

# Journal of the Senate

NINTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, January 20, 2006—9:30 a.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-three senators present.  
Senators Allen, Barnett, Betts, Brungardt, Gilstrap, Palmer and Wagle were excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Most of the time  
I know which way  
That I am going to vote.  
But there are times  
When I'm not sure  
Which way "my boat will float".

I listen to the conferees,  
And lobbyists bend my ear;  
I consult constituents  
And friends from far and near.

I'm embarrassed to confess  
That sometimes I forget  
To consult my best resource  
Which always I regret.

I realize most folks I know  
Will not spend a minute  
Thinking God might be concerned  
With what happens in the Senate.

But I have found when I have spent  
Some time each day in prayer,  
You know I'm a steady "customer",  
And Your answer You will share.

And when my prayer You've answered,  
And I tell them what You said,  
They always say "Coincidence",  
And smile and shake their head.

When that happens I recall  
A man whose name I know;  
When they say, "Coincidence",  
Will always answer "No!"

“All I know,” he’s heard to say  
 To explain the consequences:  
 “The more I pray the more I get  
 More coincidences!”

And for that I thank You in the Name of Jesus Christ,  
 AMEN

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 417**, An act concerning vessels; imposing certain requirements; prohibiting certain acts; providing penalties for certain violations; amending K.S.A. 32-1110, 32-1111, 32-1119, 32-1125, 32-1128 and 32-1180 and K.S.A. 2005 Supp. 32-1102, 32-1173 and 74-7336 and repealing the existing sections, by Committee on Natural Resources.

**SB 418**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 2005 Supp. 12-4516, 21-4201 and 21-4619 and repealing the existing sections, by Senator Journey.

**SB 419**, An act concerning governmental ethics; requiring certain members and employees of the judicial branch to file statements of substantial interest; amending K.S.A. 46-282, 46-283 and 46-285 and K.S.A. 2005 Supp. 46-247 and repealing the existing sections, by Senator Huelskamp.

**SB 420**, An act concerning children; relating to support thereof; amending K.S.A. 2005 Supp. 23-4,118 and repealing the existing section; also repealing K.S.A. 39-7,153, by Committee on Judiciary.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 404**.

Elections and Local Government: **SB 409, SB 410**.

Federal and State Affairs: **SB 403**.

Financial Institutions & Insurance: **SB 405**.

Judiciary: **SB 400, SB 401, SB 402, SB 406, SB 407, SB 408, SB 415**.

Transportation: **SB 411, SB 412, SB 413**.

Utilities: **SB 414**.

Ways and Means: **SB 399, SB 416**.

#### MESSAGE FROM THE GOVERNOR

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Orders No. 2005-06 and 07 for your information.

KATHLEEN SEBELIUS  
 Governor

The President announced Executive Order No. 2005-06, hereby ordering the State of Kansas employees called by the American Red Cross and who are certified to serve in relief efforts resulting from Hurricane Katrina, eligible for disaster leave under the provisions of K.S.A. 75-5548 is on file in the office of the Secretary of the Senate and is available for review at anytime.

Also on file is Executive Order No. 2005-07, which makes it necessary to expedite restoration of services and relief in the affected states and the State of Kansas wishes to accommodate the need to provide assistance to the citizens of these states by allowing motor carriers engaged in interstate disaster relief efforts to travel expeditiously through this state. It orders enforcement of the following statutory requirements suspended as they apply to vehicles used in these restoration efforts: K.S.A. 8-1911—Use of overweight/oversized vehicles and K.S.A. 66-1,111—Requirements for licensing/operating authority/registration as required by the Kansas Corporation Commission.

January 17, 2006

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-01 for your information.

KATHLEEN SEBELIUS  
Governor

The President announced Executive Order No. 2006-01, offering a reward of five thousand dollars (\$5,000) for information leading to the arrest and conviction of the individual or individuals who committed the homicide of David "Ray" Ninemire, is on file in the office of the Secretary of the Senate and available for review at anytime.

