

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 14, 2001—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Dr. Arno H. Meyer, Pastor, Prince of Peace Lutheran Church, Topeka, Kansas, who delivered the invocation:

Gracious Lord God, hear our prayer. Our prayer, first of all, is to thank You for our leaders in government and all who are in authority, for their willingness to invest their lives in public service.

Give them wisdom and understanding that they may rule us well and that we may live quiet and peaceable lives in all godliness and honesty.

Bless all of us in this room, in this city, in this state, and in this country, that we may accept and discharge the responsibilities of citizenship with intelligence and loyalty.

Where we are divided, unite us;
Where we are prejudiced, correct us;
Where we are weak, strengthen us;
Where we are proud, humble us;
Where we are self-satisfied, arouse us;
Where we are unjust, change us.

In all things, may Your will be done.

Hear this prayer in the name of Jesus Christ, the Prince of Peace, the King of Kings and the Lord of Lords.

Amen.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **SB 355**.

Education: **SB 356**.

Ways and Means: **SB 357**.

MESSAGE FROM THE GOVERNOR

March 14, 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 March 14, 2001, pursuant to law.

BILL GRAVES
Governor

Member, Public Employee Relations Board, Shirley A. Sicilian, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate to serve a four-year term ending March 15, 2005.

Member, Public Employee Relations Board, Gregory M. Windholz, pursuant to the authority vested in me by K.S.A. 75-4323, effective upon the date of confirmation by the Senate to serve a four-year term ending March 15, 2005.

COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF ADMINISTRATION
Division of Information Systems and Communications

March 12, 2001

Don Heiman, Director, Division of Information Systems and Communications, submitted the first Annual Report produced by the Department of Administration-Division of Information Systems and Communications (DISC), providing a road map and summary of the activities and accomplishments of DISC in FY 2000.

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.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2505**.

Passage of **SB 101**.

Adoption of **HCR 5021**.

Passage of **SB 10**, as amended, **SB 37**, as amended.

The House accedes to the request of the Senate for a conference on **SB 178** and has appointed Representatives Mays, Hutchins and Rehorn as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2505; HCR 5021 were thereupon introduced and read by title.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointments, submitted by the Governor to the senate for confirmation, were considered.

Senator Oleen moved the following appointments be confirmed as recommended by the Standing Senate Committees:

On the appointment to the:

Kansas Public Employees' Retirement System, Board of Trustees:

Michael Braude, term expires January 15, 2005.

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 appointment was confirmed.

On the appointment to the:

Kansas Technology Enterprise Corporation, Board of Directors:

Robert S. Krause, term expires January 15, 2005.

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 appointment was confirmed.

On the appointment to the:

Kansas Technology Enterprise Corporation, Board of Directors:

John G. Voeller, term expires January 15, 2005.

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 appointment was confirmed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators 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 and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1827—

A RESOLUTION in memory of Robert F. Bennett.

WHEREAS, Robert F. Bennett, the 39th governor of the state of Kansas, died October 9, 2000, at the age of 73. A great figure in Kansas politics, Governor Bennett left a long legacy of public service: Prairie Village City Councilman, 1955-57; third mayor of Prairie Village, 1957-65; Kansas state senator, 1965-75; President of the Kansas Senate, 1973-75 and Governor of Kansas, 1975-79; and

WHEREAS, Robert F. Bennett, who was adopted while an infant, graduated from Shawnee Mission High School and earned undergraduate and law degrees from the University of Kansas. During World War II and the Korean Conflict he served in the United States Marines. As the founder of the law firm of Bennett, Lytle, Wetzler, Winn and Martin, he returned to the private practice of law with this firm upon completion of his term as governor; and

WHEREAS, Under the provisions of a law passed in 1972, Robert F. Bennett was the first President of the Kansas Senate to be elected by the membership of the Senate; previously the Lieutenant Governor had presided over the Senate. As President he worked closely with former House Speaker Pete McGill to close down the multitude of hospitality rooms maintained by lobbyists and to modernize and streamline the operations of the Kansas Legislature. Benchmarks of his leadership in the Senate include the shaping of a statewide school-finance formula and major comprehensive reforms in the areas of corrections, child abuse, mental health and education; and

WHEREAS, Robert F. Bennett was the first governor elected to a four-year term instead of the previous two-year term and is undoubtedly the most intellectual governor the state has had. Known as an accomplished orator, his speeches, while largely extemporaneous, attracted and kept the attention of his listeners, and his extensive vocabulary often sent reporters scurrying to their dictionaries. A master of state operations large and small, he was the first governor to preside over budget hearings personally quizzing agency heads as to the need and justification for requested items. His administration is remembered for its focus on education and transportation. He loved the business of governing. Considering the lack of confidence in public institutions during times eroded by the Vietnam War and Watergate, Governor Bennett's administration is remembered as one that established and maintained high ethical standards; and

WHEREAS, Upon his return to private life, Governor Bennett played a behind-the-scenes role in state and local politics. Eschewing the economic benefits of lobbying, he gave

freely of his time and skills to public service. He served as cochairman of the Kansas Citizens Justice Institute, an 18-month study of the Kansas court system, and headed the Governor's Property Tax Review Commission studying the merits of the state's tax system. In addition to being honored by many of the civic and fraternal organizations to which he belonged, he also was named Kansan of the Year, received the Distinguished Service Citation from the University of Kansas, the Kansas Supreme Court Justice Award and was named the Distinguished Statesman by the Native Sons and Daughters of Kansas; and

WHEREAS, Robert F. Bennett was a person who lived life fully. An early riser, he frequently completed what would be a full day's work for many by lunchtime. Lunches were times to socialize and to eat heartily. Although lunch associates were varied many knew of his preference for things fried, and served with gravy, his enjoyment of the "whitest, driest, coldest" wine available and his aversion to green vegetables; and

WHEREAS, Robert F. Bennett is survived by his wife, First Lady Olivia Bennett, a son, Robert F. Bennett, Jr., daughters, Virginia Lee Hesler, Cathy K. Bennett and Patricia Ann Bennett, a stepson, John Shepard, plus 10 grandchildren: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we extend our deepest sympathy to the family of Robert F. Bennett; and

Be it further resolved: That we urge all Kansans to honor the memory of Governor Robert F. Bennett, a leader whose legacy lives on; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mrs. Robert F. Bennett, 9539 Ash, Prairie Village, Kansas 66207.

On emergency motion of Senator Adkins **SR 1827** was adopted unanimously.

Introduced as guests were Governor Bennett's son, Robert F. Bennett, Jr. and three of his grandchildren, Robert F. Bennett, III, Sarah Ellen Bennett and Erin Alice Hesler, who were serving as pages.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2055** be amended in line 13, by striking "taxable years 2001, 2002, 2003, 2004 and 2005" and inserting "all taxable years commencing after December 31, 2000"; and the bill be passed as amended.

Also **HB 2063** be amended on page 5, in line 39, by striking all after "dormitory"; by striking all in line 40; in line 41, by striking all before "and"; after line 42, by inserting a new paragraph to read as follows"

"*Twentieth.* For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein."; and the bill be passed as amended.

