

# Journal of the Senate

SIXTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 6, 2001—10:00 a.m.

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

Heavenly Father,

We old-timers in this room  
Have seen all this before.  
The money that we thought we had  
Is not there anymore.

That leaves us with two choices,  
Which seem open and shut:  
Either raise the taxes  
Or make some spending cuts.

But it's really not that simple  
Lawmakers know full well;  
Just the thought of raising taxes  
Makes a lot of folks rebel. . .

And there are other questions:  
Which taxes should we increase?  
And if on this we should agree  
At what level should raises cease?

But if we cut the spending,  
Where should the cuts begin?  
And even if we agree on that,  
How deep would the cuts descend?

So what do we do at times like this  
When in the mud we are stuck?  
Well, everyone should know that's why  
They pay us those big bucks!!

These people know I'm kidding, Lord,  
But, seriously, I pray  
That You would give us wisdom  
As we struggle through this day.

And when the session's over,  
We can say with one accord

We came up with solutions  
 Thanks to You, dear Lord!  
 I pray in the Name of Christ,  
 AMEN

#### PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

**SP 7**, by Senator Dwayne Umbarger: A petition supporting responsive government of the Blue Valley Recreation Commission, **HB 2408**. The petition was submitted by Laurie McCammon and signed by 851 citizens and patrons of the Blue Valley School District Community (USD 229).

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 361**, An act concerning school district finance; revising the definition of local effort by exclusion of federal impact aid; increasing state prescribed percentage for the purpose of local option budgets; amending K.S.A. 2000 Supp. 72-6410 and 72-6433 and repealing the existing sections, by Committee on Ways and Means.

#### CHANGE OF REFERENCE

The President withdrew **HB 2143** from the Committee on Transportation, and referred the bill to the Committee on Commerce.

#### COMMUNICATIONS FROM STATE OFFICERS

DEPARTMENT OF REVENUE  
 Property Valuation Division  
 March 2001

Mark Beck, Director, Property Valuation Division, submitted the Statistical Report of Property Assessment and Taxation providing information on the valuation, assessment, and tax of the state counties, taxing districts, motor carriers and public utilities.

DEPARTMENT OF ADMINISTRATION  
 Division of Accounts and Reports

April 3, 2001

Dale Brunton, Director, Division of Accounts and Reports, submitted a copy of the State of Kansas *Monthly Financial Perspective* for January, 2001.

The *Monthly Financial Perspective* is available on the Internet at the Financial Reporting Section of the Division of Accounts and Reports web site under *Monthly Financial Perspective*.

The President announced the above reports are on file in the office of the Secretary of the Senate and is available for review at any time.

#### MESSAGE FROM THE HOUSE

Announcing, the House adopts the conference committee report on **SB 18**.

The House adopts the conference committee report on **SB 37**.

The House adopts the conference committee report on **SB 50**.

The House adopts the conference committee report on **SB 83**.

The House adopts the conference committee report on **SB 128**.

The House adopts the conference committee report on **SB 160**.

The House not adopts the conference committee report to agree to disagree on **HB 2101** and the bill remains in conference.

The House announces the appointment of Representative Merrick to replace Representative Huff as a conferee on **SB 35**.

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Allen moved the Senate concur in house amendments to **SB 127**.

**SB 127**, An act concerning elections; relating to election procedures; amending K.S.A. 25-205, 25-302a, 25-303, 25-1122, 25-2304, 25-2309, 25-2316c, 25-2320, 25-3602, 25-4306, 25-4310 and 25-4320 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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Senate concurred.

Senator Morris moved the Senate concur in house amendments to **SB 147**.

**SB 147**, An act concerning wildlife and parks; relating to certain fees; amending K.S.A. 32-988, 32-1001 and 32-1172 and repealing the existing sections.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Schmidt, Schodorf, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Feleciano, Gilstrap, Gooch, Haley, Hensley, Huelskamp, Lyon, O'Connor, Pugh, Salmans, Steineger, Taddiken.

The Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 18**, submits the following report:

The House recedes from all of its amendments to the bill;

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

KENNY A. WILK  
MELVIN NEUFELD  
MELVIN G. MINOR  
*Conferees on part of House*

STEPHEN R. MORRIS  
PAUL FELECIANO, JR.  
DAVID ADKINS  
*Conferees on part of Senate*

Senator Morris moved the Senate adopt the Conference Committee Report on **SB 18**.

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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 37**, submits the following report:

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

On page 1, in line 27, by striking "On" and inserting "Subject to the provisions of subsection (h), on";

On page 2, after line 27, by inserting:

"(h) The provisions of this section shall not take effect until the United States environmental protection agency grants a waiver allowing the state of Kansas to control or prohibit the use of MTBE in motor-vehicle fuels. The secretary of health and environment shall apply for such waiver in a timely manner in order to obtain such waiver prior to July 1, 2004.";

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

JOANN LEE FREEBORN  
DON MYERS  
VAUGHN L. FLORA  
*Conferees on part of House*

ROBERT TYSON  
DAVID R. CORBIN  
JANIS K. LEE  
*Conferees on part of Senate*

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 37**.

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, Gilstrap, Gooch, Goodwin, 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.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 50**, submits the following report:

The House recedes from all of its amendments to the bill;

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

GARRY BOSTON  
JIM MORRISON  
JUDY SHOWALTER  
*Conferees on part of House*

SUSAN WAGLE  
JIM BARNETT  
DAVID HALEY  
*Conferees on part of Senate*

Senator Wagle moved the Senate adopt the Conference Committee Report on **SB 50**.

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, Corbin, Donovan, Downey, Emler, Feleciano, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Gilstrap, Gooch, Lee, Steineger.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

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

On page 3, by striking all in lines 28 through 43;

On page 4, by striking all in lines 1 through 43;

on page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking all in lines 1 through 21;

By renumbering sections accordingly;

Also on page 7, in line 22, by striking "and 40-3118";

In the title, in line 15, by striking "and 40-3118";

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

ROBERT THOMLINSON

STANLEY DREHER

NANCY KIRK

*Conferees on part of House*

LESLIE D. DONOVAN, SR.

LARRY D. SALMANS

U.L. GOOCH

*Conferees on part of Senate*

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 83**.

