

Journal of the House

SIXTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, May 25, 2006, 10:00 a.m.

The House met pursuant to **SCR 1626** with Speaker Mays in the chair.

Reps. Carter, Craft, George, Grange, Hawk, Huntington, Kiegerl, Kilpatrick, Knox, Loganbill, Loyd, Mast, Weber and Wolf were excused on excused absence by the Speaker.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. O'Neal, Kinzer and Pauls as members of the conference committee on **HB 2529** to replace Reps. Neufeld, Landwehr and Feuerborn.

MESSAGES FROM THE GOVERNOR

S. Sub. for HB 2105; HB 2129, HB 2432 approved on May 15, 2006.

Signing message for **HB 2432**:

I have signed **HB 2432** because it will protect citizens whose land is adjacent to recreational trails from unexpected and undeserved liability to trespassers. I am concerned, however, that allowing these same nearby landowners to sue the keepers of recreational trails could result in needless, expensive litigation. Therefore, I intend to monitor this issue closely over the next year, and will propose revisions to this new law if it interferes with the upkeep of these trails.

Also, **HB 2748, HB 2893** approved on May 16, 2006.

Also, **HB 2541; Sub. HB 2706** approved on May 17, 2006.

Also, **HB 2585** approved on May 18, 2006.

Also, **HB 2555** approved on May 19, 2006.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **HB 3004**, An act concerning certified public accountants; relating to admission to examination; amending K.S.A. 2005 Supp. 1-302a and repealing the existing section, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Kansas Constitution, I veto **HB 3004** which changes the educational requirements needed for one to apply to take the accountancy examination from the Kansas Board of Accountancy. Changes to the requirements for taking the accountancy examination should include review of all aspects of the requirements including reciprocity. This bill focuses on only one requirement for the accountancy examination. The Board of Accountancy has begun a comprehensive review of the requirements and is set to report their findings to the 2007 Legislature. This legislation is set to be in law for only one year and I believe that the state is better served by making decisions on the requirements for the accountancy examination once a thorough review has been completed.

KATHLEEN SEBELIUS
Governor

Dated: May 19, 2006

MESSAGES FROM THE GOVERNOR

HB 2352, HB 2583 approved on May 22, 2006.

Also, **HB 2118, HB 2576, HB 2928** approved on May 24, 2006.

Signing message for **HB 2118**:

I support Kansans' right to bear arms under the Second Amendment, and though I continue to have significant concerns about the new concealed carry law, it is the law of Kansas. It is my responsibility to ensure that this law is enforced in a way that promotes the safety and security of all Kansans, and for that reason I have signed **HB 2118**.

I do not like several aspects of **HB 2118**. I believe it should have received an open committee hearing in the Legislature. I also believe the records of licenses issued under this law should be open, like those of any other license.

Nevertheless, I believe the new concealed carry law is better with this proposal than without it. This bill will help keep guns out of the hands of those with serious mental illness and problems with substance abuse and it will make the concealed carry law easier to administer. These changes will make Kansans safer.

My administration will continue to monitor this issue, and will remain open to improving this law in the years to come.

VETO MESSAGE FROM THE GOVERNOR

The following message with the Governor's objection to **S. Sub. for HB 2968**. An act making and concerning appropriations for the fiscal years ending June 30, 2006, June 30, 2007, June 30, 2008 and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was received and read.

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return **S. Sub. for HB 2968** with my signature approving the bill, except for the items enumerated below.

Health Policy Authority**Business Health Partnership**

Section 35(d) has been line item vetoed in its entirety.

I veto removal of the \$500,000 from the State General Fund for FY 2007 for the Business Health Partnership that was approved by the 2006 Legislature in SB 480, the MEGA bill. This pilot program was originally requested by the Business Health Policy Committee, which was created by the Legislature with the intention of providing small businesses access to health coverage at an affordable rate. The Committee includes business leaders and legislators. The Health Policy Authority has already presented a request for proposals and undertaken a considerable amount of other preparation work to implement this program. Leaving this \$500,000 appropriation in the budget allows the Business Health Partnership to go forward.