HB 2221, as amended by House Committee of the Whole, be amended on page 1, in line 28, by striking all after "city"; by striking all in line 29; in line 30, by striking all before "may"; in line 34, after the period, by inserting "The tax imposed pursuant to this paragraph and the tax imposed pursuant to paragraph (5) of subsection (b) by any county within which such city is located shall not exceed 1%.";

On page 3, in line 30, by striking all after the period; by striking all in lines 31 through 35; in line 36, by striking all before "The" and inserting "The tax imposed pursuant to this paragraph and the tax imposed pursuant to paragraph (2) of subsection (a) by any city located within the county shall not exceed 1%.";

On page 6, by striking all in lines 25 through 43;

By striking all on pages 7 and 8;

On page 9, by striking all in lines 1 through 3; after line 3, by inserting a new section to read as follows:

"Sec. 2. K.S.A. 2000 Supp. 12-189, as amended by section 1 of 2001 Senate Bill No. 216, is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and

amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75% and the board of county commissioners of Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, 1.75% or 2%;

(g) the board of county commissioners of Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% and the board of county commissioners of Labette County for such purposes may fix such rate at 1.25% or 1.5%; or

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the state director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be

paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 2000 Supp. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer having a place of business in such city or county setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.”;

Also, on page 9, in line 4, before “are” by inserting “, as amended by section 1 of 2001 Senate Bill No. 216.”;

In the title, in line 14, after the semicolon by inserting “concerning health care service sales tax rates;”; in line 15, after “12-189” by inserting “, as amended by section 1 of 2001 Senate Bill No. 216.”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2252** be amended on page 2, in line 17, by striking all after “(a)”; by striking all in lines 18 through 20; in line 21, by striking “(b)”; after line 24, by inserting the following:

“(b) A corporate credit union, in lieu of other reserve requirements, at a minimum, shall set aside an amount equal to the average daily net assets of the corporate credit union, as defined by the administrator, multiplied by .0005 and then multiplied by the number of days in the transfer period divided by 365, until the total amount of the corporate credit union's reserves, undivided earnings and membership shares equal 4% of the net assets of the corporate credit union. The administrator may decrease the amounts required to be set aside by this subsection when in the administrator's opinion such decrease is necessary or desirable.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2137** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also **SB 236** be amended on page 2, in line 1, by striking “in the appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 4, in line 29, by striking “in the appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 6, in lines 5, 28 and 40, by striking “in the appendix of forms” and inserting “pursuant to rules or orders of the supreme court”;

On page 8, in line 37, by striking all after “forms”; in line 38, by striking “forms” and inserting “set forth pursuant to rules or orders of the supreme court”; by striking all in lines 40 through 43;

By striking all on pages 9 through 28; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **SCR 1609** be amended on page 1, in line 13, by striking “more than 39” and inserting “of some 55”; also in line 13 by striking “medicare eligible”; in line 14, by striking “on fixed incomes” and inserting “many”; in line 16, after “1993” by inserting “, of which 2.6% is the average in product price increases, 5.8% is attributable to increases in utilization and 3.8% because of new products and therapies.”; by striking all of lines 27 through 33 and inserting:

“WHEREAS, Pharmaceutical manufacturers spent an estimated \$1.2 billion in 2000 for direct to consumer advertising. While advertising helps educate patients and encourages

patient participation in their own health decisions, such advertising tends to increase utilization of pharmaceutical products and health care costs; and”;

Also on page 1, in line 35, by striking “they discriminate against”; in line 36, by striking “by only providing” and inserting “receive only”; in line 38, by striking “21%” and inserting “20%”; in line 40, by striking “individual”; also in line 40, after the period, by inserting “Unlike some foreign countries, the United States has not chosen to impose price controls on prescription drugs.”; by striking all in lines 41 and 42; and the concurrent resolution be adopted as amended.

Also **HB 2313**, as amended by House Committee, be amended on page 2, in line 16, by striking “within 24”; in line 17, by striking “months of graduation”; also in line 17, by striking all after the period; by striking all in lines 18 through 23; in line 24, by striking “(B)”;

On page 4, in line 18, by striking “within 24”; in line 19, by striking “months of graduation”; also in line 19, by striking all after the period; by striking all in lines 20 through 25; in line 26, by striking “(B)”;

On page 12, in line 10, by striking the period and inserting: “; or

(4) prior to July 1, 2001, qualified under paragraph (3) of this subsection (c), as such subsection existed immediately prior to July 1, 2001, to perform an expanded scope of intravenous fluid therapy.”;

On page 14, in line 3, before “courses” by inserting “approved”; in line 4, by striking “approved in”; in line 5, by striking all before the semicolon; in line 39, by striking “within 24 months of graduation”; also in line 39, by striking “(1) Per-”; by striking all in lines 40 through 43;

On page 15, by striking all in line 1; in line 2, by striking “(2)”;

and the bill be passed as amended.

HB 2497 be amended on page 1, after line 17, by inserting the following:

“Section 1. K.S.A. 46-1604 is hereby amended to read as follows: 46-1604. (a) There is hereby created the joint committee on economic development which shall be composed of five senators and eight members of the house of representatives. The five senate members shall be ~~the chairperson of the standing committee on commerce of the senate, or a member of such committee appointed by the chairperson, two~~ *composed of three* members of such committee appointed by the president and two members ~~of such committee~~ appointed by the minority leader. The eight representative members shall be ~~the chairperson of the standing committee on economic development of the house of representatives, or a member of such committee appointed by the chairperson, four~~ *composed of five* members of such committee appointed by the speaker and three members ~~of such committee~~ appointed by the minority leader.

(b) All members of the joint committee on economic development shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. ~~The chairperson and vice chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice chairperson shall be one of the representative members selected by the speaker. Thereafter,~~ On and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president and, on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker. The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on economic development may meet at any time and at any place within the state on the call of the chairperson.

(d) The provisions of the acts contained in article 12 of chapter 46 of the Kansas Statutes Annotated, and amendments thereto, applicable to special committees shall apply to the

joint committee on economic development to the extent that the same do not conflict with the specific provisions of this act applicable to the joint committee.

(e) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on economic development.

(f) The joint committee on economic development may introduce such legislation as it deems necessary in performing its functions.

Sec. 2. K.S.A. 46-1801 is hereby amended to read as follows: 46-1801. (a) There is hereby established a joint committee on the arts and cultural resources which shall consist of five senators and five members of the house of representatives. The senate members shall be appointed by the committee on organization, calendar and rules. The house of representative members shall be appointed by the speaker of the house of representatives. ~~Not less than one representative member shall be a member of the house committee on appropriations and not less than one senator member shall be a member of the senate committee on ways and means. In addition, not less than one representative member shall be a member of the house committee on economic development and not less than one senator member shall be a member of the senate committee on commerce.~~ The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section.

(b) A quorum of the joint committee on the arts and cultural resources shall be six. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson of the joint committee shall be the designated member of the house of representatives from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson of the joint committee shall be the designated member of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on the arts and cultural resources shall study, investigate and analyze the following matters:

(1) The goals appropriate to the future of the arts and cultural life of Kansas including, but not limited to, the following: Public art; individual artists; films, video, radio and music; and historic preservation;

(2) the role the legislature and state government should play in the achievement of these goals;

(3) arts legislation in other states and at the federal level;

(4) the budget and programs of the Kansas arts commission and other state supported arts and cultural programs and agencies;

(5) the present status of arts education in Kansas; and

(6) the economic impact of arts and cultural resources in Kansas.

(d) The joint committee shall report to the legislature on or before December 31 each year any finding and recommendations concerning the arts in Kansas which the joint committee deems appropriate. The joint committee may introduce such legislation as it deems necessary in performing its functions.

(e) The joint committee on the arts and cultural resources shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(f) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

Sec. 3. K.S.A. 46-2201 is hereby amended to read as follows: 46-2201. (a) There is hereby created the joint committee on pensions, investments and benefits ~~which. On and after July 1, 2001, the joint committee~~ shall be composed of ~~five six~~ senators and ~~eight seven~~ members of the house of representatives. ~~Of the five six senate members shall be the chairperson of the standing committee on ways and means of the senate, or a member of such committee appointed by the chairperson, two members~~ *four shall be* appointed by the president and two ~~members shall be~~ appointed by the minority leader. ~~Of the eight seven representative members shall be the chairperson of the standing committee on appropriations of the house of representatives, or a member of such committee appointed by the chairperson, four members~~ *five shall be* appointed by the speaker and ~~three members~~ *two shall be* appointed by the minority leader.

