

Journal of the Senate

FIFTY-FIFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 31, 2005—9:30 a.m.

The Senate was called to order by President Stephen Morris.

The roll was called with thirty-nine senators present.

Senator Allen was excused.

President Morris introduced as guest chaplain, Monsignor Mike Mullen, Pastor, St. Patrick's Catholic Church, Kansas City, Kansas, who delivered the invocation:

Father in Heaven we rejoice during this Easter Week in the resurrection of your Son, Jesus, and in the new life of the Spirit which the presence of Christ in our hearts and lives brings. The sunrise each morning is a sign of your enduring love and a pledge of hope for all of us.

We ask you today to bless the work of the men and women of this Senate as they lead the people of the State of Kansas. Reward them, Lord, for their service to their brothers and sisters. Give them wisdom and steadfastness in doing what will best serve the common good of all our citizens. May they be especially focused on the needs of the poor, and those of children. May the laws of our State defend the sanctity of human life from conception to natural death. May our decisions protect and strengthen the institution of marriage between man and woman that has led to beautiful family life, a hallmark of the State of Kansas. May our work in this chamber always show appreciation for those who serve so as to protect freedom at home and abroad.

Father, bless the children and youth who visit this Senate today, especially the seventh grade students of St. Patrick School, Kansas City, Kansas. May they aspire to public service and to use their talents for your glory. In your name we pray. Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 311, An act concerning adult basic education programs; relating to tax levy authority of governing bodies of technical colleges and school boards; amending K.S.A. 72-4523 and K.S.A. 2004 Supp. 72-4470a and repealing the existing sections, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Education: **SB 310**.

COMMUNICATIONS FROM STATE OFFICERS

BOARD OF INDIGENTS' DEFENSE SERVICES

The Annual Report for Fiscal Year 2004 was submitted by the State of Kansas Board of Indigents' Defense Services.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brownlee moved the Senate concur in house amendments to **SB 4**.

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, 74-8904 and 74-8959 and repealing the existing sections.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 7**.

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.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 39**.

SB 39, An act concerning sheriffs; relating to fees for service; amending K.S.A. 2004 Supp. 28-110 and repealing the existing section.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Brownlee moved the Senate concur in house amendments to **SB 69**.

SB 69, An act concerning the self-service storage act; relating to late fees; amending K.S.A. 58-814 and repealing the existing section.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 82**.

SB 82, An act concerning sex offense prosecutions; relating to the complaining witness; admissibility of prior sexual conduct; amending K.S.A. 21-3525 and repealing the existing section.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, 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.

Nays: Haley.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 100**.

SB 100, An act concerning certain adult care homes; related to certain nursing facilities and assisted living facilities; relating to risk assessment plans and inspection reports; amending K.S.A. 39-935 and repealing the existing section.

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

Yeas: Apple, Barnett, 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.

Nays: Barone.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Vratil moved the Senate concur in house amendments to **SB 147**.

SB 147, An act concerning the limitation of actions; relating to increasing general time limitation; amending K.S.A. 21-3510 and 21-3511 and K.S.A. 2004 Supp. 21-3106 and 21-3516 and repealing the existing sections.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, 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.

Nays: Haley.

Absent or Not Voting: Allen.

The Senate concurred.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 102** and requested a conference committee be appointed.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2018**, submits the following report:

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

On page 2, in line 40, by striking "takes" and inserting "shall take"; in line 41, by striking "ot" and inserting "to";

On page 6, following line 19, by inserting:

"Sec. 4. K.S.A. 2004 Supp. 82a-2101 is hereby amended to read as follows: 82a-2101. (a) On and after January 1, 2002, there is hereby imposed a clean drinking water fee at the rate of \$.03 per 1,000 gallons of water sold at retail by a public water supply system and delivered through mains, lines or pipes. Such fee shall be paid, administered, enforced and collected in the manner provided for the fee imposed by subsection (a)(1) of K.S.A. 82a-954, and amendments thereto. The price to the consumer of water sold at retail by any such system shall not include the amount of such fee.

(b) (1) A public water supply system may elect to opt out of the fee imposed by this section by notifying, before October 1, 2001, the Kansas water office and the department of revenue of the election to opt out. Except as provided by subsection (b)(2), such election shall be irrevocable. Such public water supply system shall continue to pay all applicable sales tax on direct and indirect purchases of tangible personal property and services purchased by such system.

(2) On and after January 1, 2005, any public water supply system which elected to opt out of the fee imposed by subsection (a) may elect to collect such fee as provided by subsection (a) and direct and indirect purchases of tangible personal property and services by such system shall be exempt from sales tax as provided by K.S.A. 79-3606, and amendments thereto. Such election shall be irrevocable.

(c) The director of taxation shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received or collected from the fee imposed pursuant to this section. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit ~~7/106~~ it as follows:

(1) *5/106 of such amount shall be credited to the state highway fund and the remainder to the state general fund; and*

(2) *on and after July 1, 2007, 5/106 of such amount shall be credited to the state highway fund and the remaining amount shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, for use as follows: (A) Not less than 15% shall be used to provide on-site technical assistance for public water supply systems, as defined in K.S.A. 65-162a, and amendments thereto, to aid such systems in conforming to responsible management practices and complying with regulations of the United States environmental protection agency and rules and regulations of the department of health and environment; and (B) the remainder shall be used to renovate and protect lakes which are used directly as a source of water for such public water supply systems, so long as where appropriate, watershed restoration and protection practices are planned or in place.*

(d) *The state conservation commission shall promulgate rules and regulations in coordination with the Kansas water office establishing the project application evaluation criteria for the use of such moneys under subsection (c)(2)(B).;*

Also on page 6, in line 20, by striking “and 82a-736” and inserting “, 82a-736 and 82a-2101”;

By renumbering the remaining sections accordingly;

In the title, in line 18, preceding “amending” by inserting “relating to disposition of certain fees pertaining to public water supply systems;”; also in line 18, by striking “and 82a-736” and inserting “, 82a-736 and 82a-2101”;

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

TIM HUELSKAMP
KAY O'CONNOR
MARCI FRANCISCO
Conferees on part of Senate

JENE VICKREY
MARIO GOICO
TOM HOLLAND
Conferees on part of House

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **HB 2018**.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Huelskamp, Jordan, Journey, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Umbarger, Vratil, Wagle, Wilson.

Nays: Barone, Betts, Bruce, Francisco, Haley, Hensley, Kelly, Lee, McGinn, Steineger, Teichman, Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2077**, 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 19 through 38;

And by renumbering paragraphs accordingly;

On page 3, after line 34, by inserting the following:

“(b) Any person who in good faith accepts cancer drugs, in accordance with the provisions of this act and as part of the cancer drug repository program, which drugs are in compliance with the provisions of this act at the time accepted, shall not be subject to criminal or civil liability arising from any injury or death due to the condition of such drugs unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of such person.”;

Also on page 3, in line 35, by striking “(b)” and inserting “(c)”; after line 42, by inserting the following:

“(d) A manufacturer of drugs shall not be subject to criminal or civil liability for any injury or death related to the donation, acceptance or dispensing of a cancer drug as part of the cancer drug repository program created under this act which drug was manufactured by the drug manufacturer unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of the drug manufacturer.”;

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

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

JIM MORRISON
PEGGY MAST
NANCY A. KIRK
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **HB 2077**.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2466**, 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, in line 20, following “Section 1.” by inserting “On January 1, 2006.”;

On page 7, following line 41, by inserting:

“Sec. 3. K.S.A. 2004 Supp. 32-920 is hereby repealed.”; in line 42, following “Sec. 3.” by inserting “On January 1, 2006.”; also in line 42, by striking “32-920.”;

On page 8, in line 3, by striking “January 1, 2006, and ”;

And by renumbering sections accordingly;

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

CAROLYN MCGINN
TERRY BRUCE
MARCI FRANCISCO
Conferees on part of Senate

DON MYERS
JUDY MORRISON
GERALDINE FLAHARTY
Conferees on part of House

Senator McGinn moved the Senate adopt the Conference Committee Report on **HB 2466**.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 262, An act concerning certain municipalities; relating to form of government; enacting the efficiency in local government act; amending K.S.A. 12-520 and 2004 Supp. 19-205 and repealing the existing sections, was considered on final action.

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

Yeas: Lee.

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

Present and Passing: Francisco.

Absent or Not Voting: Allen.

A constitutional majority having failed to vote in favor of the bill, **SB 262** did not pass.

EXPLANATION OF VOTE

SB 262 addresses the possibility of consolidating local governments. Cities and counties could explore a new joint form of government. The floor amendments on **SB 262** make the act unworkable. The "dual majority," in particular, virtually assures that consolidation will never occur. This provision allows a small number of residents in the county to defeat any possible attempt at a new and efficient attempt at governance. Counties and cities may continue to explore good public policy. This subject deserves enabling legislation that allows local units to be cooperative and innovative.—PETE BRUNGARDT

Senators Reitz, Schodorf and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Brungardt on **SB 262**.

SB 304, An act concerning the development finance authority; regarding authority to issue bonds; amending K.S.A. 2004 Supp. 74-8905 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, 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: Francisco, Huelskamp, Pyle.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2026, An act concerning telecommunications; relating to the KAN-ED and its funding; concerning emergency 911 telecommunications services; amending K.S.A. 66-2010 and K.S.A. 2004 Supp. 75-7226 and repealing the existing sections, was considered on final action.

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

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

Nays: Huelskamp, O'Connor.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2072, An act relating to United States military personnel; concerning tuition and fee waivers; amending K.S.A. 73-1217 and K.S.A. 2004 Supp. 75-3721, 75-4364 and 76-729 and repealing the existing sections, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2083, An act concerning certain municipalities; relating to the consolidation of cities and counties; relating to land adjoining cities; amending K.S.A. 12-520 and repealing the existing section, was considered on final action.

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

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

Nays: Brungardt, Haley, Reitz, Wilson.

Absent or Not Voting: Allen.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1847—

A RESOLUTION congratulating and commending Lakeside Elementary School.

