

# Journal of the Senate

TWENTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Thursday, February 10, 2005—2:30 p.m.

The Senate was called to order by Vice President John Vratil.  
The roll was called with forty senators present.

Vice President Vratil introduced as guest chaplain, Rabbi Lawrence P. Karol, Temple Beth Shalom, Topeka, Kansas, who delivered the invocation:

Eternal One, Creator and Sustainer of us All,

It is through Your guidance and the experience of life in the human community over many centuries that we acknowledge the wisdom of Your teaching that we should pursue justice and establish fairness and righteousness as a foundation for our decisions and actions.

We have learned that to be just is to choose just means to right wrongs.

To be just is to wish that the guilty will be convicted and the innocent acquitted.

To be just is to withhold judgment until the facts are known.

To be just is to listen to all opinions before deciding on our own positions.

To be just is to give every person the benefit of the doubt.

To be just is to demand justice for others as well as for ourselves.

To be just is to demand justice for other peoples as well as our own.

To be just is to desire that the rights of all shall be respected.

To be just is to desire that the basic needs of all shall be satisfied.

To be just is to revere Your divine image that is in every human being.

To be just is to work for a society in which these ideals are realized.

Help us, Merciful One, Judge of Truth, to make real in our state, our nation and our world the words of the ancient prophet...

Let justice roll down like waters, and righteousness like an everflowing stream.

So may it be — and let us say. Amen.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 247**, An act concerning crimes, punishments and criminal procedure; relating to controlled substances; amending K.S.A. 2004 Supp. 21-4717, 65-4161 and 65-4163 and repealing the existing sections, by Committee on Judiciary.

**SB 248**, An act concerning criminal procedure; relating to inquisitions; amending K.S.A. 2004 Supp. 22-3101 and repealing the existing section, by Committee on Judiciary.

**SB 249**, An act concerning criminal procedure; relating to search warrants, by Committee on Judiciary.

**SB 250**, An act concerning school districts; relating to school finance; providing revenue therefor; amending K.S.A. 72-4419, 72-6405, 72-6410, 72-6411, 72-6413, 72-6414, 72-6415, 72-6420 and 72-6421 and K.S.A. 2004 Supp. 72-6407, 72-6409, 72-6431, 72-8302, 79-32,110, 79-3603, 79-3620, 79-3703, 79-3710 and 79-5040 and repealing the existing sections; also repealing K.S.A. 72-979, 72-6412, 72-6433b, 72-6440, 72-6441, 72-6443 and 72-6446 and K.S.A. 2004 Supp. 72-978, by Committee on Education.

**SB 251**, An act relating to income taxation; concerning credits for electricity produced by renewable resources, by Committee on Utilities.

**SB 252**, An act relating to dealer license plates; concerning the use thereof; amending K.S.A. 8-136 and repealing the existing section, by Committee on Transportation.

**SB 253**, An act amending the highway advertising control act of 1972; amending K.S.A. 68-2232, 68-2233, 68-2234, 68-2235, 68-2236, 68-2240 and 68-2243 and repealing the existing sections, by Committee on Transportation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 234**.

Assessment and Taxation: **SB 227, SB 231**.

Commerce: **SB 233**.

Education: **SB 241, SB 244, SB 245, SB 246**.

Financial Institutions & Insurance: **HB 2097, HB 2098, HB 2125**.

Health Care Strategies: **SB 235**.

Judiciary: **SB 229, SB 230, SB 232, SB 240; SCR 1606**.

Natural Resources: **SB 228**.

Transportation: **HB 2078, HB 2123**.

Ways and Means: **SB 226, SB 236, SB 237, SB 238, SB 239, SB 242, SB 243**.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2052**.

Also, adoption of **HCR 5004**.

Passage of **SB 23**, as amended.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2052; HCR 5004** were thereupon introduced and read by title.

#### ORIGINAL MOTION

Having voted on the prevailing side in Committee of the Whole on Wednesday, February 9, 2005, Senator Brownlee moved **SB 4**, now appearing on Final Action, be withdrawn and returned to the calendar under the heading of General Orders as the first order of business.

The motion carried.

