

Journal of the Senate

THIRTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, February 22, 2001—10:00 a.m.

The Senate was called to order by President Dave Kerr.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

George Washington, the Father of our Country, was born 269 years ago today. Much has been written and much more could be written about our first president.

In this brief prayer, O God, perhaps we can tell something of the reasons for the greatness of this man from excerpts from his Farewell Address on September 18, 1796 at the age of 64.

“Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. . . .

“The mere politician, equally with the pious man, ought to respect and to cherish them.”

“. . . where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths, which are the instruments of investigation in courts of justice. And let us with caution indulge the supposition that morality can be maintained without religion. . . .”

If this man whom You used to lead in the drawing up of our unique Constitution was convinced that religion and morality were indispensable supports for “political prosperity”, help us to follow his lead and refuse to operate this lawmaking body without respecting and cherishing them.

I ask this in Jesus’ Name,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **HB 2103.**

Assessment and Taxation: **HB 2055.**

Commerce: **HB 2301, HB 2303.**

Education: **SB 338.**

Elections and Local Government: **HB 2161.**

Natural Resources: **HB 2317.**

Federal and State Affairs: **HB 2300.**

Financial Institutions & Insurance: **HB 2252, HB 2480.**

Judiciary: **SB 339, SB 341.**

Public Health and Welfare: **SB 336.**

Utilities: **HB 2200.**

Ways and Means: **SB 337, SB 340.**

CHANGE OF REFERENCE

The President withdrew **SB 177** from the Committee on Ways and Means, and referred the bill to the Committee on Assessment and Taxation.

The President withdrew **SB 14, SB 88, SB 128, SB 131, SB 141, SB 159, SB 205, SB 206, SB 208, SB 215, SB 235, SB 236, SB 263, SB 291, SB 302; SCR 1604** from the Committee on Ways and Means, and rereferred the bills to the Committee on Judiciary.

The President withdrew **SB 145, SB 191, SB 313** from the Committee on Ways and Means, and rereferred the bills to the Committee on Education.

The President withdrew **SB 149** from the Committee on Ways and Means, and rereferred the bill to the Committee on Public Health and Welfare.

The President withdrew **SB 210, SB 211, SB 217, SB 277, SB 285, SB 314** from the Committee on Ways and Means, and rereferred the bills to the Committee on Elections and Local Government.

MESSAGE FROM THE GOVERNOR

February 21, 2001

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas as of February 21, 2001, pursuant to law.

Bill Graves
Governor

Member, Kansas Public Employees' Retirement System Board of Trustees, Michael Braude, pursuant to the authority vested in me by KSA 74-4905, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

Member, Kansas Technology Enterprise Corporation Board of Trustees, Robert S. Krause, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

Member, Kansas Technology Enterprise Corporation Board of Trustees, John G. Voeller, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2059, HB 2075, HB 2083, HB 2120, HB 2127, HB 2133, HB 2207, HB 2224, HB 2263, HB 2328, HB 2457, HB 2471.**

Also, adoption of **HCR 5011, HCR 5023.**

The House nonconcur in Senate amendments to **HB 2029**, requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2059, HB 2075, HB 2083, HB 2120, HB 2127, HB 2133, HB 2207, HB 2224, HB 2263, HB 2328, HB 2457, HB 2471; HCR 5011, HCR 5023 were thereupon introduced and read by title.

COMMITTEE OF THE WHOLE

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

On motion of Senator Adkins the following report for the morning session was adopted:

Recommended **SB 280** be passed.

Also, **SB 55, SB 59** be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 89 be amended by motion of Senator Steineger after line 21, by inserting:

“(c) Except as required to comply with the Kansas offender registration act, K.S.A. 22-4901 *et seq.*, and amendments thereto, no local unit of government shall enact or enforce any law, ordinance, rule, regulation or resolution which requires any landlord to provide to

such local unit of government a list of names of any tenants of such landlord.”, and **SB 89** be passed as amended.

SB 58 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 15, before “services” where it appears for the last time by inserting: “services provided in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such submission,” and on line 17, after “or” by inserting “services provided by”, and **SB 58** be passed over and retain a place on the calendar.

SB 27 be passed over and retain a place on the calendar.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 55**, **SB 59**, **SB 89**, **SB 280** were advanced to Final Action and roll call.