WHEREAS, Pittsburg's Lakeside Elementary School is the Kansas recipient of the 2005 Exemplary Reading Program Award from the International Reading Association. The award was given on March 11 at the opening general session of the Kansas Reading Association in Wichita. The school also will be recognized at the International Reading Association Convention in San Antonio on May 1; and

WHEREAS, Lakeside Elementary School was one of 13 schools nominated for the award. After being notified that the school was one of three finalists, the school had an extensive on-site visit by representatives of the International Reading Association. The school's reading program is based on four literary blocks: Comprehension, word study, fluency/self-selected reading and writing. The entire staff at Lakeside is totally committed to the literary success of all students, and the school has been able to limit classroom size

to 20 students. Local businesses have participated in providing incentives, and the program stresses family reading nights; and

WHEREAS, The Exemplary Reading Program has five objectives: To improve literacy in our society, to recognize school staffs who demonstrate excellence in reading, to encourage the development of exemplary reading/language arts programs, to report to the public noteworthy efforts to improve reading skill and to disseminate specific information about high-quality programs; and

WHEREAS, About 65% of the students at Lakeside Elementary School are at-risk students. In two years the school has gone from 54.2% proficiency to 75% proficiency in reading and is at the desired state standard in this skill: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Lakeside Elementary School, the students, teachers and administrators involved, plus the parents and community organizations supporting them, upon receiving the 2005 Exemplary Reading Program Award; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this award to Cory Gibson, Principal, Lakeside Elementary School, 709 South College, Pittsburg, KS 66762-5097.

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

Senator Barone and members of the Senate welcomed and commended guests Dr. Susan Knell, Principal Cory Gibson, Joan Barbieri, Susie Tims and Babs Tims, on their exemplary reading program at Lakeside Elementary School.

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

SENATE RESOLUTION No. 1848—

A RESOLUTION congratulating and commending Cachet Hancock.

WHEREAS, Cachet Hancock, a senior at Wabaunsee High School in Alma, is the 2005 Kansas Junior Miss. This title has been awarded to her because of her scholarship and community service. She will compete at the national competition held at Mobile, Alabama, during the period June 12 to 28; and

WHEREAS, The mission of the American Junior Miss program is to emphasize education by providing scholarship opportunities to outstanding, college-bound high school girls and to encourage personal development in all young people through the Be Your Best Self outreach program. The program emphasizes poise, talent, fitness, knowledge and scholarship. The program has the support of several national corporations, and many colleges and universities offer scholarships in support of this program; and

WHEREAS, Miss Hancock is a 4.0 student and ranks first academically in her high school class. She is the past District D President for Family, Career and Community Leaders of America, a first in the history of her high school. She is a member of the National Honor Society and the Fellowship of Christian Athletes. She has lettered in volleyball, basketball, track and softball and has been the varsity captain in cheerleading and dance team. She is a leader in her church group and other community volunteer activities, including organizing the community Thanksgiving food drive. A level 9 gymnast, she has two state titles in this sport and is one of the youngest nationally certified gymnastic judges in the United States; and

WHEREAS, Cachet plans to attend Wichita State University and major in international business and entrepreneurship with a minor in Spanish. She has been awarded a \$20,000 JABARA scholarship by the Wichita State University School of Business. Cachet is the daughter of Dr. and Mrs. Rick D. Hancock of Alma: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Cachet Hancock upon being designated the 2005 Kansas Junior Miss and wish her every success as she goes to the national competition; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Cachet Hancock and her parents, Dr. and Mrs. Rick D. Hancock, both addressed to 26089 NW McFarland Frontage, Alma, KS 66401; Dr. and Mrs. James W. Norman, 4803 N. Hulbert, Fresno, CA 93705 and Dr. and Mrs. Dan L. Hancock, 3604 Sadleridge Drive, Independence, MO 69057.

On emergency motion of Senator Kelly **SR 1848** was adopted unanimously. President Morris and members of the Senate welcomed and congratulated Cachet on her many accomplishments and wished her luck in the upcoming pageant. Accompany Cachet were her mother and father, Dr. and Mrs. Rick Hancock, Alma, Kansas.

REPORT ON ENGROSSED BILLS

SB 304 reported correctly engrossed March 30, 2005.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** begs leave to submit the following report: The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointments:

By the Governor:

Kansas Racing and Gaming Commission, Executive Director of: K.S.A. 74-8805

Stephen Martino, serves at the pleasure of the Governor

Kansas Racing and Gaming Commission: K.S.A. 74-8803

Kristine A.K. McKechnie, term expires January 15, 2009

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 312, An act concerning school districts; relating to school finance; relating to revenues therefor; amending K.S.A. 72-6410 and 72-6414 and K.S.A. 2004 Supp. 72-978, 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

March 25, 2005

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Directive No. 05-359 for your information.

Sincerely,
KATHLEEN SEBELIUS
Governor

The Vice President announced Executive Directive No. 05-359, Authorizing Personnel Transactions, is on file in the office of the Secretary of the Senate and is available for review at any time.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF COMMERCE

As required by KSA 74-50,118(b), Howard R. Fricke, Secretary, Department of Commerce, submitted the Annual Report on the Kansas Enterprise Zone Program.

DEPARTMENT OF REVENUE

Joan Wagon, Secretary, Department of Revenue, submitted the Annual Report on the Kansas Enterprise Zone Act.

The Vice President announced the above reports are on file in the office of the Secretary of the Senate and are available for review at any time.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 13**.

The House adopts the conference committee report on **Substitute SB 33**.

The House adopts the conference committee report on **SB 37**.

The House adopts the conference committee report on **SB 91**.

The House concurs in Senate amendments to **Substitute HB 2003** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2082** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Senate Substitute for HB 2172** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Substitute HB 2276** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2380** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2503** and requests the Senate to return the bill.

Announcing rejection of **SB 98; House Substitute for SB 223**.

Announcing the House nonconcurs in Senate amendments to **HB 2026**, requests a conference and has appointed Representatives C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2072**, requests a conference and has appointed Representatives Sloan, E. Johnson and Carlin as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 102** and has appointed Representatives O'Neal, Carter and Peterson as conferees on the part of the House.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Donovan moved the Senate concur in house amendments to **SB 126**.

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

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Jordan moved the Senate concur in house amendments to **SB 138**.

SB 138, An act concerning mathematics and science teachers; providing a tax credit against the income tax liability of certain business firms; establishing the mathematics and science teacher service scholarship act.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Teichman moved the Senate concur in house amendments to **SB 176**.

SB 176, An act concerning insurance; relating to new terminology for insurance brokers; relating to limiting the insurance value of improvements on real property to the replacement cost thereof; relating to notice when a block of business is closed; relating to HIPAA compliance; amending K.S.A. 40-905, 40-2255, 40-37a01, 40-37a02, 40-37a03, 40-37a04, 40-37a05, 40-37a06 and 40-4502 and K.S.A. 2004 Supp. 40-2,131 and 40-2258 and repealing the existing sections.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Teichman moved the Senate concur in house amendments to **SB 178**.

SB 178, An act concerning home service contracts.

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

Yeas: 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, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

Absent or Not Voting: Allen.

The Senate concurred.

Senator Donovan moved the Senate concur in house amendments to **SB 209**.

SB 209, An act concerning the transportation development district act; relating to district sales tax; amending K.S.A. 2004 Supp. 12-17,141, 12-17,142, 12-17,144 and 12-17,145 and repealing the existing sections.

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

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

Nays: Huelskamp, O'Connor, Ostmeyer, Palmer, Pyle, Taddiken, Wilson.

Absent or Not Voting: Allen.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 13**, 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 5, in line 33, by striking "assigned by the distilled spirits council of the"; in line 34, by striking "United States (UNIMERC)";

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

KENNY A. WILK

DAVID HUFF

TOM THULL

Conferees on part of House

LES DONOVAN

DEREK SCHMIDT

JENIS K. LEE

Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 13**.

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

Yeas: 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, Reitz, Schmidt D, Schmidt V, Schodorf, Steiner, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 33**, submits the following report:

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

On page 1, in line 14, by striking "Sections. 1." and inserting "Section 1."; also in line 14, after "(a)" by striking "Section" and inserting "Sections";

On page 3, in line 4, before the period by inserting "on the undisputed amount"; in line 7, by striking all after the second comma; by striking all in lines 8 and 9; in line 10, by striking all before "if"; in line 18, before the period by inserting "on the undisputed amount";

On page 4, in line 1, before "to" by inserting "and reasonable attorney fees";

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

DONALD L. DAHL

TODD NOVASCONE

CANDY L. RUFF

Conferees on part of House

KARIN BROWNLEE

JAY SCOTT EMLES

LAURA KELLY

Conferees on part of Senate

Senator Brownlee moved the Senate adopt the Conference Committee Report on **Sub SB 33**.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, 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, Steiner, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Journey, Pyle, Wagle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37**, submits the following report:

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

On page 26, by striking all in lines 39 and 40; in line 41, by striking "such moneys" and inserting "the entire amount"; by striking all in lines 42 and 43;

On page 27, by striking all in lines 1 through 13;

And by renumbering sections accordingly;

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

KENNY A. WILK
DAVID HUFF
TOM THULL
Conferees on part of House

LES DONOVAN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 37**.

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

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

Nays: Journey.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 91**, submits the following report:

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

On page 2, in line 16, by striking all after "institutions"; by striking all in line 17; in line 18, by striking all before the period;

On page 3, by striking all in lines 32 through 35 and inserting in lieu thereof the following:
“(E) a dentist who is providing dental services as a charitable health care provider under K.S.A. 75-6102, and amendments thereto;

(F) a dental hygienist who is providing dental hygiene services as a charitable health care provider under K.S.A. 75-6102, and amendments thereto; and

(G) a not-for-profit organization providing dental services.”;

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

JIM MORRISON
PEGGY MAST
NANCY KRIK
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 91**.

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

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

Nays: Haley, Huelskamp, O'Connor, Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2045**, 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 16 through 43;

On page 2, by striking all in lines 1 through 39 and inserting:

“Section 1. K.S.A. 12-891 is hereby amended to read as follows: 12-891. A municipal energy agency shall be governed by a board of directors ~~consisting of not less than seven persons, each of whom shall reside within the corporate limits of one of the member cities of the agency.~~ The directors shall be selected as specified in the agreement creating the agency, except that the method of selection shall require that a majority of the board of directors be members of the governing bodies of the member cities or be directly selected by and subject to removal at will by the members of such governing bodies. The directors shall serve for terms as provided by the agreement creating the agency or by the bylaws of the agency. A director may be appointed to successive terms of office. Unless otherwise provided by the agreement creating the agency or by the bylaws of the agency, any vacancy occurring on the board for any reason other than the expiration of a member’s term of office shall be filled for the unexpired term by appointment by the remaining members of the board

A quorum of the board of directors shall be determined as set out in the agreement creating the agency or in the bylaws of the agency.

