

# Journal of the Senate

SIXTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, May 3, 2004—1:30 p.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,

I came across a quote by an unknown author in a cryptoquote which said, "There are two kinds of voters: Those who vote for your candidate and the ignorant, prejudiced fools."

In this election year there may be some voters who feel that way. Perhaps most of us find it hard to understand why anyone would vote for a certain candidate or for a certain issue.

There is a philosophy which claims there is no such thing as right or wrong. That what one person thinks is true or right, may not be true or right for another. In other words, truth or right can mean whatever you want it to mean.

But we find the following statement twice in the book of Proverbs: "There is a way that seems right to a man, but in the end it leads to death." In other words, what we may believe is right may be wrong. (Prov. 14:12; 16:25)

Jesus said there is a broad road which leads to destruction and many take that road. On the other hand there is a narrow road that leads to life, and few find it.

Help us, O God, to be one of the few who find the road to life. (Matthew 7:13-14)

I pray in the Name of Christ,

AMEN

## ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **SB 552**.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 552**, submits the following report:

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

On page 1, by striking all in lines 14 through 25 and inserting the following:

"Section 1. K.S.A. 2003 Supp. 45-221 is hereby amended to read as follows: 45-221.

(a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas Supreme court to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, *except documents relating to the appointment of persons to fill a vacancy in an elected office.*

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, *except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.*

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except ~~that~~ *as provided herein.* The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, *criminal investigation or prosecution;*

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

*If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.*

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating

to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office main-

taining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901, *et seq.*, and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 *et seq.* and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

~~(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20 and amendments thereto.~~

~~(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.~~

~~(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.~~

~~(41) (38) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.~~

~~(42) (39) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.~~

~~(43) (40) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.~~

~~(44)~~ (41) The amount of franchise tax paid to the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

~~(45)~~ (42) Records the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; or (B) sewer or wastewater treatment systems, facilities or equipment. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping.

~~(46)~~ Any information or material received by the secretary of state pursuant to subsection (b) of K.S.A. 2003 Supp. 44-1518, and amendments thereto, except when such information is required to be submitted in an application pursuant to K.S.A. 2003 Supp. 44-1520, and amendments thereto.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

Sec. 2. K.S.A. 45-222 is hereby amended to read as follows: 45-222. (a) The district court of any county in which public records are located shall have jurisdiction to enforce the purposes of this act with respect to such records, by injunction, mandamus or other appropriate order, in an action brought by any person, the attorney general or a county or district attorney.

(b) In any action hereunder, the court shall determine the matter *de novo*. The court on its own motion, or on motion of either party, may view the records in controversy *in camera* before reaching a decision.

(c) In any action hereunder, the court shall award ~~attorney fees~~ *costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs* to the plaintiff if the court finds

that the agency's denial of access to the public record was not in good faith and without a reasonable basis in fact or law. The award shall be assessed against the public agency that the court determines to be responsible for the violation.

(d) In any action hereunder in which the defendant is the prevailing party, the court shall award to the defendant ~~attorney fees costs and a reasonable sum as an attorney's fee for services rendered in such action, including proceedings on appeal, to be recovered and collected as part of the costs~~ if the court finds that the plaintiff maintained the action not in good faith and without a reasonable basis in fact or law.

(e) Except as otherwise provided by law, proceedings arising under this section shall be assigned for hearing and trial at the earliest practicable date.

(f) *The provisions of subsections (c) and (d) concerning the awarding of costs and attorney fees for services rendered during an appeal shall apply only to actions which are based on causes of action accruing on or after July 1, 2004.*;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 26, by striking all after "K.S.A." and inserting "45-222 and K.S.A. 2003 Supp. 45-221 are hereby repealed.";

Also on page 1, in the title, in line 10, by striking "crime victims funds" and inserting "Kansas open records act; relating to records not required to be open; attorney fees and costs"; also in line 10, by striking "74-7336" and inserting "45-222 and K.S.A. 2003 Supp. 45-221"; in line 11, by striking "section" and inserting "sections";

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

DOUG PATTERSON  
JEFF GOERING  
JANICE L. PAULS  
*Conferees on part of House*

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 552**.

On roll call, the vote was: Yeas 21, Nays 13, Present and Passing 5, Absent or Not Voting 1.