SB 55, An act relating to drivers' licenses; concerning medical and vision requirements; amending K.S.A. 8-255b and K.S.A. 2000 Supp. 8-247 and 8-295 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 59, An act concerning milk, cream and dairy products; amending K.S.A. 50-502 and 65-679 and repealing the existing sections; also repealing K.S.A. 65-701, 65-702, 65-703, 65-704, 65-705, 65-706, 65-707, 65-715, 65-716, 65-718, 65-719, 65-720, 65-720a, 65-720b, 65-720c, 65-720d, 65-720h, 65-720i, 65-720j, 65-720k, 65-720l, 65-720m, 65-720n, 65-720o, 65-720p, 65-720q, 65-720r, 65-737, 65-737a, 65-738, 65-738a, 65-741, 65-742, 65-744, 65-746, 65-747, 65-748, 65-749, 65-751, 65-752, 65-753, 65-770 and 75-1401 and K.S.A. 2000 Supp. 65-708, 65-708a, 65-745 and 65-750.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 89, An act concerning local units of government; relating to rent control.

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

Yeas: Allen, Brownlee, Clark, Donovan, Emler, Haley, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schodorf, Steineger, Teichman, Tyson, Umbarger, Wagle.

Nays: Adkins, Barnett, Barone, Brungardt, Corbin, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Hensley, Praeger, Schmidt, Taddiken, Vratil.

The bill passed, as amended.

SB 280, An act designating a part of United States 24 highway as the Charles Sheldon trafficway.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh,

Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

On motion of Senator Oleen, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

HOUSE CONCURRENT RESOLUTIONS

On emergency motion of Senator Salmans, **HCR 5023**, A CONCURRENT RESOLUTION celebrating the 100th anniversary of the authorization of Fort Hays State University by the State of Kansas, was adopted by voice vote.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2134**, **HB 2154**, **HB 2176**, **HB 2289**.

Also, adoption of **HCR 5009**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2134, **HB 2154**, **HB 2176**, **HB 2289**; **HCR 5009** were thereupon introduced and read by title.

REPORT ON ENGROSSED BILLS

SB 30, **SB 55**, **SB 59**, **SB 89**, **SB 147**, **SB 161**, **SB 196**, **SB 254**, **SB 264** reported correctly engrossed February 22, 2001.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator Morris in the chair.

On motion of Senator Morris the following report for the afternoon session was adopted:

Recommended that **SB 137**, **SB 162**, **SB 175**, **SB 180**, **SB 197** be passed.

The committee report on **SB 123** recommending a **Sub SB 123** be adopted, and the substitute bill be passed.

The committee report on **SB 171** recommending a **Sub SB 171** be adopted, and the substitute bill be passed.

A motion by Senator Huelskamp to amend **Sub SB 171** failed and the following amendment was rejected: On page 1, line 30, by striking "political or".

SB 67, **SB 75**, **SB 99**, **SB 126**, **SB 138**, **SB 186**, **SB 214**, **SB 283** be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 108 be amended by adoption of the committee amendments.

Senator Clark moved to amend the bill as amended by Senate Committee, on page 1, in line 24, after "officer", by inserting "or a state legislator", the motion failed and the amendment was rejected.

SB 142 be amended by adoption of the committee amendments.

Senator Feleciano moved to amend **SB 142** as amended by Senate Committee, on page 2, in line 29, by striking "or" and inserting a comma; in line 30, before "organized" by inserting "or a credit union"; after line 31, by inserting the following:

"Sec. 2. K.S.A. 17-2244 is hereby amended to read as follows: 17-2244. (a) In addition to any and all other powers heretofore granted to the credit union administrator, the administrator shall have the power to authorize any credit union to engage in any activity in which such credit union could engage were they operating as a federal chartered or federally insured credit union any authorized insured depository institution at the time such authority is granted, including but not by way of limitation because of enumeration, the power to do any act, and own, possess and carry as assets, property of such character including stocks,

bonds or other debentures which, at the time such authority is granted, are authorized under federal applicable laws and regulations for transactions by federal or federally insured credit unions to be done by any insured depository institution notwithstanding any restrictions elsewhere contained in the statutes of the state of Kansas. Upon receipt of a written request from any state chartered credit union, the administrator shall exercise such power by the issuance of a special order therefor if the administrator deems it reasonably required to preserve and protect the welfare of such an institution and promote the general economy of this state. The issuance of such special orders shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.