(b) ~~The terms of all members of the joint committee on pensions, investments and benefits appointed prior to the effective date of this act are hereby terminated on July 1, 2001.~~ All members of the joint committee on pensions, investments and benefits ~~appointed on and after July 1, 2001,~~ shall serve for terms ending on the first day of the regular legislative session in odd-numbered years. ~~The chairperson and vice-chairperson serving on the effective date of this act will continue to serve in such capacities through June 30, 1998. On and after July 1, 1998, and until the first day of the 1999 regular legislative session, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members selected by the speaker. Thereafter, on and after the first day of the regular legislative session in odd-numbered years, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president. On and after July 1, 2001, and until the first day of the 2002 legislative session, the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members of the joint committee selected by the president. Thereafter, on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the joint committee selected by the speaker and on and after the first day of the regular legislative session in odd-numbered years the chairperson shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president.~~ The chairperson and vice-chairperson of the joint committee shall serve in such capacities until the first day of the regular legislative session in the ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) The joint committee on pensions, investments and benefits shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of such committee authorized by the legislative coordinating council.

(d) In accordance with K.S.A. 46-1204 and amendments thereto, the legislative coordinating council may provide for such professional services as may be requested by the joint committee on pensions, investments and benefits.

(e) The joint committee on pensions, investments and benefits may introduce such legislation as deemed necessary in performing such committee's functions.

(f) The joint committee on pensions, investments and benefits shall:

(1) Monitor, review and make recommendations regarding investment policies and objectives formulated by the board of trustees of the Kansas public employees retirement system;

(2) review and make recommendations relating to benefits for members under the Kansas public employees retirement system;

(3) consider and make recommendations to the standing committee of the senate specified by the president of the senate relating to the confirmation of members of the board of trustees of the Kansas public employees retirement system appointed pursuant to K.S.A. 74-4905 and amendments thereto. The information provided by the Kansas bureau

of investigation or other criminal justice agency pursuant to subsection (h) of K.S.A. 74-4905 and amendments thereto relating to the confirmation of members of the board to the standing committee of the senate specified by the president shall be forwarded by the Kansas bureau of investigation or such other criminal justice agency to such joint committee for such joint committee's consideration and other than conviction data, shall be confidential and shall not be disclosed except to members and employees of the joint committee as necessary to determine qualifications of such member. The committee, in accordance with K.S.A. 75-4319 and amendments thereto shall recess for a closed or executive meeting to receive and discuss information received by the committee pursuant to this subsection; and

(4) review and make recommendations relating to the inclusion of city and county correctional officers as eligible members of the Kansas police and firemen's retirement system.

New Sec. 4. (a) There is hereby created the joint committee on health care oversight, hereinafter "committee," to oversee the necessary changes in state laws and regulations made necessary by federal law and, to the fullest extent possible, implement health care reform specific to Kansas needs.

(1) The committee shall be composed of 14 members of the legislature appointed as follows: Four members of the house of representatives appointed by the speaker of the house of representatives; three members of the house of representatives appointed by the minority leader of the house of representatives; four members of the senate appointed by the president of the senate; and three members of the senate appointed by the minority leader of the senate. The secretary of health and environment, the secretary of social and rehabilitation services, the director of the budget and the commissioner of insurance shall be advisors to the committee.

(2) A quorum of the committee shall be eight. All actions of the committee may be taken by a majority of those present when there is a quorum. On and after July 1, 2001, and until the first day of the 2002 legislative session, the chairperson shall be one of the representative members of the committee selected by the speaker and the vice-chairperson shall be one of the senate members of the committee selected by the president. Thereafter, in even-numbered years the chairperson of the committee shall be the member of the senate selected by the president and the vice-chairperson of the committee shall be the member of the house selected by the speaker from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. In odd-numbered years, the chairperson of the committee shall be the member of the house of representatives selected by the speaker and the vice-chairperson of the committee shall be the member of the senate selected by the president from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(3) The committee shall be designated a standing joint committee of the legislature and shall have such powers and duties as hereinafter provided. Funding of operations of the committee shall be made from moneys appropriated to the legislature and expenditures of the committee shall be approved by the legislative coordinating council. Administrative support for the committee shall be provided by the division of legislative administrative services.

(4) The joint committee on health care oversight shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka unless authorized to be held in a different place by the legislative coordinating council. Members of the committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(b) The joint committee on health care oversight shall:

(1) Examine changes in federal laws affecting Kansas and propose such changes in Kansas laws and regulations as are necessary to meet the federal requirements.

(2) Cooperate and interact with agencies of the federal government responsible for health care reform.

(3) Consider all health care financing and delivery options now in effect taking into account the actions of other states and the federal government.

(4) Work cooperatively with all relevant state and federal agencies, health care providers, payors and consumer groups in the development of an integrated health plan for all Kansans.

(5) Receive, analyze and make recommendations related to the state health care data base developed by the health care data governing board.

(6) Develop plans for health care cost containment.

(7) Study and make recommendations for legislative action to integrate health care financing and coverage with other states.

(8) Recommend legislative actions necessary to assure accessibility of services to residents of underserved areas.

(9) Provide recommendations if federal or state laws require inclusion of the medical care component of workers compensation and automobile insurance into all inclusive health care coverage.

(10) Oversee the implementation and operation of the children's health insurance plans created under the provisions of K.S.A. 38-2001 *et seq.*, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001 and amendments thereto and other children's issues as the committee deems necessary.

(11) Make recommendations on tort reform for medical liability and for state antitrust reform and federal antitrust modifications.

(c) The committee may introduce legislation.

(d) All officers and employees of the state shall provide such information and assistance as may be deemed necessary by the committee. Staff assistance shall be provided by the office of the revisor of statutes, the legislative research department and such other legislative offices and employees as may be directed by the legislative coordinating council.

(e) The department of health and environment is hereby designated the contact agency for the state of Kansas with reference to federal health care reform measures. The department of health and environment shall not make any decision with reference to federal health care reform measures not otherwise authorized by the legislature or which would be inconsistent with existing law.

New Sec. 5. (a) There is hereby created the SRS oversight committee. On and after July 1, 2001, the oversight committee shall consist of 12 members as follows:

(1) Three members who shall be appointed by the chairperson of the house appropriations committee, from among the members of the house appropriations committee, of whom two are members of the majority party and one is a member of the minority party;

(2) three members who shall be appointed by the chairperson of the senate ways and means committee, from among the members of the senate ways and means committee, of whom two are members of the majority party and one is a member of the minority party;

(3) three members who shall be appointed by the speaker of the house of representatives at least two of whom shall be members of the house committee on health and human services, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party; and

(4) three members who shall be appointed by the president of the senate at least two of whom shall be members of the senate committee on public health and welfare, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(b) (1) On and after July 1, 2001, and until the first day of the 2002 legislative session, the chairperson of the committee shall be one of the representative members of the committee selected by the speaker and the vice-chairperson shall be one of the senate members of the committee selected by the president. Thereafter, on and after the first day of the regular legislative session in even-numbered years, the chairperson shall be one of the senate members of the joint committee selected by the president and the vice-chairperson shall be one of the representative members of the committee selected by the speaker and on and after the first day of the regular legislative session in odd-numbered

years the chairperson shall be one of the representative members of the committee selected by the speaker and the vice-chairperson shall be one of the senate members selected by the president.

(2) If a vacancy occurs in the office of any member of the SRS oversight committee, a successor shall be appointed in the same manner as the original appointment.

(c) The oversight committee shall meet on call of the chairperson. All such meetings shall be held in Topeka unless authorized to be held in a different place by the legislative coordinating council. Members of the oversight committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto, when attending meetings of such committee.