#### FINAL ACTION ON CONSENT CALENDAR

**SB 46, SB 50, SB 92, SB 100** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**SB 46**, An act concerning canceled state warrants; relating to fees for reissuance; amending K.S.A. 46-921 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 50**, An act concerning members of the armed forces; relating to references to the soldiers and sailors civil relief act; amending K.S.A. 59-2208, 59-2223 and 60-203 and K.S.A. 2004 Supp. 58-665 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D,

Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 92**, An act relating to the department of aging; concerning duties thereof; amending K.S.A. 2004 Supp. 39-1404 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 100**, An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2004 Supp. 40-2258 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 5**, An act concerning the definition of trade secrets; amending K.S.A. 40-3805, 40-4205, 48-1614, 49-427, 65-170g, 65-657, 65-3015, 65-3447, 65-34,102, 66-1220a, 74-8104 and 74-8307 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 7**, An act concerning civil procedure; relating to child custody and residency; amending K.S.A. 2004 Supp. 60-1610 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 8**, An act concerning capital improvement projects for state educational institutions; amending K.S.A. 2004 Supp. 76-759 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 9**, An act repealing K.S.A. 71-202; concerning community colleges; relating to the powers and duties thereof, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 10**, An act concerning schools and school districts; relating to the self-administration of medication; amending K.S.A. 2004 Supp. 72-8252 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 25**, An act concerning crimes, criminal procedure and punishment; relating to terrorism and illegal use of weapons of mass destruction; amending K.S.A. 21-3301, 21-3302, 21-3303 and 22-2515 and K.S.A. 2004 Supp. 21-3106, 21-4706, 22-3101 and 60-4104 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 60**, An act relating to all-terrain vehicles; concerning the definition thereof; amending K.S.A. 8-1402a and K.S.A. 2004 Supp. 8-126 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 105**, An act concerning sales taxation; relating to retailers' sales tax in Miami county; amending K.S.A. 2004 Supp. 12-187 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 119**, An act relating to the division of vehicles; concerning records thereof; amending K.S.A 2004 Supp. 74-2012 and repealing the existing section, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 124**, An act relating to roads and highways; concerning the classification thereof; amending K.S.A. 68-101, 68-402b, 68-506, 68-506f, 68-516, 68-588, 68-592, 68-1109, 68-1137, 68-1701, 68-1703 and 68-1704 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 68-1702, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Schodorf, Kelly and Reitz introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1813—

By Senators Schodorf, Kelly and Reitz

A RESOLUTION congratulating and commending the Kansas recipients of the 2005 Milken Family Foundation Educator Awards.

WHEREAS, Jaime “Jim” Armendariz, a teacher at Ogden Elementary School, Manhattan-Ogden USD 383 and Victoria “Vicki” N. Seeger, a teacher at Pleasant Hill Elementary School, Seaman USD 345 have been selected as the 2005 Kansas recipients of the Milken Family Foundation Educator Awards. Each will receive an unrestricted award of \$25,000 plus recognition by the recipient’s community, school and peers; and

WHEREAS, The Milken Educator Awards program was established by the Milken Family Foundation in 1985. The first Awards were presented in 1987; and

WHEREAS, The Milken Family Foundation National Educator Awards program provides public recognition and financial rewards to elementary and secondary school teachers, principals and other education professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. This year 47 states and the District of Columbia participated in the program. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Jaime Armendariz and Victoria N. Seeger upon their selection as the 2005 Kansas recipients of the Milken Family Foundation Education Awards; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Jaime Armendariz, Ogden Elementary School, P.O. Box L, Ogden, KS 66517 and to Victoria N. Seeger, Pleasant Hill Elementary School, 5830 N. W. Topeka Ave., Topeka, KS 66617.

On emergency motion of Senator Schodorf **SR 1813** was adopted unanimously.

The recipients, Jim Armendariz and Vicki Seeger, were introduced and congratulated. Accompanying them were Sherry Bukovatz and Karla Denny.

Committee on Health Care Strategies introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1814—

A RESOLUTION disapproving Executive Reorganization Order No. 33, relating to reorganization of certain state health care programs and the establishment of a division of health policy and finance within the department of administration.

*Be it resolved by the Senate of the State of Kansas:* That Executive Reorganization Order No. 33 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas.

*Be it further resolved:* That the secretary of state shall transmit a copy of this resolution to the governor.