~~(b) The administrator shall, at the time of issuing any special order pursuant to this section, submit a written report thereof to the president and the minority leader of the senate and to the speaker and the minority leader of the house of representatives and the credit union council.~~

(b) The administrator shall exercise the power granted in subsection (a) by the issuance of a special order if the administrator deems it reasonably required to preserve and protect the welfare of a particular institution, or if the administrator deems it reasonably required to preserve the welfare of all state credit unions and to promote competitive equality of state and other insured depository institutions. Such special order shall provide for the effective date thereof and upon and after such date shall be in full force and effect until amended or revoked by the administrator. Promptly following issuance, the administrator shall mail a copy of each special order to all state credit unions and shall be published in the Kansas register.

(c) The administrator, at the time of issuing any special order pursuant to this section, shall prepare a written report, which shall include a description of the special order and a copy of the special order, and submit the written report to:

- (1) The president and the minority leader of the senate;*
- (2) the chairperson and ranking minority member of the senate standing committee on financial institutions and insurance;*
- (3) the speaker and the minority leader of the house of representatives;*
- (4) the chairperson and ranking minority member of the house of representatives standing committee on financial institutions; and*
- (5) the governor.*

(d) Within two weeks of the beginning of each legislative session, the administrator shall submit to the chair of the senate standing committee on financial institutions and insurance, and the chair of the house standing committee on financial institutions, a written summary of each special order issued during the preceding year. Upon request of the chair of the senate standing committee on financial institutions and insurance or the chair of the house standing committee on financial institutions, the administrator, or the administrator's designee, shall appear before the committee to discuss any special order issued during the preceding year. If the committee desires information concerning the economic impact of any special order, the committee chair or ranking minority member may request assistance from the division of budget.

(e) The issuance of special orders under this section shall not be subject to the provisions of article 4 of chapter 77 of the Kansas Statutes Annotated.

(f) As used in this statute, "insured depository institution" means a bank, a savings and loan association, a savings bank, or a credit union organized under the laws of the United States, this state, or any other state, whose deposits are insured by the United States government."

And by renumbering sections accordingly;

On page 4, in line 20, by striking "or" and inserting a comma; also in line 20, after "bank" where it appears for the last time by inserting "or a credit union"; in line 23, after "K.S.A." where it appears for the first time, by inserting "17-2244 and";

On page 1, in the title, in line 11, after "K.S.A." by inserting "17-2244 and"

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

On roll call, the vote was: Yeas 7, Nays 31, Present and Passing 2, Absent or Not Voting 0.

Yeas: Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Steineger.

Nays: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Downey, Emler, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Donovan, Lee.

The motion failed and the amendment was rejected.

The Committee recommended **SB 142** be passed as amended by adoption of the committee amendments.

SB 92 be amended by motion of Senator Vratil on page 1, in line 19, by striking all after "property"; by striking all in lines 20 and 21; in line 22, by striking all before the period and inserting ", the value of any special assessment shall not be considered", and **SB 92** be passed as amended.

SB 132 be amended by motion of Senator Goodwin on page 2, line 4, by striking 6 and substituting 7.

Senator Haley moved to amend the bill on page 2, after line 8, by inserting the following:
 "New Sec. 2. If the trier of fact in a trial in which the defendant is charged with a felony finds beyond a reasonable doubt that the defendant intentionally selected the person against whom the felony is committed or selected the property that is damaged or otherwise affected by such felony committed by the defendant in whole or in part because of the defendant's belief or perception regarding the race, color, religion, disability, sexual orientation, national origin, ethnicity or ancestry of that person or the owner or occupant of that property, whether or not the defendant's belief or perception was correct, the defendant's sentence shall be presumed imprisonment and such sentence shall be up to double the maximum duration of the presumptive imprisonment term for the underlying felony.