Sec. 2. K.S.A. 12-896 is hereby amended to read as follows: 12-896. Any municipal energy agency created under the provisions of this act shall have the power to receive and expend for any lawful purpose of the agency any grants, bequests, contributions and aid of any kind from any private or public source. Any such agency shall *not* be subject to the budget and cash-basis law of the state of Kansas, ~~and~~. The board of directors *of any such agency shall adopt a budget in the manner set forth in the agency agreement or the bylaws of the agency and* shall provide for regular auditing ~~and budgeting~~ procedures as prescribed by the director of accounts and reports pursuant to the provisions of K.S.A. 75-1121 et seq. and amendments thereto.

Sec. 3. K.S.A. 12-8,104 is hereby amended to read as follows: 12-8,104. For the security of bonds or notes issued or to be issued by a municipal energy agency, the municipal energy agency may mortgage or execute deeds of trust of the whole or any part of its property and franchises. Any mortgage or deed of trust covering the whole or any part of easements or other interests in real estate less than fee simple used in the generation or transmission of electric power, and covering fixtures annexed thereto, may be filed in the office of the secretary of state with or as a part of the financing statement covering the fixtures. ~~All filings required under the uniform commercial code to perfect a security interest against the personal property or fixtures shall be made.~~

Sec. 4. K.S.A. 12-891, 12-896 and 12-8,104 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 12, by striking all following “concerning”; in line 13, by striking all before the period and inserting “municipal energy agencies; amending K.S.A. 12-891, 12-896 and 12-8,104 and repealing the existing sections”;

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

JAY SCOTT EMLER

PAT APPLE

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

CARL C. KREHBIEL

ANNIE KUETHER

Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2045**.
On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2053**, 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 35, by striking "or" and inserting "and"; in line 40, by striking "or" and inserting "and"; in line 43, by striking "cost"; also in line 43, by striking "or" and inserting "costs and";

On page 2, in line 1, after "the" the first time it appears, by inserting "costs and"; in line 3, by striking "legal"; also in line 3, by striking "or" and inserting "and"; also in line 3, after "expenses" by inserting ", including, but not limited to, legal fees"; in line 7, by striking "or" and inserting "and"; in line 8, by striking "or" and inserting "and";

On page 4, in line 10, by striking all after the period; in line 11, by striking all before "The";

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

MARK TADDIKEN
ROGER C. PINE
MARCI FRANCISCO
Conferees on part of Senate

DAN JOHNSON
C. FRANK MILLER
JOSHUA SVATY
Conferees on part of House

Senator Taddiken moved the Senate adopt the Conference Committee Report on **HB 2053**.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2058**, 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 3, in line 7, following "12-1541" by inserting ", and amendments thereto,"; in line 17, following "12-1541" by inserting ", and amendments thereto,"; following line 42, by inserting the following:

"Sec. 3. K.S.A. 12-1617 is hereby amended to read as follows: 12-1617. ~~The powers of the cities of the first, second and third classes within this state to impose license or occu-~~

patation taxes upon peddlers and venders shall not be construed so as to apply to, or create the power to impose license taxes or occupation taxes upon producers and growers, or their agents or employees engaged in the sale of farm, garden or aquaculture products, or fruits grown within this state:

(a) As used in this section, "fee" means any license or occupation fee, charge or tax, vending or peddling fee, charge or tax, transient merchant license fee, charge or tax or any other similar fee, charge or tax.

(b) A city may require any producer, grower or agent or employee of such grower engaged in the sale of agricultural, farm, garden or aquacultural products grown by such growers within this state to obtain a peddler's, vendor's or transient merchant's license or permit. Such license or permit shall be valid for a period of time of not less than six months from the date of issuance.

(c) No city shall impose any fee against any producer, grower, or agent or employee of such grower, engaged in the sale of agricultural, farm, garden or aquacultural products grown by such growers residing within this state.

Sec. 4. K.S.A. 19-2233 is hereby amended to read as follows: 19-2233. (a) The provisions of ~~this~~ the transient merchant licensing act shall not apply to:

(1) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

(2) sales or displays at trade shows, expositions or conventions;

(3) sales of goods, wares or merchandise by sample catalogue or brochure for future delivery;

(4) sales or displays at fairs, conventions or shows operated primarily for purposes of amusement, entertainment, recreation or education;

(5) sales or displays at sales, fairs, auctions or bazaars operated by church, religious or charitable organizations;

(6) garage sales held on premises devoted to residential use;

(7) sales or displays at sales or shows of crafts or items made by hand and sold, offered for sale or displayed by the individual making such crafts or handmade items;

(8) sales of agricultural or farm, garden or aquacultural products, except nursery products and foliage plants, sold or offered for sale by the individual raising or producing such products and such person's agents or employees;

(9) sales to the owner or legal occupant of residential premises, at such premises pursuant to an invitation issued by such owner or legal occupant;

(10) sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools or educational institutions;

(11) sales of paraphernalia used in the celebration of any nationally recognized holiday;

(12) sales or displays at flea markets or at sales, exchanges or shows of antique or other personal property having an enhanced value by reason of its age or unique characteristics;

(13) retail sales of fireworks;

(14) sales or displays at fairs or expositions sponsored by the state, a county or another governmental entity or a convention or tourism committee created pursuant to either K.S.A. 12-1695 or 12-16,101, and amendments thereto;

(15) sales or displays at sales, exchanges or shows of collectibles or hobby or investment items of personal property, including but not limited to pets, gems and minerals, stamps, coins, photographs and photographic equipment, guns and belt buckles;

(16) sales or displays in connection with, and at the site of, athletic tournaments, events, contests or expositions;

(17) events sponsored by nonprofit organizations; or

(18) any person who has a permanent business location in this state for not less than six months in each year but who may carry on a transient business at locations in this state other than at the person's permanent business location.

(b) The exemption provided by subsection (a) shall apply regardless of whether the transient merchant is sponsoring or operating the activity giving rise to the exemption or is participating in the activity as a seller or exhibitor.

(c) A transient merchant not otherwise exempted from the provisions of this act shall not be relieved or exempted from the provisions of this act by reason of temporary associ-

ation with any local dealer, auctioneer, trader, contractor or merchant or by conducting temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.”;

By renumbering sections accordingly;

Also on page 3, in line 43, by striking “and 12-1542” and inserting “, 12-1542, 12-1617 and 19-2233”;

In the title, in line 14, by striking “municipalities” and inserting “counties”; in line 15, following the semicolon, by inserting “relating to certain license or occupation fees, charges and taxes;”; also in line 15, by striking “and 12-1542” and inserting “, 12-1542, 12-1617 and 19-2233”;

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

TIM HUELSKAMP
KAY O’CONNOR
DONALD BETTS
Conferees on part of Senate

JENE VICKREY
BONNIE HUY
TOM HOLLAND
Conferees on part of House

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **HB 2058**.

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

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

Nays: Apple, Huelskamp, Pine, Pyle, Taddiken, Teichman, Umbarger.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2144**, 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 18, by striking “On and after July 1, 2005.”;

On page 5, in line 3, by striking all after “assistance”; in line 4, by striking all before the semicolon and inserting “pursuant to a relocation assistance plan as provided in K.S.A. 12-1777, and amendments thereto”; in line 25, after “require” by inserting “prior”;

On page 6, in line 2, by striking “and”; in line 3, before the period by inserting “; and (6) a bond origination fee charged by the city pursuant to K.S.A. 12-1742, and amendments thereto”;

On page 9, in line 1, by striking “On and after July 1, 2005.”;

On page 12, in line 40, after “additional” by inserting “400 acre”; in line 41, after “additional” by inserting “400 acre”;

On page 13, in line 1, after “additional” by inserting “400 acre”; in line 6, after “additional” by inserting “400 acre”; in line 7, by striking all after the period; by striking all in lines 8 through 10; in line 11, by striking all before the period and inserting “The maximum principal amount of special obligation bonds issued to fund redevelopment projects within a major tourism area, including any such additional 400 acre area, shall not exceed \$308,000,000, unless the city has secured prior approval from the secretary of commerce and the secretary of revenue. Any special obligation bonds issued for the following purposes shall not be counted toward such limit on the principal amount:

(1) Special obligation bonds issued solely for the purpose of refunding such bonds, either at maturity or in advance of maturity, pursuant to the provisions of K.S.A. 10-116a, and amendments thereto; and

(2) special obligation bonds issued solely to fund reserve funds for such bond refunding.

Prior to issuing any special obligation bonds for any purpose, the city must have the approval of the secretary of commerce and the secretary of revenue”;

Also on page 13, in line 14, after “additional” by inserting “400 acre”; in line 20, after “governor” by inserting “, Kansas, Inc.”; in line 22, after “area” by inserting “, including such additional 400 acre area,”;

On page 14, in line 41, by striking “an auto race track facility” and inserting “a redevelopment project in a major tourism area”;

On page 15, in line 1, by striking “On and after July 1, 2005.”;

On page 17, in line 22, by striking “On and after July 1, 2005.”;

On page 18, in line 22, by striking “On and after July 1, 2005.”;

On page 22, in line 37, after “governor” by inserting “, Kansas, Inc.”;

On page 23, in line 10, by striking “On and after July 1, 2005.”; in line 16, by striking “On and after July 1, 2005.”; in line 38, by striking “On and after July 1, 2005.”;

On page 24, in line 42, by striking “On and after July 1, 2005.”;

On page 27, in line 10, by striking “On and after July 1, 2005.”; in line 15, by striking “On and after July 1, 2005.”; in line 24, by striking “On and after July 1, 2005.”; in line 27, before the period by inserting “at the expense of the city”; by striking all in line 41;

And by renumbering the remaining sections accordingly;

Also on page 27, in line 42, by striking “On and after July 1, 2005.”; in line 43, after the second comma by inserting “12-1771b.”;

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

KARIN BROWNLEE

NICK JORDAN

LAURA KELLY

Conferees on part of Senate

LANA GORDON

TERRIE HUNTINGTON

VALDENIA C. WINN

Conferees on part of House

Senator Brownlee moved the Senate adopt the Conference Committee Report on **S Sub for HB 2144**.

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

Yeas: 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.

Nays: Huelskamp.

Present and Passing: Wysong.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2263**, submits the following report:

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

On page 2, by striking all in lines 22 through 37; in line 38, by striking “(4)” and inserting “(3)”; in line 39, after “person” by inserting “and ranking minority member”; in line 40, after “chairperson” by inserting “and ranking minority member”;

On page 10, in line 3, by striking all after the comma; in line 4, by striking all before “and”; in line 9, by striking all after “bonds”; by striking all in lines 10 through 13; in line 14, by striking all before the period;

On page 12, by striking all in lines 31 and 32 and inserting:

“Sec. 14. (a) As used in this section:

(1) “Appurtenances” means all substations, towers, poles and other structures and equipment necessary for the bulk transfer of electricity.