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, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 128**, submits the following report:

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

On page 2, by striking all in lines 31 through 37;

And by renumbering sections accordingly;

On page 1, in the title, in line 15, by striking "elec-"; in line 16, by striking "tions" and inserting "election crimes"; also in line 16, after "imposing" by inserting "criminal";

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

TONY POWELL

TED POWERS

RICHARD ALLDRITT

*Conferees on part of House*

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 128**.

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, Huel-

skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 160**, submits the following report:

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

On page 6, after line 27, by inserting the following:

"New Sec. 4. The state board of regents shall negotiate with accredited schools of dentistry for seats in such universities' dental schools for Kansas dental students. The state board of regents shall present a report to the legislature of the state of Kansas regarding such negotiations on or before the commencement of the 2002 legislative session.

New Sec. 5. For the purposes of designating persons for guaranteed admission to and continued enrollment at accredited schools or colleges of dentistry in a course of instruction leading to a doctor of dental surgery degree in accordance with a contract under K.S.A. 76-721a and amendments thereto, the state board of regents shall designate persons who are Kansas residents and who enter into a written agreement with the state board of regents in accordance with section 6, and amendments thereto.

New Sec. 6. An agreement entered into by the state board of regents and a Kansas resident who is an undergraduate student enrolled in or admitted to an accredited school or college of dentistry pursuant to a contract which provides for guaranteed admission and continued enrollment of such person therein and which was entered into for such purpose under K.S.A. 76-721a, and amendments thereto, shall require that the person:

(a) Complete the required course of instruction in dentistry and receive the degree therefor;

(b) apply for and obtain a license to practice dentistry in Kansas;

(c) engage in the full-time practice of dentistry for a period of 12 months in Kansas for each year in which such person is so enrolled pursuant to a contract under K.S.A. 76-721a, and amendments thereto;

(d) commence such full-time practice of dentistry within nine months after licensure and continue such full-time practice in Kansas for a consecutive period of months equal to the total number of months required under the agreement;

(e) maintain records and make reports to the state board of regents to document the satisfaction of the obligation under such agreement to engage in the full-time practice of dentistry in Kansas and to continue such full-time practice for a consecutive period of months equal to the total number of months required under the agreement; and

(f) upon failure to satisfy an agreement to engage in the full-time practice of dentistry in Kansas for the required period of time under such agreement, repay amounts to the state board of regents as provided in section 7, and amendments thereto.

Sec. 7. (a) Except as otherwise provided in section 8, and amendments thereto, and subsection (e), upon the failure of any person to satisfy the obligation to engage in the full-time practice of dentistry within the state of Kansas for the required period of time under an agreement entered into pursuant to section 6, and amendments thereto, such person shall repay to the state board of regents an amount equal to the total of (1) the difference between the cost of tuition and fees at the accredited school of dentistry attended by such person and the average cost of tuition and fees for in-state tuition at a state board of regents institution as fixed by the state board of regents for guaranteed admission and continued enrollment of such person in an accredited school or college of dentistry pursuant to a contract entered into therefor under K.S.A. 76-721a, and amendments thereto, plus (2) annual interest at a rate of 15% from the date such money was paid pursuant to such contract.

(b) Each person required to repay any amount under this section shall repay an amount totaling the entire amount to be repaid under such agreement for which such obligation is

not satisfied, including all interest at the rate prescribed. Except as otherwise provided in this section, such repayment shall be in installment payments and each such installment shall be not less than the amount equal to  $\frac{1}{5}$  of the total amount which would be required to be paid if repaid in five equal annual installments.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreement, as determined by the state board of regents based upon the circumstances of each individual case. If an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all interest at the rate prescribed.

(d) The total repayment obligation imposed under the agreement entered into under section 6, and amendments thereto, may be satisfied at any time prior to graduation from the accredited school or college of dentistry by making a single lump-sum payment equal to the total of (1) the entire amount to be repaid under such agreement upon failure to satisfy the obligation under such agreement to practice in Kansas, plus (2) all interest thereon at the rate prescribed to the date of payment.

(e) If a person fails to satisfy an obligation to engage in the full-time practice of dentistry in Kansas for the required period of time under an agreement entered into pursuant to section 6, and amendments thereto, because such person is engaged in the practice of dentistry in a state other than Kansas, and if such person is subject to or currently making repayments under this section and if such person subsequently commences the practice of dentistry in this state which complies with the agreements entered into under such statute, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice in this state, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

New Sec. 8. (a) An obligation to engage in the practice of dentistry in accordance with an agreement under section 6, and amendments thereto, shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under subsection (c) of section 501 of the federal internal revenue code of 1954, as amended; (6) during the period of time the person obligated is engaged solely in the teaching of dentistry; (7) during the period of time the person obligated is engaged solely in dental research; (8) during any period of temporary medical disability during which the person obligated is unable because of such medical disability to practice dentistry; or (9) during the period of time the person obligated is enrolled in an accredited school of dentistry receiving instruction in a recognized dental specialty or postgraduate dental program. Except for clause (8) of this subsection (a), an obligation to engage in the practice of dentistry in accordance with an agreement under section 6, and amendments thereto, shall not be postponed more than five years from the time the practice of dentistry was to have been commenced under any such agreement. An obligation to engage in the practice of dentistry in accordance with an agreement under section 6, and amendments thereto, shall be postponed under clause (8) of this subsection (a) during the period of time the medical disability exists.

(b) An obligation to engage in the practice of dentistry in accordance with an agreement under section 5, and amendments thereto, shall be satisfied: (1) If the obligation to engage in the practice of dentistry in accordance with an agreement under section 6, and amendments thereto, has been completed; (2) if the person obligated dies; (3) if, because of permanent physical disability, the person obligated is unable to practice dentistry; or (4) if the person obligated fails to satisfy the requirements for a degree from an accredited school or college of dentistry after such person has made their best efforts to obtain such degree.

New Sec. 9. The provisions of sections 4 to 9, inclusive, and amendments thereto shall apply to students entering their first year of an accredited school of dentistry commencing with the 2002-03 school year.

New Sec. 10. Sections 10 through 16, and amendments thereto, shall be known and may be cited as the dental hygienists student loan act.