Sec. 3. K.S.A. 2000 Supp. 21-4716 is hereby amended to read as follows: 21-4716. (a) The sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines for crimes committed on or after July 1, 1993, unless the judge finds substantial and compelling reasons to impose a departure. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) (1) Subject to the provisions of subsection (b)(3), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(2) Subject to the provisions of subsection (b)(3), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

~~(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim.~~

~~(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.~~

~~(E) (D) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to commit or assist in~~

avoiding detection or apprehension for commission of any person felony or any attempt, conspiracy or solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto to commit any person felony regardless of whether the defendant knew the age of the individual under 16 years of age.

~~(E)~~ (E) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization; or

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

~~(F)~~ (F) The defendant was incarcerated during the commission of the offense.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(c) In determining aggravating or mitigating circumstances, the court shall consider:

(1) Any evidence received during the proceeding;

(2) the presentence report;

(3) written briefs and oral arguments of either the state or counsel for the defendant; and

(4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

New Sec. 4. (a) Independent of any criminal prosecution or the result thereof, any person suffering injury or damage to such person or such person's property whether it be physical, emotional or financial injury or damage as a result of felony violation as provided in section 2 and amendments thereto may bring a civil action for damages, injunction or other appropriate relief. The court may award actual damages, including damages for emotional distress or punitive damages. A judgment may include attorney fees and costs.

(b) The attorney general shall collect and disseminate data on incidents of criminal acts that evidence prejudice based on race, color, religion, disability, sexual orientation, national origin, ethnicity or ancestry. All law enforcement agencies shall report monthly to the attorney general concerning such offenses in such form and in such manner as prescribed by rules and regulations adopted by the attorney general. Such information shall be compiled by the attorney general and disseminated upon request to any local law enforcement agency, municipality or state agency. Dissemination of such information shall be subject to all confidentiality requirements otherwise imposed by law. Data required pursuant to this subsection shall be used only for research or statistical purposes and shall not include any information that may reveal the identity of an individual victim of a crime. The attorney general

shall publish an annual summary of the data required pursuant to this subsection. The attorney general shall provide training for all law enforcement officers in identifying, responding to and reporting all offenses as provided in section 2 and amendments thereto. The Kansas law enforcement training commission shall develop and certify a course of such training to be made available to all enforcement officers.”;

And by renumbering sections accordingly;

Also on page 2, in line 9, by striking “is” and inserting “and K.S.A. 2000 Supp. 21-4716 are”;

On page 1, in the title, in line 10, after the semicolon, by inserting “sentencing, hate crimes;”; also in line 10, after “21-3414” by inserting “and K.S.A. 2000 Supp. 21-4716”; in line 11, by striking “section” and inserting “sections”

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

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

Yeas: Adkins, Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Lee, Oleen, Praeger, Schodorf, Steineger.

Nays: Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Goodwin, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Schmidt, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Allen.

The motion failed and the amendment was rejected.

The Committee recommended **SB 132** be passed as amended.

SB 237 be amended by motion of Senator Huelskamp on page 1, in line 15, before “Section” by inserting “New”; in line 41, after “(d)” by inserting “All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from which such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.

(e)”;

Also on page 1, after line 42, by inserting:

Sec. 2. K.S.A. 82a-708a is hereby amended to read as follows: 82a-708a. (a) Any person may apply for a permit to appropriate water to a beneficial use, notwithstanding that the application pertains to the use of water by another, or upon or in connection with the lands of another. Any rights to the beneficial use of water perfected under such application shall attach to the lands on or in connection with which the water is used and shall remain subject to the control of the owners of the lands as in other cases provided by law.

(b) Except as otherwise provided in subsections (d) ~~and (e)~~, (e) and (f), each application for a permit to appropriate water, except applications for permits for domestic use, shall be accompanied by an application fee fixed by this section for the appropriate category of acre feet in accordance with the following:

Acre Feet	Fee
0 to 100.....	\$100
101 to 320.....	\$150
More than 320.....	\$150 + \$10
	for each additional 100
	acre feet or any part thereof

(c) Except as otherwise provided in subsections (d) ~~and (e)~~, (e) and (f), each application for a permit to appropriate water for storage, except applications for permits for domestic use, shall be accompanied by an application fee fixed by this section for the appropriate category of storage-acre feet in accordance with the following:

Storage-Acre Feet	Fee
0 to 250.....	\$100
More than 250	\$100 + \$10
	for each additional 250
	storage-acre feet or any part thereof

(d) Each application for a term permit pursuant to section 1, and amendments thereto, shall be accompanied by an application fee established by rules and regulations of the chief engineer in an amount not to exceed \$400 for the five-year period covered by the permit.