*Be it further resolved:* That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the Senate of Executive Reorganization Order No. 33.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 45**, **SB 58**, **SB 70** be passed. Also, **SB 37** be amended on page 2, in line 38, by striking all after “(c)”; by striking all in lines 39 through 43;

On page 3, in line 1, by striking “such”; in line 2, after “returns” by inserting “submitted to the secretary of state pursuant to law”; in line 17, by striking “franchise”; also in line 17, before “fees” by inserting “report”;

On page 4, in line 14, by striking “residence”;

On page 5, in line 9, by striking “name” and inserting “names and addresses”; also in line 9, by striking “and” the first time it occurs and inserting a comma; also in line 9, by striking “the names”; in line 10, by striking “of” the first time it appears and inserting “all”; also in line 10, by striking “with the residence address of each”;

On page 6, after line 9, by inserting the following sections:

“Sec. 8. K.S.A. 17-6709 is hereby amended to read as follows: 17-6709. (a) No merger or consolidation shall become effective under this act until all corporate fees ~~and taxes~~ due to or assessable by the state have been paid by the constituent corporations. Any fees or taxes which become due to or assessable by the state with respect to any such constituent corporation, subsequent to the merger or consolidation, shall become the debt of the resulting or surviving corporation. When any merger or consolidation ~~shall have~~ *has* become effective under this act, for all purposes of the laws of this state the separate existence of all the constituent corporations, or of all such constituent corporations except the one into which the other or others of such constituent corporations have been merged, as the case may be, shall cease and the constituent corporations shall become a new corporation, or be merged into one of such corporations, as the case may be, possessing all the rights, privileges, powers and franchises as well of a public as of a private nature, and being subject to all the restrictions, disabilities and duties of each of such corporations so merged or consolidated; and all and singular, the rights, privileges, powers and franchises of each of ~~said~~ *such* corporations, and all property, real, personal and mixed, and all debts due to any of such constituent corporations on whatever account, as well for stock subscriptions as all other things in action or belonging to each of such corporations shall be vested in the corporation surviving or resulting from such merger or consolidation; and all property, rights, privileges, powers and franchises, and all and every other interest shall be thereafter as effectually the property of the surviving or resulting corporation as they were of the several and respective constituent corporations, and the title to any real estate vested by deed or otherwise, under the laws of this state, in any of such constituent corporations, shall not revert or be in any way impaired by reason of this act; but all rights of creditors and all liens upon any property of any of such constituent corporations shall be preserved unimpaired, and all debts, liabilities and duties of the respective constituent corporations shall thenceforth attach to

such surviving or resulting corporation, and may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it.

(b) In the case of a merger of banks or trust companies, without any order or action on the part of any court or otherwise, all appointments, designations and nominations, and all other rights and interests as trustee, executor, administrator, registrar of stocks and bonds, guardian of estates, assignee, receiver, trustee of estates of persons mentally ill and in every other fiduciary capacity, shall be automatically vested in the corporation surviving such merger; ~~provided, however,~~ *except* that any party in interest shall have the right to apply to an appropriate court or tribunal for a determination as to whether the surviving corporation shall continue to serve in the same fiduciary capacity as the merged corporation, or whether a new and different fiduciary should be appointed.

Sec. 9. K.S.A. 17-6806 is hereby amended to read as follows: 17-6806. No corporation shall be dissolved under this act until all corporate fees ~~and taxes~~ due to or assessable by the state have been paid by the corporation.

Sec. 10. K.S.A. 2004 Supp. 17-7002 is hereby amended to read as follows: 17-7002. (a) Any corporation may procure an extension, restoration, renewal or revival of its articles of incorporation, if a domestic corporation, or its authority to engage in business, if a foreign corporation, together with all the rights, franchises, privileges and immunities and subject to all of its duties, debts and liabilities which had been secured or imposed by its original articles of incorporation, and all amendments thereto, or by its authority to engage in business, as the case may be, and may designate a new registered office and resident agent in the following instances:

- (1) At any time before the expiration of the time limited for the corporation's existence;
- (2) at any time, where the corporation's articles of incorporation, if a domestic corporation, or the authority to engage in business, if a foreign corporation, has become inoperative by law for nonpayment of taxes;
- (3) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has expired by reason of failure to renew it;
- (4) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has been renewed, but through failure to comply strictly with the provisions of this act, the validity of such renewal has been brought into question; and
- (5) at any time, where the articles of incorporation of a domestic corporation or the authority to engage in business of a foreign corporation has been forfeited pursuant to subsection (c) of K.S.A. 17-6206 and amendments thereto.