(d) (1) The oversight committee shall monitor the long-term care programs that were transferred from the secretary of social and rehabilitation services to the secretary of aging. The oversight committee shall ensure that the transfer of the long-term care programs does not lead to a loss of services by consumers.

(2) The oversight committee shall monitor, review and make recommendations relating to privatization efforts at the state hospitals, the closure of hospital beds, the downsizing of staff, the closure of Topeka state hospital and Winfield state hospital and training center, the funding of community services and the availability of adequate community services.

(3) The oversight committee shall monitor, review and make recommendations relating to (A) privatization of children service programs of the department of social and rehabilitation services including family preservation, foster care and adoption programs, (B) privatization of child support collection programs and any other programs of the department of social and rehabilitation services, and (C) privatization of any programs of the department on aging.

(4) The SRS oversight committee shall monitor, review and make recommendations relating to federal social welfare reform laws and the regulations and policies implementing such laws and the activities of the department of social and rehabilitation services relating to such federal laws, regulations and policies and the operation of the home and community based services programs.

(5) The oversight committee shall annually prepare a report on findings and recommendations which shall be provided to the legislature on or before the first day of each legislative session.

Sec. 6. K.S.A. 2000 Supp. 65-6206 is hereby amended to read as follows: 65-6206. (a) A task force on long-term care services is hereby established to study state and federal laws and rules and regulations which impact on the services provided by government and the private sector to citizens who are consumers of long-term care services, the financing of these services, both public and private, the effectiveness of partnering activities between state agencies and long-term care providers and such other matters relating thereto as the task force deems appropriate.

(b) The task force shall consist of 20 members appointed as follows:

(1) Seven members appointed by the legislative coordinating council, three of whom shall be consumers of long-term care services, three of whom shall be providers of long-term care services and one of whom shall be a trustee or board member of a long-term care facility *and no more than two such members shall reside in any one congressional district;*

(2) two members appointed by the president of the senate and the speaker of the house of representatives, ~~one of whom shall be a member of the senate committee on ways and means and one of whom shall be a member of the house committee on appropriations and~~ both of whom shall be from different political parties;

(3) two members appointed by the president of the senate, ~~one of whom shall be a member of the senate committee on public health and welfare and one of whom shall be a member of the senate committee on financial institutions and insurance;~~

(4) two members appointed by the minority leader of the senate, ~~one of whom shall be a member of the senate committee on public health and welfare and one of whom shall be a member of the senate committee on financial institutions and insurance;~~

(5) two members appointed by the speaker of the house of representatives, ~~one of whom shall be a member of the house committee on health and human services and one of whom shall be a member of the house committee on insurance;~~

(6) ~~two members appointed by the minority leader of the house of representatives, one of whom shall be a member of the house committee on health and human services and one of whom shall be a member of the house committee on insurance. Of the seven members appointed by the legislative coordinating council, no more than two members shall reside in any one congressional district;~~

(7) one member shall be the secretary of social and rehabilitation services or the secretary's designee;

(8) one member shall be the secretary of health and environment or the secretary's designee; and

(9) one member shall be the secretary of aging or the secretary's designee.

(c) The legislative coordinating council shall appoint the chairperson and vice-chairperson from among the membership of the task force, the chairperson to be appointed from among the legislator members of the task force. Staffing for the task force shall be available from the legislative research department, the revisor of statutes office and the division of legislative administrative services if authorized by the legislative coordinating council.

(d) The members of the task force shall receive reimbursement for attending meetings of the task force as authorized by the legislative coordinating council consistent with the provisions of K.S.A. 46-1209 and amendments thereto.

(e) The task force shall prepare and submit a report and recommendations to the governor and to the legislature on or before the second Monday of January each year through 2005. In developing such recommendations the task force shall give consideration to creative, common sense solutions and approaches to problems which do not necessarily require additional expenditures of money.

(f) As used in this section, the term "long-term care" includes a broad spectrum of supports, ranging from skilled nursing services to assistance with activities of daily living or help with instrumental activities of daily living.

(g) The provisions of this section shall expire on July 1, 2005.

Sec. 7. K.S.A. 2000 Supp. 2-3703 is hereby amended to read as follows: 2-3703. (a) There is hereby established the remediation linked deposit loan program, which shall be administered by the state treasurer. The program shall be for the purpose of providing loans to eligible persons to pay the costs of corrective action approved by the department of health and environment or taken in accordance with requests or orders issued by the department of health and environment. Such loans shall be made only for projects approved by the board.

(b) The state treasurer may adopt rules and regulations to administer and implement the remediation linked deposit loan program.

(c) On or before February 1 of each year, the state treasurer shall submit to the governor, the senate standing committee on ~~energy and~~ natural resources and the house of representatives standing committee on environment an annual report on the activities of the remediation linked deposit loan program.

Sec. 8. K.S.A. 2000 Supp. 2-3710 is hereby amended to read as follows: 2-3710. The board shall have the following powers, duties and functions:

(a) Administer the fund and the remediation reimbursement program.

(b) Subject to K.S.A. 2000 Supp. 2-3701 through 2-3714, and amendments thereto, adopt rules and regulations concerning the terms and conditions of any reimbursements from the fund.

(c) Adopt rules and regulations establishing, for purposes of the remediation linked deposit loan program and the remediation reimbursement program, criteria for classification and prioritization of properties where contamination was caused by a release of agricultural or specialty chemicals, or both. Classification and prioritization may account for the criteria contained in Kansas department of health and environment's voluntary clean up and property redevelopment program and state cooperator program.

(d) Establish operating standards and procedures which shall include, but not be limited to, the following:

(1) With respect to the remediation linked deposit loan program, provisions governing board approval of projects for which applications for loans may be made;

(2) with respect to the remediation reimbursement program, provisions governing application procedures, determination of eligible corrective action costs, determination of ineligible corrective costs and reimbursement or payment of eligible corrective action costs; and

(3) with respect to both programs, provisions governing conflicts of interest, appeals procedures, review and priority determinations and enforcement of the provisions of K.S.A. 2000 Supp. 2-3701 through 2-3714, and amendments thereto.

(e) Appoint or contract for qualified administrative services subject to the limitation that expenditures from the fund for the administrative expenses of the board and the programs established by K.S.A. 2000 Supp. 2-3701 through 2-3714, and amendments thereto, shall not exceed \$150,000 in any fiscal year.

(f) Annually provide an independent audit of the fund.

(g) On or before February 1 of each year, submit to the governor, the senate standing committee on ~~energy and~~ natural resources and the house standing committee on environment an annual report of the activities and reimbursements for which money from the fund has been expended during the previous fiscal year, including a copy of the independent audit.

Sec. 9. K.S.A. 32-874 is hereby amended to read as follows: 32-874. ~~(a)~~ The secretary of the Kansas department of commerce and housing and the secretary of wildlife and parks, together, shall direct and implement a feasibility study regarding the potential of developing lake resorts in Kansas. The study shall consider ready access from nearby interstate and interstate connected controlled access highways, public transportation systems, facilities and any other factors that may affect tourism to a given site. The study shall consider only sites at existing state parks or lakes.

~~(b) The feasibility study shall be completed by January 1, 1998, with a joint report on the study's results and recommendations derived therefrom to be presented to the legislature, house committee on tourism, senate committee on transportation and tourism and to the governor during the 1998 legislative session.~~

Sec. 10. K.S.A. 32-966 is hereby amended to read as follows: 32-966. The secretary of wildlife and parks and the secretary of transportation shall cooperate in developing a management plan to address reduction of motor vehicle accidents involving deer in those areas of the state experiencing high numbers of such accidents. The management plan shall include methods to identify those areas and methods to inform and communicate with landowners and tenants in those areas regarding measures to reduce local deer populations. ~~The management plan shall be completed on or before January 1, 2001, and the joint report of the secretary of wildlife and parks and the secretary of transportation shall be submitted to the senate standing committee on energy and natural resources, the house standing committee on environment and the governor on or before February 1, 2001.~~

Sec. 11. K.S.A. 2000 Supp. 65-1,195 is hereby amended to read as follows: 65-1,195.