New Sec. 11. As used in the dental hygienists student loan act:

(a) "School of dental hygiene" means a school approved by the Kansas dental board for the teaching of dental hygiene under the dental practices act;

(b) "service commitment area" means (1) any community within any county in Kansas other than Douglas, Johnson, Sedgwick or Shawnee county, (2) any state medical care facility or institution, (3) any medical center operated by the veterans administration of the United States, or (4) the full-time faculty of a school of dental hygiene located in Kansas; and

(c) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the blind, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01, and amendments thereto, any institution under the commissioner of juvenile justice as defined by K.S.A. 38-1602, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202, and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711 and amendments thereto, except as specifically provided by statute.

New Sec. 12. (a) There is hereby established the dental hygienist student loan program under the state board of regents.

(b) Subject to the provisions of appropriation acts, the state board of regents may make dental hygiene student loans in accordance with the provisions of the dental hygienists student loan act to undergraduate students who are enrolled in or admitted to a school of dental hygiene and who enter into a written student loan agreement with the state board of regents in accordance with section 13 and amendments thereto.

(c) Each student loan agreement under the dental hygienists student loan act shall provide to the person receiving the loan the payment of all tuition of the student enrolled in a school of dental hygiene.

(d) Subject to the provisions of appropriation acts, student loan agreements under the dental hygienists student loan act may be entered into on an annual basis and shall provide the payment of the amounts specified under subsection (c) for one year unless otherwise terminated before such period of time. Subject to the provisions of appropriation acts, an undergraduate student enrolled in or admitted to a school of dental hygiene may receive a separate loan under the dental hygienists student loan act for each separate year the student enters into a written student loan agreement with the state board of regents under section 13, and amendments thereto. For each separate year a student receives a loan under the dental hygienists student loan act, the student shall engage in the full-time practice of dental hygiene in an appropriate service commitment area for a period of 12 months unless such obligation is otherwise satisfied as provided in section 16, and amendments thereto.

(e) Student loans shall be awarded on a priority basis as follows, first to qualified applicants who are Kansas residents at the time of entry into a school of dental hygiene, and second, to qualified applicants who are not Kansas residents at the time of entry into a school of dental hygiene. As used in this subsection, "Kansas residents" means persons who meet the residence requirements established in K.S.A. 76-729, and amendments thereto.

New Sec. 13. A student loan agreement entered into by the state board of regents and an undergraduate student enrolled in or admitted to a school of dental hygiene for the purpose of receiving a student loan under the dental hygienists student loan act shall require that the person receiving the loan:

(a) Complete the required course of instruction and apply for and obtain a license to practice dental hygiene in Kansas;

(b) commence the full-time practice of dental hygiene within nine months after graduation from a school of dental hygiene and licensure in a service commitment area and



continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement;

(c) maintain records and make reports to the state board of regents to document the satisfaction of the obligation under such agreement to engage in the full-time practice of dental hygiene within a service commitment area and to continue such full-time practice in such service commitment area for a consecutive period of months equal to the total number of months required under the agreement; and

(d) upon failure to satisfy an agreement to engage in the full-time practice of dental hygiene within a service commitment area for the required period of time under any such agreement, the person receiving a student loan under the dental hygienists student loan act shall repay amounts to the state board of regents as provided in section 15, and amendments thereto.

New Sec. 14. (a) Upon the selection of a service commitment area for the purposes of satisfying a service obligation under a student loan agreement entered into under the dental hygienists student loan act, the person so selecting shall inform the state board of regents of the service commitment area selected.

(b) A person serving in a service commitment area pursuant to any agreement under the dental hygienists student loan act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area to another service commitment area, such person shall notify the state board of regents of such person's change of service commitment area. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying any agreement entered into under the dental hygienists student loan act.

(c) A person receiving a student loan under the dental hygienists student loan act may satisfy the obligation to engage in the full-time practice of dental hygiene in a service commitment area if the person serves as a full-time faculty member of a school of dental hygiene located in Kansas and serves two years for each one year of such obligation, or the equivalent thereof on a two-for-one basis.

(d) A person may satisfy the obligation to engage in the full-time practice of dental hygiene in a service commitment area by performing at least 100 hours per month of on-site dental hygiene care at a medical facility operated by a local health department or non-profit organization in this state serving dentally indigent persons. As used in this subsection, "dentally indigent" shall have the meaning ascribed thereto in subsection (b) of K.S.A. 2000 Supp. 65-1466, and amendments thereto.

New Sec. 15. (a) (1) Except as otherwise provided in paragraphs (2), (3), (4) and (5) of this subsection (a) or in section 16, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time practice of dental hygiene within a service commitment area of this state for the required period of time under any student loan agreement entered into under the dental hygienists student loan act, such person shall repay to the state board of regents in accordance with subsection (b) an amount equal to the total of (A) the amount of money received by such person pursuant to such agreement, or the amount of money determined under rules and regulations of the state board of regents plus (B) annual interest at a rate of 15% from the date such money was received.

(2) Any person who fails to apply for licensure as a dental hygienist shall be required to repay all moneys received pursuant to an agreement entered into for any such student loan, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of graduation from the school of dental hygiene.

(3) If at any time a person is failing to satisfy an obligation to engage in the full-time practice of dental hygiene in Kansas for the required period of time under an agreement entered into under the dental hygienists student loan act because such person is engaged in the full-time practice of dental hygiene in a state other than Kansas, or within Kansas in an area that is not a service commitment area or in the practice of dental hygiene which does not otherwise comply with the agreement entered into under the dental hygienists student loan act, and if such person is subject to or currently making repayments under this section and if such person subsequently commences the practice of dental hygiene in this state which is in a service commitment area or which otherwise complies with the agreement

entered into under the dental hygienists student loan act, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

(4) If, during the time a person is satisfying the service requirement of an agreement entered into under the dental hygienists student loan act, such person desires to engage in less than the full-time practice of dental hygiene within a service commitment area of the state and remain in satisfaction of such service requirement, such person may make application to the state board of regents or the designee of the state board of regents for permission to engage in less than such full-time practice of dental hygiene. Upon a finding of exceptional circumstances made by the state board of regents, or the designee of the state board of regents, such person may be authorized to engage in less than the full-time practice of dental hygiene within a service commitment area of the state for the remaining required period of time under such agreement and for an additional period of time which shall be equal to the length of the originally required period of time multiplied by the decimal fraction which is equal to the reduction of the full-time practice of dental hygiene to be authorized hereunder, multiplied by two. In any such determination of the period required to be engaged in the less than full-time practice of dental hygiene, the decimal fraction utilized shall not exceed .5 and any person granted permission to engage in less than the full-time practice of dental hygiene in accordance with the provisions of this paragraph (4) shall be required to engage in at least the half-time practice of dental hygiene.