Department of Wildlife & Parks**Playa Lakes Groundwater**

Section 63(f) has been line item vetoed in its entirety.

I veto this portion of the bill, which would not allow any state funds to be used to pump or transport water to playa lakes or other wetlands in the region of the high plains aquifer belonging to the Department of Wildlife and Parks. The playa lakes and wetlands affected by this proviso are important components of the national flyway for both shore birds and waterfowl. In addition, they are important open public hunting facilities. The water rights that have been granted for the purpose of maintaining these resources are appropriately dealt with in the Water Appropriations Act and should not be limited or changed through a proviso in an appropriations bill.

Motor Vehicles

Section 63(g) has been line item vetoed in its entirety.

This item would require the Department of Wildlife and Parks to retain 25 vehicles in the agency fleet. Over the last three years, all agencies have been examining their vehicle fleets in an attempt to reduce them to the most efficient level possible. Requiring an agency to retain vehicles that they may not need does not promote efficient management.

Legislature**Tiered Floor of House Chamber**

Section 70 has been line item vetoed in its entirety.

I veto Section 70, which prohibits the use of any expenditures to level permanently the tiered floor in the Kansas House chamber. This section would alter the plan for Statehouse renovation agreed to by the Capitol Restoration Committee and would create problems in meeting ADA requirements. A level floor allows full seating for the House members and maximum access for people with disabilities.

KATHLEEN SEBELIUS
Governor

Dated: May 24, 2006

CONSIDERATION OF VETOED BILLS

The Governor's objection to **HB 3004** having been read (see this Journal), the time arrived for reconsideration of **HB 3004**. An act concerning certified public accountants; relating to admission to examination; amending K.S.A. 2005 Supp. 1-302a and repealing the existing section.

There was no motion to reconsider. The Chair ruled the bill had been reconsidered and the veto sustained.

CONSIDERATION OF VETOED BILLS

The Governor's objection to the line items in sections 35(d), 63(f), 63(g), and 70 of **S. Sub. for HB 2968** having been read (see this Journal), the time arrived for reconsideration of **S. Sub. for HB 2968**. An act making and concerning appropriations for the fiscal years ending June 30, 2006, June 30, 2007, June 30, 2008 and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

Members were given the opportunity to reconsider the line item vetoes. There was no motion to reconsider. The Chair ruled the line items had been reconsidered and the vetoes sustained.

COMMUNICATIONS FROM STATE OFFICERS

From Randy Peterson, President and CEO, Salina Regional Health Center, as required by **S. Sub. for HB 2912**, annual report of the 2006 Health Care Access Improvement Panel.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

COMMITTEE ASSIGNMENT CHANGES

Date: May 23, 2006

To: Janet Jones, House Chief Clerk

From: Speaker Doug Mays

Re: Committee Appointment Changes

In accordance with House Rule 1102, the following appointment changes have been made to the House Appropriations Committee for a special investigative committee:

House Republicans:

Mike O'Neal replaces Bill McCreary
Lance Kinzer replaces Larry Powell
Arlen Siegfried replaces Shari Weber
Richard Carlson replaces Sharon Schwartz
John Faber replaces Joe McLeland

House Democrats:

Janice Pauls replaces Bonnie Sharp
Geraldine Flaharty replaces Harold Lane
Jim Ward replaces Jerry Williams
Mike Peterson replaces Tom Sawyer
Representative O'Neal is appointed as chair and Representative Peterson as vice-chair.

DESIGNATION OF SUBCOMMITTEE

To: Janet Jones, House Chief Clerk
From: Representative Melvin Neufeld, Chairman
Date: May 24, 2006
Re: Subcommittee of House Appropriations

As Chairman of the House Committee on Appropriations, pursuant to House Rule 1303, I hereby appoint the following members of the Committee on Appropriations to a subcommittee, which is hereby designated as an authorized subcommittee for the purposes of K.S.A. 46-1001 (a) and constitutes an investigating committee under subsection (a) of that section: Representative Mike O'Neal, Representative Lance Kinzer, Representative Richard Carlson, Representative John Faber, Representative Becky Hutchins, Representative Arlen Siegfried, Representative Mike Peterson, Representative Geraldine Flaharty, Representative Jan Pauls and Representative Jim Ward. Representative Mike O'Neal is hereby designated to serve as Chairman and Representative Mike Peterson as Vice-Chairman of such Investigating Committee. Such Subcommittee is hereby named the House Investigative Committee on Legislative and Judicial Communications and is specifically authorized to meet as needed to conduct the authorized inquiry, study and investigation.