(b) The extension, restoration, renewal or revival of the articles of incorporation or authority to engage in business may be procured by executing and filing a certificate in accordance with K.S.A. 17-6003, and amendments thereto.

(c) The certificate required by subsection (b) shall state:

- (1) The name of the corporation, which shall be the existing name of the corporation or the name it bore when its articles of incorporation or authority to engage in business expired, except as provided in subsection (e);
- (2) if a new registered office and resident agent is designated, the address of the corporation's registered office in this state, which shall include the street, city and zip code and the name of its resident agent at such address;
- (3) whether or not the renewal, restoration or revival is to be perpetual and, if not perpetual, the time for which the renewal, restoration or revival is to continue; and, in case of renewal before the expiration of the time limited for its existence, the date when the renewal is to commence, which shall be prior to the date of the expiration of the old articles of incorporation or authority to engage in business which it is desired to renew;
- (4) that the corporation desiring to be renewed or revived and so renewing or reviving its corporate existence was duly organized under the laws of the state of its original incorporation;
- (5) the date when the articles of incorporation or the authority to engage in business would expire, if such is the case, or such other facts as may show that the articles of

incorporation or the authority to engage in business has become inoperative or void or that the validity of any renewal has been brought into question; and

(6) that the certificate for revival is filed by authority of those who were directors or members of the governing body of the corporation at the time its articles of incorporation or the authority to engage in business expired, or who were elected directors or members of the governing body of the corporation as provided in subsection (g).

(d) Upon the filing of the certificate in accordance with K.S.A. 17-6003, and amendments thereto, the corporation shall be renewed and revived with the same force and effect as if its articles of incorporation had not become inoperative and void or had not expired by limitation. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed within the scope of its articles of incorporation by the corporation, its officers and agents during the time when its articles of incorporation were inoperative or void or after their expiration by limitation, with the same force and effect and to all intents and purposes as if the articles of incorporation had at all times remained in full force and effect. All real and personal property, rights and credits, which belonged to the corporation at the time its articles of incorporation became inoperative or void, or expired by limitation and which were not disposed of prior to the time of its revival or renewal shall be vested in the corporation after its revival or renewal, as fully and amply as they were held by the corporation at and before the time its articles of incorporation became inoperative or void or expired by limitation, and the corporation after its renewal or revival shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its officers and agents prior to its reinstatement, as if its articles of incorporation had remained at all times in full force and effect.

(e) If, since the articles of incorporation became inoperative or void for nonpayment of taxes or expired by limitation, any other corporation organized under the laws of this state shall have adopted the same name as the corporation sought to be renewed or revived or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived, or any foreign corporation qualified in accordance with K.S.A. 17-7301, and amendments thereto, shall have adopted the same name as the corporation sought to be renewed or revived, or shall have adopted a name so nearly similar thereto as not to distinguish it from the corporation to be renewed or revived, then in such case the corporation to be renewed or revived shall not be renewed under the same name which it bore when its articles of incorporation became inoperative or void or expired, but shall adopt or be renewed under some other name; and in such case the certificate to be filed under the provisions of this section shall set forth the name borne by the corporation at the time its articles of incorporation became inoperative or void or expired and the new name under which the corporation is to be renewed or revived.

(f) Any corporation seeking to renew or revive its articles of incorporation under the provisions of this act shall file all annual reports and pay to the secretary of state an amount equal to all fees ~~and taxes~~ and any penalties thereon due. Nonprofit corporations shall file only the annual reports for the three most recent reporting periods, but shall pay all ~~privilege~~ fees due.

(g) If a sufficient number of the last acting officers of any corporation desiring to renew or revive its articles of incorporation are not available by reason of death, unknown address or refusal or neglect to act, the directors of the corporation or those remaining on the board, even if only one, may elect successors to such officers. In any case where there shall be no directors of the corporation available for the purposes aforesaid, the stockholders may elect a full board of directors, as provided by the bylaws of the corporation, and the board shall then elect such officers as are provided by law, by the articles of incorporation or by the bylaws to carry on the business and affairs of the corporation. A special meeting of the stockholders for the purpose of electing directors may be called by any officer, director or stockholder upon notice given in accordance with K.S.A. 17-6512, and amendments thereto.