January 18, 2006

*Message to the Senate of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-02 for your information.

KATHLEEN SEBELIUS  
Governor

The President announced Executive Order No. 2006-02, incorporating by reference Executive Orders 98-5, 00-06, 02-05, 03-06 and 05-01 and continue said Governor's Military Affairs Coordinating Council which will be renamed and hereinafter known as the Governor's Military Council, until May 1, 2007, is on file in the office of the Secretary of the Senate and available for review at anytime.

**COMMUNICATIONS FROM STATE OFFICERS**

**KANSAS PAROLE BOARD**

Marilyn Scafe, Chairperson, submitted the annual report of the Kansas Parole Board for the Fiscal Year 2005.

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.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Steineger, Gilstrap and Haley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1805—

A RESOLUTION congratulating and commending the 2005 Bishop Ward High School baseball team.

WHEREAS, The Bishop Ward High School baseball team won the 2005 Kansas State High School Association class 4A state baseball championship held at Dean Evans Stadium in Salina on May 27 and May 28. This was the team's 10th consecutive trip to the state tournament. In these 10 years the team has been the state champion four times, finished second three times and third twice. This year's championship resulted in the team being the state champion for three consecutive years—a record since the state started using the current numerical classifications in 1969; and

WHEREAS, Bishop Ward hosted the regional tournament at which the team defeated Basehor High School, Sumner Academy and Piper High School. At the state tournament the team defeated Wichita Collegiate, Chanute High School and Andover Central High School. First team all-league selections included Terry Roblez at short stop, Sean Beggs at pitcher and Jake Kraft at outfield. Second team all-league selections included Brandon Wayne at outfield. Terry Roblez also earned the 1st team all-star award; and

WHEREAS, The members of this outstanding baseball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Bishop Ward High School baseball team be congratulated and commended for winning the 2005 Kansas State High School Activities Association class 4A state baseball championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Mr. Dennis Dorr, Principal, Bishop Ward High School, 708 N. 18th Street, Kansas City, KS 66102.

On emergency motion of Senator Steineger **SR 1805** was adopted unanimously.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **SB 334** be amended on page 1, in line 20, by striking "A persistent" and inserting "An aggravated habitual sex"; in line 36, by striking "Persistent" and inserting "Aggravated habitual sex"; in line 37, before the semicolon, by inserting: ", as described in paragraphs (3)(A) through 3(J) or (3)(L)"; in line 41, by striking all after "means"; in line 42, by striking all before "one";

On page 2, after line 22, by inserting:

"(J) aggravated incest, K.S.A. 21-3603, and amendments thereto;";

And by redesignating paragraphs accordingly;

Also on page 2, after line 33, by inserting:

"New Sec. 2. (a) (1) Except as provided in subsection (b) or (d), a defendant who is 18 years of age or older and is convicted of the following crimes committed on or after July 1, 2006, shall be sentenced to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 25 years unless the court determines that the defendant should be sentenced as determined in paragraph (2):

(A) Aggravated trafficking, as defined in K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age;

(B) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(C) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto;

(D) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto;

(E) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age;

(F) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto; and

(G) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in paragraphs (A) through (F).

(2) The provision of paragraph (1) requiring a mandatory minimum term of imprisonment of not less than 25 years shall not apply if the court finds:

(A) The defendant is an aggravated sex offender and sentenced pursuant to section 1, and amendments thereto; or

(B) the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 300 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.

(b) On and after July 1, 2006, if a defendant who is 18 years of age or older is convicted of a crime listed in subsection (a)(1) and such defendant has previously been convicted of a crime listed in subsection (a)(1) or a crime under a law of another jurisdiction which is substantially the same as such crime, the court shall sentence the defendant to a term of imprisonment for life with a mandatory minimum term of imprisonment of not less than 40 years.

