

# Journal of the Senate

FIFTY-THIRD DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, March 23, 2001—9:30 a.m.

The Senate was called to order by Vice-President Sandy Praeger.

The roll was called with thirty-nine senators present.

Senator Goodwin was excused.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

With K.U. in the Sweet Sixteen  
And Ichabods playing great,  
Basketball is on our minds  
Throughout the Sunflower state.

Included in statistics  
But easy to be missed,  
Along with fouls and field goals  
Is one that's called "assists".

That is when a player  
Passes off the ball  
To someone for a lay up  
To the delight of one and all.

So those who make the points, O God,  
Receive the accolades,  
But if the ball is never passed,  
The points will not be made.

We also have the chance, O God,  
To make a few assists.  
There are needy in our state  
Who barely can exist.

Instead of balls we pass some laws  
To assist a girl who's down.  
She's pregnant and her boyfriend  
Is nowhere to be found.

We assist a farmer  
Whose crops have failed this year,  
And we assist a battered wife  
Whose life is filled with fear.

One of us carried a bill one day  
And people got some aid,  
But they never know the person's name  
By whom the assist was made.

So when the game is won, O God,  
I believe You will insist  
Most of the credit ought to go  
To the one with most assists.

I pray in the Name of Christ,  
AMEN

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **HB 2515**.

Transportation: **HB 2145**.

Ways and Means: **HB 2014, HB 2283, HB 2552**.

#### REFERRAL OF APPOINTMENTS

The following appointments made by the Governor and submitted to the senate for confirmation, were referred to Committees as indicated:

*Member, Kansas, Inc.*, Patricia L. Bossert, effective upon the date of confirmation by the Senate to fulfill an unexpired term ending January 15, 2004.

(Commerce)

*Member, Kansas, Inc.*, Wayne H. Maichel, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

(Commerce)

*Member, Kansas, Inc.*, Lawrence L. McCants, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

(Commerce)

*Member, Kansas, Inc.*, Tamera J. Nelson, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2005.

(Commerce)

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

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

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The Senate concurred.

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

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The Senate concurred.

**SB 125**, An act concerning elections; relating to technical clean up amendments; amending K.S.A. 25-205, 25-213, 25-413, 25-611, 25-616, 25-618, 25-1122, 25-1124, 25-3102 and 25-3801 and repealing the existing sections.

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

1. Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The Senate concurred.

**SB 139**, An act concerning civil procedure; relating to liability for domestic animal activities; amending K.S.A. 60-4001 and repealing the existing section.

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

1. Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The Senate concurred.

#### EXPLANATION OF VOTE

MR. PRESIDENT:

What next. . . . .

Lions and tigers and bears ?!

Oh, my!

I support the House expansion and the underlying bill **SB 139**.—DAVID HALEY

On motion of Senator Harrington the Senate nonconcurred in the House amendments to **SB 32** and requested a conference committee be appointed.

The Vice-President appointed Senators Harrington, Lyon and Gooch as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 50** and requested a conference committee be appointed.

The Vice-President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 53** and requested a conference committee be appointed.

The Vice-President appointed Senators Donovan, Salmans and Gooch as a conference committee on the part of the Senate.

On motion of Senator Teichman the Senate nonconcurred in the House amendment to **SB 58** and requested a conference committee be appointed.

The Vice-President appointed Senators Praeger, Teichman and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 83** and requested a conference committee be appointed.

The Vice-President appointed Senators Donovan, Salmans and Gooch as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 107** and requested a conference committee be appointed.

The Vice-President appointed Senators Allen, Clark and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 115** and requested a conference committee be appointed.

The Vice-President appointed Senators Donovan, Salmans and Gooch as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 126** and requested a conference committee be appointed.

The Vice-President appointed Senators Allen, O'Connor and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Allen the Senate nonconcurred in the House amendments to **SB 127** and requested a conference committee be appointed.

The Vice-President appointed Senators Allen, O'Connor and Gilstrap as a conference committee on the part of the Senate.

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **SB 183** and requested a conference committee be appointed.

The Vice-President appointed Senators Tyson, Taddiken and Lee as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 186** and requested a conference committee be appointed.

The Vice-President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 214** and requested a conference committee be appointed.

The Vice-President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 280** and requested a conference committee be appointed.

The Vice-President appointed Senators Donovan, Salmans and Gooch as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **SB 321** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate

#### **ORIGINAL MOTION**

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **Sub HB 2005**.

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

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **S Sub for HB 2033**.

The Vice-President appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

On motion of Senator Corbin, the Senate acceded to the request of the House for a conference on **HB 2063**.

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

On motion of Senator Schmidt, the Senate acceded to the request of the House for a conference on **HB 2101**.

The Vice-President appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

On motion of Senator Harrington, the Senate acceded to the request of the House for a conference on **HB 2105**.