(5) Any person who fails to satisfy the obligation to engage in the full-time practice of dental hygiene within a service commitment area of this state for the required period of time shall be required to repay all money received pursuant to an agreement entered into under the dental hygienists student loan act, plus accumulated interest at an annual rate of 15% and shall commence such repayment in accordance with subsection (b) within 90 days of failure to commence qualifying practice.

(b) For any repayment requirement under this section, the person shall repay an amount totaling the entire amount to be repaid under all such agreements for which such obligations are not satisfied, including all amounts of interest at the rate prescribed. The repayment shall be made in not more than 10 equal annual installment payments or in monthly payments as specified by the state board of regents.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the state board of regents based upon the circumstances of each individual case. In all cases, if an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed.

(d) The total repayment obligation imposed under all agreements entered into under the dental hygienists student loan act may be satisfied by the person who entered into the agreements at any time prior to graduation from the school of dental hygiene by making a single lump-sum payment equal to the total of (1) the entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas, plus (2) all amounts of interest thereon at the rate prescribed to the date of payment.

(e) The state board of regents shall remit all moneys received under this section to the state treasurer at least monthly. Upon receipt of each such remittance the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the dental hygiene loan repayment fund.

New Sec. 16. (a) An obligation to engage in the practice of dental hygiene in accordance with an agreement under the dental hygienists student loan act shall be postponed: (1) During any required period of active military service; (2) during any period of service as a part of volunteers in service to America (VISTA); (3) during any period of service in the

peace corps; (4) during any period of service commitment to the United States public health service; (5) during any period of religious missionary work conducted by an organization exempt from tax under subsection (c) of section 501 of the federal internal revenue code of 1986; or (6) during any period of temporary medical disability during which the person obligated is unable because of such medical disability to practice dental hygiene. Except for clause (6) of this subsection (a), an obligation to engage in the practice of dental hygiene in accordance with an agreement under the dental hygienists student loan act shall not be postponed more than five years from the time the practice of dental hygiene was to have been commenced under any such agreement. An obligation to engage in the practice of dental hygiene in accordance with an agreement under the dental hygienists student loan act shall be postponed under clause (6) of this subsection (a) during the period of time the medical disability exists.

(b) An obligation to engage in the practice of dental hygiene in accordance with an agreement under the dental hygienists student loan act shall be satisfied: (1) If the obligation to engage in the practice of dental hygiene in accordance with an agreement under the dental hygienists student loan act has been completed, (2) if the person obligated dies, or (3) if, because of permanent physical disability, the person obligated is unable to practice dental hygiene.”;

And by renumbering sections accordingly;

In the title, in line 10, by striking “the dental practices act” and inserting “dentistry”; in line 11, after “fees” by inserting: “under the dental practices act; concerning seats in accredited schools of dentistry; relating to Kansas residents designated for admission to certain accredited schools of dentistry; requiring agreements for service commitments and repayment of certain amounts; providing student loans for certain dental hygiene students”;

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

GARRY BOSTON  
JIM MORRISON  
JUDY SHOWALTER  
*Conferees on part of House*

SUSAN WAGLE  
JIM BARNETT  
DAVID HALEY  
*Conferees on part of Senate*

Senator Barnett moved the Senate adopt the Conference Committee Report on **SB 160**.

Senator Wagle offered a substitute motion to not adopt the conference committee report on **SB 160** and requested a new conference committee be appointed. The motion carried.

The President appointed Senators Wagle, Barnett and Haley as a second conference committee on **SB 160**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1844—

A RESOLUTION designating the Santa Fe Trail Center near Larned as the Official Santa Fe Trail History Museum in Kansas.

WHEREAS, The Santa Fe Trail Center near Larned is a regional museum dedicated to preserving and interpreting the history of the geographic area once known as the Santa Fe Trail. The trail was a great trade route which linked the United States with Mexico, and later with its own American southwest. The era of the Santa Fe Trail began in 1821, when Mexican independence from Spain opened up new trade opportunities for both American and Mexican merchants. Pulled by oxen and mules, commercial freight wagon trains crossed the plains until the railroad arrived near Santa Fe in 1880. This ended the Santa Fe Trail's freighting days and a new era began as settlers established homes, farms and ranches along the ruts of the old trail; and

WHEREAS, The Santa Fe Trail Center opened its doors in 1974 and was accredited by the American Association of Museums three years later, becoming one of the youngest museums in the nation to be granted such accreditation. A nonprofit organization, the center is locally owned and privately funded; and

WHEREAS, In 1991, the Santa Fe Trail Center was designated a certified site on the Santa Fe National Historic Trail. It was the second site on the trail and the first site in Kansas to receive this important designation by the National Park Service; and

WHEREAS, The museum's exhibits show the trail as a transportation route which blended the Indian, Spanish and American cultures. Displays include prehistoric Indian artifacts, a Wichita Indian grass lodge, a full sized mounted buffalo, a commercial freight wagon and an exhibit showing the Spanish influences on the trail; and

WHEREAS, The period of settlement along the ruts of the old trail, brought about by the coming of the railroad, is depicted in the museum by a series of rooms showing pioneer life in the early 1900's. An impressive collection of historic firearms showing the progression of weapons from flintlock to cartridge is also on display; and

WHEREAS, Outdoor exhibits on the Trail Center's 25-acre complex include a sod house, dugout home, limestone cooling house, one-room schoolhouse and a Santa Fe Railroad depot. On special occasions, living history programs provide visitors with an insight into early pioneer life; and

WHEREAS, It is appropriate to designate this facility as the Official Santa Fe Trail History Museum in Kansas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Santa Fe Trail Center near Larned be designated the Official Santa Fe Trail History Museum in Kansas; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide five enrolled copies of this resolution to Ruth Olson Peters, Director, Santa Fe Trail Center, R.R. No. 3, Larned, Kansas 67550.