(2) “Commission” means the state corporation commission.

(3) “Construction or upgrade of an electric transmission facility” means construction or upgrade of an electric line, and appurtenances, with an operating voltage of 115 kilovolts or more.

(b) Upon application, the commission may authorize recovery of costs associated with the construction or upgrade of an electric transmission facility if the commission finds that:

(1) (A) A regional transmission organization has identified such construction or upgrade as appropriate for reliable operation of the integrated electric transmission system or for economic benefits to transmission owners and customers; and (B) a state agency has determined that such construction or upgrade will provide measurable economic benefits to electric consumers in all or part of this state that will exceed anticipated project costs; and

(2) such costs are not being otherwise recovered.

(c) The commission shall review an application for recovery of costs pursuant to this section in an expedited manner if the application includes evidence that expedited construction or upgrade of the electric transmission facility will result in significant, measurable economic benefits to Kansas electric consumers. Recommendation or approval of construction or upgrade of an electric transmission facility by a regional transmission organization shall constitute a rebuttable presumption of the appropriateness of such construction or upgrade for system reliability or economic dispatch of power.

(d) In determining whether to approve recovery of costs pursuant to this section the commission may consider factors such as the speed with which Kansas electric consumers will benefit from the transmission facility and the long-term benefits of the transmission facility to Kansas electric consumers, or both, and whether such factors outweigh other less costly options. An application for recovery of costs pursuant to this section shall include such information as the commission requires to weigh such factors, including, but not limited to, information regarding estimated line losses, reactive power and voltage implications and long-term economic and system reliability benefits.

(e) Any recovery of costs authorized by the commission pursuant to this section shall be assessed against all electric public utilities, electric municipal utilities and electric cooperative utilities receiving benefits of the construction or upgrade and having retail customers in this state. Each such utility’s assessment shall be based on the benefits the utility receives from the construction or upgrade. In determining allocation of benefits and costs to utilities, the commission may take into account funding and cost recovery mechanisms developed by regional transmission organizations and shall take into account financial payments by transmission users and approved by the federal energy regulatory commission or regional transmission organization. Each electric public utility shall recover any such assessed costs from the utility’s retail customers in a manner approved by the commission and each electric municipal or cooperative utility shall recover such assessed costs from the utility’s retail customers in a manner approved by the utility’s governing body.

(f) All moneys collected by a utility from assessments authorized by the commission pursuant to this section shall be paid quarterly by the utility to the transmission operator or owner designated by the commission.

(g) Notwithstanding any other provision of law to the contrary, electric municipal utilities and electric cooperative utilities shall be subject to the jurisdiction of the commission for the limited purpose of implementing the provisions of this section.

Sec. 15. K.S.A. 66-105a is hereby amended to read as follows: 66-105a. (a) On and after July 1, 1997, the term “public utility” as used in K.S.A. 66-104, and amendments thereto, and the term “common carriers” as used in K.S.A. 66-105, and amendments thereto, shall not include any gas gathering system, as defined in K.S.A. 55-150, and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), for those persons providing gas gathering services in such a manner that allows end use customers to obtain natural gas by direct connection to a gathering system, the commission shall have authority, upon complaint or petition or upon its own motion, to determine the reasonableness of, and regulate and supervise, any health or safety related curtailment or proposed health or safety related curtailment of natural gas that results in the loss of service to the end use customer.

(c) Any person providing gas gathering services in such a manner that allows the offering of natural gas from a gas gathering system to an end use customer shall give notice thereof to the commission and to each affected end use customer and public utility of its intent to curtail service that will result in the loss of natural gas service to the end use customer. Except in the case of an emergency, notice shall be provided at least 30 days prior to such curtailment. In the case of an emergency, service to residential dwellings or commercial offices may be curtailed immediately upon a good faith belief that an emergency exists. Notice shall be given immediately to the end user and public utility. The person curtailing service, within 24 hours of the determination of the emergency, shall report the curtailment to the state corporation commission and provide the basis for and evidence supporting the good faith belief that curtailment was necessary under the emergency provisions of this subsection. In the event that the curtailment was not based upon a good faith belief and was unnecessary, as subsequently determined by the state corporation commission, the person curtailing service shall be held responsible for the cost of the service curtailment, including any reconnection cost and temporary heating costs.

(d) Nothing contained in subsections (b) and (c) shall be construed to diminish any authority vested in the commission prior to the effective date of this act.

Sec. 16. K.S.A. 66-105a is hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 14, by striking all after “concerning”; by striking all in line 15; in line 16, before the period, by inserting: “utilities; enacting the Kansas electric transmission act; providing for recovery of certain costs of construction and upgrading of electric transmission facilities; prescribing procedures for curtailment of natural gas service to certain premises; amending K.S.A. 66-105a and repealing the existing section”;

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

JAY SCOTT EMLER

PAT APPLE

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

CARL C. KREHBIEL

ANNIE KUETHER

Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2263**.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, 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: Bruce, Pyle.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2310**, 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 5, by striking all in lines 18 through 21;

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

LES DONOVAN
DENNIS WILSON
MARK S. GILSTRAP
Conferees on part of Senate

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

Senator Donovan moved the Senate adopt the Conference Committee Report on **HB 2310**.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2331**, 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 32, following line 22, by inserting:

“New Sec. 23. (a) As used in this section:

(1) “Pupil” means a child living in a school district as a result of placement therein by the secretary pursuant to the Kansas code for care of children.

(2) “Secretary” means the secretary of social and rehabilitation services.

(b) If the secretary changes the placement of a pupil from one school district to another or to another school within the same district, it shall be the duty of the secretary to transfer, or make provision for the transfer, of all school records of such pupil to the district or school to which the pupil is transferred. Such school records shall be transferred at the same time that the pupil is transferred or as soon as possible thereafter.

(c) On or before December 31, 2005, and on or before December 31, 2006, the secretary shall submit to the legislature a report of the number of pupils who have been transferred from one school district to another school district or from one school to another school within the same district during the preceding school year. Each time a pupil is transferred shall be accounted for separately in such report. The report also shall indicate the number of days which elapsed between the day on which the request for the transfer of school records was submitted under K.S.A. 72-5386, and amendments thereto, and day on which the records were received by the receiving district.

The provisions of this subsection shall expire January 1, 2007.

(d) School districts shall assist the secretary in compiling information for the report required by subsection (c) by providing information requested by the secretary.”;

By renumbering the remaining sections accordingly;

Also on page 32, by striking all in lines 23 through 43;

By striking all on pages 33, 34 and 35;

On page 36, in line 31, by striking “, 72-996, 72-1398,”; in line 32, by striking all before “are” and inserting “and 72-996”;

In the title, in line 14, by striking “school districts” and inserting “certain students; relating to the powers and duties of certain state agencies and school districts” in line 15, by striking “relating to teachers;”; in line 18, by striking all following “72-994” and inserting “and 72-996”;

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

JEAN KURTIS SCHODORF

ROGER C. PINE

JANIS K. LEE

Conferees on part of Senate

KATHE DECKER

DEENA HORST

SUE STORM

Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2331**.

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

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

Nays: O'Connor.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2448**, submits the following report:

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

On page 2, in line 12, after the semicolon by inserting “and”; in line 26, by striking “; and”; by striking all in line 27; in line 28, by striking all before the period; in line 43, by striking all after the period;

On page 3, by striking all in lines 1 through 6;

On page 4, in line 7, by striking “the corporation” and inserting “KTEC”; in line 10, by striking “the corporation” and inserting “KTEC”; in line 12, by striking “the corporation” and inserting “KTEC”; in line 13, by striking “the corporation” and inserting “KTEC”; in line 27, by striking “the corporation” and inserting “KTEC”;

On page 5, in line 20, by striking the last “the”; in line 21, by striking “corporation” and inserting “KTEC”; in line 22, by striking “the corpo-”; in line 23, by striking “ration” and inserting “KTEC”; in line 31, by striking “the corporation” and inserting “KTEC”; in line 32, by striking “the corporation” and inserting “KTEC”;

On page 6, in line 42, by striking “the corporation” and inserting “KTEC”;

On page 7, in line 9, by striking “the corporation” and inserting “KTEC”;

On page 11, in line 29, by striking all after “ceed”; in line 30, by striking all before “2%”; by striking all in lines 40 through 43;

On page 12, by striking all in lines 1 through 4;

In the title, in line 12, after “concerning” by inserting “commerce; relating to”; also in line 12, before “amending” by inserting “IMPACT act;”;

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

NICK JORDAN
KARIN BROWNLEE
LAURA KELLY
Conferees on part of Senate

KENNY A. WILK
DAVID HUFF
TOM THULL
Conferees on part of House

Senator Jordan moved the Senate adopt the Conference Committee Report on **HB 2448**.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Conference Committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators D. Schmidt and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1849—

A RESOLUTION supporting a Taiwan-United States free trade agreement.

WHEREAS, Kansas and Taiwan share a long and mutually beneficial trade relationship; and

WHEREAS, The Kansas agricultural industry has benefited greatly over the last 20 years from the sale of wheat, corn and beef into Taiwan; and

WHEREAS, The market potential for Kansas products into the Greater China Economic Area through Taiwan is positive; and

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, Together, Taiwan and the United States promote a shared belief in freedom, democracy and market principles; and

WHEREAS, The level of mutual investment between Taiwan and the United States is quite high; and

WHEREAS, Streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, A Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications and new cooperative ventures; and

WHEREAS, A Taiwan-United States free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's democracy and serve the broader interests of the United States in the Asia-Pacific region: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the negotiations of a Taiwan-United States free trade agreement; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the President of the United States, the United States Secretary of State, the United States Secretary of Commerce, the United States Trade Representative and to each member of the Kansas Congressional Delegation.

Senators Steineger and D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1850—

A RESOLUTION concerning endorsement of the participation of Taiwan in the World Health Organization.

WHEREAS, Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is larger than that of three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life-expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague and polio; and providing hepatitis B vaccinations to children; and

WHEREAS, The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, In recent years, Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, The World Health Organization has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974 and the Order of Malta and the Holy See in the early 1950's; and

WHEREAS, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Senate endorses observer status for Taiwan in the World Health Organization; and

Be it further resolved: That the Secretary of the Senate is directed to send enrolled copies of this resolution to the President of the United States and the Secretary of State of the United States.