(c) When a person is sentenced pursuant to subsection (a) or (b), such person shall be sentenced to a mandatory minimum term of imprisonment of not less than 25 years, 40 years or be sentenced as determined in subsection (a)(2), whichever is applicable, and shall not be eligible for probation or suspension, modification or reduction of sentence. In addition, a person sentenced pursuant to this section shall not be eligible for parole prior

to serving such mandatory term of imprisonment, and such imprisonment shall not be reduced by the application of good time credits.

(d) On or after July 1, 2006, for a first time conviction of an offense listed in paragraph (a)(1), the sentencing judge shall impose the mandatory minimum term of imprisonment provided by subsection (a), unless the judge finds substantial and compelling reasons, following a review of mitigating circumstances, to impose a departure. If the sentencing judge departs from such mandatory minimum term of imprisonment, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. The departure sentence shall be the sentence pursuant to the sentencing guidelines act, K. S. A. 21-4701 *et seq.*, and amendments thereto, and no sentence of a mandatory minimum term of imprisonment shall be imposed hereunder.”;

And by renumbering sections accordingly;

On page 4, in line 7, by striking “2” and inserting “1”; by striking all in lines 10 through 43;

By striking all of page 5;

On page 6, by striking all in lines 1 through 28 and inserting the following:

“Sec. 6. K.S.A. 2005 Supp. 21-3447 is hereby amended to read as follows: 21-3447. (a) Aggravated trafficking is:

(1) Trafficking, as defined in K.S.A. 2005 Supp. 21-3446, and amendments thereto:

(A) Involving the commission or attempted commission of kidnapping, as defined in K.S.A. 21-3420, and amendments thereto;

(B) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

(C) resulting in a death; or

(2) recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

(b) *Except as provided further, aggravated trafficking is a severity level 1, person felony. When the offender is 18 years of age or older, aggravated trafficking, if the victim is less than 14 years of age, is an off-grid person felony.*

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

Sec. 7. K.S.A. 21-3504 is hereby amended to read as follows: 21-3504. (a) Aggravated indecent liberties with a child is:

(1) Sexual intercourse with a child who is 14 or more years of age but less than 16 years of age;

(2) engaging in any of the following acts with a child who is 14 or more years of age but less than 16 years of age and who does not consent thereto:

(A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or satisfy the sexual desires of either the child or the offender, or both; or

(B) causing the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another; or

(3) engaging in any of the following acts with a child who is under 14 years of age:

(A) Any lewd fondling or touching of the person of either the child or the offender, done or submitted to with the intent to arouse or to satisfy the sexual desires of either the child or the offender, or both; or

(B) soliciting the child to engage in any lewd fondling or touching of the person of another with the intent to arouse or satisfy the sexual desires of the child, the offender or another.

(b) It shall be a defense to a prosecution of aggravated indecent liberties with a child as provided in subsection (a)(1), (a)(2)(A) and (a)(3)(A) that the child was married to the accused at the time of the offense.

(c) *Except as provided further, aggravated indecent liberties with a child as described in subsections (a)(1) and (a)(3) is a severity level 3, person felony. Aggravated indecent liberties with a child as described in subsection (a)(2) is a severity level 4, person felony. When the*

*offender is 18 years of age or older, aggravated indecent liberties with a child as described in subsection (a)(3) is an off-grid person felony.*

Sec. 8. K.S.A. 21-3513 is hereby amended to read as follows: 21-3513. (a) Promoting prostitution is:

- (1) Establishing, owning, maintaining or managing a house of prostitution, or participating in the establishment, ownership, maintenance, or management thereof;
- (2) permitting any place partially or wholly owned or controlled by the defendant to be used as a house of prostitution;
- (3) procuring a prostitute for a house of prostitution;
- (4) inducing another to become a prostitute;
- (5) soliciting a patron for a prostitute or for a house of prostitution;
- (6) procuring a prostitute for a patron;
- (7) procuring transportation for, paying for the transportation of, or transporting a person within this state with the intention of assisting or promoting that person's engaging in prostitution; or
- (8) being employed to perform any act which is prohibited by this section.