(a) Kansas state university shall cooperate with the department, other agencies and owners and operators of swine facilities to determine best available technology and best management practices.

(b) Within the limitations of appropriations therefor and for the purpose of identifying potential risk of groundwater contamination by swine waste retention lagoons or ponds or land application of swine waste, Kansas state university, as a part of its current evaluation of lagoons and ponds for containment of animal waste, shall conduct nutrient management testing of land where swine waste is applied, including deep soil sampling in areas where land application of swine waste is conducted and in adjacent areas where such waste is not applied. Kansas state university, until completion of the evaluation, shall submit preliminary reports regarding such evaluation on or before the first day of each regular legislative session and, upon completion of the evaluation, shall submit a final report of the evaluation on or before the final day of the next regular legislative session. Each such report shall be submitted to the governor, the senate and house standing committees on agriculture, the senate standing committee on ~~energy and~~ natural resources and the house standing committee on environment.

Sec. 12. K.S.A. 2000 Supp. 65-1,198 is hereby amended to read as follows: 65-1,198.
~~(a) Before January 1, 1999, The secretary shall adopt such rules and regulations as necessary to implement, administer and enforce the provisions of this act.~~

~~(b) On or before the first day of the 1999 and 2000 regular legislative sessions, the secretary shall submit a report regarding implementation of the provisions of K.S.A. 65-171d and K.S.A. 2000 Supp. 65-1,178 through 65-1,196, and amendments thereto, to the house and senate standing committees on agriculture, the senate standing committee on energy and natural resources and the house standing committee on environment.~~

Sec. 13. K.S.A. 2000 Supp. 65-34,154 is hereby amended to read as follows: 65-34,154. On or before the first day of the regular legislative session each year, the secretary shall submit to the members of the standing committee on ~~energy and~~ natural resources of the senate and to the members of the standing committee on environment of the house of representatives a report regarding:

- (a) Receipts of the fund during the preceding calendar year and the sources of the receipts;
- (b) disbursements from the fund during the preceding calendar year and the purposes of the disbursements;
- (c) the extent of corrective action taken under this act during the preceding calendar year; and
- (d) the prioritization of sites for expenditures from the fund.

Sec. 14. K.S.A. 2000 Supp. 66-2011 is hereby amended to read as follows: 66-2011. (a) As used in this section, "the internet" means the international network of interconnected government, educational, and commercial computer networks. An "internet service provider" means an entity that provides end user access to the internet. Nothing in this section shall be construed to mean that the commission has any regulatory jurisdiction over internet service providers. The provisions of this section apply only to those locations of the state where local (7-digit) internet access, which supports at least 14.4 kilobits per second service with no more than 5% blockage during the busiest hour of the service, is not available on or after October 1, 1996.

(b) On or after July 1, 1996 and prior to October 1, 1996, rural telephone companies shall file concurring tariffs to offer internet access in locations identified in subsection (a) to an intraLATA internet service provider of the customer's choice. All rural telephone companies, including local exchange carriers pursuant to subsection (c), shall provide dial-up access to support at least 14.4 kilobit per second service ubiquitously throughout the exchange service area, with 19.2 kilobit per second service on and after July 1, 1999. The commission shall increase the 19.2 kilobit per second requirement when the commission determines that more advanced technology is both technically and economically feasible.

(c) On or after July 1, 1996 and prior to October 1, 1996, all local exchange carriers, other than rural telephone companies, shall file tariffs with the commission for two flat-rate dial-up plans, which would provide internet access in locations identified in subsection (a) to an intraLATA internet service provider of the customer's choice. All such plans shall be approved by the commission if they meet the criteria established in this section. The first plan includes: (1) For off-peak users, a monthly rate of not more than \$15 per line for the hours of 5 p.m. through 7:59 a.m. weekdays and all hours on weekends and federal holidays. Calls placed outside this specified off-peak period shall be billed at prevailing toll rates. (2) For unlimited usage, the rate shall not exceed \$30 per line per month. The commission shall waive imputation considerations in reviewing and approving these service offerings.

(d) If a location was previously eligible for the plans provided in subsection (c) and a new internet service provider establishes a local presence in that location, the local exchange carrier serving the location shall:

- (1) Notify all subscribers of the discounted internet access service that a local internet service provider is now available;
- (2) continue to make the discounted internet access service available to existing subscribers of such service with no deterioration of such service; and
- (3) allow no new subscribers of the discounted internet access service.

(e) Nothing in this section shall be construed to imply that the commission has any regulatory jurisdiction over the internet or internet service providers with respect to quality

of service, rates, billing and collection practices, end-to-end bandwidth, technical support or any other aspects of the business of providing internet access service. However, the commission shall monitor the adequacy of connectivity to internet service providers. Upon complaints of inadequate access, commission staff shall request a seven-day traffic busy line study from the local exchange carrier serving the internet service provider. Commission staff shall analyze the study results to determine whether there is more than 5% access blockage and shall provide the analysis to the internet service provider for consideration and possible action. If the analysis indicates a need for additional capacity and the internet service provider fails to take a corrective action within 45 days after the analysis is provided to such provider by the commission staff, the internet service provider shall be removed from the commission's internet service provider registry and subscribers of such internet service subscriber shall be eligible for the plans provided in subsection (c) if there is no other local internet service provider serving the location.

(f) All internet service providers operating in the state shall register with the commission. Such registration shall include the name of the internet service provider and the provider's address, contact name, phone number, and access line numbers. This information shall be maintained by the commission at the commission's internet home page (<http://www.kcc.state.ks.us>). This information shall be used to determine a requesting customer's eligibility for the plans provided in subsection (c) and to provide a single authoritative listing of internet service provider access numbers for local exchange carriers to use in processing service orders. Absent complaints to commission staff, internet service providers shall be assumed to provide service with 5% or less access blockage upon registration. If, upon complaint and subsequent investigation, access blockage is determined to exceed 5%, the provider shall be removed from the commission's registry.

~~(g) During the 1999 session of the Kansas legislature, the commission shall transmit a report to the chairperson, vice chairperson and ranking minority member of the house standing committee on energy and natural resources, the senate standing committee on transportation and utilities and the joint committee on computers and telecommunications concerning implementation of this section. The report shall include recommendations for revisions in this section necessitated by technological innovation or market changes in the telecommunications industry. The report also may include an expiration date for this section.~~

Sec. 15. K.S.A. 2000 Supp. 68-2003 is hereby amended to read as follows: 68-2003. There is hereby created a body politic and corporate to be known as the Kansas turnpike authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this act in the construction, operation and maintenance of turnpike projects shall be deemed and held to be the performance of an essential governmental function.

The Kansas turnpike authority shall consist of five members. Two members shall be appointed by the governor for terms of four years. The members appointed by the governor shall be residents of the state and shall each year be owners of revenue bonds issued by the Kansas turnpike authority. One member of the authority shall be the secretary of transportation. One member shall be the chairperson of the committee on transportation ~~and tourism~~ of the senate, and one member shall be a member of the committee on transportation of the house of representatives and shall be appointed by the speaker of the house of representatives. Any person appointed by the governor to fill a vacancy on the authority shall be appointed to serve only for the unexpired term, and a member of the authority shall be eligible for reappointment. A member of the authority may be removed by the governor for misfeasance, malfeasance or willful neglect of duty, but only after reasonable notice and a public hearing conducted in accordance with the provisions of the Kansas administrative procedure act. Each member of the authority, before entering upon the member's duties, shall take and subscribe an oath or affirmation as required by law.