(h) After a revival of the articles of incorporation of the corporation shall have been effected, except where a special meeting of stockholders has been called in accordance with the provisions of subsection (g), the officers who signed the certificate of revival jointly shall call forthwith a special meeting of the stockholders of the corporation upon notice given in accordance with K.S.A. 17-6512, and amendments thereto, and at the special meeting the

stockholders shall elect a full board of directors, which board shall then elect such officers as are provided by law, by the articles of incorporation or the bylaws to carry on the business and affairs of the corporation.

(i) Whenever it shall be desired to renew or revive the articles of incorporation of any corporation not for profit and having no capital stock, the governing body shall perform all the acts necessary for the renewal or revival of the articles of incorporation of the corporation which are performed by the board of directors in the case of a corporation having capital stock. The members of any corporation not for profit and having no capital stock who are entitled to vote for the election of members of its governing body shall perform all the acts necessary for the renewal or revival of the articles of the corporation which are performed by the stockholders in the case of a corporation having capital stock. In all other respects, the procedure for the renewal or revival of the articles of incorporation of a corporation not for profit and having no capital stock shall conform, as nearly as may be applicable, to the procedure prescribed in this section for the renewal or revival of the articles of incorporation of a corporation having capital stock.”;

And by renumbering sections accordingly;

Also on page 6, in line 35, by striking “the number of shares of capital stock”; in line 36, by striking “and the par value per share of each class of capital”; by striking all in lines 37 and 38; in line 39, by striking “(5)”; in line 40, by striking “(6)” and inserting “(5)”;

On page 7, in line 1, by striking “(7)” and inserting “(6)”;

On page 8, in line 17, by striking “authorized and”;

On page 10, in line 1, by striking all after “(4)”; by striking all in lines 2 through 4; in line 5, by striking “(5)”; in line 6, by striking “(6)” and inserting “(5)”; in line 13, by striking “(7)” and inserting “(6)”;

On page 12, in line 18, after “to” by inserting “file its annual report or”; also in line 18, by striking “franchise taxes” and inserting “annual report fee”; after line 27, by inserting the following:

“Sec. 17. K.S.A. 2004 Supp. 17-7514 is hereby amended to read as follows: 17-7514. (a) ~~Whenever any corporation which is required to file an annual report with the secretary of state shall apply for an extension of time for filing its annual income tax return from the internal revenue service, the time for filing the annual report with the secretary of state shall be extended, correspondingly, upon filing with the secretary of state, prior to the due date of its annual report, a copy of the application to income tax authorities: All such copies of applications for extension of the time for filing income tax returns filed on or after December 31, 1978, submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234 and amendments thereto and subsection (c). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed.~~

(b) Except in accordance with subsection (c) or a proper judicial order, it shall be unlawful for the secretary of state or any other officer, employee, former officer or former employee of this state to disclose any information contained in copies of federal extensions of time to file income tax returns. ~~Nothing in this section shall be deemed to prohibit the secretary of state or any officer or employee of the office of secretary of state from issuing any of the corporate documents described in K.S.A. 17-7506 and amendments thereto.~~

(c) All copies of such applications shall be open to inspection by or disclosure to: (1) Any person designated by resolution of the corporation’s board of directors or other similar governing body; (2) any officer or employee of such corporation upon written request signed by any principal officer and attested to by the secretary or other officer; or (3) any bona fide shareholder of record owning 1% or more of the outstanding stock of such corporation.”;

And by renumbering sections accordingly;

On page 14, in line 27, by striking all after “(g)”; by striking all in lines 28 through 32; in line 33, by striking “annual report.”; also in line 33, by striking “such”; in line 34, by striking “filed” and inserting “submitted to the secretary of state pursuant to law”;

On page 15, in line 23, by striking “post office”;

On page 17, after line 33, by inserting the following:

“Sec. 24. K.S.A. 2004 Supp. 56-1a610 is hereby amended to read as follows: 56-1a610. (a) ~~When any limited partnership that is required to file an annual report with the secretary of state, shall apply for an extension of time for filing its annual income tax return with the internal revenue service, the time for filing the annual report with the secretary of state shall be extended, correspondingly, upon filing a copy of the application to income tax authorities with the secretary of state, prior to the due date of its annual report. All such copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234 and amendments thereto, a proper judicial order, and subsection (b). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed. Nothing in this section shall be deemed to prohibit the secretary of state from issuing any document described in K.S.A. 56-1a605, and amendments thereto, concerning a limited partnership.~~

(b) A copy of such application shall be open to inspection by or disclosure to any person who was a partner of the limited partnership during any part of the period covered by the extension.