Yeas: Adkins, Allen, Brungardt, Buhler, Bunten, Corbin, Emler, Gilstrap, Jordan, Journey, Kerr, Morris, O'Connor, Oleen, Salmans, Schmidt, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Barone, Betts, Brownlee, Clark, Donovan, Helgerson, Hensley, Huelskamp, Lyon, Pugh, Schodorf, Steineger, Tyson.

Present and Passing: Barnett, Downey, Goodwin, Jackson, Lee.

Absent or Not Voting: Haley.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I must vote no on the conference committee report on **SB 552** because of the process by which we got to this point, not the content of the bill.

At the very time that our constituents are crying out for more openness in government, we are doing business behind closed doors, without the public being aware of the debate and the issues: What is there to hide and why are we hiding it from the public. I will always vote for more sunshine not less sunshine on our governmental processes. This bill got to this point without any real sunshine on the process.—JIM BARONE.

MR. PRESIDENT: I vote "No" on **SB 552**.

The reason we have a law requiring open records is because the public deserves the right to review the actions of government. To shine the light of truth on what government does in private, or in the dark halls of the bureaucracy, is what helps protect our rights. This openness highlights the secrets (or mistakes) that are made daily at all levels of government.

The Senate was presented **SB 552** with no opportunity for amendment and debate. The Senate was presented an agree-to bill by the League of Kansas Municipalities, Kansas As-

sociation of Counties, Kansas Association of School Boards, and others with the Kansas Press Association. However, each of these special interests had its own agenda. Who represented the public? That should have been the role of the Kansas Senate and we fell woefully short of fulfilling our constitutional charge.

While some good policy was adopted with this bill, we have done a disservice to open government. Isn't that what the provisions of the bill were suppose to promote.

I vote "NO."—HENRY HELGERSON

Senator Hensley requests the record to show he concurs with the "Explanation of Vote" offered by Senator Helgerson on **SB 552**.

#### CHANGE OF CONFERENCE

The President announced the appointment of Senator Hensley as a member of the Conference Committee on **SB 393** to replace Senator Downey.

On motion of Senator Oleen, the Senate recessed until 3:30 p.m.

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### AFTERNOON SESSION

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

#### MESSAGE FROM THE HOUSE

Announcing rejection of **House Substitute for Substitute SB 18; House Substitute for SB 222; SB 289; House Substitute for SB 295; SB 306, SB 311, SB 314; House Substitute for SB 315; SB 321, SB 329, SB 337, SB 340, SB 342, SB 346, SB 383; House Substitute for SB 388; SB 390, SB 392, SB 405, SB 408, SB 416, SB 421, SB 424, SB 430; House Substitute for SB 437; SB 441, SB 460, SB 466, SB 469; Substitute SB 496, Substitute SB 500; SB 540; SCR 1616.**

Announcing the House adopts the conference committee report on **SB 387**.

The House adopts the conference committee report on **HB 2067**.

The House adopts the conference committee report on **HB 2758**.

The House announces the appointment of Representatives O'Neal, Patterson and Pauls to replace Representatives Vickrey, Ostmeyer and Thimesch as conferees on **HB 2585**.

The House not adopts the conference committee report on **SB 317**, requests a conference and appoints Representatives O'Neal, Patterson and Pauls as second conferees on the part of the House.

The House not adopts the Conference Committee Report to agree to disagree on **SB 393**.

#### ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 387; HB 2418, HB 2774; S Sub for Sub HB 2777**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 387**, submits the following report:

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

On page 7, by striking all in lines 9 through 28;

By renumbering the remaining sections accordingly;

Also on page 7, in line 29, by striking "K.S.A. 75-4320 and";

In the title, in line 14, by striking all after "ACT"; in line 15, by striking all preceding "relating"; in line 18, by striking all after "amending";

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

LEE E. TAFANELLI  
 CARL C. KREHBIEL  
 JOE SHRIVER  
*Conferees on part of House*

BARBARA P. ALLEN  
 JAY SCOTT EMLER  
 DONALD BETTS, JR.  
*Conferees on part of Senate*

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 387**.  
 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, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2271**, submits the following report:

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

On page 1, in line 21, by striking "2002" and inserting "2003";

On page 4, by striking all in lines 38 through 43;

On page 5, by striking all in lines 1 through 23;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 24, by striking "2002" and inserting "2003";

On page 10, by striking all in lines 10 through 39 and inserting the following:

"Sec. 4. K.S.A. 2003 Supp. 21-4318 is hereby amended to read as follows: 21-4318. (a)

Inflicting harm, disability or death to a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog is knowingly and intentionally, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog.