REFERENCE OF SENATE RESOLUTIONS

Vice President Vratil referred **SR 1849, SR 1850** to the Calendar under the heading of General Orders.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2026**.

The Vice President appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **HB 2072**.

The Vice President appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

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 Brownlee in the chair.

On motion of Senator Brownlee the following report was adopted:

Recommended **HB 2301** be amended by adoption of the committee amendments.

Senator Kelly moved to amend **HB 2301**, as amended by Senate Committee, on page 2, in line 9, after the colon, by inserting "(1)"; in line 12, by striking the period and inserting "; and (2) relating to the reporting requirements of K.S.A. 38-1522, and amendments

thereto: Date, patient name, date of birth, full patient address, home telephone number, accompanied by whom, minor's relationship to accompanying person, reason for the report, whether actions were consensual sexual intercourse, injuries to the minor from sexual intercourse and male involved in the pregnancy.

(f) Any employee or volunteer of an organization who receives a grant shall be subject to the reporting requirements of K.S.A. 38-1522, and amendments thereto.”;

Also on page 2, after line 24, by inserting the following:

“Sec. 2. K.S.A. 2004 Supp. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; licensed masters level psychologists; licensed clinical psychotherapists; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; licensed marriage and family therapists; licensed clinical marriage and family therapists; licensed professional counselors; licensed clinical professional counselors; registered alcohol and drug abuse counselors; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; *any employee or volunteer of an organization awarded a grant pursuant to section 1, and amendments thereto*; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child's parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.

(b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).

(c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

(d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services or the juvenile justice authority shall be made to the appropriate law enforcement agency.

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

Sec. 3. K.S.A. 2004 Supp. 38-1522 is hereby repealed.”;
 And by renumbering the remaining section accordingly;
 In the title, in line 25, before the period by inserting “; amending K.S.A. 2004 Supp. 38-1522 and repealing the existing section”

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 7, Nays 29, Present and Passing 3, Absent or Not Voting 1.

Yeas: Francisco, Goodwin, Hensley, Kelly, Lee, Vratil, Wysong.

Nays: Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Huelskamp, Jordan, Journey, McGinn, Morris, O'Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Present and Passing: Betts, Haley, Steineger.

Absent or Not Voting: Allen.

The motion failed and the amendment was rejected.

The Committee recommended **HB 2301** be passed as amended.

EXPLANATION OF VOTE

MADAM CHAIRMAN: I vote no on the amendment on **HB 2301** because all pregnancy maintenance centers are staffed by volunteers. As volunteers, they are currently exempt from mandatory reporting per K.S.A. 38-1522. In addition the reporting requirements, if very sensitive and private information are most likely in violation of HIPPA laws.—KAY O'CONNOR

Senators Palmer and Petersen request the record to show they concur with the “Explanation of Vote” offered by Senator O'Connor on **HB 2301**.

HB 2264 be amended by motion of Senator Barnett, as amended by House Committee, on page 1, after line 14, by inserting the following:

“New Section 1. As used in sections 2 to 4, inclusive, and amendments thereto:

(a) “Infectious or contagious disease” has the meaning ascribed thereto by subsection (b) of K.S.A. 65-128, and amendments thereto, but the infectious or contagious disease acquired immune deficiency syndrome or any causative agent thereof shall not constitute an infectious or contagious disease for the purposes of sections 2 and 3, and amendments thereto.

(b) “Secretary” means the secretary of health and environment.

New Sec. 2. (a) Notwithstanding the provisions of K.S.A. 65-119, 65-122, 65-123, 65-126 and 65-128, and amendments thereto, and any rules or regulations adopted thereunder, in investigating actual or potential exposures to an infectious or contagious disease that is potentially life-threatening, the local health officer or the secretary:

(1) (A) May issue an order requiring an individual who the local health officer or the secretary has reason to believe has been exposed to an infectious or contagious disease to seek appropriate and necessary evaluation and treatment;

(B) when the local health officer or the secretary determines that it is medically necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease, may order an individual or group of individuals to go to and remain in places of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public;

(C) if a competent individual of 18 years of age or older or an emancipated minor refuses vaccination, medical examination, treatment or testing under this section, may require the individual to go to and remain in a place of isolation or quarantine until the local health officer or the secretary determines that the individual no longer poses a substantial risk of transmitting the disease or condition to the public; and

(D) if, on behalf of a minor child or ward, a parent or guardian refuses vaccination, medical examination, treatment or testing under this section, may require the minor child or ward to go to and remain in a place of isolation or quarantine and must allow the parent or guardian to accompany the minor child or ward until the local health officer or the secretary determines that the minor child or ward no longer poses a substantial risk of transmitting the disease or condition to the public; and

(2) may order any sheriff, deputy sheriff or other law enforcement officer of the state or any subdivision to assist in the execution or enforcement of any order issued under this section.

New Sec. 3. (a) If the local health officer or the secretary requires an individual or a group of individuals to go to and remain in places of isolation or quarantine under section 2, and amendments thereto, the local health officer or the secretary shall issue an order to the individual or group of individuals.

(b) The order shall specify:

(1) The identity of the individual or group of individuals subject to isolation or quarantine;

(2) the premises subject to isolation or quarantine;

(3) the date and time at which isolation or quarantine commences;

(4) the suspected infectious or contagious disease causing the outbreak or disease, if known;

(5) the basis upon which isolation or quarantine is justified; and

(6) the availability of a hearing to contest the order.

(c) (1) Except as provided in paragraph (2) of subsection (c), the order shall be in writing and given to the individual or group of individuals prior to the individual or group of individuals being required to go to and remain in places of isolation and quarantine.

(2) (A) If the local health officer or the secretary determines that the notice required under paragraph (1) of subsection (c) is impractical because of the number of individuals or geographical areas affected, the local health officer or the secretary shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(B) If the order applies to a group of individuals and it is impractical to provide written individual copies under paragraph (1) of subsection (c), the written order may be posted in a conspicuous place in the isolation or quarantine premises.

(d) (1) An individual or group of individuals isolated or quarantined under this section may request a hearing in district court contesting the isolation or quarantine, as provided in article 15 of chapter 60 of the Kansas Statutes Annotated, but the provisions of this section shall apply to any order issued under sections 1 to 4, inclusive, and amendments thereto, notwithstanding any conflicting provisions contained in that article.

(2) A request for a hearing may not stay or enjoin an isolation or quarantine order.

(3) Upon receipt of a request under this subsection (d), the court shall conduct a hearing within 72 hours after receipt of the request.

(4) (A) In any proceedings brought for relief under this subsection (d), the court may extend the time for a hearing upon a showing by the local health officer or the secretary or other designated official that extraordinary circumstances exist that justify the extension.

(B) In granting or denying an extension, the court shall consider the rights of the affected individual, the protection of the public health, the severity of the health emergency and the availability, if necessary, of witnesses and evidence.

(C) (i) The court shall grant the request for relief unless the court determines that the isolation or quarantine order is necessary and reasonable to prevent or reduce the spread of the disease or outbreak believed to have been caused by the exposure to an infectious or contagious disease.

(ii) If feasible, in making a determination under this paragraph (C), the court may consider the means of transmission, the degree of contagion, and, to the extent possible, the degree of public exposure to the disease.

(5) An order of the court authorizing the isolation or quarantine issued under this section shall:

(A) Identify the isolated or quarantined individual or group of individuals by name or shared characteristics;

(B) specify factual findings warranting isolation or quarantine; and

(C) except as provided in paragraph (2) of subsection (c), be in writing and given to the individual or group of individuals.

(6) If the court determines that the notice required in paragraph (C) of subsection (d)(5) is impractical because of the number of individuals or geographical areas affected, the court shall ensure that the affected individuals are fully informed of the order using the best possible means available.

(7) An order of the court authorizing isolation or quarantine shall be effective for a period not to exceed 30 days. The court shall base its decision on the standards provided under this section.

(8) In the event that an individual cannot personally appear before the court, proceedings may be conducted:

- (A) By an individual's authorized representative; and
- (B) through any means that allows other individuals to fully participate.

(9) In any proceedings brought under this section, the court may order the consolidation of individual claims into group claims where:

- (A) The number of individuals involved or affected is so large as to render individual participation impractical;
- (B) there are questions of law or fact common to the individual claims or rights to be determined;
- (C) the group claims or rights to be determined are typical of the affected individual's claims or rights; and
- (D) the entire group will be adequately represented in the consolidation.

(10) The court shall appoint counsel to represent individuals or a group of individuals who are not otherwise represented by counsel.

(11) The supreme court of Kansas may develop emergency rules of procedure to facilitate the efficient adjudication of any proceedings brought under this section.

New Sec. 4. It shall be unlawful for any public or private employer to discharge an employee solely because the employee or an immediate family member of the employee is under an order of isolation or quarantine. The violation of this section is punishable as a violation of K.S.A. 65-129 and amendments thereto.

New Sec. 5. (a) The secretary of health and environment is hereby authorized and directed to adopt rules and regulations establishing tuberculosis evaluation requirements for certain students entering college or university classrooms in Kansas having been born in or lived or traveled in countries identified by the centers for disease control and prevention as areas where tuberculosis is a health risk. Compliance with these rules and regulations, including all cost associated with the evaluation, shall be the joint responsibility of the educational institutions and the student or the parents or guardians of the student, where applicable. These rules and regulations shall establish evaluation criteria in compliance with best practice standards as recommended by the division of tuberculosis elimination of the centers for disease control.

(b) Any person found to be infected with tuberculosis infection or tuberculosis disease will be provided treatment and ongoing monitoring in accordance with K.S.A. 65-116a to 65-116m, inclusive, and amendments thereto.”;

Also on page 1, in line 15, by striking “Section 1.” and inserting “Sec. 6.”;

And by renumbering sections accordingly;

In the title, in line 10, after “ACT” by inserting: “relating to public health;”; also in line 10, before “relating” by inserting: “concerning infectious and contagious diseases; use of quarantine and isolation; requiring tuberculosis evaluations for certain students who enter college or university classrooms;”, and **HB 2264** be passed as amended.

HB 2338 be amended by motion of Senator Brungardt, on page 1, in line 24, before “Section” by inserting “New”;

On page 2, in line 9, before “Sec.” by inserting “New”; in line 13, before “Sec.” by inserting “New”; by striking all in lines 31 through 33 and inserting:

“New Sec. 4. (a) In addition to any other benefits provided to members of the Kansas national guard, the state of Kansas shall provide an aggregate death benefit of \$250,000 to the surviving spouse and any dependent child or children of any member of the Kansas national guard who, after November 1, 2004, dies while on federal active duty in a combat area.