The Vice-President appointed Senators Harrington, O'Connor and Gooch as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2114**.

The Vice-President appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

On motion of Senator Harrington, the Senate acceded to the request of the House for a conference on **HB 2300**.

The Vice-President appointed Senators Harrington, Brungardt and Gooch as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

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

SENATE RESOLUTION No. 1830—

A RESOLUTION recognizing the ANNE FRANK: A HISTORY FOR TODAY exhibition.

WHEREAS, Kansas has been nationally recognized for taking a firm stand against discrimination, yet hate groups still exist in the state, recruiting our vulnerable young people into their ideology of fear, hate and intolerance; and

WHEREAS, Discrimination is cruel and irrational, is a matter of personal choice and may be practiced by any citizen; and

WHEREAS, There is a danger of generalizing entire groups of people instead of treating each person as an individual deserving of respect; and

WHEREAS, The unique model of Anne Frank is symbolic of all people and faiths working together to embrace unity and diversity; and

WHEREAS, Many students in Kansas schools study and learn about the actions of Anne Frank; and

WHEREAS, Through the presentation of the ANNE FRANK: A HISTORY FOR TODAY exhibition at the Hutchinson Mall, from October 8 through November 5, 2001, the people of Kansas will have a wonderful opportunity to learn how to work toward and maintain a just and humanitarian world: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:*

(1) That we in Kansas acknowledge with great respect the exemplary actions of Anne Frank and the many people who lived during those tragic times; and

(2) That we extend our deep appreciation to the Hutchinson High School Drama Department and Reno County Museum for bringing the ANNE FRANK: A HISTORY FOR TODAY exhibition to Kansas for our edification; and

(3) That we commend the Hutchinson High School Drama Department and its instructor for embracing the challenge of producing the play "The Diary of Anne Frank" and staging it simultaneously with the national display; and

(4) That we, the citizens of Kansas, remain committed in our thoughts, words, actions and hearts to emphasizing more about what unites us as members of the human race and less about what divides us; and

(5) That we encourage the participation of Kansas' young people in dedicating their time and energy to the telling of a young girl's darkest days and moments of greatest hope for the future; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide 10 enrolled copies of this resolution to Senator Kerr.

On emergency motion of Senator Kerr **SR 1830** was adopted unanimously.

Several students from the Hutchinson High School Drama Department, their teacher, and Jay Smith, Director of the Reno County Historical Society were guests and were recognized as being instrumental in bringing the display to the Hutchinson community.

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

SENATE RESOLUTION No. 1831—

A RESOLUTION congratulating and commending Dustin May.

WHEREAS, Dustin May, a Senior at Derby High School, has compiled an outstanding record as a high school wrestler; and

WHEREAS, Dustin's wrestling awards include the following:

Four times Class 6A Regional High School Champion;

Four times Ark Valley League—1st Team Champion;

Ark Valley League—Wrestler of the Year—2001;

Valley Center Dual Tournament—Most Outstanding Wrestler—2001;

Garden City Invitational Tournament—Most Outstanding Wrestler—2001;

Garden City Invitational Tournament—Most Outstanding Wrestler—2000;

Three times Derby High School Team Captain;

Most Outstanding Wrestler—Derby High School—2000;

Most Outstanding Wrestler—Derby High School—1999;  
 Most Promising Wrestler—Derby High School—1998;  
 Cadet World Team Alternate Member—58 K.;

ASICS Tiger Honorable Mention—1999 and 2000; and

WHEREAS, Dustin is a high school and kids certified wrestling official and became a “bronze level” coach through USA Wrestling, the governing body for Olympic Wrestling. He also likes football, bowling, camping and fishing; and

WHEREAS, Dustin is the son of Tony and Lori May: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Justin May upon completion of an outstanding record in high school wrestling; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Mr. and Mrs. Tony May, 1425 E. James Street, Derby, Kansas 67037.

On emergency motion of Senator Harrington **SR 1831** was adopted unanimously.

Dustin May, Derby High School, Derby, Kansas, and a friend, Austin Devoe, Columbus High School, Columbus, Kansas were guests for the resolution.

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

SENATE RESOLUTION No. 1832—

A RESOLUTION congratulating and commending Marvin E. Thompson for his service as a member of the Kansas Judicial Council.