(b) As used in this section:

(1) "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires.

(2) "Assistance dog" has the meaning provided by K.S.A. 2003 Supp. 39-1113, and amendments thereto.

(3) "Fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.

(4) "*Game warden dog*" means any dog which is owned, or the service of which is employed, by the department of wildlife and parks for the purpose of aiding in detection of criminal activity, enforcement of laws, apprehension of offenders or location of persons or wildlife.

(5) "Police dog" means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.

~~(5)~~ (6) "Search and rescue dog" means any dog which is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose of aiding in the location of persons missing in disasters or other times of need.

(c) Inflicting harm, disability or death to a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog is a class A nonperson misdemeanor.

(d) This section shall be part of and supplemental to the Kansas criminal code.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 40, by striking “21-3608 and”; also in line 40, after “21-3704” by inserting “and 21-4007”; in line 41, by striking “2002” and inserting “2003”; also in line 41, by striking “21-3415 and”; also in line 41, after “21-3701” by inserting “, 21-4318”;

Also on page 1, in the title, in line 15, by striking “relating to crimes”; in line 16, by striking “against children.”; also in line 16, by striking “21-3608 and”; in line 17, by striking “2002” and inserting “2003”; also in line 17, by striking “21-3415 and”; also in line 17, after “21-3701” by inserting “, 21-4318”; in line 18, after “sections” by inserting “; also repealing K.S.A. 21-4007”;

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

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

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

Senator Haley moved the Senate not adopt the Conference Committee Report on **HB 2271** and a second conference committee be appointed. The motion failed.

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2271**.

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 Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2418**, submits the following report:

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

On page 1, by striking all in lines 18 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 3;

On page 5, before line 33, by inserting the following:

“Section 1. K.S.A. 20-2608 is hereby amended to read as follows: 20-2608. (a) Any judge may retire upon reaching age 65 or ~~commencing July 1, 1993, age 65 or~~ age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the judge is equal to or more than 85 and upon making application for retirement to the board, ~~and~~ Any judge upon reaching age ~~70~~ 75 shall retire, ~~and, except that any duly elected or appointed justice of the supreme court shall retire upon reaching age 70.~~ Upon retiring, each such judge as described in this subsection shall receive retirement annuities as provided in K.S.A. 20-2610 and amendments thereto, except, that when any ~~incumbent judge~~ justice of the supreme court attains the age of 70, such judge may, if such judge desires, finish serving the term during which ~~said~~ such judge attains the age of 70.

(b) Notwithstanding the provisions of subsection (a), any judge who is otherwise eligible to retire may retire upon reaching age 60 and, having total years of service of not less than

10 years, and upon making application to the board. Any such judge who retires on and after July 1, 1993, and prior to attaining the age of 62 shall receive a retirement annuity pursuant to K.S.A. 20-2610 and amendments thereto based upon the normal retirement age of 62 reduced by an amount equal to the product of (1) such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (2) the product of .2% multiplied by the number of months' difference, to the nearest whole month, between the judge's attained age at the time of retirement and age 62.

(c) Notwithstanding the provisions of subsection (a), on or after July 1, 1993, any judge who is otherwise eligible to retire may retire upon reaching age 55 with the completion of 10 years of service, and upon making application to the board. Any such judge who retires prior to attaining the age of 62 pursuant to this subsection shall receive a retirement annuity pursuant to K.S.A. 20-2610 and amendments thereto based upon the normal retirement age of 62 reduced by an amount equal to the total of: (1) (A) The product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by (B) the product of .6% multiplied by the number of months' difference, to the nearest whole month, between the member's attained age at the time of retirement and age 60; and

(2) for any judge who retired on or after July 1, 1993, the product of such annual retirement annuity payable had the judge retired on the normal retirement date, multiplied by 4.8%.

The provisions of this subsection apply to any judge who retires before the age of 62 and has attained age 55 but has not attained age 60, with the completion of 10 years of service.

Sec. 2. K.S.A. 2003 Supp. 20-3006, as amended by section 1 of 2004 House Bill No. 2618, is hereby amended to read as follows: 20-3006. (a) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005 and amendments thereto shall commence the duties of office upon appointment, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. The initial term of office for the ~~person~~ persons serving as judge of the court of appeals in position 11 shall expire January 8, 2007. The initial term of office for the person serving as judge of the court of appeals in ~~and~~ position 12 shall expire January ~~12, 2009~~ 8, 2007. The initial term of office for the ~~person~~ persons serving as judge of the court of appeals in position 13 and position 14 shall expire January ~~10, 2011~~ 12, 2009.