(c) The provisions of this section shall be part of and supplemental to the revised uniform limited partnership act.”;

And by renumbering sections accordingly;

On page 18, in line 13, by striking “post office”;

On page 20, after line 3, by inserting the following:

“Sec. 28. K.S.A. 2004 Supp. 56a-1204 is hereby amended to read as follows: 56a-1204.

(a) ~~When any limited liability partnership that is required to file an annual report with the secretary of state, shall apply for an extension of time for filing its annual income tax return from the internal revenue service, the time for filing the annual report with the secretary of state shall be extended, correspondingly, upon filing a copy of the application to income tax authorities with the secretary of state, prior to the due date of its annual report. All such copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234 and amendments thereto, a proper judicial order, and subsection (b). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed.~~

(b) A copy of such application shall be open to inspection by or disclosure to any person who was a partner of the limited liability partnership during any part of the period covered by the extension.

(c) The provisions of this section shall be part of and supplemental to the revised uniform partnership act.”;

And by renumbering sections accordingly;

Also on page 20, in line 10, before “K.S.A.” by inserting “K.S.A. 17-6709 and 17-6806 and”; in line 11, after “17-4677,” by inserting “17-7002,”; in line 14, after “7512a,” by inserting “17-7514,”; in line 15, after “56-1a608,” by inserting “56-1a610,”; also in line 15, after “56a-1203” by inserting “, 56a-1204”; in line 17, after “after” by inserting “January 1, 2006, and”;

On page 1, in the title, in line 10, before “K.S.A.” by inserting “K.S.A. 17-6709 and 17-6806 and”; in line 11, after “17-4677,” by inserting “17-7002,”; in line 12, after “17-7512,” by inserting “17-7514,”; also in line 12, after “56-1a608,” by inserting “56-1a610,”; in line 13, after “56a-1203” by inserting “, 56a-1204”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 118** be passed.

Committee on **Education** recommends **SB 43** be amended on page 2, in line 23, by striking “From”; by striking all in lines 24 through 30; in line 31, by striking all preceding “The”; in line 33, preceding the period by inserting “entitled to payment under this section”;

On page 3, in line 23, by striking all following the period; by striking all in lines 24 through 29; in line 30, by striking all preceding “The”; in line 31, preceding the period by inserting “entitled to payment under this section”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 67** be amended on page 1, in line 37, following "means" by inserting "including, but not limited to any device using a voice over internet protocol or wireless telephone,";

On page 2, following line 17, by inserting

"(d) (1) Whenever any vendor or other person provides any of the services defined in subsection (b), such vendor or other person shall keep and maintain record showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.

(2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor."; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 102** be passed.

Committee on **Natural Resources** recommends **SB 59** be amended on page 8, in line 27, by striking all after the period; by striking all in lines 28 through 39 and inserting:

"(a) Any person who hunts, fishes, traps, possesses, or transports any wildlife, or attempts to do any of the same, within this state in violation of such suspension or revocation pursuant to the wildlife violator compact shall be guilty of a class A nonperson misdemeanor and sentenced to the following:

(1) A fine of not less than \$1,500 nor more than \$5,000; and

(2) any privilege or right to hunt, fish, trap or otherwise take, possess or transport any wildlife in this state, or purchase or possess any license, permit, stamp or other issue of the Kansas department of wildlife and parks shall be forfeited or suspended for a period of not less than two years nor more than five years in addition to and consecutive to the original revocation or suspension set forth by the provisions of the compact;

(3) the sentencing judge may impose other sanctions pursuant to K.S.A. 21-4502 and 21-4603d, and amendments thereto.

(b) Any person who purchases or possesses, or attempts to purchase or possess, a license to hunt, fish, trap, possess or transport wildlife in this state in violation of such suspension or revocation pursuant to the wildlife violator compact shall be guilty of a class A nonperson misdemeanor and sentenced to the following:

(1) A fine of not less than \$750 nor more than \$2,500; and

(2) any privilege or right to hunt, fish, trap or otherwise take, possess or transport any wildlife in this state, or purchase or possess any license, permit, stamp or other issue of the Kansas department of wildlife and parks shall be forfeited or suspended for a period of not less than two years in addition to and consecutive to the original revocation or suspension set forth by the provisions of the compact;

(3) the sentencing judge may impose other sanctions pursuant to K.S.A. 21-4502 and 21-4603d, and amendments thereto."; and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

**SB 5, SB 7, SB 10, SB 25, SB 6, SB 124** reported correctly engrossed February 10, 2005.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Umbarger the following report was adopted:

Recommended **SB 47, SB 48, SB 57, SB 76, SB 98** be passed.