The authority shall elect one member as chairperson of the authority and another as vice-chairperson. The authority shall also elect a secretary-treasurer who need not be a member of the authority. The chairperson, vice-chairperson and secretary-treasurer shall serve as officers at the pleasure of the authority. Three members of the authority shall constitute a quorum and the affirmative vote of three members shall be necessary for any action taken

by the authority. No vacancy in the membership of the authority shall impair the right of a quorum to exercise all the rights and perform all the duties of the authority.

Members of the Kansas turnpike authority attending meetings of such authority, or attending a subcommittee meeting thereof authorized by such authority, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 16. K.S.A. 2000 Supp. 74-9001 is hereby amended to read as follows: 74-9001. (a) There is hereby established the council on travel and tourism. The council shall consist of 17 voting members as follows: (1) The chairperson of the standing committee on ~~transportation and tourism~~ commerce of the senate, or a member of the senate appointed by the president of the senate; (2) the vice-chairperson of the standing committee on ~~transportation and tourism~~ commerce of the senate, or a member of the senate appointed by the president of the senate; (3) the ranking minority member of the standing committee on ~~transportation and tourism~~ commerce of the senate, or a member of the senate appointed by the minority leader of the senate; (4) the chairperson of the standing committee on tourism of the house of representatives, or a member of the house of representatives appointed by the speaker of the house of representatives; (5) the vice-chairperson of the standing committee on tourism of the house of representatives, or a member of the house of representatives appointed by the speaker of the house of representatives; (6) the ranking minority member of the standing committee on tourism, or a member of the house of representatives appointed by the minority leader of the house of representatives; and (7) eleven members appointed by the governor. Of the 11 members appointed by the governor, one shall be appointed from a list of three nominations made by the travel industry association of Kansas, one shall be appointed from a list of three nominations made by the Kansas lodging association, one shall be appointed from a list of three nominations made by the Kansas restaurant association, one shall be appointed from a list of three nominations made by the Kansas oil marketers and convenience store association and seven shall be appointed to represent the general public. In addition to the voting members of the council, four members of the council shall serve ex officio: The secretary of commerce, the secretary of transportation, the secretary of wildlife and parks and the secretary of the state historical society. Each ex officio member of the council may designate an officer or employee of the state agency of the ex officio member to serve on the council in place of the ex officio member. The ex officio members of the council, or their designees, shall be nonvoting members of the council and shall provide information and advice to the council.

(b) Legislator members shall be appointed for terms coinciding with the terms for which such members are elected, except that on July 1, 1997, the four legislator members serving on the commission immediately prior to such date shall cease to be members of the council and the legislator members specified in paragraphs (1) and (2) of subsection (a) shall serve on the council. Of the 11 members first appointed by the governor, six shall be appointed for terms of three years and five shall be appointed for terms of two years as determined by the governor. Thereafter, all members appointed by the governor shall be appointed for terms of three years. All members appointed to fill vacancies in the membership of the council and all members appointed to succeed members appointed to membership on the council shall be appointed in like manner as that provided for the original appointment of the member succeeded.

(c) As soon as possible after the effective date of this act and on July 1, thereafter, the council shall elect a chairperson and vice-chairperson from among its members. The council shall meet at least four times each year at the call of the chairperson of the council. Nine voting members of the council shall constitute a quorum.

(d) Members of the council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be paid amounts for mileage as provided in subsection (c) of K.S.A. 75-3223 and amendments thereto, or a lesser amount as determined by the secretary of commerce. Amounts paid under this subsection (d) to ex officio members of the council, or their designees, shall be from appropriations to the state agencies of which such members are officers or employees upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief administrative officers of such agencies. Amounts paid under this subsection (d) to voting members of the

council shall be from moneys available for the payment of such amounts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the council.

Sec. 17. K.S.A. 2000 Supp. 79-32,204 is hereby amended to read as follows: 79-32,204.

(a) As used in this section:

(1) Terms have the meanings provided by K.S.A. 2000 Supp. 65-1,178 and amendments thereto.

(2) "Qualified swine facility" means a swine facility that: (A) Is owned and operated by a sole proprietorship or partnership or by a family farm corporation, authorized farm corporation, limited liability agricultural company, family farm limited liability agricultural company, limited agricultural partnership, family trust, authorized trust or testamentary trust, as defined by K.S.A. 17-5903 and amendments thereto; and (B) is utilizing its swine waste management system on January 1, 1998.

(3) "Required improvements to a qualified swine facility" means capital improvements that the secretary of health and environment certifies to the director of taxation: (A) Are required for a qualified swine facility to comply with the standards and requirements established pursuant to K.S.A. 2000 Supp. 65-1,178 through 65-1,198 or pursuant to the amendments made by this act to K.S.A. 65-171d; and (B) are not required because of expansion for which a permit has not been issued or applied for before the effective date of this act.

(b) There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to not more than 50% of the costs incurred by the taxpayer for required improvements to a qualified swine facility. The tax credit allowed by this subsection shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the taxpayer may carry over the amount thereof that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year succeeding the year in which the costs are incurred.

(c) The provisions of this section shall be applicable to all taxable years commencing after December 31, 1997.

~~(d) On or before the first day of the 1999, 2000 and 2001 regular legislative sessions, the secretary of revenue shall submit to the senate standing committee on energy and natural resources, the house standing committee on environment, the senate standing committee on assessment and taxation and the house standing committee on taxation a report of the number of taxpayers claiming the credit allowed by this section and the total amount of such credits claimed by all taxpayers.":~~

And by renumbering sections accordingly;

On page 3, by striking all in lines 40 through 43;

By striking all of page 4;

On page 5, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

On page 10, in line 40, by striking "(a)";

On page 19, in line 35, by striking all after "K.S.A." where it appears for the first time; by striking all in lines 36 and 37; in line 38, by striking all before "are" and inserting: "32-874, 32-874e, 32-966, 44-1408, 46-1603, 46-1604, 46-1801, 46-2201, 46-2507, 46-2701, 46-3001 and K.S.A. 2000 Supp. 2-3703, 2-3710, 12-1771a, 65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-2623, 74-5001a, 74-5049, 74-5080, 74-50,104, 74-50,151, 74-8001, 74-8002, 74-8004, 74-8017, 74-8101, 74-8105, 74-8204, 74-8310, 74-8317, 74-8405, 74-9001, 74-9005 and 79-32,204";

On page 1, in the title, in line 9, after "ACT" by inserting: "concerning committees of the legislature; relating to the composition and appointment of certain committees; creating certain committees;"; in line 11, by striking all after "K.S.A."; by striking all in lines 12 through 14; in line 15, by striking all before the period and inserting: "32-874, 32-966, 44-1408, 46-1603, 46-1604, 46-1801, 46-2201 and K.S.A. 2000 Supp. 2-3703, 2-3710, 12-1771a,

65-1,195, 65-1,198, 65-34,154, 65-6206, 66-2011, 68-2003, 74-5001a, 74-5049, 74-5080, 74-50,104, 74-50,151, 74-8001, 74-8002, 74-8004, 74-8017, 74-8101, 74-8105, 74-8204, 74-8310, 74-8317, 74-8405, 74-9001 and 79-32,204 and repealing the existing sections; also repealing K.S.A. 32-874e, 46-2507, 46-2701 and 46-3001 and K.S.A. 2000 Supp. 74-2623 and 74-9005"; and the bill be passed as amended.

Committee on **Utilities** recommends **SB 112** be amended on page 1, by striking all in lines 13 through 39 and inserting the following:

"Section 1. K.S.A. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) *Except as provided in subsection (b)*, every public utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, upon request of such customer, whereby such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer; ~~and~~.

