing building, all community colleges, area vocational schools, area vocational-technical schools, technical colleges ~~and any municipal university~~, institutions under the governance of the state board of regents or other institutions of post secondary education as defined by K.S.A. 74-3249, and amendments thereto, shall submit to the state fire marshal a code footprint for evaluation and approval of the fire/life safety features of such buildings.

(f) The relocation of school buildings to which the provisions of subsection (b) apply shall not be construed to be construction or reconstruction under the provisions, or for the purposes, of this section.

(g) The construction or reconstruction of any school building to which the provisions of this section were applicable prior to ~~January 26, 1992~~ January 1, 2006, shall be governed by the provisions of this section which were in effect on the date on which the contract for such construction or reconstruction was entered ~~into~~.

(h) The state fire marshal shall adopt rules and regulations specifying those subsequent editions of the codes enumerated in subsections (a) and (b) which the state fire marshal has determined provide protection equivalent to those editions specified herein. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the edition of the code specified by this section.”;

And by renumbering sections accordingly;

Also on page 2, in line 41, following “Supp.”, by inserting “31-150 and”;

In the title, in line 15, following “Supp.”, by inserting “31-150 and”;; and **HB 2712** be passed as further amended.

Having voted on the prevailing side, Senator Jackson moved the Senate reconsider its action on **HB 2793**. The motion carried and the bill was returned to General Orders.

Senator Steineger moved to amend the bill as amended by House Committee, on page 2, following line 29, by inserting:

“New Sec. 2. (a) Whenever a drainage district, or any part thereof, is located in Wyandotte county, Kansas, such drainage district shall, at the request of the city of Kansas City, Kansas, grant such city an unequivocal right to create an easement for the purposes as specified in subsection (b).

(b) (1) The easement shall be granted for and limited to the following purposes:

- (A) Hiking;
- (B) bicycle riding;
- (C) horseback riding; and
- (D) walking.

(2) Motor vehicle traffic other than motor vehicles operated by the drainage district, any contractor operating on behalf of the drainage district or by the unit of city government maintaining the easement, shall be prohibited within any easement granted under this section.

(c) Such easement shall be limited to roadways, paths and private ways located within and owned by the drainage district. No provision of this section shall be construed to require the drainage district to construct any new roadway, path or private way at the expense of the drainage district.

(d) Nothing in this section shall limit in any way any liability of either the city of Kansas City, Kansas or the drainage district which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity within the easement.

(e) Nothing in this section shall be construed to:

(1) Create a duty of care or ground of liability for injury to persons or property; or

(2) relieve any person using the easement for the purposes specified in subsection (b) from any obligation which such person may have in the absence of this act to exercise care in such person's use of the easement and in such person's activities thereon, or from the legal consequences of failure to employ such care.

(f) Except as specifically provided in subsection (d), an owner of land within the drainage district who makes all or any part of such owner's land available to the public for any purpose specified in subsection (b) owes no duty of care to keep the premises, or that part of the premises so made available, safe for entry or use by others for any purpose specified in subsection (b), or to give any warning of a dangerous condition, use, structure or activity on such premises to persons entering for such purposes. An owner of land who does take actions to keep the premises safe or to warn persons of a dangerous condition, use structure or activity on such premises to any person who enters such land for any purpose specified in subsection (b) shall not be deprived of the protection which this law would provide had the owner not taken such action or given such warning.

(g) Unless otherwise agreed in writing, the provisions of subsection (f) shall be deemed applicable to the duties and liability of the city of Kansas City, Kansas for any land which is the subject of the easement established under this section for the purposes specified in subsection (b).";

By renumbering the remaining sections accordingly

The motion failed and the amendment was rejected and **HB 2793** be passed as amended.

S Sub for Sub for HB 2593 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Lee on page 4, after line 2, by inserting the following:

"Sec. 11. K.S.A. 74-4001 is hereby amended to read as follows: 74-4001. There is hereby created a Kansas animal health board, ~~which~~. ~~On and after July 1, 2004, such board shall consist of seven (7) nine members of which one member shall be the president of the Kansas livestock association and six (6) and all members shall be appointed by the governor. On and after July 1, 2004, the governor shall appoint five members to comply with the provisions of this act. The two current members of the board for whom their term of office expires on July 1, 2005, and the two current members of the board for whom their term of office expires on July 1, 2006, shall serve their terms of office as provided by law. The members so appointed shall represent the major species or phases of the livestock industry and one member shall be a licensed dog or cat breeder, one member shall be a licensed veterinarian, one member shall represent auction markets, one member shall represent the swine industry, one member shall represent the dairy cattle industry and three members shall represent the beef cattle industry. Each appointive member shall be selected from a list of three (3) qualified persons for each such appointment submitted to the governor by the board of directors of the Kansas livestock association. The appointive Members of the board shall be~~

appointed for a term of three ~~(3)~~ years, except that, ~~within thirty (30) days after the effective date of this act, the six (6) appointive~~ *the five members appointed to comply with the provisions of this act shall be appointed for terms as follows: Two (2) members for terms ending July 1, 1970; two (2) members for terms ending July 1, 1971; and two (2) members for terms ending July 1, 1972* *One member for a term ending July 1, 2005; one member for a term ending July 1, 2006; and three members for terms ending July 1, 2007.* Whenever a vacancy ~~shall occur~~ *occurs on said commission the board*, by reason of the expiration of an ~~appointive~~ *a* member's term of office, the governor shall appoint a successor of like qualifications in the manner and for the term of office prescribed ~~herein~~ *in this section*. In case of a vacancy ~~in the office of any appointive member of occurring on~~ the board before the expiration of ~~his~~ *a member's* term, the governor shall appoint a successor of like qualifications for the remainder of the unexpired term. Members of the ~~commission~~ *board* holding office at the time this act takes effect shall continue in office until their successors are appointed and qualified.

Sec. 12. K.S.A. 74-4001 is hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by striking “also relating to”; also in line 12, after “livestock” by inserting “; Kansas animal health board, membership; amending K.S.A. 74-4001 and repealing the existing section”, and **S Sub for Sub HB 2593** be passed as amended.

SB 41 be passed over and retain a place on the calendar.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Thursday, March 25, 2004.

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

PAT SAVILLE, *Secretary of the Senate.*