WHEREAS, Marvin E. Thompson, of Russell, retired from the Kansas Judicial Council on June 26, 2000, after 31 years of service on the Council; and

WHEREAS, Marvin E. Thompson was born in Belton, Missouri, on May 5, 1920. He graduated from Paola High School in 1938. He attended the University of Kansas where he received a B.A. in 1944 and an LL.B. in 1946. After graduation he served as law clerk to the Honorable Arthur J. Mellott, U.S. District Judge for the District of Kansas, from 1946 to 1947. He then engaged in the general practice of law in LaCrosse from 1947 to 1950, and in Russell from 1950 to the present time. He has been a member of the Russell County Bar Association, the Kansas Bar Association, and the American Bar Association; he also served on the Executive Council of the Kansas Bar Association from 1959 to 1974. He was the president of the Kansas Bar Association from 1972 to 1973. He is a Fellow of the American College of Trial Lawyers, a Fellow of the American Bar Foundation and a Fellow of the Kansas Bar Foundation; and

WHEREAS, Marvin E. Thompson was a member of various Judicial Council Advisory Committees including the Care and Treatment/Guardianship and Conservatorship Advisory Committee, the Continuing Legal Education Advisory Committee, the Civil Code Advisory Committee, the Lien Law Advisory Committee, the Probate Law Advisory Committee and the Title Standards Advisory Committee. He served as Chair of the Governmental Immunity Advisory Committee from 1970 through 1973, Administrative Chair of the State Bench Bar Advisory Committee from 1973 through 1975, Chair of the Continuing Legal Education Advisory Committee from 1976 through 1978 and Chair of the Advisory Committee on Attorney Fees in 1986. He also served as Chair of the Civil Code Advisory Committee from 1975 through 1994 and Chair of the Probate Law Advisory Committee from 1997 until his retirement in 2000. Under his chairmanship, numerous codes and acts were drafted and enacted; and

WHEREAS, In addition to work by the committees on which he served and chaired, Marvin Thompson was involved in many major Council projects during his tenure such as comparison of the Federal Rules of Civil Procedure with the Kansas Code of Civil Procedure, the Kansas Criminal Code, the Kansas Code of Criminal Procedure, the Kansas Code for Care of Children, the Kansas Juvenile Offender’s Code, the Kansas Administrative Procedure Act, the Kansas Act for Judicial Review of Agency Actions, the Kansas Municipal Court Code, the Care and Treatment Act for Mentally Ill Persons, the Care and Treatment Act for Persons with an Alcohol or Substance Abuse Problem, the Kansas Parentage Act, the Revised Divorce Code, the Simplified Administration Act, the Informal Administration Act, the Adoption and Relinquishment Act, the Protection from Abuse Act, the Code of

Procedure for Limited Actions and the Uniform Child Custody Jurisdiction Act. In addition, major studies which have occurred during Mr. Thompson's service on the Judicial Council include judicial redistricting, court unification, statewide delivery of legal services to indigent persons, need for expansion of the court of appeals, mandatory continuing legal education, uniform district court rules and rules of procedure for the Kansas Court of Appeals; and

WHEREAS, In addition, Marvin E. Thompson was a member of the Judicial Council during publication of multiple editions and numerous supplements of the Judicial Council publications, which include *Comparative Analysis of American Bar Association Standards for Criminal Justice with Kansas Law, Rules and Legal Practice*, *Kansas Benchbook*, *Kansas Judicial Council Probate Forms*, *Kansas Municipal Court Manual*, *Pattern Instructions for Kansas—Civil and Pattern Instructions for Kansas—Criminal*; and

WHEREAS, In the area of community service, Marvin E. Thompson has been a long time member of B.P.O.E., served on the county zoning commission and serves as Moderator for the First Congregational Church of Russell; and

WHEREAS, Marvin E. Thompson married Maxine Snow in 1942. She died in 1991. Marvin has two children, David Thompson of Russell and Patricia Hubert of Vernon, Vermont, seven grandchildren, five great-grandchildren, three step-daughters, five step-grandchildren and one step-great-grandchild. In 1992 Marvin married Armella Wasinger; and

WHEREAS, Marvin E. Thompson has rendered a life of distinguished service to the legal community, the Judicial Council and the State of Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Marvin E. Thompson for his 31 years of faithful and valuable service as a member of the Kansas Judicial Council; and

*Be it further resolved:* That the Secretary of the Senate be directed to send five enrolled copies of this resolution to Marvin E. Thompson, c/o Kansas Judicial Council, 301 SW Tenth Avenue, Topeka, Kansas 66612.

On emergency motion of Senator Vratil **SR 1832** was adopted unanimously.

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

SENATE RESOLUTION No. 1833—

A RESOLUTION congratulating and commending the Hutchinson High School boys basketball team and Coach Phil Anderson for winning the 2001 Class 6A State Basketball Championship.