(b) The death benefit provided by this section shall be paid from amounts allocated therefor from the state emergency fund in accordance with K.S.A. 75-3713b, and amendments thereto.

(c) For the purpose of carrying out the provisions of subsection (a), the adjutant general shall develop guidelines for payment of the death benefit provided by this section and may adopt rules and regulations to carry out the provisions of this section.

Sec. 5. K.S.A. 75-3713b is hereby amended to read as follows: 75-3713b. (a) By unanimous vote of all of its members, the state finance council is hereby authorized and empowered to make allocations to, and authorize expenditures by, the adjutant general from the state emergency fund for the following purposes, subject to the limitations hereinafter imposed directly or by reference:

(1) The payment of claims for entitlements under K.S.A. 48-265, 48-266, 48-267 or 48-269, and amendments thereto, which accrue to members of the Kansas national guard or the Kansas state guard in accordance with and subject to the provisions of K.S.A. 48-261 to 48-271, inclusive, and amendments thereto; ~~and~~

(2) the payment of any expenses or other amounts required to be paid which arise under the national guard mutual assistance compact in accordance with and subject to the provisions of said compact and K.S.A. 48-1701 to 48-1703, inclusive, and amendments thereto; ~~and~~

~~— (3) the payment of death benefits pursuant to section 1, and amendments thereto.~~

(b) The exercise of functions specified in subsection (a) are hereby declared to be matters characterized as legislative delegations. Such functions may be exercised by the state finance council only when the legislature is not in session and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, *and amendments thereto*.

Sec. 6. K.S.A. 75-3713b is hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 18, by striking “state historical society; authorizing” and inserting “military; authorizing the Kansas state historical society to establish”; in line 20, by striking “; concerning” and inserting “and providing”; in line 21, after “society” by inserting “for such purpose; providing certain death benefits for members of the Kansas national guard; amending K.S.A. 75-3713b and repealing the existing section”, and **HB 2338** be passed as amended.

SB 164 be amended by adoption of the committee amendments, be further amended by motion of Senator Gilstrap, as amended by Senate Committee, on page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 10; in line 11, by striking “Sec. 11.” and inserting “Section 1.”;

By renumbering the existing sections 12 and 13 as sections 2 and 3 respectively;

In the title, in line 10, by striking all following “concerning”; in line 11, by striking all preceding the semicolon and inserting “cities”, and **SB 164** be passed as further amended.

HB 2116 be amended by adoption of the committee amendments, be further amended by motion of Senator Lee, as amended by Senate Committee, on page 1, in line 17, before “Section” by inserting “New”; in line 26, before “Sec.” by inserting “New”;

On page 2, in lines 8 and 33, before “Sec.” by inserting “New”;

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

“Sec. 5. K.S.A. 2004 Supp. 79-3235 is hereby amended to read as follows: 79-3235. If any tax imposed by this act or any portion of such tax is not paid within 60 days after it becomes due, the secretary or the secretary’s designee shall issue a warrant under the secretary’s or the secretary’s designee’s hand and official seal, directed to the sheriff of any county of the state, commanding the sheriff to levy upon and sell the real and personal property of the taxpayer found within the sheriff’s county for the payment of the amount thereof, with the added penalties, interest and the cost of executing the warrant and to return the warrant to the secretary or the secretary’s designee and pay to the secretary or the secretary’s designee the money collected by virtue of it not more than 60 days from the date of the warrant. *Firearms seized may be appraised and disposed of in the same manner prescribed in K.S.A. 79-5212, and amendments thereto.* The sheriff, within five days after the receipt of the warrant, shall file with the clerk of the district court of the county a copy thereof, and thereupon the clerk shall either enter in the appearance docket the name of the taxpayer

mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for either entry. The amount of such warrant so docketed shall thereupon become a lien upon the title to and interest in the real property of the taxpayer against whom it is issued. The sheriff shall proceed in the same manner and with the same effect as prescribed by law with respect to executions issued against property upon judgments of a court of record and shall be entitled to the same fees for services to be collected in the same manner.

The court in which the warrant is docketed shall have jurisdiction over all subsequent proceedings as fully as though a judgment had been rendered in the court. In the discretion of the secretary or the secretary's designee a warrant of like terms, force and effect may be issued and directed to any officer or employee of the secretary, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs, and the subsequent proceedings thereunder shall be the same as provided where the warrant is issued directly to the sheriff. The taxpayer shall have the right to redeem the real estate within a period of 18 months from the date of such sale. If a warrant is returned, unsatisfied in full, the secretary or the secretary's designee shall have the same remedies to enforce the claim for taxes as if the state of Kansas had recovered judgment against the taxpayer for the amount of the tax. No law exempting any goods and chattels, lands and tenements from forced sale under execution shall apply to a levy and sale under any such warrant or upon any execution issued upon any judgment rendered in any action for income taxes. Except as provided further, the secretary or the secretary's designee shall have the right after a warrant has been returned unsatisfied or satisfied only in part, to issue alias warrants until the full amount of the tax is collected.

If execution is not issued within 10 years from the date of the docketing of any such warrant, or if 10 years shall have intervened between the date of the last execution issued on such warrant, and the time of issuing another writ of execution thereon, such warrant shall become dormant, and shall cease to operate as a lien on the real estate of the delinquent taxpayer. Such dormant warrant may be revived in like manner as dormant judgment under the code of civil procedure.

Sec. 6. K.S.A. 2004 Supp. 79-3617 is hereby amended to read as follows: 79-3617. Whenever any taxpayer liable to pay any sales or compensating tax, refuses or neglects to pay the tax, the amount, including any interest or penalty, shall be collected in the following manner. The secretary of revenue or the secretary's designee shall issue a warrant under the hand of the secretary or the secretary's designee and official seal directed to the sheriff of any county of the state commanding the sheriff to levy upon and sell the real and personal property of the taxpayer found within the sheriff's county to satisfy the tax, including penalty and interest, and the cost of executing the warrant and to return such warrant to the secretary or the secretary's designee and pay to the secretary or the secretary's designee the money collected by virtue thereof not more than 90 days from the date of the warrant. *Firearms seized may be appraised and disposed of in the same manner prescribed in K.S.A. 79-5212, and amendments thereto.* The sheriff shall, within five days, after the receipt of the warrant file with the clerk of the district court of the county a copy thereof, and thereupon the clerk shall either enter in the appearance docket the name of the taxpayer mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for either such entry. The amount of such warrant so docketed shall thereupon become a lien upon the title to, and interest in, the real property of the taxpayer against whom it is issued. The sheriff shall proceed in the same manner and with the same effect as prescribed by law with respect to executions issued against property upon judgments of a court of record, and shall be entitled to the same fees for services.

The court in which the warrant is docketed shall have jurisdiction over all subsequent proceedings as fully as though a judgment had been rendered in the court. A warrant of similar terms, force and effect may be issued by the secretary or the secretary's designee and directed to any officer or employee of the secretary or the secretary's designee, and in the execution thereof such officer or employee shall have all the powers conferred by law upon sheriffs with respect to executions issued against property upon judgments of a court

of record and the subsequent proceedings thereunder shall be the same as provided where the warrant is issued directly to the sheriff. The taxpayer shall have the right to redeem the real estate within a period of 18 months from the date of such sale. If a warrant is returned, unsatisfied in full, the secretary or the secretary's designee shall have the same remedies to enforce the claim for taxes as if the state of Kansas had recovered judgment against the taxpayer for the amount of the tax. No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a levy and sale under any of the warrants or upon any execution issued upon any judgment rendered in any action for sales or compensating taxes. Except as provided further, the secretary or the secretary's designee shall have the right after a warrant has been returned unsatisfied, or satisfied only in part, to issue alias warrants until the full amount of the tax is collected. No costs incurred by the sheriff or the clerk of the court shall be charged to the secretary or the secretary's designee.

If execution is not issued within 10 years from the date of the docketing of any such warrant, or if 10 years shall have intervened between the date of the last execution issued on such warrant, and the time of issuing another writ of execution thereon, such warrant shall become dormant, and shall cease to operate as a lien on the real estate of the delinquent taxpayer. Such dormant warrant may be revived in like manner as dormant judgments under the code of civil procedure.

Sec. 7. K.S.A. 2004 Supp. 79-5205 is hereby amended to read as follows: 79-5205. (a) At such time as the director of taxation shall determine that a dealer has not paid the tax as provided by K.S.A. 79-5204, and amendments thereto, the director may immediately assess a tax based on personal knowledge or information available to the director of taxation; mail to the taxpayer at the taxpayer's last known address or serve in person, a written notice of the amount of tax, penalties and interest; and demand its immediate payment. If payment is not immediately made, because collection of every assessment made hereunder is presumed to be in jeopardy due to the nature of the commodity being taxed, the director may immediately collect the tax, penalties and interest in any manner provided by K.S.A. 79-5212, and amendments thereto.

(b) The tax, penalties and interest assessed by the director of taxation are presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show their incorrectness or invalidity. Any statement filed by the director of taxation with the court or any other certificate by the director of taxation of the amount of tax, penalties and interest determined or assessed is admissible in evidence and is prima facie evidence of the facts it contains.

(c) In making an assessment pursuant to subsection (a), the director of taxation may consider but shall not be bound by a plea agreement or judicial determination made in any criminal case.

(d) Within 15 days after the mailing or personal service of such notice of assessment pursuant to subsection (a), the taxpayer may request an informal conference with the secretary of revenue or the secretary's designee relating to the tax, penalties and interest assessed by filing a written request with the secretary or the secretary's designee. Such written request shall set forth the taxpayer's objections to the assessment. The purpose of such conference shall be to review and reconsider all facts and issues that underlie the assessment. The informal conference shall not constitute an adjudicative proceeding under the Kansas administrative procedure act and the rules of evidence shall not apply. No record of the informal conference shall be made except at the request and expense of the taxpayer. The taxpayer may be represented at the informal conference by an attorney licensed in the state of Kansas. The taxpayer may also present written or verbal information from other persons. The secretary or the secretary's designee may confer at any time with any employee of the department of revenue who has factual information relating to the assessment under reconsideration. The secretary or the secretary's designee shall issue a written final determination within 270 days of the date of the request for informal conference unless the parties agree in writing to extend the time for issuing such final determination. A final determination issued within or after 270 days, with or without extension, constitutes final agency action subject to administrative review by the state board of tax appeals pursuant to K.S.A. 74-2438, and amendments thereto. In the event that a written final determination is not rendered within 270 days or within an agreed extension, the taxpayer may appeal the assessment

to the state board of tax appeals within 30 days after the expiration date of the 270 days or agreed extension. A taxpayer's request for an informal conference shall not stay the collection of the assessment but shall stay the sale of real or personal property, *or the disposal of firearms*, seized pursuant to K.S.A. 79-5212, and amendments thereto, until the final determination is made by the secretary or the secretary's designee. A taxpayer's appeal to the state board of tax appeals shall not stay the collection of the assessment but shall stay the sale of real or personal property seized pursuant to K.S.A. 79-5212, and amendments thereto, until a decision is rendered by the state board of tax appeals.