(b) (1) *For purposes of this subsection, "utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility.*

(2) *Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 10 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 100 kilowatts or less. Such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation for energy supplied to the utility by such customer. Such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. A utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25 or more.*

(c) *The following terms and conditions shall apply to contracts entered into under subsection (a) or (b):* ~~(a)~~

(1) *The utility will supply, own, and maintain all necessary meters and associated equipment utilized for billing. In addition, and for the purposes of monitoring customer generation and load, the utility may install at its expense, load research metering. The customer shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;* ~~(b)~~

(2) *for the purposes of insuring the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;* ~~(c)~~

(3) *the customer shall furnish, install, operate, and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the generator in parallel with the utility's system. In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition, the utility may install, own, and maintain a disconnecting device located near the electric meter or meters. Interconnection facilities between the customer's*

and the utility's equipment shall be accessible at all reasonable times to utility personnel. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service. The customer shall notify the utility prior to the initial energizing and start-up testing of the customer-owned generator, and the utility shall have the right to have a representative present at such test; and ~~(d)~~

(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation.

(d) Service under any ~~such~~ contract entered into under subsection (a) or (b) shall be subject to the utility's rules and regulations on file with the state corporation commission.

Sec. 2. K.S.A. 66-1,184 is hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 9, by striking all following “concerning”; in line 10, by striking all preceding the period and inserting “certain parallel electric generation services; amending K.S.A. 66-1,184 and repealing the existing section”; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2270**, as amended by House Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also **SB 329** be amended on page 4, after line 40, by inserting the following:

“Sec. 3. K.S.A. 2000 Supp. 23-4,111 is hereby amended to read as follows: 23-4,111. This section shall not apply if the income withholding order was issued by the IV-D agency pursuant to K.S.A. 39-7,147 or 39-7,148 and amendments thereto, unless IV-D services are no longer being provided with respect to either current support or arrearages.

(a) At any time upon motion the court shall: (1) Modify or terminate the income withholding order because of a modification or termination of the underlying order for support; (2) modify the amount of income withheld to reflect payment in full of the arrearage by income withholding or otherwise; or (3) modify, or when appropriate terminate, an income withholding order consisting in whole or in part of a medical withholding order because of a modification or termination of the underlying medical child support order.

(b) On request of the obligee or public office, the court shall issue an order which modifies the amount of income withheld, subject to the limitations of subsection (f) of K.S.A. 23-4,108 and amendments thereto.

(c) The obligor may file a motion to terminate an income order for cash support if: (1) The withholding order has not previously been terminated under this subsection and subsequently initiated; and (2) there is a written agreement among all interested parties which provides for an alternative arrangement. Under this subsection, the court may terminate the income withholding order unless it finds good cause for denying the motion because of the obligor's payment history or otherwise. If an income withholding order is terminated for any reason and the obligor subsequently becomes delinquent in the payment of the order for support, the obligee or public office may obtain another income withholding order by complying with all requirements for notice and service pursuant to this act.

(d) If the income withholding order includes both a medical withholding order and an income withholding order for cash support, modification or termination of one portion of the income withholding order shall not modify or terminate any other portion of the income withholding order except as expressly provided by the court.

~~(e) If support payments are undeliverable to the obligee, any such payments shall be held in trust by the court until the payments can be delivered.~~

~~(f)~~ (e) The clerk of court shall cause to be served on the payor a copy of any order entered pursuant to this section that affects the duties of the payor.”;

And by renumbering sections accordingly;

On page 14, in line 20, by striking “clerk of the district court or the court trustee” and inserting: “central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto.”;

On page 16, in line 29, after “23-4,108,” by inserting “23-4,111.”;

On page 1, in the title, in line 12, before “23-4,118,” by inserting “23-4,111.”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 146; Sub SB 204; SB 231, SB 263; Sub SB 328 reported correctly engrossed March 14, 2001.

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 Huelskamp in the chair.

On motion of Senator Huelskamp the following report was adopted:

Recommended **SB 193** be passed.

SB 151, SB 159, SB 177, SB 334; HB 2015; Sub HB 2129 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2068 be amended by motion of Senator Steineger on page 2, after line 11, by inserting:

"Sec. 2. (a) 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.

(b) As used in this section, "local unit of government" means any political subdivision of this state, including but not limited to a county, municipality or township.

Sec. 3. The unified government of Wyandotte County/Kansas City shall cause to be published after the close of each calendar quarter or, if the unified government of Wyandotte County/Kansas City so provides, after the close of each calendar month, in the paper in which the county printing is done, an abstract of the unified government's reports for the preceding quarter or month. Such abstract shall show generally the amounts allowed, to whom and on what account, and specifying each amount in excess of \$50. Whenever salary and wages of employees or amounts paid to vendors or other items of expense are required to be published, the amount published shall reflect the total amount paid to such employee or vendor or the total amount of such expense during the period covered by the publication. The publication required by this section shall satisfy the publication requirement of K.S.A. 19-228, and amendments thereto.

Sec. 4. K.S.A. 2000 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(12) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(13) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(14) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(16) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

(B) This provision shall expire on June 30, 2003.

(17) (A) Counties may not exempt from or effect changes in K.S.A.2000 Supp. 71-301a, and amendments thereto.

(B) This provision shall expire on June 30, 2003.

(18) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(19) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 2000 Supp. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(21) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(22) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(23) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(24) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(25) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.

(27) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.

(28) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(29) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(30) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 17-5904, 17-5908, 47-1219 or 65-171d or K.S.A. 2000 Supp. 2-3318, 17-5909 or 65-1,178 through 65-1,199, and amendments thereto.

(31) Counties may not exempt from or effect changes in K.S.A. 2000 Supp. 80-121, and amendments thereto.

(32) *Counties may not exempt from or effect changes in section 3, and amendments thereto.*

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.”;

By renumbering the remaining sections;

On page 2, in line 12, by striking “is” and inserting “and K.S.A. 2000 Supp. 19-101a are”;

In the title, in line 9, by striking “townships” and inserting “local units of government”; also in line 9, by striking all after the first semicolon; in line 10, after “and” by inserting K.S.A. 2000 Supp. 19-101a and”; also in line 10, by striking “section” and inserting “sections”, and **HB 2068** be passed as amended.

HB 2127 be amended by motion of Senator Wagle as amended by House Committee, on page 3, following line 28, by inserting two new sections as follows:

“Section 4. K.S.A. 38-1692 is hereby amended to read as follows: 38-1692. (a) As used in this section:

(1) “Adjudicated person” means a person adjudged to be a juvenile offender or a person not adjudicated because of mental disease or defect.

(2) “Laboratory confirmation of HIV or hepatitis B infection” means positive test results from a confirmation test approved by the secretary of health and environment.

(3) “Sexual act” means contact between the penis and the vulva, the penis and the anus, the mouth and the penis, the mouth and the vulva or the mouth and the anus. For purposes of this definition contact involving the penis occurs upon penetration, however slight.

(4) “Test for HIV or hepatitis B infection” means a test approved by the secretary of health and environment to detect the etiologic agent for the disease acquired immune deficiency syndrome or hepatitis B.

(5) “Body fluids” means blood, semen or vaginal secretions or any body fluid visibly contaminated with blood.

(b) At the time of the first appearance before the court of a person charged with an offense involving a sexual act committed while the person was a juvenile, or in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved, the judge shall inform the person or the parent or legal guardian of the person of the availability of testing for HIV or hepatitis B infection and counseling and shall cause each alleged victim of the offense, if any, to be notified that testing for HIV or hepatitis B infection and counseling is available.

(c) If the victim of the offense requests the court to order infectious disease tests of the alleged offender or if the person charged with the offense stated to law enforcement officers that the person charged with the offense has an infectious disease or is infected with an infectious disease, or used words of like effect, the court shall order the person charged with the offense to submit to infectious disease tests as defined in K.S.A. 65-6001 and amendments thereto.