To: Janet Jones, House Chief Clerk
From: Speaker Doug Mays
Date: May 24, 2006
Re: Subcommittee of House Appropriations

The subcommittee of the standing Committee on Appropriations of the House is hereby designated as an authorized subcommittee for the purposes of K.S.A. 46-1004 (a) and constitutes an investigating committee under subsection (a) of that section. As an investigating committee pursuant to K.S.A. 46-1004 (a), the House Investigative Committee on Legislative and Judicial Communications is authorized to exercise the powers of compulsory process in connection with the authorized subject of inquiry, study or investigation as provided for by K.S.A. 46-1001 et seq.

Pursuant to K.S.A. 46-1005 (a), the following study, inquiry and investigation is hereby authorized and referred to the House Investigative Committee on Legislative and Judicial Communication for consideration: The communications, specifically the conversations that occurred, between Senators and a Supreme Court Justice; what use was made of this information concerning the communications by participants in the communication and others who became aware of such communications; what effect such communications had on the Legislative Process; and whether other communications have occurred.

MESSAGE FROM THE SENATE

The President announced the appointment of Senators Vratil, Bruce and Goodwin as members of the conference committee on **HB 2529** to replace Senators Brungardt, Vratil and Hensley.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

MESSAGES FROM THE SENATE

The President announced the appointment of Senator Haley as a member of the conference committee on **HB 2529** to replace Senator Goodwin.

Also, the Senate adopts the conference committee report on **HB 2809**.

Also, the Senate adopts conference committee report on **HB 2529**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2529**.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to Joint Rule 3 (f), Rep. Aurand moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **HB 2529**. The motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2809**, submits the following report:

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

On page 1, by striking all in lines 19 through 43;

By striking all on pages 2 through 16 and inserting the following:

“Section 1. The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(a) Except as provided by subsection (d), if the district has an enrollment of less than 40% at-risk pupils, the state board shall multiply the number of at-risk pupils by 0. The product is the high density at-risk pupil weighting of the district.

(b) Except as provided by subsection (d), if the district has an enrollment of at least 40% but less than 50% at-risk pupils, the state board shall multiply the number of at-risk pupils by .04 in school year 2006-2007, by .05 in school year 2007-2008 and by .06 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

(c) If the district has an enrollment of 50% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by .08 in school year 2006-2007, by .09 in school year 2007-2008 and by .10 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

(d) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .08 in school year 2006-2007, by .09 in school year 2007-2008 and by .10 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

Sec. 2. Section 5 of 2006 Senate Bill No. 549 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all in lines 12 through 16 and inserting “AN ACT concerning school districts; relating to school finance; repealing Section 5 of 2006 Senate Bill No. 549.”;

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

JEAN KURTIS SCHODORF
JOHN VRATIL
JANIS K. LEE
Conferees on part of Senate

KATHE DECKER
GARY K. HAYZLETT
MARTI CROW
Conferees on part of House

On motion of Rep. Decker, the conference committee report on **HB 2809** was adopted. On roll call, the vote was: Yeas 77; Nays 34; Present but not voting: 0; Absent or not voting: 14.

Yeas: Aurand, Ballard, Beamer, Bethell, Burgess, Burroughs, Carlin, Cox, Crow, Davis, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, D. Johnson, E. Johnson, Kelsey, Kirk, Kuether, Lane, Light, Long, Lukert, Mah, Mays, McCreary, McKinney, Menghini, M. Miller, Jim Morrison, Myers, Neufeld, O'Neal, Otto, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn.