Sec. 8. K.S.A. 2004 Supp. 79-5211 is hereby amended to read as follows: 79-5211. All moneys received from the collection of taxes imposed under the provisions of K.S.A. 79-5201 *et seq.*, and amendments thereto, and 25% of all moneys collected from assessments of delinquent taxes and penalties imposed thereunder, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. *The appraised value of a firearm seized and disposed of pursuant to K.S.A. 79-5212, and amendments thereto, which is applied to a taxpayer's liability shall not be considered as a collection of moneys under this section.* The director of taxation shall remit 75% of all moneys received from the collection of assessments of delinquent taxes and penalties imposed pursuant to the provisions of K.S.A. 79-5201 *et seq.*, and amendments thereto, as follows: (a) If the law enforcement agency which conducted the investigation is a county agency, the entire amount shall be deposited in the county treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; (b) if the law enforcement agency which conducted the investigation is a city agency, the entire amount shall be deposited in the city treasury and credited to a special law enforcement trust fund for use solely for law enforcement and criminal prosecution purposes; and (c) if more than one law enforcement agency is substantially involved in the investigative process, the amount shall be distributed equally among the city, county and state law enforcement agencies involved and credited to the appropriate county and city special law enforcement trust funds and state law enforcement agency funds unless an alternate distribution is mutually agreed upon by the law enforcement agencies involved and submitted in writing to the director of taxation. Funds received by city and county treasurers shall not be considered to be a source of revenue to meet normal operating expenses of law enforcement agencies.

Sec. 9. K.S.A. 79-5212 is hereby amended to read as follows: 79-5212. (a) Whenever a taxpayer liable to pay any tax, penalty or interest assessed pursuant to K.S.A. 79-5205, and amendments thereto, refuses or neglects to immediately pay the amount due, the director of taxation may issue one or more warrants for the immediate collection of the amount due, directed to the sheriff of any county of the state commanding the sheriff to seize and sell the real and personal property of the taxpayer, *or to seize, appraise and dispose of the firearms of the taxpayer*, found within the sheriff's county to satisfy the amount specified on the warrant and the cost of executing the warrant. The director of taxation may also issue one or more warrants directed to any employee of the department of revenue commanding the employee to seize and sell the real and personal property of the taxpayer, *or to seize, appraise and dispose of the firearms of the taxpayer*, found anywhere within the state of Kansas to satisfy the amount specified on the warrant and the cost of executing the warrant. A copy of the warrant shall also be mailed to the taxpayer at the taxpayer's last known address or served upon the taxpayer in person.

(b) The sheriff or department of revenue employee shall proceed to execute upon the warrant in the same manner as provided for attachment orders by K.S.A. 60-706, 60-707 and 60-710, and amendments thereto, except as otherwise provided herein. In the execution of a warrant issued to a department of revenue employee, the employee shall have all of the powers conferred by law upon sheriffs. Any law enforcement officer may assist in the execution of a warrant if requested to do so by a department of revenue employee.

(c) No law exempting any goods and chattels, land and tenements from forced sale under execution shall apply to a seizure and sale, *or in the case of firearms, sale or disposal*, under any warrant.

(d) A third party holding funds or other personal property of the taxpayer shall immediately, or as soon thereafter as possible, after service of the warrant on such third party, deliver such funds or other personal property to the sheriff or department of revenue employee, who shall then deliver such to the director of taxation or the director's designee for deposit toward the balance due on the taxpayer's assessment.

(e) The sheriff or department of revenue employee shall make return of such warrant to the director of taxation within 60 days from the date of the warrant. If property is seized, then the sheriff or department of revenue employee shall also make return of such warrant to the clerk of the district court in the county where the property was seized.

(f) (1) If the taxpayer fails to appeal the assessment as provided by subsection (b) of K.S.A. 79-5205, and amendments thereto, or if the taxpayer requests a hearing and a final order has been entered by the director of taxation as to the correctness of the assessment, then the sheriff or department of revenue employee shall sell the seized property at public auction, *except that firearms may be sold at public auction or disposed of as provided in subsection (2)*. The provisions of K.S.A. 60-2406, and amendments thereto, shall apply to liens against the property being sold. Notice of the sale of personal property shall be given in accordance with K.S.A. 60-2409, and amendments thereto. Notice of the sale of real property shall be given in accordance with K.S.A. 60-2410, and amendments thereto. The taxpayer shall have the right to redeem real property within a period of six months from the date of the sale.

(2) *In the case of seized firearms not sold, the director of taxation shall obtain an appraisal value performed by a federally licensed firearms dealer or an employee thereof. Such value shall be credited against the taxpayer's outstanding liability. Subsequent to such appraisal and credit against the taxpayer's outstanding liability, the director shall transfer such firearm or firearms as follows:*

(A) *If the firearm or firearms have historical significance, the director may transfer the firearm or firearms to the Kansas state historical society;*

(B) *the director may transfer the firearm or firearms to the secretary of wildlife and parks;*

(C) *the director may transfer the firearm or firearms to the director of the Kansas bureau of investigation; or*

(D) *the director may transfer the firearm or firearms to such city or county law enforcement agency where the firearm was seized.*

At least 30 days prior to the transfer of such firearm or firearms, pursuant to this subsection, the director shall give written notice by mail to the taxpayer at the taxpayer's last known address of the appraised value of such firearm or firearms and the date that the director intends to transfer such firearm or firearms. The taxpayer may appeal the appraised value of any such firearm or firearms by filing a written request for a hearing before the district court in which the tax warrant used to seize such firearm or firearms was filed. Such request must be filed with the district court within 15 days after such notice to the taxpayer was mailed by the director. If no appeal is filed with the district court within 15 days, or if upon appeal the district court rules against the taxpayer, the director shall transfer such firearm or firearms.

(g) The director of taxation may also direct the sheriff or department of revenue employee to file any warrant issued pursuant to subsection (a) with the clerk of the district court of any county in Kansas, and thereupon the clerk shall enter in the appearance docket the name of the taxpayer mentioned in the warrant, the amount of the tax or portion of it, interest and penalties for which the warrant is issued and the date such copy is filed and note the taxpayer's name in the general index. No fee shall be charged for such entry. The amount of such warrant shall thereupon become a lien upon the title to, and interest in, the real property of the taxpayer located within such county. Thereupon, the director of taxation shall have the same remedies to collect the amount of the tax, penalty and interest, as if the state of Kansas had recovered judgment against the taxpayer, including immediately garnishing the wages or other property of the taxpayer pursuant to K.S.A. 60-716 et seq., and amendments thereto. Such remedies shall be in addition to the other collection remedies provided herein.

(h) The director of taxation shall have the right at any time to issue alias warrants until the full amount of the tax, penalty and interest is collected.

Sec. 10. K.S.A. 79-5212 and K.S.A. 2004 Supp. 79-3235, 79-3617, 79-5205 and 79-5211 are hereby repealed.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, by deleting “wildlife and parks; concerning” and inserting “powers and duties of certain state agencies; relating to”; in line 13, after “moneys” by inserting “by department of wildlife and parks; disposition of firearms after seizure by department of revenue; amending K.S.A. 79-5212 and K.S.A. 2004 Supp. 79-3235, 79-3617, 79-5205 and 79-5211 and repealing the existing sections”, and **HB 2116** be passed as further amended.

Sub SB 306 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Wagle, on page 2, in line 8, by striking “(d)” and inserting “(f)”;

On page 4, in line 34, by striking “(e)” and inserting “(d)”, and **Sub SB 306** be passed as amended.

The following amendments offered to **Sub SB 306** were rejected:

Senator Hensley moved to amend **Sub SB 306**, on page 1, by striking all in lines 28 through 43;

By striking all on pages 2, 3 and 4;

On page 5, by striking all in lines 1 through 25;

And by renumbering sections accordingly;

Also on page 5, in line 26, by striking “Sec.” and inserting “Section”;

On page 6, in line 38, by striking “10” and inserting “4”;

On page 8, in line 15, by striking “9” and inserting “3”;

On page 9, in line 4, by striking “9 through 14” and inserting “3 through 8”; in line 26, by striking “9 through 14” and inserting “3 through 8”; in line 33, by striking “7” and inserting “1”;

On page 10, in line 35, by striking “14” and inserting “8”;

On page 11, in line 7, by striking “14” and inserting “8”; in line 16, by striking “14” and inserting “8”; in line 24, by striking “14” and inserting “8”; in line 30, by striking “14” and inserting “8”; in line 37, by striking “14” and inserting “8”;

On page 12, in line 3, by striking “14” and inserting “8”; in line 30, by striking “17” and inserting “11”; by striking all in lines 33 through 43;

By striking all on pages 13 and 14;

On page 15, by striking all in lines 1 through 24;

And by renumbering sections accordingly;

On page 21, by striking all in lines 9 through 43;

By striking all on pages 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37 and 38;

On page 39, by striking all in lines 1 through 7;

And by renumbering sections accordingly;

Also on page 39, by striking all in lines 11 through 20;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, by striking all following “establishing”; in line 10, by striking all preceding “a”; in line 13, by striking all following “39-7,116”; in line 14, by striking all preceding “and” where it appears the second time, and inserting “and 39-7,121”; in line 15, by striking the comma where it appears the last time and inserting “and”; in line 16, by striking “and 65-6803”; also in line 16, by striking “; also amending”; by striking all in lines 17 through 24; in line 25, by striking all preceding the period

Senator Hensley further moved to amend **Sub SB 306**, on page 1, in line 33, by striking “as follows:” and inserting “by the governor.”; by striking all in lines 34 through 37;

On page 2, in line 20, following the period by inserting “Not more than four voting members of the authority shall be members of or affiliated with the same political party.”; in line 23, by striking “(1)”; in line 24, by striking all following “appoint”; in line 25, by striking “2007.”; also in line 25, by striking “2008, and” and inserting “2007.”; in line 26, by striking “one member” and inserting “two members”; also in line 26, by striking “2009; (2) the”; in line 27, by striking all preceding “for” and inserting “2008, and three members”; in

line 28, by striking all following "2009"; by striking all in lines 29 and 30; in line 31, by striking "2009";

Senator Hensley further moved to amend **Sub SB 306**, on page 1, in line 34, by striking "Four" and inserting "Three"; in line 35, by striking "two members" and inserting "one member"; in line 36, by striking "and"; in line 37, by striking period the and inserting a semicolon; preceding line 38, by inserting the following:

"(4) one member shall be appointed by the minority leader of the house of representatives; and

(5) one member shall be appointed by the minority leader of the senate.";

On page 2, in line 25, by striking "two members" and inserting "one member"; in line 28, by striking all following "2009"; in line 29, by striking all preceding "(3)" and inserting a semicolon; in line 31, preceding the period by inserting "; (4) the minority leader of the house of representatives shall appoint one member for a term which shall expire on March 15, 2007; and (5) the minority leader of the senate shall appoint one member for a term which shall expire on March 15, 2008"

Senator Lee moved to amend **Sub SB 306**, on page 3, following line 2, by inserting the following:

"(i) Each voting member of the Kansas health policy authority shall be subject to the provisions of the state governmental ethics law as a state officer or employee of a state agency in the executive branch of state government as provided in the state governmental ethics law and shall be subject to the governor's executive directives and policies in the same manner and to the same extent as secretaries of departments and other state officers who are appointed by the governor and who are members of the governor's cabinet.