WHEREAS, The Hutchinson High School boys basketball team won the 2001 Kansas State High School Activities Association Class 6A State Basketball Championship with a thrilling 59-55 victory over Wichita Southeast High School in the state championship game at Emporia on March 10. A confetti filled celebration erupted at the end of the game. The four-point margin of victory was the team's closest game of the year and only the second time an opponent had gotten within single digits of the "Salt Hawks." Jamaal Norris led in scoring with 25 points. Kyle Mendenhall made two free throws with 24.1 seconds left to break a 55-55 tie and Shawn Jones made two more free throws five seconds later to lift the team to the final 59-55 score; and

WHEREAS, The Hutchinson High School "Salt Hawks" basketball team finished the season with a 25-0 record and was just the fifth school and ninth team to win a Class 6A state title with an unbeaten record; and

WHEREAS, For the 2000-2001 season the team set and accomplished the following team goals:

1. Reno County Classic Champions;
2. McPherson Invitational Tournament Champions;
3. Ark Valley League Champions;
4. 6A Sub-state Tournament Champions;
5. 6A State Tournament Champions;
6. 25-0 Overall Record; and

WHEREAS, Coach Phil Anderson was selected as the Topeka Capital Journal high school boys basketball coach of the year and Jamaal Norris was selected as a member of the

Topeka Capital-Journal's 2001 All-state boys basketball team and other team members received other statewide honors; and

WHEREAS, The team coaches and players are as follows: Head Coach Phil Anderson, Assistant Coach Ron Weber, Assistant Coach Aaron Miller, No. 5 Marques Baugh, No. 10 Hernan Aguilos, No. 23 Brock Wells, No. 24 Blake Briscoe, No. 33 Mike Briscoe, No. 34 DeAngelo Green, No. 42 Kyle Mendenhall, No. 43 Sean Bueford, No. 45 Andrew Marsh, No. 52 Shawn Jones, No. 53 Jamaal Norris and No. 54 Nick Jones; and

WHEREAS, This team is recognized as the 25th Best Boys' Basketball Team by Schoolsports.com, a prep internet site; and

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

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

*Be it resolved by the Senate of the State of Kansas:* That the Hutchinson High School boys basketball team and Coach Phil Anderson be congratulated and commended for winning the 2001 Kansas State High School Activities Association Class 6A State Basketball Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to send two enrolled copies of this resolution to Mr. Ron Roehm, Principal, Hutchinson High School, 1401 N. Severance, Hutchinson, Kansas 67501.

On emergency motion of Senator Kerr **SR 1833** was adopted unanimously.

Head Coach Phil Anderson and Assistant Coach Ron Weber were guests along with team members Marques Baugh, Hernan Aguilos, Brock Wells, Blake Briscoe, Mike Briscoe, DeAngelo Green, Kyle Mendenhall, Sean Bueford, Andrew Marsh, Shawn Jones, Jamaal Norris and Nick Jones.

#### REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **SB 100** be passed.

#### REPORT ON ENGROSSED BILLS

**SB 112, SB 152, SB 208, SB 304** reported correctly engrossed March 23, 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 Corbin in the chair.

On motion of Senator Corbin the following report was adopted:

Recommended **HB 2198, HB 2246, HB 2473** be passed.

The committee report on **HB 2146** recommending a **S Sub for HB 2146** be adopted, and the substitute bill be passed.

The committee report on **HB 2212** recommending a **S Sub for HB 2212** be adopted, and the substitute bill be passed.

The committee report on **HB 2303** recommending a **S Sub for HB 2303** be adopted, and the substitute bill be passed.

**SB 344, HB 2208, HB 2301, HB 2316, HB 2481** be amended by adoption of the committee amendments, and the bills be passed as amended.

**HB 2505** be amended by adoption of the committee amendments.

Senator Hensley moved to return the bill to the Committee on Assessment and Taxation.

The motion failed and the Committee recommended **HB 2505** be passed as amended.

**HB 2124** be amended by motion of Senator Jackson on page 5, following line 1, by inserting:

"Sec. 2. K.S.A. 15-123 is hereby amended to read as follows: 15-123. After the hearing has been adjourned *sine die*, the board or joint board of county commissioners shall consider the matter. It may request the director of the division of community development of the department of economic development to make a study of the general area in which the



territory is located, information in possession of the county board and other sources, and render an opinion as to the advisability of the proposed incorporation. The petition for incorporation shall be denied if it is determined that present or future annexation to an adjacent city, or the creation of an authorized special service district, or districts, would better serve the interest of the area or that the proposed incorporation would be otherwise contrary to the public interest. If the board or joint board determines that the territory should not be incorporated, it shall make an order so stating. ~~In addition to other requirements, if any of the territory wholly within one county is within five miles of an existing city, the territory shall not be incorporated except by the unanimous vote of the commissioners.~~ If the board or joint board determines that the territory should be incorporated, it shall prepare an order or joint order incorporating the territory as a city by the name of "the city of \_\_\_\_\_" as stated in the petition and describing the metes and bounds thereof. When the order has been adopted, the inhabitants within such bounds and such further territory as from time to time may be lawfully added thereto shall be a body politic and corporate by that name, and they and their successors (except such corporation be lawfully dissolved) shall have perpetual succession. The order shall be adopted at the next regular meeting of the board. Where two counties are involved, the board of each county shall adopt the joint order at its next regular meeting and not less than two commissioners of each county shall vote in favor thereof; ~~except that in addition to other requirements, if any of the territory is within five miles of an existing city, the territory shall not be incorporated except by the unanimous vote of the commissioners of each county involved.~~ The order or joint order so incorporating the city shall order the first election in the city for city officers. The order or joint order shall be entered at length upon the journal of the proceedings of the board or boards of county commissioners and shall be published once in some newspaper printed or in general circulation in the city at least one week before the city election. Nomination papers for candidates for city office shall be filed with the county election officer of the county where the petition for incorporation was filed and the county election officer shall conduct such election.";