(e) For any application for a permit to appropriate water, except applications for permits for domestic use, which proposes to appropriate by both direct flow and storage, the fee charged shall be only one fee and shall be the fee under subsection (b) ~~or subsection (c), (c) or (d)~~, whichever is larger, but not both fees largest.

~~(e)~~ (f) Each application for a permit to appropriate water for water power purposes shall be accompanied by an application fee of \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the diversion rate requested in the application for the proposed project.

~~(f)~~ (g) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731 and amendments thereto.

Sec. 3. K.S.A. 82a-708a is hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 12, after “element” by inserting “; amending K.S.A. 82a-708a and repealing the existing section”, and **SB 237** be passed as amended.

SB 27 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil as amended by Senate Committee, on page 2, in line 30, by striking “copy of the records prescribed in”; in line 31, by striking “subsection (c)” and inserting “detainer”, and **SB 27** be passed as further amended.

SB 58 having been amended by adoption of the committee amendments, and further amended by motion of Senator Lee in the morning session, be further amended by motion of Senator Schmidt as amended by Senate Committee, on page 2, after line 36, by inserting the following:

“Sec. 3. K.S.A. 17-1773 is hereby amended to read as follows: 17-1773. (a) The commission of any act or practice declared to be a violation of this act shall render the violator liable to the aggrieved contributor, or the state or a county as provided in subsection (c), for the payment of a civil penalty, in a sum set by the court of not more than ~~\$2,000~~ \$10,000 for each violation. An aggrieved contributor is not a required party in actions brought by the attorney general or a county or district attorney pursuant to this act.

(b) Any person who willfully violates the terms of any injunction or court order issued pursuant to this act shall forfeit and pay a civil penalty of not more than ~~\$10,000~~ \$20,000 per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper. For the purposes of this act, the district court issuing an injunction shall retain jurisdiction, and in such cases, the attorney general, acting in the name of the state or the appropriate county attorney or district attorney may petition for recovery of civil penalties.

(c) In administering and pursuing actions under this act, the attorney general and the county attorney or district attorney are authorized to sue for and collect reasonable expenses and investigation fees as determined by the court. Civil penalties or contempt penalties sued for and recovered by the attorney general shall be paid into the general fund of the state. Civil penalties and contempt penalties sued for and recovered by the county attorney or district attorney shall be paid into the general fund of the county where the proceedings were instigated.”;

And by renumbering sections accordingly;

Also on page 2, in line 37, after “K.S.A.” by inserting “17-1773 and”; also in line 37, by striking “is” and inserting “are”;

On page 1, in the title, in line 10, after the second semicolon, by inserting “charitable organizations; penalties;”; in line 11, after “K.S.A.” by inserting “17-1773 and”; also in line 11, by striking “section” and inserting “sections”, and **SB 58** be passed as further amended.

SB 83 be amended by adoption of the committee amendments, be further amended by motion of Senator Clark on page 7, line 3, by striking the words "statute book" and inserting the words "Kansas Register", and **SB 83** be passed as further amended.

SB 172 be amended by adoption of the committee amendments, be further amended by motion of Senator Clark as amended by Senate Committee, on page 1, in line 19, following "vehicle" by inserting "manufactured or assembled after January 1, 1968," and **SB 172** be passed as further amended.

SB 176 be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil as amended by Senate Committee, on page 1, in line 21, by striking all after "person"; by striking all after line 21;

On page 2, by striking all before line 5 and inserting "licensed as a professional by a regulating board in this state."; in line 5, after "the" by inserting "court," and **SB 176** be passed as further amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 27, SB 58, SB 67, SB 75, SB 83, SB 92, SB 99, SB 108, Sub SB 123, SB 126, SB 132, SB 137, SB 138, SB 142, SB 162, Sub SB 171, SB 172, SB 175, SB 176, SB 180, SB 186, SB 197, SB 214, SB 237, SB 283** were advanced to Final Action and roll call.