(b) (1) Promoting prostitution is a class A person misdemeanor when the prostitute is 16 or more years of age.

(2) Promoting prostitution when the prostitute is 16 or more years of age is a severity level 7, person felony if committed by a person who has, prior to the commission of the crime, been convicted of promoting prostitution.

(3) *Except as provided in paragraph (4)*, promoting prostitution is a severity level 6, person felony when the prostitute is under 16 years of age.

(4) *Promoting prostitution is an off-grid person felony when the offender is 18 years of age or older and the prostitute is less than 14 years of age.*

Sec. 9. K.S.A. 2005 Supp. 21-3516 is hereby amended to read as follows: 21-3516. (a) Sexual exploitation of a child is:

(1) *Except as provided in subsection (a)(5)*, employing, using, persuading, inducing, enticing or coercing a child under 18 years of age to engage in sexually explicit conduct for the purpose of promoting any performance;

(2) possessing any visual depiction, including any photograph, film, video picture, digital or computer generated image or picture, whether made or produced by electronic, mechanical or other means, where such visual depiction of a child under 18 years of age is shown or heard engaging in sexually explicit conduct with intent to arouse or satisfy the sexual desires or appeal to the prurient interest of the offender, the child or another;

(3) being a parent, guardian or other person having custody or control of a child under 18 years of age and knowingly permitting such child to engage in, or assist another to engage in, sexually explicit conduct for any purpose described in subsection (a)(1) or (2); **or**

(4) *except as provided in subsection (a)(6)*, promoting any performance that includes sexually explicit conduct by a child under 18 years of age, knowing the character and content of the performance;;

(5) *employing, using, persuading, inducing, enticing or coercing a child under 14 years of age to engage in sexually explicit conduct for the purpose of promoting any performance;*  
or

(6) *promoting any performance that includes sexually explicit conduct by a child under 14 years of age, knowing the character and content of the performance.*

(b) As used in this section:

(1) "Sexually explicit conduct" means actual or simulated: Exhibition in the nude; sexual intercourse or sodomy, including genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the same or opposite sex; masturbation; sado-masochistic abuse for the purpose of sexual stimulation; or lewd exhibition of the genitals, female breasts or pubic area of any person.

(2) "Promoting" means procuring, selling, providing, lending, mailing, delivering, transferring, transmitting, distributing, circulating, disseminating, presenting, producing, directing, manufacturing, issuing, publishing, displaying, exhibiting or advertising;

(A) For pecuniary profit; or

(B) with intent to arouse or gratify the sexual desire or appeal to the prurient interest of the offender, the child or another.

(3) "Performance" means any film, photograph, negative, slide, book, magazine or other printed or visual medium, any audio tape recording or any photocopy, video tape, video laser disk, computer hardware, software, floppy disk or any other computer related equipment or computer generated image that contains or incorporates in any manner any film, photograph, negative, photocopy, video tape or video laser disk or any play or other live presentation.

(4) "Nude" means any state of undress in which the human genitals, pubic region, buttock or female breast, at a point below the top of the areola, is less than completely and opaquely covered.

(c) Sexual exploitation of a child *as described in subsection (a)(1), (a)(2), (a)(3) or (a)(4)* is a severity level 5, person felony. *Sexual exploitation of a child as described in subsection (a)(5) or (a)(6) when the offender is 18 years of age or older is an off-grid person felony.*

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

Sec. 10. K.S.A. 21-3812 is hereby amended to read as follows: 21-3812. (a) Aiding a felon is knowingly harboring, concealing or aiding any person who has committed a felony under the laws of this state, *other than a violation of K.S.A. 22-4903, and amendments thereto*, or another state or the United States with intent that such person shall avoid or escape from arrest, trial, conviction or punishment for such felony.

Aiding a felon is a severity level 8, nonperson felony.