(b) (1) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall \_\_\_\_\_ (Here insert name of judge.), Judge of the Court of Appeals, be retained in office?"

(2) If a majority of those voting on the question votes against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for a term of ~~six~~ four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge shall be eligible for retention in office by election in the manner prescribed in this section.

(3) If a majority of those voting on the question votes against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of ~~six~~ four years after the expiration of the judge's term of office.

(4) Election laws applicable to the general election of other state officers shall apply to elections upon the question of retention of judges of the court of appeals pursuant to this section, to the extent that they are not in conflict with and are consistent with the provisions of article 30 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.

~~(c) Any judge of the court of appeals in office on July 1, 2004, shall have such judge's term of office extended two years from the date of expiration of the current term of office of such judge, except those judges who are scheduled to be on the retention ballot in the November 2004 election shall run for a six-year term. Thereafter, the term of office of all judges of the court of appeals shall be six years.~~

Sec. 3. K.S.A. 20-3010, as amended by section 2 of 2004 House Bill No. 2618, is hereby amended to read as follows: 20-3010. (a) Any person appointed to the office of judge of the court of appeals pursuant to K.S.A. 20-3009, and amendments thereto, shall commence upon the duties of such judge's office on the date such appointment takes effect. Any person so appointed shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. Any such judge who is so appointed to fill a vacancy or appointed by reason of the expiration of a term of office, shall serve until the second Monday in January following the next general election which occurs after one year in office and shall be eligible to succeed in office for a full term of ~~six~~ *four* years as provided in K.S.A. 20-3006, and amendments thereto, for the retention of judges first appointed to the court of appeals.

(b) If a majority of the votes cast and counted at such election is in favor of retaining such judge in office, such judge shall remain in office for a regular term of ~~six~~ *four* years from the second Monday in January next following such election. Thereafter, such judge shall be subject to retention in office as provided in K.S.A. 20-3006, and amendments thereto. If a majority of the votes cast and counted at such election is against retaining such judge in office, such judge's position on the court of appeals shall become vacant on the second Monday in January next following the election, and a successor shall be appointed pursuant to K.S.A. 20-3007, 20-3008 and 20-3009, and amendments thereto. If such judge does not declare such judge's candidacy for election to succeed in office, such judge's position on the court of appeals shall be vacant on the second Monday in January next following such election.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 33, by striking “2002 Supp.”; in line 34, by striking all before “are” and inserting “20-2608 and 20-3010, as amended by section 2 of 2004 House Bill No. 2618, and K.S.A. 2003 Supp. 20-3006, as amended by section 1 of 2004 House Bill No. 2618.”;

Also on page 1, in the title, in line 13, before “amending” by inserting “concerning mandatory retirement.”; in line 14, by striking all after “K.S.A.”; in line 15, by striking all before the last period and inserting “20-2608 and 20-3010, as amended by section 2 of 2004 House Bill No. 2618, and K.S.A. 2003 Supp. 20-3006, as amended by section 1 of 2004 House Bill No. 2618, and repealing the existing sections”;

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

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

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

Senator Clark moved the Senate not adopt the Conference Committee Report on **HB 2418** and a second conference committee be appointed. The motion carried and the President appointed Senators Vratil, Schmidt and Goodwin as second conferees on the part of the Senate.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2774**, submits the following report:

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

On page 1, by striking all in lines 20 through 43;  
 By striking all on pages 2 and 3;  
 On page 4, by striking all in lines 1 through 9; in line 10, by striking "New Sec. 4." and inserting "New Section 1.";  
 By renumbering the remaining sections accordingly;  
 On page 5, in line 26, by striking "by";  
 On page 6, in line 34, by striking "5" and inserting "2";  
 On page 8, in line 9, by striking everything following "12-520" and inserting "is";  
 In the title, in line 14, by striking "relating to"; in line 15, by striking all preceding "relating"; in line 16, by striking all following "12-520"; in line 17, by striking all preceding "and" where it appears for the second time; also in line 17, by striking "sections" and inserting "section";

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

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

BARBARA P. ALLEN  
 KAY O'CONNOR  
 DONALD BETTS, JR.  
*Conferees on part of House*

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2774**.  
 On roll call, the vote was: Yeas 25, Nays 13, Present and Passing 2, Absent or Not Voting 0.