On emergency motion of Senator Salmans **SR 1844** was adopted unanimously.

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

SENATE RESOLUTION No. 1845—

A RESOLUTION memorializing the Congress of the United States regarding the availability of prescription drugs.

WHEREAS, Sales of prescription drugs are expected to exceed more than \$100 billion this year, and of some 55 million Americans, many are paying the entire amount for their prescription drugs out-of-pocket. Total spending on prescription drugs has increased an average of 12.2% annually since 1993, 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, while the consumer price index has increased an average of 2.6% and the average increase for health-care expenditures has been 5.1%. The average cost of new drugs introduced since 1992 is \$71.49, more than twice the average price of \$30.47 for previously existing drugs. As President Clinton has stated, "In a nation bursting with prosperity, no senior should have to choose between buying food and buying medicine." President Bush has declared prescription drug costs a priority and has proposed that medicare provide subsidies to help seniors purchase prescription drugs from competing private insurers and would commit \$48 billion for state grants in the first four years of the program; and

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

WHEREAS, While drug manufacturers provide discounts to "preferred buyers", community retail pharmacies receive nominal volume discounts resulting in the uninsured paying more for their prescription medication; and

WHEREAS, The pharmaceutical industry spends about 20% of its revenues on research and development, compared to 4% in other industries, with such costs being absorbed mainly by Americans. Unlike some foreign countries, the United States has not chosen to impose price controls on prescription drugs.

WHEREAS, The surge of prescription drug sales on the Internet and through "mail order pharmacies" reflects an attempt by consumers to obtain needed drugs from any source, domestic or foreign, which may place consumers at risk and result in overall poor health outcomes: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we memorialize the Congress of the United States regarding the availability of prescription drugs to individual consumers and the need for assistance and relief from this circumstance; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to the President pro tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

On emergency motion of Senator Barnett **SR 1845** was adopted unanimously.

#### COMMITTEE OF THE WHOLE

Committee report to **HB 2508** be adopted; also, rose and reported progress (see further action, Afternoon Session).

#### MESSAGE FROM THE HOUSE

The House nonconcur in Senate amendments to **HB 2515**, requests a conference and has appointed Representatives Holmes, Beggs and McClure as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 146** and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

#### CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Corbin the Senate nonconcurred in the House amendments to **SB 39**. And requested a conference committee be appointed.

The President appointed Senators Corbin, Jenkins and Lee 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 **HB 2515**.

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

On motion of Senator Oleen, the Senate recessed until 2:00 p.m.

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### AFTERNOON SESSION

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 362**, An act concerning the state educational institutions; relating to residence of students for fee purposes; amending K.S.A. 2000 Supp. 76-729 and repealing the existing section, by Committee on Ways and Means.

#### MESSAGE FROM THE HOUSE

Announcing passage of **HB 2336**.

The House adopts the conference committee report on **SB 107**.

The House adopts the conference committee report on **SB 115**.

The House adopts the conference committee report on **SB 126**.

The House adopts the conference committee report on **SB 183**.

The House adopts the Conference Committee Report to agree to disagree on **SB 218** and has appointed Representatives T. Powell, Powers and Alldritt as second conferees on the part of the House.

The House adopts the conference committee report on **Senate Substitute for HB 2035**.

The House adopts the conference committee report on **HB 2114**.

The House concurs in Senate amendments to **HB 2055** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2099** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Substitute HB 2129** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Senate Substitute for HB 2299** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2289** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2343** and requests the Senate to return the bill.

The House announces the appointment of Representatives O'Neal, Loyd and Pauls to replace Representatives Boston, Jim Morrison and Showalter as conferees on **HB 2154**.

The House adopts the conference committee report on **HCR 5008**.

Announcing passage of **HB 2583**.

Also, passage of **SB 170**, as amended, **SB 343**, as amended.

Also, adoption of **SCR 1611**, as amended.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2067**, requests a conference and has appointed Representatives Boston, Bethel and Showalter as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2480**, requests a conference and has appointed Representatives Tomlinson, Dreher and Kirk as conferees on the part of the House.

The House adopts the conference committee report on **HB 2131**.

The House adopts the conference committee report on **HB 2134**.

The House adopts the conference committee report on **Senate Substitute for HB 2303**.

The House concurs in Senate amendments to **HB 2189** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2515** and requests the Senate to return the bill.

The House announces the appointment of Representative Wilson to replace Representative Alldritt as a conferee on **SB 218**.

#### **INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**HB 2336**, **HB 2583** were thereupon introduced and read by title.

#### **CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Brownlee moved the Senate concur in house amendments to **SB 146**.

**SB 146**, An act relating to the economic development of certain political subdivisions; amending K.S.A. 2000 Supp. 74-50,115 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, 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, Wagle.

Nays: Barone, Gilstrap, Vratil.

The Senate concurred.

Senator Harrington moved the Senate concur in house amendments to **SCR 1611**.

**SCR 1611**. A concurrent resolution expressing the Legislature's opposition to amendments to the Indian Gaming Regulatory Act which eliminate the Governor's right to concur in acquisitions of land for gaming purposes.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

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

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

The Senate concurred.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote "no" on **SCR 1611**. As the Senator representing the District which includes downtown Kansas City, I support any legal opportunity for private economic development. The Wyandotte Indian tribe seeks to build a casino on land it owns in my District. If built this facility will employ our people, generate revenue for surrounding businesses. . . keeping the lights on, for a change, after 5 p.m. in downtown Kansas City.

When the Governor or any member of our local government proposes substantive assistance for private growth, I will join him in attempting to prohibit selective business(es).—

DAVID HALEY

#### ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **S Sub for HB 2067**.

The President appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

On motion of Senator Praeger, the Senate acceded to the request of the House for a conference on **HB 2480**.

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

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 107**, submits the following report:

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

On page 2, after line 18, by inserting the following:

"If the advisory opinion states that the form of the question contained in the petition does not comply with the requirements of this act, such advisory opinion shall also state specific grounds to support such determination.";

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

TONY POWELL  
TED POWERS  
RICHARD ALLDRITT  
*Conferees on part of House*

BARBARA P. ALLEN  
STAN CLARK  
MARK GILSTRAP  
*Conferees on part of Senate*

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 107**.