(b) Aiding a person charged with a felony is knowingly harboring, concealing or aiding a person who has been charged with a felony under the laws of this state, *other than a violation of K.S.A. 22-4903, and amendments thereto*, or another state or the United States with intent that such person shall avoid or escape from arrest, trial, conviction or punishment for such felony.

Aiding a person charged with a felony is a severity level 8, nonperson felony.

~~(c) Aiding a person convicted of or charged with committing a misdemeanor.~~

~~(c)~~ Aiding a person who has been convicted of or who has been charged with committing a misdemeanor under the laws of Kansas or another state is knowingly concealing or aiding such person with intent that such person shall avoid or escape from arrest, trial, conviction or punishment for such misdemeanor.

Aiding a person convicted of or charged with committing a misdemeanor is a class C misdemeanor.

(d) *Aiding a person required to register under the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, is knowingly harboring, concealing or aiding any person who is required to register under the act and who is not in compliance with the requirements of the act with intent that such person shall avoid or escape from registration, arrest, trial, conviction, punishment or any criminal charges arising from the person's failure to comply with the requirements of the act.*

*Aiding a person required to register under the Kansas offender registration act is a severity level 5, person felony.*

Sec. 11. K.S.A. 2005 Supp. 21-4706 is hereby amended to read as follows: 21-4706. (a) For crimes committed on or after July 1, 1993, the sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of up to 15% of the primary sentence for good time as authorized by law.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 21-3401, 21-3439 and 21-3801 and amendments thereto are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-4627, and 21-4629 through 21-4631, and amendments thereto, the sentence shall be imprisonment for life.

(d) *As identified in K.S.A. 21-3502, 21-3404, 21-3506, 21-3513, 21-3516 and K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for the purposes of sentencing. Except as provided in section 1, and amendments thereto, the sentence shall be imprisonment for life pursuant to section 2, and amendments thereto.*”;

And by renumbering sections accordingly;

On page 7, in line 20, by striking “subsection (b)””; in line 21, by striking “of K.S.A. 21-4638” and inserting “section 2””; in line 32, by striking “subsection””; in line 33, by striking “(b) of K.S.A. 21-4638” and inserting “section 2””; in line 37, by striking all after the last comma; by striking all in line 38; in line 39, by striking all before “or” where it appears for the last time;

On page 9, in line 20, by striking “Persons” and inserting: “Except as provided in subsection (u), persons””; in line 23, by striking all after the period; by striking all in lines 24 through 27; in line 29, by striking “subsection (a)(1), (a)(2) and (a)(4) of””; in line 37, by striking “subsection (a)(3) of””;

On page 13, in line 15, by striking the comma and inserting “or””; in line 16, by striking all after “felony””; in line 17, by striking “thereto””;

On page 15, in line 26, by striking all after “to” where it appears for the last time; in line 27, by striking “of K.S.A. 21-4638” and inserting “section 2””; following line 42, by inserting: “Sec. 13. K.S.A. 2005 Supp. 22-4903 is hereby amended to read as follows: 22-4903. Any person who is required to register as provided in ~~this~~ *the Kansas offender registration* act who violates any of the provisions of ~~this~~ *such* act, including all duties set out in K.S.A. 22-4904 through ~~K.S.A.~~ 22-4907, and amendments thereto, is guilty of a severity level ~~4~~ *5, person* felony.””;

And by renumbering sections accordingly;

On page 18, in line 17, by striking “K.S.A. 21-4635” and inserting “section 2””; after line 20, by inserting:

“Sec. 15. K.S.A. 2005 Supp. 74-9501 is hereby amended to read as follows: 74-9501. (a) There is hereby established the Kansas criminal justice coordinating council.

(b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the superintendent of the highway patrol, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.

(c) The governor shall designate staff to the Kansas criminal justice coordinating council. The staff shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.

(d) The council shall elect a chairperson and vice-chairperson from among the members of the council.