Nays: Brown, Brunk, Carlson, Colloton, Dahl, DeCastro, Edmonds, Goico, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kelley, Kinzer, Krehbiel, Landwehr, Masterson, McLeland, Merrick, F. Miller, Judy Morrison, O'Malley, Oharah, Olson, Owens, Peck, Pilcher-Cook, Powell, Schwab, S. Sharp, Siegfried, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, Craft, George, Grange, Hawk, Huntington, Kiegerl, Kilpatrick, Knox, Loganbill, Loyd, Mast, Weber, Wolf.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2529**, 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 17 through 43; by striking all on pages 2 through 7, on page 8, by striking all in lines 1 through 21 and by inserting the following:

"Section 1. K.S.A. 2005 Supp. 21-4619, as amended by Section 11 of 2006 House Substitute for Senate Bill No. 337, is hereby amended to read as follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after

July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) a violation of K.S.A. 8-1567, and amendments thereto, or a violation of any law of another state, which declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(4) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(8) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(9) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (1) Rape as defined in K.S.A. 21-3502, and amendments thereto; (2) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto; (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto; (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, and amendments thereto; (6) indecent solicitation of a child as defined in K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, and amendments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-3516, and amendments thereto; (9) aggravated incest as defined in K.S.A. 21-3603, and amendments thereto; (10) endangering a child as defined in K.S.A. 21-3608, and amendments thereto; (11) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12) capital murder as defined in K.S.A. 21-3439, and amendments thereto; (13) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; (14) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; (15) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; (16) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; (17) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 2005 Supp. 21-3442, and amendments thereto; (18) sexual battery as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed; (19) aggravated sexual battery as defined in K.S.A. 21-3518, and amendments thereto; or (20) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. Except as otherwise provided by law, a petition for expungement shall be accompanied by a payment of a docket fee in the amount of \$100. The petition shall state: (1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement authority or diverting authority. All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2005 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(F) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(G) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(H) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 2005 Supp. 17-12a102, and amendments thereto; or

(I) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

- (1) The person whose record was expunged;
- (2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;
- (3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;
- (4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;
- (5) a person entitled to such information pursuant to the terms of the expungement order;
- (6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;
- (7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;
- (8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;
- (9) the governor or the Kansas racing commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;
- (10) the Kansas sentencing commission;
- (11) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;
- (12) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with

an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(13) the ~~Kansas law enforcement training commission~~ *on peace officers' standards and training* and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(14) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(15) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.

(j) The docket fee collected at the time the petition for expungement is filed shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 2. K.S.A. 2005 Supp. 28-172a, as amended by section 14 of 2006 House Substitute for Senate Bill No. 337, is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

(1) On and after July 1, 2006 through June 30, 2010:	
Murder or manslaughter	\$166.50 \$172.50
Other felony	157.00 163.00
Misdemeanor	122.00 128.00
Forfeited recognizance	64.50
Appeals from other courts	64.50
(2) On and after July 1, 2010:	
Murder or manslaughter	\$164.50 \$170.50
Other felony	155.00 161.00
Misdemeanor	120.00 126.00
Forfeited recognizance	62.50
Appeals from other courts	62.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2006 through June 30, 2010, a docket fee of ~~\$60~~ \$66 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$58~~ \$64 shall be charged. When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, on and after July 1, 2006 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$60~~ \$66, and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$58~~ \$64.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, on and after July 1, 2006 through June 30, 2010, a docket fee of ~~\$60~~ \$66 shall be charged, and on and after July 1, 2010, a docket fee of ~~\$58~~ \$64 shall be charged. When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, on and after July 1, 2006 through June 30, 2010, the docket fee to be paid as court costs shall be ~~\$60~~ \$66, and on and after July 1, 2010, the docket fee to be paid as court costs shall be ~~\$58~~ \$64.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