**SB 12, SB 19, SB 36, SB 126** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 30** be amended by adoption of the committee amendments.

A motion by Senator Haley to amend the bill failed and the following amendment was rejected: as amended by Senate Committee, on page 1, in line 41, after the period, by inserting: "For the purpose of this section, "randomly" means no more than twice during a thirty-day period."; and **SB 30** be passed as amended

**SCR 1604** be amended by adoption of the committee amendments, and the resolution be adopted as amended.

**SB 4** as amended by adoption of the committee amendments in Committee of the Whole on Wednesday, February 9, 2005, be further amended by Senator Brownlee as amended by Senate Committee, on page 12, in line 40, by striking all after the period; by striking all in lines 41 and 42; in line 43, by striking all before “president” and inserting: “The order shall assess the costs of the inspection to the nonprevailing party or parties. If no party prevails on all issues, the”;

On page 13, by striking all in lines 2 and 3, and **SB 4** be passed as further amended.

**SCR 1602** be amended by adoption of the committee amendments, be further amended by motion of Senator Brownlee as amended by Senate Committee, on page 2, by striking lines 14 and 15;

On page 2, in line 16, by striking all before “for” and inserting “No other task force members shall receive any compensation, subsistence, mileage or other allowances”, and **SCR 1602** be adopted as further amended.

**SB 13** be rereferred to the Committee on Assessment and Taxation.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 4, SB 12, SB 19, SB 30, SB 36, SB 47, SB 48, SB 57, SB 76, SB 98, SB 126; SCR 1602, SCR 1604** were advanced to Final Action and roll call.

**SB 4**, An act concerning the Kansas manufactured housing act; prescribing installation standards; providing for manufactured home installers’ licenses; providing for apprentice installers’ licenses; authorizing certain fees and civil penalties; amending K.S.A. 58-4205 and K.S.A. 2004 Supp. 58-4202 and 74-8959 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The bill passed, as amended.

**SB 12**, An act concerning taxation; relating to collection of delinquent taxes; tax liens; amending K.S.A. 2004 Supp. 79-3235 and 79-3617 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 19**, An act concerning the legislative post audit act; prescribing the confidentiality of responses to surveys administered for audits; amending K.S.A. 46-1119 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 30**, An act concerning public assistance; relating to persons convicted of a controlled substance related felony.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Ostmeyer, Pyle.

The bill passed, as amended.

EXPLANATION OF VOTE

I vote "AYE" on **SB 30**. Kansas will save far more than we spend on this measure. By providing public assistance to prior drug offenders we encourage these men/women to fend for themselves and for their families.

To do otherwise, is to continue to set them up to reoffend.

If any caseworker however misuses this bill's authority in order to harass an individual with more than a necessary number of screenings a month, I would, for one lead the charge to reprimand that caseworker.—David Haley.

**SB 36**, An act concerning the admission to practice law; requirements; fingerprints and criminal history; amending K.S.A. 7-103 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SB 47**, An act concerning the department of corrections; relating to the dissemination of department rules and regulations to inmates; amending K.S.A. 2004 Supp. 75-5210 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Journey, Pyle.

The bill passed.

**SB 48**, An act concerning schools and school districts; relating to contracts.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 57**, An act concerning the Kansas consumer protection act; relating to occasional sales of certain repossessed collateral; amending K.S.A. 2004 Supp. 50-624 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 76**, An act relating to driver's licenses; concerning habitual violators; amending K.S.A. 8-235, 8-286, 8-287 and 8-288 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 98**, An act concerning hunting; relating to hunter's education requirements; amending K.S.A. 2004 Supp. 32-920 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

**SB 126**, An act concerning property taxation; relating to reduction of valuation of real property; amendment of tax rolls; payment of taxes under protest; amending K.S.A. 2004 Supp. 79-1460 and 79-2005 and repealing the existing sections.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

**SCR 1602**, A concurrent resolution urging the appointment of a task force to study the licensing and appointment process for insurance agents.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted, as amended.

**SCR 1604**, A concurrent resolution concerning healthy eating and physical activity in public elementary and secondary schools.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, February 11, 2005.

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