Yeas: Betts, Clark, Donovan, Downey, Emler, Goodwin, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Tyson, Umbarger, Wagle.

Nays: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Buhler, Corbin, Haley, Oleen, Steineger, Teichman, Vratil.

Present and Passing: Bunten, Gilstrap.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2777**, submits the following report:

The Senate recedes from all its amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Substitute for HB 2777 as follows:

On page 1, by striking all in lines 13 through 18;

On page 3, after line 29 by inserting the following:

"New Sec. 4. On and after July 1, 2004: (a) Aggravated endangering a child is endangering a child, as defined in K.S.A. 21-3608, and amendments thereto, and permitting such child to be in an environment where:

(1) A person is selling, offering for sale or having in such person's possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture or attempt to manufacture any methamphetamine as defined by subsections (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;

(2) drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine as defined by subsections (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto; or

(3) a weapon is present and readily accessible by an unattended child under the age of 14 and such weapon caused great bodily harm or death to such child.

(b) Aggravated endangering a child is a severity level 9, person felony.

(c) As used in this section:

(1) "Manufacture" shall have the meaning ascribed to that term in K.S.A. 65-4101, and amendments thereto;

(2) “drug paraphernalia” shall have the meaning ascribed to that term in K.S.A. 65-4150, and amendments thereto; and

(3) “weapon” means any weapon described in K.S.A. 21-4201, and amendments thereto.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 5. On and after July 1, 2004, K.S.A. 74-7302 is hereby amended to read as follows: 74-7302. (a) Within the limits of appropriations therefor, the board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

(b) *The board may adjust compensation so that the total amount of compensation granted in each fiscal year does not exceed the amount of money anticipated to be credited to the crime victim compensation fund during such year. An adjustment may include prioritizing such compensation based upon the anticipated funds.*

Sec. 6. On and after July 1, 2004, K.S.A. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit ~~7.99%~~ 11.99% to the crime victims compensation fund, ~~1.45%~~ 2.45% to the crime victims assistance fund, 2.01% to the community alcoholism and intoxication programs fund, 2.01% to the department of corrections alcohol and drug abuse treatment fund. The remainder of the remittances shall be credited to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.”;

And by renumbering the remaining sections accordingly;

Also on page 3, after line 35 by inserting the following:

“Sec. 7. On and after July 1, 2004, K.S.A. 74-7302 and 74-7336 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 1, in the title, in line 9, by striking “controlled substances; relating to manufacturing” and inserting “crimes, punishment and criminal procedure”; in line 10, by striking the first “and” and inserting a comma; also in line 10, after “65-4163” by inserting “, 74-7302 and 74-7336”;

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

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

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2777**.

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 Conference Committee report was adopted.

#### **CHANGE OF CONFERENCE**

The President announced the appointment of Senators Umbarger, Vratil and Hensley as members of the Conference Committee on **SB 463, SB 472** to replace Senators Schmidt, Huelskamp and Lee.

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as members of the Conference Committee on **HB 2585** to replace Senators Schmidt, Huelkamp and Lee.

#### ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **Sub HB 2145; HB 2947, HB 2948, HB 2949.**

#### 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 Schmidt in the chair.

On motion of Senator Schmidt the following report was adopted:

Recommended **HB 2947** be passed.

**HB 2948** be amended by motion of Senator Morris on page 186, in line 32, by striking "75-7508" and inserting "75-5708";

In the title, in line 23, by striking "75-7508" and inserting "75-5708", and **HB 2948** be passed as amended.

**HB 2949** be amended by motion of Senator Morris as amended by Senate Committee, on page 24, by striking all in lines 7 through 43;

On page 25, by striking all in lines 1 through 17;

By renumbering sections accordingly;

On page 39, in line 21, by striking "74-4911f,";

In the title, in line 10, by striking "74-4811f," and **HB 2949** be passed as amended.

**Sub HB 2145** be amended by motion of Senator Umbarger on page 1, by striking all in lines 14 through 29; preceding line 30, by inserting:

"Section 1. (a) Any individual who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of Kansas for the purpose of tuition and fees for attendance at such postsecondary educational institution.

(b) As used in this section:

(1) "Postsecondary educational institution" has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto; and

(2) "individual" means a person who (A) has attended an accredited Kansas high school for three or more years, (B) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and (C) in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affidavit stating that the person or the person's parents have filed an application to legalize such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so.