Sec. 3. K.S.A. 2005 Supp. 21-4619, as amended by section 11 of 2006 House Substitute for Senate Bill No. 337, 21-4619, as amended by section 5 of 2006 House Bill No. 2122, 28-172a, as amended by section 14 of 2006 House Substitute for Senate Bill No. 337 and 28-172a, as amended by section 3 of 2006 House bill No. 2122 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all following “ACT”; by striking all in lines 11 through 13; in line 14, by striking all before the period and inserting “reconciling amendments to certain statutes; amending K.S.A. 2005 Supp. 21-4619, as amended by section 11 of 2006 House Substitute for Senate Bill No. 337 and 28-172a, as amended by section 14 of 2006 House Substitute for Senate Bill No. 337 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 21-4619, as amended by section 5 of 2006 House Bill No. 2122 and 28-172a, as amended by section 3 of 2006 House Bill No. 2122”;

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

JOHN VRATIL
TERRY BRUCE
DAVID HALEY
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2529** was adopted.

On roll call, the vote was: Yeas 102; Nays 9; Present but not voting: 0; Absent or not voting: 14.

Yeas: Aurand, Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Flaharty, Flora, Freeborn, Garcia, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kinzer, Kirk, Kuether, Lane, Light, Long, Lukert,

Mah, Masterson, Mays, McCreary, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Brown, Edmonds, Feuerborn, Gatewood, Krehbiel, Landwehr, McLeland, Pilcher-Cook, Powell.

Present but not voting: None.

Absent or not voting: Carter, Craft, George, Grange, Hawk, Huntington, Kiegerl, Kilpatrick, Knox, Loganbill, Loyd, Mast, Weber, Wolf.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2968 reported correctly engrossed May 11, 2006.

HB 2118, HB 2576 reported correctly re-engrossed May 11, 2006.

Also, **HB 2583** reported correctly engrossed May 12, 2006.

REPORT ON ENROLLED BILLS

HB 3004 reported correctly enrolled, properly signed and presented to the governor on May 11, 2006.

Also, **HB 2352** reported correctly enrolled, properly signed and presented to the governor on May 12, 2006.

Also, **HB 2118, HB 2576, HB 2583; S. Sub. for HB 2928; S. Sub. for HB 2968** reported correctly enrolled, properly signed and presented to the governor on May 15, 2006.

REPORT ON ENROLLED RESOLUTIONS

HCR 5038, HR 6039 reported correctly enrolled and properly signed on May 11, 2006.

The hour for final adjournment having arrived, Speaker Mays said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2006 session, I do now declare the House adjourned sine die."

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 528**, An act concerning public health; relating to the reporting of statistical data regarding termination of pregnancies; amending K.S.A. 65-445 and 65-2409a and repealing the existing sections, which was received on May 19, 2006 and was read before the Senate on May 25, 2006.

Message to the Senate of the State of Kansas:

Abortion is an important moral concern to all Kansans. My Catholic faith teaches me that life is sacred. Personally, I believe abortion is wrong.

That's why I have worked to reduce the number of abortions in Kansas. In my three years as governor, abortion has declined 11.1%. My administration will continue to work to reduce these numbers even more. Next week, for example, I'll sign into law an increase in tax credits for adoption and a budget that contains a 65% increase in funding for the Pregnancy Maintenance Initiative, which helps counsel women on options other than abortion. These common-sense steps will reduce abortion, and will provide real solutions for women facing this tragic decision.

SB 528, by contrast, will do nothing to reduce abortion in Kansas. Instead, it will force women to provide intimate, sensitive health information to the government. Privacy is a

fundamental concern to all Kansans. I worked to enhance Kansans' health privacy as Insurance Commissioner, and I intend to protect it as Governor. As we have seen in recent months in Kansas, we can never take our health privacy for granted.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **SB 528**.

KATHLEEN SEBELIUS
Governor

Dated: May 19, 2006

A motion was made that **SB 528** be passed notwithstanding the Governor's veto. By a vote of 23 Yeas and 12 Nays, the motion did not receive the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion failed and the veto was sustained.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 142**, An act concerning certain activities concerning elections and governmental ethics; relating to advance voting ballots; relating to electronic and electromechanical voting systems; relating to the use of optical scanning systems to count votes; relating to campaign finance; reporting of election crimes; filing of substantial interest forms by certain members of the judicial branch; relating to advance voting; relating to recall petitions; amending K.S.A. 25-4119d, 25-4142, 25-4148, 25-4153, 25-4156, 25-4157, 25-4157a, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612, 25-4613, 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 25-1122, 25-1124, 25-1128, 25-4143, 25-4302, 25-4322 and 46-247 and repealing the existing sections; also repealing K.S.A. 25-1307, 25-1309, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341 and 25-1343, which was received on May 24, 2006 and was read before the Senate on May 25, 2006.