By renumbering sections accordingly;

Also on page 5, in line 2, by striking "19-2765 is" and inserting "15-123 and 19-2765 are";

In the title, by striking all in lines 9 through 11 and inserting:

"AN ACT concerning certain municipalities; relating to the powers and duties thereof; amending K.S.A. 15-123 and 19-2765 and repealing the existing sections.", and **HB 2124** be passed as amended.

**HB 2176** be amended by motion of Senator Vratil as amended by House Committee, on page 3, in line 1, after the semicolon, by inserting "and"; in line 4, by striking "who is required"; in line 5, by striking all before "in"; in line 6, by striking "accredited private" and inserting "nonpublic"; also in line 6, by striking "; and"; by striking all in line 7; in line 8, by striking all before the period, and **HB 2176** be passed as amended.

**HB 2275** be amended by adoption of the committee amendments, be further amended by motion of Senator Wagle as amended by Senate Committee, on page 1, in line 43, by striking "in or", and **HB 2275** be passed as further amended.

**HB 2369** be amended by adoption of the committee amendments, be further amended by motion of Senator Donovan as amended by Senate Committee, on page 1, in line 41, preceding "county" by inserting "city or"

Senator Schmidt further amended the bill on page 2, after line 19, by inserting The provisions of this section shall not apply to any existing operation of mining or manufacturing paving materials which was established or participated in by the governing body of any city or county prior to the effective date of this act.

Senator Umbarger further amended the bill, as amended by Senate Committee, on page 2 by striking in line 9, following the semi-colon, by inserting "and"; in line 14, by striking "; and"; by striking all in lines 15 through 18; in line 19 by striking all before the period, and **HB 2369** be passed as further amended.

The following amendments offered to **HB 2369** were rejected:

Senator Barnett moved to amend the bill as amended by Senate Committee, on page 1, in line 16, preceding "Section" by inserting "New"; in line 39, preceding "Sec." by inserting "New";

On page 2, following line 19, by inserting:

“Sec. 3. K.S.A. 19-120 is hereby amended to read as follows: 19-120. (a) The board of county commissioners of any county, which has formally approved a multi-year capital improvement plan setting forth the public improvement and infrastructure needs of the county on a prioritized basis, may establish, by adoption of a resolution, a capital improvements fund. The resolution establishing such fund, and any amendments thereto, may provide for the budgeted transfer of moneys from other county funds lawfully available for improvement purposes to the capital improvements fund, including moneys in the county’s federal general revenue sharing fund and general fund. Any general property tax specifically levied for the use of such fund shall be authorized by resolution adopted under the provisions of K.S.A. 19-101a, and amendments thereto.

(b) Moneys in such capital improvements fund may be used to:

(1) Finance, in whole or in part, any public improvement need set forth in the adopted capital improvement plan, including the repair, restoration and rehabilitation of existing public facilities; or

(2) *prevent a default in the payment of the principal of or interest on the county’s general obligation bonds or sales tax bonds issued to finance improvements that could have been paid from the capital improvement fund.*

(c) The resolution *also* may provide that disbursements from such fund may be made for engineering and other advance public improvement plans and studies and that reimbursements may be made to the fund from bond proceeds, special assessments or state or federal aid available for the completed project.

~~(c)~~ (d) Except for such reimbursed expenses, no moneys shall be credited to such special fund except as may be budgeted annually, or transferred by the annual budget from other funds. Such fund shall not thereafter be subject to the provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto. In making the budgets of such counties, the amounts credited to, and the amount on hand in, such special fund and the amount expended therefrom shall be shown thereon for the information of the taxpayers of such counties. Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

~~(d)~~ (e) If the board of county commissioners determines that money which has been transferred to such special fund or any part thereof is not needed for the purposes for which so transferred, the board, by adoption of a resolution, may transfer such amount not needed to the general or other fund from which it was derived and such transfer and expenditure thereof shall be subject to the budget requirement provisions of K.S.A. 79-2925 to 79-2937, inclusive, and amendments thereto.