(c) The provisions of this section shall not apply to any individual who:

(1) Has a valid student visa; or

(2) at the time of enrollment, is eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state.

(d) Any individual who: (1) Files an affidavit which contains false information; (2) fails to file an application to legalize such person's immigration status within one year of becoming eligible; (3) fails to begin the process for citizenship within one year of becoming eligible; or (4) fails to maintain an active application for citizenship after filing therefor shall not be deemed a resident of the state of Kansas for the purpose of tuition and fees. In addition, such individual shall be required to repay the difference between the amount of fees and

tuition actually paid and the amount such person would have paid as a nonresident of the state of Kansas, plus interest at a rate not to exceed the maximum under K.S.A. 16-201, and amendments thereto, for the time such individual was enrolled as a resident pursuant to this section.”;

In the title, by striking all in lines 9 through 11 and inserting “AN ACT concerning public postsecondary education; concerning certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions.”, **Sub HB 2145** be passed as amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **Sub HB 2145**; **HB 2947**, **HB 2948**, **HB 2949** were advanced to Final Action and roll call.

**Sub HB 2145**, An act concerning public postsecondary education; concerning certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions.

On roll call, the vote was: Yeas 25, Nays 15, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Downey, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jordan, Kerr, Lee, Oleen, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Barnett, Clark, Corbin, Donovan, Emler, Huelskamp, Jackson, Journey, Lyon, Morris, O'Connor, Pugh, Salmans, Taddiken, Tyson.

The bill passed as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **HB 2145** because although charity toward anyone in need is to be praised, requiring already over burdened taxpayers to contribute to non-US citizens when they are struggling to take care of the needs of Kansas citizens and their own families is an injustice and not worthy of good stewardship of the taxpayers hard earned dollars.—  
KAY O'CONNOR

**HB 2947**, An act concerning license plates for motor vehicles; reenacting 2004 Substitute for House Bill No. 2143; amending K.S.A. 8-1,141, 8-1,142 and 8-1,146 and repealing the existing sections; also repealing K.S.A. 8-1,141, as amended by section 1 of 2004 Substitute for House Bill No. 2143, 8-1,142, as amended by section 2 of 2004 Substitute for House Bill No. 2143, 8-1,146, as amended by section 3 of 2004 Substitute for House Bill No. 2143, 8-1,149, section 4 of 2004 Substitute for House Bill No. 2143, section 5 of 2004 Substitute for House Bill No. 2143, and section 6 of 2004 Substitute for House Bill No. 2143.

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 2948**, An act concerning the department of human resources; relating to the change of name of such agency; relating to other changes required by 2004 ERO 31; amending K.S.A. 38-622, 39-7,108, 39-1702, 44-322a, 44-327, 44-402, 44-403, 44-404, 44-405, 44-406, 44-409, 44-412, 44-552, 44-555c, 44-596, 44-5,104, 44-5,122, 44-5,124, 44-601, 44-601b, 44-607, 44-608, 44-609, 44-610, 44-611, 44-612, 44-614, 44-615, 44-616, 44-618, 44-619, 44-620, 44-621, 44-622, 44-623, 44-624, 44-626, 44-631, 44-634, 44-635, 44-636, 44-638, 44-643, 44-645, 44-646, 44-647, 44-661, 44-662, 44-704a, 44-710b, 44-711, 44-713, 44-713a, 44-715, 44-716, 44-716a, 44-718, 44-720, 44-721, 44-727, 44-759, 44-809, 44-816, 44-820, 44-914, 44-915, 44-1202, 44-1402, 44-1405, 44-1409, 65-1824, 65-4971, 65-5703, 66-132, 72-4427, 72-5413, 72-5432, 73-1209, 73-1219, 74-711, 74-32,160, 74-5068, 74-6701, 74-6702, 74-6703, 74-6706, 74-6707, 74-6708, 74-6709, 74-72,103, 75-443, 75-4323, 75-4332, 75-5133a, 75-5702, 75-5705, 75-5708, 75-5712, 75-5713, 75-5722, 75-5723, 75-5724, 75-5727, 75-5730, 75-5731, 75-5734, 75-5735, 75-5740, 75-5741, 76-186, 76-3110, 77-618, 79-