SB 27, An act concerning corrections; relating to transfer of offenders; amending K.S.A. 2000 Supp. 75-5220 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 58, An act relating to consumer protection; prohibiting certain acts; charitable organizations; penalties; amending K.S.A. 17-1773 and 50-636 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 67, An act relating to driving under the influence of alcohol or drugs; concerning penalties; suspension of driving privileges; amending K.S.A. 2000 Supp. 8-1001, 8-1014 and 8-1567a and repealing the existing sections.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Adkins, Gooch, Haley, Schmidt.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **SB 67** because this bill would reduce the consequences imposed on some drivers who operate a vehicle under the influence of alcohol or drugs. I cannot support any retreat in the penalties imposed under current law for such a serious offense. I support a zero tolerance policy for underaged drivers who drink and drive. A first

offense or test failure or refusal should result in a year long suspension of driving privileges regardless of the level of blood alcohol content. However, I believe current law is flawed in that penalties for those under age 21 with a blood alcohol level over .08 may receive a lesser penalty than those drivers under age 21 whose BAC is between .02 and .08. This discrepancy should be addressed by increasing penalties for those with a BAC of .08 or greater.—DAVID ADKINS

SB 75, An act concerning the joint committee on state-tribal relations; amending K.S.A. 46-2303 and repealing the existing section.

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

Yeas: Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Adkins, Brownlee, Haley.

The bill passed, as amended.

SB 83, An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-129 and 40-3118 and K.S.A. 2000 Supp. 8-173 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 92, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Gilstrap.

The bill passed, as amended.

SB 99, An act concerning crimes, criminal procedure and punishment; relating to the offender registration act; amending K.S.A. 2000 Supp. 22-4902, 22-4904, 22-4905, 22-4906, 22-4907, 22-4908 and 22-4909 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 108, An act concerning campaign finance; establishing requirements for electronic filing of reporting of campaign contributions.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Downey, Feleciano, Gilstrap, Goodwin, Hensley, Huelskamp, Jenkins, Kerr, Lee, Morris, Oleen, Praeger, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brungardt, Clark, Corbin, Donovan, Emler, Gooch, Haley, Harrington, Jackson, Jordan, Lyon, O'Connor, Pugh, Salmans, Steineger, Tyson, Wagle.

The bill passed, as amended.

Sub SB 123. An act concerning insurance; relating to the licensure of insurance agents; repealing K.S.A. 40-240, 40-240f, 40-241a, 40-241b, 40-241c, 40-241d, 40-241e, 40-241f, 40-241g, 40-241i, 40-242, 40-245, 40-246, 40-3701, 40-3702, 40-3703, 40-3704, 40-3705, 40-3706, 40-3707, 40-3708, 40-3709, 40-3710, 40-3711, 40-3712, 40-3713 and 40-3714.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed.

SB 126. An act concerning elections; relating to recounts for statewide offices; amending K.S.A. 25-3107 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 132. An act concerning crimes, criminal procedure and punishment; relating to aggravated battery; amending K.S.A. 21-3414 and repealing the existing section.

On roll call, the vote was: Yeas 16, Nays 23, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Corbin, Donovan, Downey, Goodwin, Jenkins, Kerr, Lee, Morris, Praeger, Schmidt, Teichman, Umbarger, Vratil.

Nays: Barone, Brownlee, Brungardt, Clark, Emler, Feleciano, Gilstrap, Haley, Harrington, Hensley, Huelskamp, Jackson, Jordan, Lyon, O'Connor, Oleen, Pugh, Salmans, Schodorf, Steineger, Taddiken, Tyson, Wagle.

Present and Passing: Gooch.

A constitutional majority having failed to vote in favor of the bill, **SB 132** did not pass.

SB 137. An act enacting the Kansas estate tax apportionment act; repealing K.S.A. 2000 Supp. 79-15,120, 79-15,121, 79-15,122, 79-15,123 and 79-15,124.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 138. An act relating to property taxation; concerning the exemption for farm storage and drying equipment; amending K.S.A. 79-201d and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 142. An act concerning financial institutions; relating to the authority to issue special orders; amending K.S.A. 17-5601 and K.S.A. 2000 Supp. 9-1715 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The bill passed, as amended.

SB 162, An act concerning veterinarians; amending K.S.A. 47-816, 47-822 and 47-825 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The bill passed.