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 Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 115**, submits the following report:

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

On page 1, in line 33, by striking "2004" and inserting "2005";

On page 4, in line 2, by striking "Kansas register" and inserting "statute book";

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

GARY K. HAYZLETT  
JENE VICKREY  
MARGARET E. LONG  
*Conferees on part of House*

LESLIE D. DONOVAN, SR.  
LARRY D. SALMANS  
U.L. GOOCH  
*Conferees on part of Senate*

Senator Donovan moved the Senate adopt the Conference Committee Report on **SB 115**.

On roll call, the vote was: Yeas 34, Nays 6, 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, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Jackson, Lyon, Pugh, Taddiken, Tyson.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 126**, submits the following report:

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

On page 4, in line 9, after "recount" by inserting "in one or more counties"; in line 14, after "county" by inserting "in which the recount occurred"; in line 15, by striking "in conducting such"; in line 16, by striking "recount";

On page 5, after line 6, by inserting the following:

"Sec. 3. K.S.A. 25-409 is hereby amended to read as follows: 25-409. (a) If any person challenged pursuant to K.S.A. 25-414, and amendments thereto, shall refuse to subscribe the application for registration pursuant to K.S.A. 25-2309, and amendments thereto, the judges shall reject such person's vote.

(b) If a person is challenged pursuant to K.S.A. 25-414, and amendments thereto, such person shall be permitted to subscribe the application for registration and mark a ballot. The ballot shall thereupon be sealed in an envelope. The judges shall write on the envelope the word "provisional" and a statement of the reason for the challenge, and that the ballot contained in the envelope is the same ballot which was challenged pursuant to K.S.A. 25-409 *et seq.* and amendments thereto. Such statement shall be attested by two of the judges.



The judges shall attach the application for registration to the envelope containing the provisional ballot. The envelope shall be numbered to correspond to the number of the provisional voter's name in the registration or poll book, and the word "provisional" shall be written following the voter's name in the poll book. Such provisional ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, and amendments thereto, shall be ~~opened and~~ reviewed by the county board of canvassers *at the time prescribed for canvassing votes*, and such board shall determine the acceptance or rejection of the same. *The county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns.*"

And by renumbering sections accordingly;

Also on page 5, in line 7, after "25-106" by inserting ", 25-409";

In the title, in line 14, after "25-106" by inserting ", 25-409;"

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

TONY POWELL  
TED POWERS  
RICHARD ALLDRITT  
*Conferees on part of House*

BARBARA P. ALLEN  
KAY O'CONNOR  
MARK GILSTRAP  
*Conferees on part of Senate*

Senator Allen moved the Senate adopt the Conference Committee Report on **SB 126**.

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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 183**, submits the following report:

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

On page 3, in line 18, by striking "an amount"; in line 19, by striking "equal to" and inserting "½ of such surplus shall be transferred to such fund from the plan and the remaining ½ of"; in line 21, by striking "has"; also in line 21, following "plan" by inserting "during the preceding fiscal year";

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

JOANN FREEBORN  
DON MYERS  
VAUGHN L. FLORA  
*Conferees on part of House*

ROBERT TYSON  
MARK TADDIKEN  
JANIS K. LEE  
*Conferees on part of Senate*

Senator Tyson moved the Senate adopt the Conference Committee Report on **SB 183**.

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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 218**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TONY POWELL  
TED POWERS  
*Conferees on part of House*

BARBARA P. ALLEN  
KAY O'CONNOR  
MARK GILSTRAP  
*Conferees on part of Senate*

On motion of Senator Allen, the Senate adopted the conference committee report on **SB 218**, and requested a new conference committee be appointed.

The President appointed Senators Allen, O'Connor and Gilstrap as a second Conference Committee on the part of the Senate on **SB 218**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2068**, submits the following report:

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

On page 2, by striking all in lines 14 through 37 and inserting:

"New Sec. 2. (a) As used in this section, "municipality" means any city or county or agency, department or other division of a city or county.

(b) Except as provided by subsection (c) and as necessary to comply with the Kansas offender registration act, K.S.A. 22-4901 *et seq.*, and amendments thereto, no municipality shall adopt or enforce an ordinance or resolution which requires any landlord to provide to such municipality a list of names of any tenants of such landlord.

(c) A municipality may require a landlord to provide to the municipality a list of the names of tenants occupying the landlord's property if a citation for a violation of an ordinance or resolution adopted to protect the public health, safety or welfare has occurred on such property. Such list shall not be required to be provided until at least 30 days following the date of the issuance of a citation. Such list shall not be required if the landlord complies with the provisions of such ordinance or resolution.

Sec. 3. K.S.A. 19-228 is hereby amended to read as follows: 19-228. (a) Except as provided by ~~subsection (b)~~ *this section*, the board of county commissioners shall cause to be published at the end of each calendar quarter or, if the county commissioners so provide, at the end of each month, an itemized statement of all sums of money allowed in excess of \$50, and for what purpose during the preceding quarter or month. 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. Such statement shall be published once in a newspaper having the qualifications required by K.S.A. 64-101, and amendments thereto.

(b) In lieu of publishing an itemized statement of expenditures as required by subsection (a), the board of county commissioners may publish a summary of expenditures from each fund and the cash balance of each fund at the beginning and close of the quarter or month, as appropriate. If a summary of expenditures is published as authorized by this subsection, a notice also shall be included that a detailed statement of expenditures is available for public inspection at the county clerk's office. Copies of such statement shall be available upon request.

(c) *If the governing body of the unified government of Wyandotte County/Kansas City publishes a summary of expenditures in lieu of the itemized statement of expenditures required by subsection (a), a notice also shall be included that a detailed statement of expenditures is available at the county clerk's office and at the main branch of the Kansas City, Kansas public library. Such notice shall be printed in 10-point boldface type.*”;

On page 5, following line 30, by inserting:

“Sec. 5. K.S.A. 19-2881 is hereby amended to read as follows: 19-2881. (a) Before the board of any park district created under K.S.A. 19-2859 to 19-2880, inclusive, and amendments thereto, shall let any contract for any improvement which is estimated to exceed ~~\$10,000~~ \$20,000, the board shall cause accurate detailed plans and specifications therefor, together with a detailed estimate, of the cost of same, to be made and filed in the office of the secretary of such board. Before letting such contract, the board shall advertise for bids to do such work in accordance with such plans and specifications for at least one week in a newspaper of general circulation in such district. Except as provided by subsection (b), the purchase of materials, contracts for purchase or sale, lease contracts and other contractual services which are estimated to exceed ~~\$10,000~~ \$20,000, shall be made upon competitive bids.