Sec. 4. K.S.A. 19-120 is hereby repealed.”;

By renumbering section 3 as section 5;

In the title, in line 13, before the period, by inserting “; amending K.S.A. 19-120 and repealing the existing section”

Senator Umbarger moved to amend the bill, as amended by Senate Committee on page 1, line 39, by striking out all of lines 39 through 43 and on page 2 line 1 through 19 and by renumbering Section 3 as Section 2

Senator Lee moved to amend the bill as amended by Senate Committee, on page 1, in line 19, preceding the period, by inserting “with a population in excess of 10,000”

Senator Lee moved to further amend the bill as amended by Senate Committee, on page 1, in line 33, by striking “if the gov-”; in line 34, by striking all before the semicolon; in line 35, by striking “Made” and inserting “If the governing body has made”; in line 36, by striking “or”; in line 37, preceding “adopted” by inserting “if the governing body has”; in line 38, by striking the period and inserting “; or”; following line 38, by inserting:

“(3) to a county with a population of 10,000 or less.”;

On page 2, following line 19, by inserting:

“Sec. 3. 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. 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 1, 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.

Sec. 4. K.S.A. 2000 Supp. 19-101a is hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 13, preceding the period, by inserting “; amending K.S.A. 2000 Supp. 19-101a and repealing the existing section”

The Committee recommended **HB 2369** as amended by adoption of the committee amendments and further amended by Senator Donovan, Senator Schmidt and Senator Umbarger, be passed as further amended.

**S Sub for HB 2154** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Adkins on page 9, after line 29, by inserting the following:

“Sec. 4. K.S.A. 2000 Supp. 21-4603d is hereby amended to read as follows: 21-4603d.

(a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence

imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809 and amendments thereto or aggravated escape, as defined in K.S.A. 21-3810 and amendments thereto; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any such costs and expenses incurred by a law enforcement agency or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the law enforcement agency;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 2000 Supp. 22-4529 and amendments thereto, unless waived by the court;

(10) *order the defendant to pay a domestic violence special program fee authorized by section 6, and amendments thereto;*

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8) ~~and~~, (9) and (10); or

~~(12)~~ (12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 2000 Supp. 60-4301 *et seq.* and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719 and amendments thereto to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

(f) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights. Placement of offenders in a conservation camp established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, as a nonimprisonment disposition shall not entail the loss by the defendant of any civil rights.

(k) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(l) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(m) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, or for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, or 4-F of the sentencing guidelines grid for drug crimes; and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(n) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

Sec. 5. K.S.A. 22-2802 is hereby amended to read as follows: 22-2802. (1) Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection (11) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(b) place restrictions on the travel, association or place of abode of the person during the period of release;

(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours; ~~or~~

(d) place the person under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto; *or*

(e) *place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate.*

(2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug abuser or incapacitated by drugs, to submit to treatment for such drug abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond by sureties.

(5) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

(6) The appearance bond shall set forth all of the conditions of release.

(7) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

(8) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection (7) shall apply.

(9) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

(10) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

(11) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's



right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

(12) *The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond.*

New Sec. 6. (a) If a judicial district creates a local fund under this act, the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as defined in K.S.A. 21-3412, and amendments thereto. The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district.

(b) Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the chief judge under this act. All moneys collected by this section shall be paid into the domestic violence special programs fund in the county where the fee is collected, as established by the judicial district and as authorized by this act.

(c) Expenditures made in each judicial district shall be determined by the chief judge and shall be paid to domestic violence programs administered by the court and to local programs within the judicial district that enhance a coordinated community justice response to the issue of domestic violence.”;

And by renumbering sections accordingly;

Also on page 9, in line 30, after “K.S.A.” the first time it appears, by inserting “22-2802 and”; also in line 30, after “Supp.” by inserting “21-4603d and”;

On page 1, in the title, in line 12, after the semicolon, by inserting “domestic violence, assessment of certain fees;”; also in line 12, after “K.S.A.” the first time it appears by inserting “22-2802 and”; in line 13, after “Supp.” by inserting “21-4603d and”, and **S Sub for HB 2154** be passed as amended.

**S Sub for HB 2299** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Clark on page 2, following line 15, by inserting:

“New Sec. 2. The Sunflower Foundation: Health Care for Kansas, established pursuant to the settlement agreement entered into by the attorney general in the action filed by Blue Cross and Blue Shield of Kansas, Inc., in the district court of Shawnee county, Kansas, case no. 97CV608, shall be and is hereby deemed to be a public agency and shall be subject to the open records law.

New Sec. 3. The Sunflower Foundation: Health Care for Kansas, established pursuant to the settlement agreement entered into by the attorney general in the action filed by Blue Cross and Blue Shield of Kansas, Inc., in the district court of Shawnee county, Kansas, case no. 97CV608, shall be and is hereby deemed to be a public body and shall be subject to the open meetings law.”;

By renumbering sections accordingly;

In the title, by striking all in lines 9, 10 and 11 and inserting:

“AN ACT concerning committees and entities subject to the open records law and the open meetings law; amending K.S.A. 75-4318 and repealing the existing section.”, and **S Sub for HB 2299** be passed as amended.