(e) The council shall:

(1) Appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, a member of a city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses;

(2) define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements;

(3) perform such criminal justice studies or tasks as requested by the governor, the attorney general, the legislature or the chief justice, as deemed appropriate or feasible by the council;

(4) oversee development and management of a criminal justice database including assuming the designation and functions of the state statistical analysis center currently assigned to the Kansas bureau of investigation pursuant to K.S.A. 75-712a and amendments thereto. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amendments thereto and the juvenile justice authority shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database;

(5) develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants;

(6) form such task groups as necessary and appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied, when analyzing criminal justice issues and performing criminal justice studies. Members of the legislature may be appointed ex officio members to such task groups. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council; ~~and~~

(7) review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor, the attorney general, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate; and

(8) *form a task force composed of 11 members who are representatives of law enforcement, prosecutors, the judiciary, court services, community corrections, parole services and victims rights organization representatives for the purpose of collecting information and research concerning the potential utilization of electronic monitoring devices, specifically including devices capable of utilizing global positioning satellite (GPS) technology, for the purposes of monitoring and tracking the locations of offenders placed on bond, probation, parole, postrelease supervision and individuals subject to civil commitment of sexually violent predators, pursuant to K.S.A. 59-29a01, and amendments thereto, who have been placed on conditional or transitional release. On or before July 1, 2007, the task force shall submit its findings in writing to the governor, the attorney general, the speaker of the house of representatives and the president of the senate. Such report shall include, but not be limited to: (A) An evaluation of the effectiveness of such electronic monitoring devices regarding abilities to track and record the geographic location of a monitored individual at any given point in time; (B) a cost-benefit analysis of the financial costs involved in obtaining, monitoring and providing on-going maintenance for various electronic monitoring devices or systems as compared to the potential benefit of increased ability to locate, track and supervise monitored individuals; (C) a cost-benefit analysis comparing the costs of purchase of electronic monitoring equipment and the equipment and software necessary for tracking monitored individuals by governmental agencies to operate independently versus contracting with vendors to provide the necessary equipment and services; and (D) an analysis by geographic region within the state of Kansas detailing areas where, due to geography or lack of necessary infrastructure such as radio transmission towers, electronic monitoring may be more or less effective. Subject to appropriations therefor, the council may contract with other entities to provide evaluation and comparison studies or other resources necessary to aid in the development of the report mandated by this paragraph.*;

And by renumbering sections accordingly;

Also on page 18, in line 34, after "K.S.A." where it appears for the first time, by inserting "21-3504,"; also in line 34, after "21-3506" by inserting: ", 21-3513, 21-3812"; also in line 34, after "Supp." by inserting "21-3447,"; in line 35, by striking all before "22-3717" and inserting: "21-3516, 21-4706,"; also in line 35, before "are" by inserting: ", 22-4903 and 74-9501";

In the title, in line 12, by striking "persistent" and inserting: "aggravated habitual sex"; in line 13, by striking all after "for" where it appears for the last time; in line 14, by striking all before the semicolon where it appears for the first time and inserting: "certain sex offenses"; also in line 14, before the last semicolon, by inserting: "and the criminal justice coordinating council"; in line 15, after "K.S.A." by inserting "21-3504,"; in line 16, after "3506" by inserting: ", 21-3513, 21-3812"; also in line 16, after "Supp." by inserting "21-3447,"; also in line 16, by striking all after "21-3502,"; in line 17, by striking "and" where it appears for the first time and inserting: "21-3516, 21-4706,"; also in line 17, after "22-3717" by inserting: ", 22-4903 and 74-9501"; and the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 327** be amended on page 1, in line 17, after "general" where it appears for the first time, by inserting: "to provide oversight of programs as designated in this section"; also in line 17, before "Kansas" by inserting: "jurisdiction of the"; also in line 17, after the period, by inserting: "The office of the inspector general shall only oversee, audit, investigate and provide a performance review of the state