All bids shall be made in writing and signed by the bidder, ~~and presented.~~ *All bids shall be submitted or delivered by the bidder, or the bidder's agent or attorney, to the board, at a meeting thereof, and or to a designated representative of the board as specified in the bid notice. The proceedings to open and consider bids shall be conducted at a time and place specified in the bid notice. Such proceedings shall be open to the public.* All bids shall be ~~considered and~~ accepted or rejected ~~immediately after their submission by the board at a meeting thereof within 30 days of the opening of the bids.~~ The board may reject any bids and shall not accept a bid in excess of the estimated cost of the work, and a contract let at a price in excess of the estimated cost of the work shall be void.

(b) The district may enter into agreements with any public agency for the purchase of materials, contracts for purchase or sale, lease contracts and other contractual services through such governmental units using the bidding procedure of such public agency.

(c) When used in this section, “public agency” means any state or a political or taxing subdivision thereof.”;

By renumbering sections accordingly;

Also on page 5, in line 31, following “K.S.A.” where it appears for the first time by inserting “19-228, 19-2881 and”;

In the title, by striking all in lines 10, 11 and 12 and inserting:

“AN ACT concerning certain municipalities; relating to the powers and duties thereof; amending K.S.A. 19-228, 19-2881 and 80-104 and K.S.A. 2000 Supp. 19-101a and repealing the existing sections.”;

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

BARBARA P. ALLEN  
KAY O'CONNOR  
MARK GILSTRAP  
*Conferees on part of Senate*

GERRY RAY  
LARRY L. CAMPBELL  
RUBY GILBERT  
*Conferees on part of House*

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2068**  
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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2406**, submits the following report:

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

On page 1, after line 33 by inserting:

"Sec. 2. K.S.A. 68-404 is hereby amended to read as follows: 68-404. The secretary of transportation shall have the following powers, duties, authority and jurisdiction:

(a) General supervision over the administration of all road and bridge laws and over the construction and maintenance of all roads, bridges and culverts throughout the state, except that such supervision by the secretary shall not extend to township roads, except that any township road for which federal aid is granted shall be under the supervision of the secretary;

(b) to compile information concerning the road, bridge and culvert materials of the state and furnish such information to boards of county commissioners, township highway commissioners, county engineers and other highway officials; the secretary shall answer all inquiries of such officials concerning highway construction and maintenance and shall advise them of the reasonable prices for materials and construction work;

(c) devise and adopt standard plans and specifications for road, bridge and culvert construction and maintenance suited to the needs of the different counties of the state and furnish them to county engineers;

(d) make a biennial report for the use of the legislature and may issue bulletins and pamphlets, which shall be printed as public documents;

(e) carry on such other highway educational work, and may cooperate with the state and national organizations for the support and advancement of highway construction;

(f) may make investigations of the highway conditions in any county, assist boards of county commissioners and the attorney general in the prosecution or defense of patent suits relative to road and bridge construction when so requested, and the secretary shall report any violations of the law to the attorney general who shall take such steps as are necessary regarding such violations;

(g) to enter upon any property to make surveys, examinations, investigations, and tests, and to acquire other necessary and relevant data in contemplation of (1) establishing the location of a road, street or highway; (2) acquiring land, property, and road building materials; or (3) performing other operations incident to highway construction, reconstruction or maintenance. Prior to entering upon any such property the secretary shall first request permission of the landowner to do so. Where consent to do the things authorized in this subsection (g) is not given to the secretary by the owner or occupant of the land involved, the secretary may proceed as authorized after giving 10 days written notice to landowner or occupant of the secretary's intention to conduct such surveys, examinations, investigations and tests. Entry upon any property, pursuant to this subsection, shall not be considered to be a legal trespass and no damages shall be recoverable on that account alone. In case of any actual or demonstrable damages to the premises, the secretary shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and such secretary to agree upon the amount of damages the landowner may file an action against the secretary in the district court of the county in which the land is situated to recover such damages;

(h) to make tests, do research, to inspect and test all materials, supplies, equipment, and machinery used for state highway purposes or highway projects involving federal funds,

and to develop methods and procedures for this purpose. Tests of such materials, supplies or equipment may be made available, upon payment of actual costs therefor, to any federal agency or political subdivision of the state;

(i) to maintain and develop testing laboratories to carry out the requirements of this act;

(j) to perform such other acts and duties and exercise such authority as will give the provisions of this act and other laws relating to the secretary or department of transportation full force and effect;

(k) to adopt rules and regulations to carry out the provisions of this act and any other laws relating to the secretary or department of transportation; ~~and~~

(l) to adopt rules and regulations relating to debarment and suspension of contractors for cause; *and*

(m) *to prepare a report and make a presentation to the legislature as required by section 3 and amendments thereto.*

Sec. 3. K.S.A. 75-3516 is hereby amended to read as follows: 75-3516. (a) Each state agency shall have the legal custody of all deeds to real estate held or acquired by such state agency for and in the name of the state of Kansas, together with the abstracts of title thereto and the title insurance policies therefor, and of all other original instruments relating to real estate transactions of such state agency. ~~It shall be the duty of~~ Each state agency ~~to~~ *shall* keep, preserve and file all such deeds, abstracts of title, title insurance policies and other instruments, and all such instruments in the custody of the secretary of state on the effective date of this act shall be and are hereby transferred to the custody of the respective state agencies.

(b) ~~It shall be the duty of~~ Each state agency ~~to~~ *shall* record or cause to be recorded all deeds to real estate acquired by ~~it~~ *the state agency* with the register of deeds of the county where the real estate is located and any other instruments relating to ~~its~~ *the agency's* real estate transactions provided by law to be recorded.