(d) For any offense by an adjudicated person which the court determines, from the facts of the case, involved or was likely to have involved the transmission of body fluids from one person to another or involved a sexual act, the court: (1) May order the adjudicated person to submit to a test for HIV or hepatitis B infection; or (2) shall order the adjudicated person to submit to a test for HIV or hepatitis B infection if a victim of the offense, or the parent or legal guardian of the victim if the victim is a minor, requests the court to make such order. If a test for HIV or hepatitis B infection is ordered under this subsection, a victim who is an adult shall designate a health care provider or counselor to receive the information on behalf of the victim. If a victim is a minor, the parent or legal guardian of the victim shall designate the health care provider or counselor to receive the information. If the test results in a negative reaction, the court shall order the adjudicated person to submit to another test for HIV or hepatitis B infection six months after the first test was administered.

(e) The results of any test for HIV or hepatitis B infection ordered under this section shall be disclosed to the court which ordered the test, to the adjudicated person, or the parent or legal guardian of the adjudicated person, and to each person designated under subsection (d) by a victim or by the parent or legal guardian of a victim. If a test for HIV or hepatitis B infection ordered under this section results in a laboratory confirmation of HIV or hepatitis B infection, the results shall be reported to the secretary of health and environment and to: (1) The commissioner of juvenile justice, in the case of a juvenile offender or a person not adjudicated because of mental disease or defect, for inclusion in such offender's or person's medical file; or (2) the secretary of corrections, in the case of a person under 16 years of age who has been convicted as an adult, for inclusion in such person's medical file. The secretary of health and environment shall provide to each victim of the crime or sexual act, at the option of such victim, counseling regarding the human immunodeficiency virus and hepatitis B, testing for HIV or hepatitis B infection in accordance with K.S.A. 65-6001 *et seq.* and amendments thereto and referral for appropriate health care and services.

(f) The costs of any counseling and testing provided under subsection (e) by the secretary of health and environment shall be paid from amounts appropriated to the department of health and environment for that purpose. The court shall order the adjudicated person to pay restitution to the department of health and environment for the costs of any counseling provided under this section and the costs of any test ordered or otherwise performed under this section.

(g) When a court orders an adjudicated person to submit to a test for HIV or hepatitis B infection under this section, the withdrawal of the blood may be performed only by: (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person; (2) a licensed professional nurse or a licensed practical nurse; or (3) a qualified medical technician. No person authorized by this subsection to withdraw blood, no person assisting in the performance of the test for HIV or hepatitis B infection nor any medical care facility where blood is withdrawn or tested that has been ordered by the court to withdraw or test blood shall be liable in any civil or criminal action when the test is performed in a reasonable manner according to generally accepted medical practices.

(h) The results of tests or reports, or information therein, obtained under this section shall be confidential and shall not be divulged to any person not authorized by this section to receive the results or information. Any violation of this section is a class C misdemeanor.

Sec. 5. K.S.A. 2000 Supp. 65-6009 is hereby amended to read as follows: 65-6009. (a) At the time of an appearance before a magistrate under K.S.A. 22-2901 and amendments thereto, the magistrate shall inform any person arrested and charged with a crime in which it appears from the nature of the charge that the transmission of body fluids from one person to another may have been involved of the availability of infectious disease tests and shall cause the alleged victim of such a crime, if any, to be notified that infectious disease tests and counseling are available. If the victim of the crime or the county or district attorney requests the court to order infectious disease tests of the alleged offender or if the person arrested and charged with a crime stated to the law enforcement officer making such arrest that the person arrested and charged with the crime has an infectious disease or is infected with an infectious disease, or used words of like effect, the court shall order the arrested

person to submit to infectious disease tests. The results of any test obtained under this section shall be inadmissible in any criminal or civil proceeding.

(b) Upon conviction of a person for any crime which the court determines from the facts of the case involved or was likely to have involved the transmission of body fluids from one person to another, the court: (1) May order the convicted person to submit to infectious disease tests; or (2) shall order the convicted person to submit to infectious disease tests if the victim of the crime or the parent or legal guardian of the victim, if the victim is a minor, requests the court to issue such order. If infectious disease tests are ordered under this subsection, the victim of the crime, if any, who is not a minor, shall designate a health care provider or counselor to receive such information on behalf of the victim. If the victim is a minor, the parent or legal guardian of the victim shall designate the health care provider or counselor to receive such information.

(c) The results of any infectious disease test ordered under subsection (a) shall be disclosed to the law enforcement officer making such arrest, the person arrested and such other persons as the court determines have a legitimate need to know the test result in order to provide for their protection. The results of any infectious disease test ordered under subsection (b) shall be disclosed to the court which ordered the test, the convicted person and to the person designated under subsection (b) by the victim or victims of the crime or by the parent or legal guardian of a victim if the victim is a minor. If an infectious disease test ordered under this section results in a positive reaction, the results shall be reported to the secretary of health and environment and to the secretary of corrections.

(d) *As used in this section, infectious disease includes HIV and hepatitis B.*

(e) *The costs of any counseling and testing provided under this section shall be paid from amounts appropriated to the department of health and environment for that purpose. The court shall order the adjudicated person to pay restitution to the department of health and environment for the costs of any counseling provided under this section and the costs of any test ordered or otherwise performed under this section.”;*

By renumbering sections accordingly;

Also on page 3, in line 29, before “K.S.A.”, by inserting “K.S.A. 38-1692 and”, also in line 29, following “Supp.”, by inserting “65-6009.”;

In the title, on page 1, in line 11, after “amending” by inserting “K.S.A. 38-1692 and”, in line 12, following “Supp.”, by inserting “65-6009.”; and **HB 2127** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a 2/3 constitutional majority, and **SB 151, SB 159, SB 177, SB 193, SB 334; HB 2015, HB 2068, HB 2127; Sub HB 2129** were advanced to Final Action and roll call.

SB 151, An act concerning the state employees benefit program; relating to children of participants; relating to the payment of certain costs.

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, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, O'Connor, Tyson.

The bill passed, as amended.

SB 159, An act concerning the code of civil procedure for limited actions; amending K.S.A. 2000 Supp. 61-2803, 61-2907, 61-3002, 61-3003, 61-3302, 61-3505, 61-3507, 61-3508, 61-3509, 61-3510, 61-3513, 61-3604, 61-3606, 61-3608, 61-3803, 61-3804, 61-3808 and 61-4105 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 61-2906 and 61-3401.

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 177, An act concerning certain electric generation facilities; relating to regulation and taxation thereof; amending K.S.A. 2000 Supp. 66-104 and 79-5a01 and repealing the existing sections.

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, Clark, 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: Lee, Pugh.

The bill passed, as amended.

SB 193, An act concerning insurance agents; relating to required errors and omissions coverage; amending K.S.A. 40-241 and repealing the existing section.

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

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

Nays: Corbin, Feleciano, Teichman, Wagle.

The bill passed.

SB 334, An act concerning agriculture; relating to commercial feeding stuffs; amending K.S.A. 2000 Supp. 2-1008 and 2-1011 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.

HB 2015, An act concerning child care facilities; exempting certain residential facilities, hospitals and summer camps from licensure requirements; amending K.S.A. 2000 Supp. 65-501 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.

HB 2068, An act concerning local units of government; amending K.S.A. 80-104 and K.S.A. 2000 Supp. 19-101a and repealing the existing sections.

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

Yeas: 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.

HB 2127. An act concerning public health, relating to testing for infectious diseases; information available to corrections employees; amending K.S.A. 38-1692 and K.S.A. 2000 Supp. 65-6009, 65-6015, 65-6016 and 65-6017 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.

Sub HB 2129. An act concerning certain commissions and councils; relating to the membership thereof; amending K.S.A. 2000 Supp. 74-9201 and 75-7202 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 substitute bill passed, as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Thursday, March 15, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