medicaid program, mediKan program, the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto, and the state health care benefits program as provided in K.S.A. 75-6501 through 75-6511, and amendments thereto, within the jurisdiction of the Kansas health policy authority and subject to the provisions of this act. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of such programs within the jurisdiction of the Kansas health policy authority and to assist in improving agency and program operations and in deterring and identifying fraud, abuse and illegal acts. The office of inspector general shall have a duty to prevent, detect and eliminate fraud, waste, abuse, mismanagement, inefficiency and misconduct by providers, contractors, agency employees, consumers, or any other person or entity involved in the delivery of services or the handling of funds of such program or agency within the jurisdiction of the Kansas health policy authority. The office of inspector general shall be independent and free from political influence and shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.

(2)";

Also on page 1, in line 18, by striking "governor" and inserting "attorney general"; in line 23, by striking all after the period; by striking all in line 24; in line 25, by striking "ment." and inserting: "The inspector general shall be selected without regard to political affiliation and on the basis of integrity, capacity for effectively carrying out the duties of the office of inspector general, demonstrated ability in accounting, auditing, financial analysis, law, law enforcement, management analysis, public administration, investigation, fraud examination, criminal justice administration or other closely related fields. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits and investigations and shall be familiar with the programs subject to oversight by the office of inspector general. No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual's period of service with such program or agency. The inspector general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.

(3)";

Also on page 1, after line 29, by inserting:

"(4) The inspector general may be removed from office by the attorney general only for just cause. It shall constitute just cause for removal if the legislature adopts a concurrent resolution expressing a lack of confidence in the inspector general's ability to adequately fulfill the duties of the office. The attorney general shall communicate the reasons for any such removal to both houses of the legislature within five days of such removal.";

Also on page 1, in line 30, by striking "(2)" and inserting "(5)"; in line 33, after the period, by inserting: "The inspector general shall be independent and shall not be subject to direction by any other executive or legislative branch officer or agency."; in line 34, by striking "governor" and inserting: "attorney general and to the leadership of the house of representatives and of the senate, which shall include the house committee on appropriations and the senate committee on ways and means"; in line 36, before the period, by inserting: "and such requests shall also be submitted by the inspector general directly to the legislature"; by striking all in lines 39 through 43;

On page 2, by striking all in line 1; in line 2, by striking "(4)" and inserting: "(6) The inspector general shall have general managerial control over the office of the inspector general and shall establish the organization structure of the office as the inspector general deems appropriate to carry out the responsibilities and functions of the office."; in line 5, after the period, by inserting: "Subject to appropriations, the inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors, or other professionals necessary to independently perform the functions of the office."; in line 6, by striking all after "to"; by striking all in line 7; in line 8, by striking "oversee the" and inserting: "carry out the duties of the office, the inspector general shall conduct independent and ongoing oversight of such"; in line 18, by striking "the" and

inserting “such”; in line 37, after “all” by inserting “pertinent”; in line 41, after “to” where it appears for the second time, by inserting “such”; in line 42, after the period, by inserting: “Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor’s invoices or its compliance with the contract provisions.”;

On page 3, in line 40, by striking “the” and inserting “such”;

On page 4, in line 7, by striking “a pro-”; in line 8, by striking “gram” and inserting “such programs”; in line 19, after “to” by inserting “such”; in line 20, after the period, by inserting: “Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor’s invoices or its compliance with the contract provisions.”; in line 29, after “any” by inserting “such”; in line 30, after “to” by inserting “the attorney general.”; in line 34, by striking “the” where it appears the second time, and inserting “such”; in line 41, by striking “the” and inserting “such”;

On page 5, in line 1, by striking “governor” and inserting “attorney general”; in line 4, after “of” where it appears for the second time, by inserting “such”; in line 10, by striking “the” where it appears for the first time, and inserting “such”; in line 19, by striking “the” and inserting “such”; in line 34, by striking “to the government” and inserting: “and comply with all provisions of generally accepted governmental”; and the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Monday, January 23, 2006.

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

PAT SAVILLE, *Secretary of the Senate*.