**S Sub for HB 2040; HB 2178, HB 2480** be passed over and retain a place on the calendar.

#### **FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 344; HB 2124; S Sub for HB 2146, S Sub for HB 2154; HB 2176, HB 2198, HB 2208; S Sub for HB 2212; HB 2246, HB 2275; S Sub for HB 2299; HB 2301; S Sub for HB 2303; HB 2316, HB 2369, HB 2473, HB 2481, HB 2505** were advanced to Final Action and roll call.

**SB 344**, An act making and concerning appropriations for the fiscal years ending June 30, 2001, June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

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

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

Nays: Huelskamp.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 344** proposes to spend approximately \$150 million in the next budget year for capital projects. While these may be important projects, the use of nearly \$50 million from the State General Fund is of grave concern. Current revenues indicate that taxes coming into the State General Fund are more than \$60 million below estimates. In light of such fiscal difficulties various projects probably can wait another year. Therefore, I must reluctantly vote "No".—TIM HUELSKAMP

**HB 2124**, An act concerning certain municipalities; relating to the powers and duties thereof; amending K.S.A. 15-123 and 19-2765 and repealing the existing sections.

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

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

Nays: Feleciano, Vratil.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**S Sub for HB 2146**, An act concerning the Kansas business health partnership act; relating to the removal of the sunset provision; amending K.S.A. 40-4707 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The substitute bill passed.

**S Sub for HB 2154**, An act concerning crimes, criminal procedure and punishment; relating to providers of care services, employment of persons convicted or adjudicated of certain offenses; placement of certain facilities, requirements of secretary of corrections; domestic violence, assessment of certain fees; amending K.S.A. 22-2802 and 39-970 and K.S.A. 2000 Supp. 21-4603d and 65-5117 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The substitute bill passed, as amended.

**HB 2176**, An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2000 Supp. 21-3520 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**HB 2198.** An act concerning the Kansas water pollution control revolving fund; amending K.S.A. 2000 Supp. 65-3322 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed.

**HB 2208.** An act concerning district magistrate judges; relating to the jurisdiction thereof; amending K.S.A. 2000 Supp. 20-302b and repealing the existing section; also repealing K.S.A. 2000 Supp. 20-302d.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**S Sub for HB 2212.** An act concerning civil procedure; relating to liens; filing time; amending K.S.A. 60-1102 and 60-1103, as amended by section 7 of chapter 175 of the 2000 Session Laws of Kansas, and repealing the existing sections.

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

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

Nays: Huelskamp.

Absent or Not Voting: Goodwin.

The substitute bill passed.

**HB 2246.** An act concerning certain drainage districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 24-611 and 24-639 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed.

**HB 2275.** An act concerning the state board of cosmetology; abolishing such board and transferring the powers, duties and functions thereof to the secretary of health and environment; persons and practices regulated; permanent color technology, tattooing and body piercing; amending K.S.A. 39-938, 65-1,148, 65-1920, 65-1925 and 65-1926 and K.S.A. 2000 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1907, 65-1908, 65-1909, 65-1912, 65-1940, 65-1941, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1953, 65-1954 and 75-3717 and repealing

the existing sections; also repealing K.S.A. 74-2702 and 74-2705 and K.S.A. 2000 Supp. 65-1952, 74-2701, 74-2702a, 74-2703 and 74-2704.

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

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

Nays: Lee.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**S Sub for HB 2299**, An act concerning committees and entities subject to the open records law and the open meetings law; amending K.S.A. 75-4318 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**HB 2301**, An act concerning the workers compensation act; amending K.S.A. 44-508, 44-510, 44-511, 44-551 and 44-556 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**S Sub for HB 2303**, An act concerning the employment security law; relating to the classification of employers thereunder; amending K.S.A. 44-703, 44-706, 44-710, 44-710a and 44-717 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The substitute bill passed.

**HB 2316**, An act concerning water; providing civil penalties for certain violations of laws and orders, terms, conditions and limitations relating thereto; relating to the equus beds groundwater management district no. 2; amending K.S.A. 82a-1021 and K.S.A. 2000 Supp. 65-171d, 79-201a and 79-3606 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

## EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HB 2316** in part because the amendment to 65-171d(a) clarifies existing law regarding water appropriation decisions in Kansas. The Kansas Water Appropriations Act, passed in 1945, specifically requires the chief engineer to enforce and administer the laws of the state pertaining to the beneficial use of water and to control, conserve, regulate and allot our water resources in accordance with the rights of priority of appropriation. Consequently, Kansans are assured that all water appropriation decisions are made by the chief engineer in a neutral and scientific manner.—JANIS LEE,

Senators Stephen R. Morris, Mark Taddiken, Derek Schmidt, Dwayne Umbarger and Robert Tyson request the record to show they concur with the "Explanation of Vote" offered by Senator Lee on **HB 2316**.