Sub SB 171, An act concerning the governor; relating to travel on state aircraft; amending K.S.A. 74-2105 and repealing the existing section.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

Nays: Brownlee, Clark, Emler, Huelskamp, Lyon, Pugh, Salmans.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote Yes on **Sub SB 171**. The intent of this bill is to require the superintendent of the Kansas Highway Patrol to allow the Governor and the Governor's family to travel only in those modes of transportation that are specifically determined to be safe. Under no circumstances should our Governor ever be encouraged or required to travel by vehicle, watercraft or aircraft when such mode of transportation would compromise the interests of the citizens of Kansas in the safety and security of our Governor.—DAVID ADKINS

SB 172, An act regulating traffic; concerning the use of child passenger safety seats and safety belts; amending K.S.A. 8-2504 and K.S.A. 2000 Supp. 8-1343a, 8-1344 and 8-1345 and repealing the existing sections.

On roll call, the vote was: Yeas 22, Nays 18, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brungardt, Donovan, Downey, Emler, Gooch, Goodwin, Haley, Jenkins, Jordan, Kerr, Morris, Oleen, Praeger, Salmans, Schmidt, Schodorf, Teichman, Umbarger, Vratil.

Nays: Barone, Brownlee, Clark, Corbin, Feleciano, Gilstrap, Harrington, Hensley, Huelskamp, Jackson, Lee, Lyon, O'Connor, Pugh, Steineger, Taddiken, Tyson, Waggle.

The bill passed, as amended.

SB 175, An act concerning consumer protection; relating to certain remedies under the consumer protection act; amending K.S.A. 50-632 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The bill passed.

SB 176. An act concerning corporations; relating to professional corporations; amending K.S.A. 2000 Supp. 17-2707 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 180. An act repealing the Kansas performance review act; repealing K.S.A. 75-7101, 75-7102, 75-7103, 75-7104, 75-7105 and 75-7107.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Gilstrap.

The bill passed.

SB 186. An act concerning the behavioral sciences regulatory board; investigations and procedures conducted by the board; access to evidence; issuance of subpoenas; confidentiality of information; amending K.S.A. 74-7508 and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Pugh.

The bill passed, as amended.

SB 197. An act concerning civil procedure; relating to liens; filing time; amending K.S.A. 60-1102 and 60-1103, as amended by section 7 of chapter 175 of the 2000 Session Laws of Kansas, and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Nays: Goodwin, Huelskamp, Teichman.

The bill passed.

SB 214. An act concerning the Kansas state board of mortuary arts; regulating crematories; amending K.S.A. 65-1723 and 65-1732 and K.S.A. 2000 Supp. 65-1727 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 237. An act supplementing the Kansas water appropriation act; providing for certain accounts for deposit of certain water under a water right; providing for term permits for use of such water, less a conservation element; amending K.S.A. 82a-708a and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

The bill passed, as amended.

SB 283, An act concerning local units of government; relating to the seizure of automobiles by cities and counties.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Waggle.

Nays: Gilstrap, Haley, Steineger.

The bill passed, as amended.

CHANGE OF REFERENCE

The President withdrew **SB 281** from the Committee on Education and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 76**, **SB 146**, **SB 151**, **SB 233** from the Calendar under the heading of "General Orders" and referred the bills to the Committee on Ways and Means.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2059**, **HB 2075**, **HB 2083**, **HB 2120**, **HB 2127**, **HB 2133**, **HB 2207**, **HB 2224**, **HB 2263**, **HB 2328**, **HB 2457**, **HB 2471**.

Also, adoption of **HCR 5011**, **HCR 5023**.

The House nonconcur in Senate amendments to **HB 2029**, requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2059, **HB 2075**, **HB 2083**, **HB 2120**, **HB 2127**, **HB 2133**, **HB 2207**, **HB 2224**, **HB 2263**, **HB 2328**, **HB 2457**, **HB 2471**; **HCR 5011**, **HCR 5023** were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2029**.

The President appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

STRICKEN FROM THE CALENDAR

On motion of Senator Donovan **SB 114**, appearing under the heading of "General Orders", was stricken from the Calendar.

On motion of Senator Donovan the Senate adjourned until 9:30 a.m., Friday, February 23, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