Message to the Senate of the State of Kansas:

We have a rich tradition in Kansas of working to increase citizen participation in our democracy. This bill claims to advance that tradition, but sadly, it does not.

There are elements in this bill I believe should be law, such as the increased reporting requirements during the period before an election. To demonstrate my commitment to openness, I pledge to follow this proposal by self-reporting contributions over \$350 during the so-called "blackout period" at the end of the election. I urge other candidates to do the same.

I would eagerly sign real campaign finance reform that increases reporting requirements for candidates, parties and third-party groups. But this bill includes too many other objectionable elements, and it completely ignores the impact of shadowy third-party groups on our democracy.

I wholeheartedly embrace efforts to prevent voter fraud, which is why I'm glad to hear from county election officials that there is no conclusive evidence suggesting there is voter fraud taking place with advance ballots.

Voting has become easier and more convenient in our state as a result of initiatives like advance voting, but this bill would move us in the wrong direction. At a time when many communities are reducing the number of polling places and encouraging Kansans to advance vote, this bill would make it harder to cast a ballot. Sedgwick County, for example, plans to cut the number of polling places in the county from 208 to 62, increasing the barriers for elderly, disabled, and low-income voters, and making advance voting even more important. Adding forms and affidavits to read and sign will confuse voters and very likely cause many to not vote.

In addition to wanting to make it easier to vote, most Kansans would also agree we don't need more money in politics. That's why raising the contribution limits for candidates running for the Legislature, as proposed here by legislators, is a bad idea.

If the Legislature sends me real campaign finance reform, I will sign it. This bill is not real reform.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **SB 142**.

KATHLEEN SEBELIUS
Governor

Dated: May 24, 2006

There being no motion to reconsidered the veto on **SB 142**, the President ruled the veto sustained.

MESSAGE FROM THE SENATE

The Senate announces the following bills and concurrent resolutions are hereby transmitted to the House of Representatives with final disposition:

House bills that died on Senate General Orders: **S Sub for Sub HB 2088, S Sub HB 2573, HB 2604, HB 2667, HB 2681, S Sub for Sub for Sub HB 2689, HB 2792.**

House bills that died in conference: **HB 2553, HB 2732.**

House bills that died in Senate Committees: **Substitute HB 2004, Substitute HB 2012, HB 2017, Substitute HB 2023, Substitute HB 2038, HB 2047, Substitute HB 2051, Substitute HB 2113, HB 2115, HB 2200, HB 2225, Substitute HB 2226, HB 2231, HB 2234, HB 2242, HB 2243, Substitute HB 2245, HB 2281, HB 2298, HB 2300, HB 2342, HB 2349, HB 2374, Substitute HB 2396, HB 2414, HB 2443, HB 2444, HB 2465, HB 2469, HB 2474, Senate Substitute for HB 2481, HB 2484, HB 2496, HB 2497, HB 2519, HB 2520, Substitute HB 2525, HB 2530, HB 2548, Substitute HB 2561, HB 2577, HB 2580, HB 2581, HB 2593, HB 2599, HB 2613, HB 2618, HB 2619, HB 2640, HB 2701, HB 2708, HB 2712, HB 2722, HB 2746, HB 2753, HB 2754, HB 2771, HB 2788, HB 2794, HB 2796, HB 2813, HB 2819, Substitute HB 2825, Substitute HB 2829, HB 2867, HB 2880, HB 2882, HB 2894, HB 2912, HB 2938, HB 2956, HB 2957, HB 2958, HB 2972, HB 2977, HB 2978, HB 3012, HB 3017, HB 3021.**

House concurrent resolutions that died in Senate Committee: **HCR 5029, HCR 5034, HCR 5044.**