**HB 2369**, An act concerning cities and counties; relating to the powers and duties of the governing bodies thereof.

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

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

Nays: Clark, Gilstrap, Huelskamp, Lee, Lyon.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**HB 2473**, An act concerning life insurance companies; relating to replication transactions; amending K.S.A. 40-2b25 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, 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.

Absent or Not Voting: Goodwin.

The bill passed.

**HB 2481**, An act amending the Kansas mortgage business act; amending K.S.A. 2000 Supp. 9-2201, 9-2202, 9-2203, 9-2204, 9-2205, 9-2206, 9-2207, 9-2208, 9-2209, 9-2211, 9-2212, 9-2213, 9-2214, 9-2215, 9-2216 and 9-2220 and repealing the existing sections.

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

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

Nays: Lyon, O'Connor, Pugh.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

**HB 2505**, An act relating to income taxation; concerning venture capital; enacting the Kansas certified capital formation company act.

On roll call, the vote was: Yeas 28, Nays 10, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Huelskamp, Lee, Lyon, Steineger.

Present and Passing: Downey.

Absent or Not Voting: Goodwin.

The bill passed, as amended.

## EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Sub for House Bill 2505**. Offering a tax credit of any kind, let alone a tax credit for millionaires, is something we simply cannot afford at this time. With a fiscal note of \$2.5 million a year and \$25 million in total, this tax credit is bad fiscal policy.

I can sympathize that millionaire investors have difficult decisions to make. They must decide which new business to invest in and which state or community will offer the largest tax credits or abatements so that they can make and spend their money without worrying about taxes.

But I am also sympathetic to the plight of the average Kansan. They want a quality education for their children, the opportunities created by our Regents institutions, the protection offered by the highway patrol and our correctional officers, and an improved quality of life for older and disabled Kansans.

When I balance the needs of the average Kansan against the needs of millionaire investors, I will side with the average Kansan. At a time when we are struggling to balance our budget, we should not be handing out tax breaks to millionaires.—ANTHONY HENSLEY

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2229**.

Passage of **SB 7**.

Also passage of **SB 97**, as amended, **SB 161**, as amended, **SB 205**, as amended, **SB 237**, as amended.

Announcing passage of **HB 2091**, **HB 2128**; **Substitute HB 2468**; **HB 2508**; **Substitute HB 2546**; **HB 2550**, **HB 2551**.

Passage of **Substitute SB 36**; **SB 42**, **SB 43**, **SB 44**, **SB 133**, **SB 137**, **SB 253**, **SB 334**.

Passage of **SB 1**, as amended, **SB 45**, as amended, **SB 56**, as amended, **SB 67**, as amended, **SB 98**, as amended, **SB 119**, as amended, **SB 128**, as amended, **SB 138**, as amended, **SB 147**, as amended, **SB 160**, as amended, **SB 184**, as amended; **SB 192**, as amended by **House Substitute for SB 192**; **SB 195**, as amended, **Substitute SB 204**, as amended, **SB 209**, as amended, **SB 218**, as amended, **SB 239**, as amended, **SB 294**, as amended.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2091**, **HB 2128**, **HB 2229**; **Substitute HB 2468**; **HB 2508**; **Substitute HB 2546**; **HB 2550**, **HB 2551** were thereupon introduced and read by title.

**CHANGE OF REFERENCE**

The Vice-President withdrew **S Sub for HB 2034**; **HB 2094**, **HB 2143**; **S Sub for HB 2161**, **HB 2178**, **HB 2480** from the calendar under the heading of General Orders, and referred the bills to the Committee on Ways and Means.

The Vice-President withdrew **Sub HB 2489** from the calendar under the heading of General Orders and rereferred the bill to the Committee on Elections and Local Government.

The Vice-President withdrew **Sub SB 255** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Agriculture.

The Vice-President withdrew **HB 2051**, **HB 2155** from the Committee on Education, and referred the bills to the Committee on Ways and Means.

The Vice-President withdrew **Sub HB 2077**, **HB 2296**, **HB 2328** from the Committee on Judiciary and referred the bills to the Committee on Ways and Means.

The Vice-President withdrew **HB 2102** from the Committee on Agriculture, and referred the bill to the Committee on Ways and Means.

**STRICKEN FROM THE CALENDAR**

On motion of Senator Oleen, **SB 22**, **SB 34**, **SB 305** were stricken from the calendar.

**CORRECTION OF THE JOURNAL**

Correct the Journal of the Senate for Thursday, March 22, 2001, page 432, under the heading of "EXPLANATION OF VOTE" to include:

Senators Barone and Gilstrap request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **SB 304**.

On motion of Senator Oleen the Senate adjourned until Monday, 2:00 p.m., March 26, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