(j) In addition to any restrictions or limitations prescribed by the state governmental ethics law, no individual shall hold the office of, or be eligible to be appointed as, a voting member of the Kansas health policy authority if such individual, or such individual's spouse or other member of such individual's family, is an officer or employee or otherwise receives any direct salary or compensation for services performed from any business, other than a governmental entity or agency of any kind, that contracts with or may contract with the Kansas health policy authority, either directly with the authority or with the authority on behalf of the state of Kansas or any state agency or local governmental entity, to provide any goods or services in the exercise of the operational and purchasing responsibility of the authority for (1) the regular medical portion of the state medicaid program, (2) the MediKan program, (3) the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto, (4) the working healthy portion of the ticket to work program under the federal work incentive improvement act and the medicaid infrastructure grants received for the working healthy portion of the ticket to work program, (5) the medicaid management information system (MMIS), (6) the restrictive drug formulary, the drug utilization review program, including oversight of the medicaid drug utilization review board, and the electronic claims management system as provided in K.S.A. 39-7,116 through 39-7,121 and K.S.A. 2004 Supp. 39-7,121a through 39-7,121e, and amendments thereto, (7) the state health care benefits program as provided in K.S.A. 75-6501 through 75-6523, and amendments thereto, and (8) the state workers compensation self-insurance fund and program as provided in K.S.A. 44-575 through 44-580, and amendments thereto. As used in this subsection (j), words and phrases defined by statutes within the state governmental ethics law shall have the meanings ascribed respectively thereto by such statutes, and "spouse or other member of such individual's family" means such individual's spouse, parent, grandparent, brother, sister, child, son-in-law, daughter-in-law, grandchild, uncle, aunt, parent-in-law, brother-in-law or sister-in-law. The provisions of this subsection (j) shall not apply to the office or membership of any individual as a voting member of the authority in any case of any contract under which such individual who is licensed by the state of Kansas to practice a profession, including, but not limited to individuals licensed or registered to practice as a health care provider as defined by K.S.A. 65-4921, and amendments thereto, or licensed in any category of licensure under the jurisdiction of the behavioral sciences regulatory board, or licensed by any state agency as a hospital administrator, nursing home administrator, or as the administrator of any other health care facility, for the performance of services under any such practice or activity under any such license or registration.";

Also on page 3, in line 3, by striking "(i)" and inserting "(k)"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 12, Nays 15, Present and Passing 12, Absent or Not Voting

1.

Yeas: Barone, Betts, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Kelly, Lee, Steineger.

Nays: Apple, Barnett, Brownlee, Bruce, Donovan, Jordan, McGinn, O'Connor, Pine, Reitz, Taddiken, Umbarger, Vratil, Wagle, Wilson.

Present and Passing: Brungardt, Journey, Morris, Ostmeyer, Palmer, Petersen, Pyle, Schmidt D, Schmidt V, Schodorf, Teichman, Wysong.

Absent or Not Voting: Allen.

The motion failed and the amendment was rejected.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote in favor of this amendment to **Sub SB 306** because I believe those appointed to the Kansas Health Policy Authority should comply with the governmental ethics laws of Kansas.

This amendment would require members of the Authority to be subject to the same ethics laws as other state officers and employees.

Under current ethics law, the definition of "state officers or employees" do not include any appointed member of a board who serves without compensation other than amounts for expense allowances or reimbursements for expenses. Thus, members of the Authority are not state officers or employees.

This means that those appointed to the Health Policy Authority will be completely exempt from our ethics laws. This simply would allow for conflict of interest. CEOs of HMOs or pharmaceutical companies could be appointed to Authority without being subject to the ethical standards we apply to other state employees.

And upon the resignation of an Authority member, could he or she become immediately employed by a company that received a contract from the Authority?

To me, without this amendment we are allowing the fox to guard the henhouse.—
ANTHONY HENSLEY

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 164**; **Sub SB 306**; **HB 2116**, **HB 2264**, **HB 2301**, **HB 2338** were advanced to Final Action and roll call.

SB 164, An act concerning cities; relating to quarterly reports of the city treasurer; amending K.S.A. 12-1608 and repealing the existing section.

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

1.

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

Sub SB 306, An act establishing the Kansas health policy authority; prescribing powers, duties and functions therefor; establishing a division of health policy and finance and a director of health policy and finance within the department of administration and transferring certain powers, duties and functions thereto; amending K.S.A. 39-7,116, 39-7,121, 65-6801, 65-6804, 65-6805, 65-6806, 65-6807 and 65-6809 and K.S.A. 2004 Supp. 39-7,118, 39-7,119, 39-7,120, 39-7,121a, 39-7,121d, 39-7,121e and 65-6803 and repealing the existing sections; also amending sections 9 through 18 of this act and repealing the existing sections; also amending K.S.A. 39-7,116, as amended by section 22 of this act, and 39-7,121, as amended by section 26 of this act, and K.S.A. 2004 Supp. 39-7,118, as amended by section 23 of this act, 39-7,119, as amended by section 24 of this act, 39-7,120, as amended by section 25 of this act, 39-7,121a, as amended by section 27 of this act, 39-7,121d as amended

by section 28 of this act, and 39-7,121e as amended by section 29 of this act, and repealing the existing sections; also repealing K.S.A. 65-6808 and sections 7 and 8 of this act.

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

Yeas: 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.

Absent or Not Voting: Allen.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote in support of **Sub SB 306** that creates the first effort on the part of Kansas to develop a comprehensive health plan for the people of our state. **Sub SB 306** creates a platform for developing a broad agenda for improving healthcare and controlling rising costs that are unsustainable.

In the words of a well known past Kansas coach headed for the final four, "It is amazing what can be accomplished if no one cares who gets the credit."

For the people of Kansas the final score on **Sub SB 306** should be 39-0.—JIM BARNETT
Senators Brownlee, Hensley and Jordan request the record to show they concur with the "Explanation of Vote" offered by Senator Barnett on **Sub SB 306**.

HB 2116, An act concerning powers and duties of certain state agencies; relating to disposition of certain federal moneys by department of wildlife and parks; disposition of firearms after seizure by department of revenue; amending K.S.A. 79-5212 and K.S.A. 2004 Supp. 79-3235, 79-3617, 79-5205 and 79-5211 and repealing the existing sections.

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

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

Nays: Huelskamp, O'Connor, Ostmeyer, Petersen, Pyle.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2264, An act relating to public health; concerning the department of health and environment; concerning infectious and contagious diseases; use of quarantine and isolation; requiring tuberculosis evaluations for certain students who enter college or university classrooms; relating to the director of health; amending K.S.A. 75-5603 and repealing the existing section.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2301, An act creating the Senator Stan Clark pregnancy maintenance initiative program; making appropriations for the department of health and environment - division of health for the fiscal year ending June 30, 2006.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

HB 2338, An act concerning the military; authorizing the Kansas state historical society to establish a competitive grant program for recording experiences of state veterans of World War II and providing appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for the state historical society for such purpose; providing certain death benefits for members of the Kansas national guard; amending K.S.A. 75-3713b and repealing the existing section.

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

Yeas: 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.

Nays: Wysong.

Absent or Not Voting: Allen.

The bill passed, as amended

MESSAGE FROM THE HOUSE

Announcing passage of **SB 118**, as amended.

The House adopts the conference committee report on **SB 10**.

The House adopts the conference committee report on **SB 116**.

The House adopts the conference committee report on **SB 119**.

The House adopts the conference committee report on **SB 254**.

The House adopts the conference committee report on **HB 2018**.

The House adopts the conference committee report on **HB 2077**.

The House adopts the conference committee report on **HB 2466**.

The House not adopts the conference committee report on **SB 216**, requests a conference and appoints Representatives Jim Morrison, Mast and Kirk as second conferees on the part of the House.

The House concurs in Senate amendments to **Substitute HB 2087** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2309** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2387** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2390** and requests the Senate to return the bill.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Brownlee the Senate nonconcurred in the House amendments to **SB 118** and requested a conference committee be appointed.

The President appointed Senators Brownlee, Jordan and Kelly as a conference committee on the part of the Senate.

RETURNED TO COMMITTEE

Vice President Vratil withdrew the appointment of Stephen Martino to the Kansas Racing and Gaming Commission from the calendar and rereferred it to the Committee on Federal and State Affairs

REPORT ON ENGROSSED BILLS

SB 82, **SB 100** reported correctly engrossed March 31, 2005.

Also, **SB 147** correctly re-engrossed March 31, 2005.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2501** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2501," as follows:

“SENATE Substitute for HOUSE BILL NO. 2501

By Committee on Assessment and Taxation

“AN ACT concerning alcoholic liquor; amending K.S.A. 41-308b and 41-310 and repealing the existing sections.”;

and the substitute bill be passed.

Also, **HB 2406**, as amended by House Committee of the Whole, be amended on page 1, in line 16, by striking “contiguous”; in line 36, by striking “12-197” and inserting “12-199”; in line 42, by striking “12-197” and inserting “12-199”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5017** be adopted.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Friday, April 1, 2005.

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

PAT SAVILLE, *Secretary of the Senate*.