1010, 79-1012 and 79-1014 and K.S.A. 2003 Supp. 44-313, 44-411, 44-508, 44-511, 44-703, as amended by section 6 of 2004 Senate Bill No. 440, 44-704, 44-704b, as amended by section 1 of 2004 Senate Bill No. 440, 44-706, as amended by section 2 of 2004 Senate Bill No. 440, 44-709, as amended by section 3 of 2004 Senate Bill No. 440, 44-710, as amended by section 4 of 2004 Senate Bill No. 440, 44-710a, as amended by section 5 of 2004 Senate Bill No. 440, 44-714, 44-717, 44-757, 44-762, 44-817, 44-926, 49-201, 74-32,151, 74-4911f, 74-4911h, 74-50,131, 74-50,136, 74-8942, 75-2935, 75-3728b, 75-4234, 75-5701, 75-5733, 75-5742, 75-5743, 76-11a06 and repealing the existing sections; also repealing K.S.A. 75-5714 and 75-5716.

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 2949**, An act reconciling amendments to certain statutes; amending K.S.A. 2003 Supp. 8-170, 22-2401a, 72-6431, 74-5602, 74-8017, 79-213, 79-3271, 79-3425c, K.S.A. 2003 Supp. 2-1205, as amended by section 1 of 2004 House Bill No. 2622, K.S.A. 8-1102, as amended by section 1 of 2004 Substitute for Senate Bill No. 350, K.S.A. 2003 Supp. 19-101a, as amended by section 20 of 2004 House Substitute for Substitute for Senate Bill No. 153, K.S.A. 2003 Supp. 58-3062, as amended by section 1 of 2004 Senate Bill No. 534, K.S.A. 2003 Supp. 60-2001, as amended by section 6 of 2004 House Bill No. 2293, K.S.A. 65-468, as amended by section 1 of 2004 House Bill No. 2760, K.S.A. 2003 Supp. 65-2891, as amended by section 5 of 2004 House Bill No. 2813, K.S.A. 2003 Supp. 83-302, as amended by section 20 of 2004 House Bill No. 2622, and K.S.A. 2003 Supp. 83-402, as amended by section 21 of 2004 House Bill No. 2622, and repealing the existing sections; also repealing K.S.A. 2003 Supp. 8-170a, 72-6431b, 72-6431c, 74-4911h, 74-8017a, 79-201y, 79-213c, 79-2977a, 79-3271a, 79-3271b, K.S.A. 2003 Supp. 2-1205, as amended by section 188 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 2-2906, as amended by section 57 of 2004 Senate Bill No. 524, K.S.A. 8-1102, as amended by section 1 of 2004 House Bill No. 2633, K.S.A. 2003 Supp. 19-101a, as amended by section 5 of 2004 Senate Bill No. 461, K.S.A. 2003 Supp. 22-2401a, as amended by section 1 of 2004 House Substitute for Senate Bill No. 9, K.S.A. 2003 Supp. 22-2401a, as amended by section 6 of 2004 House Substitute for Senate Bill No. 136, K.S.A. 2003 Supp. 58-3062, as amended by section 3 of 2004 Senate Bill No. 404, K.S.A. 2003 Supp. 60-2001, as amended by section 5 of 2004 Senate Bill No. 297, K.S.A. 65-468, as amended by section 3 of 2004 House Bill No. 2813, K.S.A. 2003 Supp. 65-2891, as amended by section 11 of 2004 House Bill No. 2737, K.S.A. 2003 Supp. 74-5602, as amended by section 8 of 2004 House Substitute for Senate Bill No. 136, K.S.A. 2003 Supp. 74-5602, as amended by section 1 of 2004 Senate Bill No. 400, K.S.A. 2003 Supp. 79-3425c, as amended by section 174 of 2004 House Bill No. 2675, K.S.A. 2003 Supp. 79-3425c, as amended by section 134 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 79-34,147, as amended by section 176 of 2004 House Bill No. 2675, K.S.A. 82a-734, as amended by section 145 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 83-302, as amended by section 186 of 2004 Senate Bill No. 524, and K.S.A. 2003 Supp. 83-402, as amended by section 187 of 2004 Senate Bill No. 524.

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.

#### **ORIGINAL MOTION**

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **SB 317**.

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

**REPORT ON ENGROSSED BILLS**

**SB 67** reported correctly re-engrossed May 3, 2004.

**REPORT ON ENROLLED BILLS**

**SB 487** reported correctly enrolled, properly signed and presented to the governor on May 3, 2004.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Tuesday, May 4, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks*.  
PAT SAVILLE, *Secretary of the Senate*.