(c) The director of accounts and reports shall maintain inventory records of the real property owned by the state, which records shall reflect all real property held and every real estate transaction engaged in by each state agency except the secretary of transportation. Such inventory records shall include, but not be limited to, the acreage, the location by city and county, a brief legal description and the use and purpose of each lot, tract or parcel of land held by a state agency.

(d) (1) *The secretary of transportation shall deliver to the secretary of the senate and the chief clerk of the house of representatives on or before January 30, 2002, and January 30th of each year thereafter, a written report concerning the department of transportation's system of inventory of records pertaining to all real property owned by the department of transportation and all real estate transactions engaged in by the department of transportation. Each report shall describe the current status of the inventory system and the steps taken during the past year to improve such inventory system and comply with the requirements of this section. The secretary of transportation shall notify each member of the legislature of the availability of copies of the report.*

(2) *On or before January 30, 2002, and January 30th of each year thereafter, the secretary of transportation shall make a presentation to the joint committee on state building construction on the report described in paragraph (1).*

Sec. 4. K.S.A. 2000 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate *as determined in accordance with this section.*

(b) (1) *The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state*

agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the ~~written consent of approval of the~~ governor, after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: ~~(1)~~ (A) Public auction; ~~(2)~~ (B) by listing the surplus property with a licensed real estate broker or salesperson; or ~~(3)~~ (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, *unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate.* The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f)(1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and ~~the any cost of the~~ appraisal of the surplus real estate, shall be deposited in the state treasury ~~and credited to the state general fund~~ as prescribed by this subsection, unless otherwise authorized by law. *On and after the effective date of this act, a portion of the proceeds from each such sale deposited in the state treasury shall be determined and designated by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter in conjunction with approval of such sale under subsection (c), to be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, except that such portion shall not exceed the amount equal to 50% of such proceeds unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. After crediting the amount designated by the state finance council, the remainder of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.*

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund

created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) *Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.*

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section.

New Sec. 5. If a mental health institution or mental retardation institution is closed and all or part of the real estate of such institution is sold, the proceeds from the sale of such real estate, after deduction of the costs of the sale and any costs of appraisal of such surplus real estate, shall be deposited in the state treasury to the credit of a new or existing special revenue fund. All expenditures of such moneys in any such special revenue fund shall be in accordance with the provisions of appropriation acts and shall be used (a) for capital improvement or operating expenditures for another state institution providing either mental health services or mental retardation services, whichever were provided by the closed institution or (b) to provide either mental health services or mental retardation services, whichever was provided by the closed institution, through community organizations in communities.”;

By renumbering the remaining sections accordingly;

On page 1, in line 34, by striking “2000 Supp. 58-2005 is” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609 are”;

In the title, on page 1, in line 10 by striking “plats; relating to the review thereof” and inserting “real estate; relating to surplus real estate owned by state agencies; relating to the review of plats”; in line 11, by striking “2000 Supp. 58-2005” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609”; also in line 11, by striking “section” and inserting “sections”;

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

BARBARA P. ALLEN  
DEREK SCHMIDT  
MARK GILSTRAP  
*Conferees on part of Senate*

GERRY RAY  
LARRY L. CAMPBELL  
RUBY GILBERT  
*Conferees on part of House*

Senator Allen moved the Senate adopt the Conference Committee Report on **HB 2406**

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, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **HB 2143** be amended by substituting a new bill to be designated as “Senate Substitute for HOUSE BILL No. 2143,” as follows:

“SENATE Substitute for HOUSE BILL No. 2143

By Committee on Commerce

“AN ACT concerning air transportation; providing certain financial guarantees to ensure the operation of discount airlines within the state.”;

and the substitute bill be passed.

Committee on **Financial Institutions and Insurance** recommends **HB 2563** be passed.

Committee on **Ways and Means** recommends **SB 357; HB 2106** be passed.

Also **HB 2059**, as amended by House Committee, be amended on page 1, in line 13, before "Section" by inserting "New"; also in line 13, by striking all after "(a)"; in line 14, by striking "center" and inserting: "Except as otherwise provided in this subsection, the secretary of health and environment"; also in line 14, after "appropriated" by inserting "therefor"; in line 18, after the period, by inserting: "If the secretary of health and environment determines that moneys for this program are inadequate to finance the program based upon estimated costs for the program developed by the department of health and environment, the secretary of health and environment shall not establish the program until the secretary determines that adequate moneys are available to finance the program."; in line 19, by striking all after "(b)"; in line 20, by striking all before "shall" and inserting: "If a program for the care and treatment of persons suffering from chronic renal diseases is established under subsection (a), the secretary of health and environment"; in line 21, before "necessary" by inserting: ", to the extent moneys are appropriated therefor or grants or other funds are received therefor, as may be"; also in line 21, after "and" by inserting "shall"; in line 23, by striking "executive"; in line 24, by striking "vice chancellor" and inserting "secretary of health and environment"; in line 26, by striking "executive vice chancellor" and inserting "secretary of health and environment"; in line 30, by striking "executive vice chancellor" and inserting "secretary of health and environment"; in line 34, by striking "executive vice chancellor" and inserting "secretary of health and environment"; in line 35, by striking "executive vice chancellor" and inserting "secretary"; in line 38, by striking "out of" and inserting "from"; after line 38, by inserting the following:"

Sec. 2. K.S.A. 2000 Supp. 65-2895 is hereby amended to read as follows: 65-2895. (a) There is hereby created a designation of institutional license which may be issued by the board to a person who is a graduate of an accredited school of the healing arts or a school which has been in operation for not less than 15 years and the graduates of which have been licensed in another state or states which have standards similar to Kansas and who is employed as provided in this section. Subject to the restrictions of this section, the institutional license shall confer upon the holder the right and privilege to practice that branch of the healing arts in which the holder of the institutional license is proficient and shall obligate the holder to comply with all requirements of such license. The practice privileges of institutional license holders are restricted as follows: The institutional license shall be valid only during the period in which: (1) The holder is employed by the department of social and rehabilitation services, employed by any institution within the department of corrections or employed pursuant to a contract entered into by the department of social and rehabilitation services or the department of corrections with a third party, and only within the institution to which the holder is assigned; (2) the holder was issued an institutional license prior to May 8, 1997, and is employed to provide mental health services in the employ of a Kansas licensed community mental health center, or one of its contracted affiliates, or a federal, state, county or municipal agency, or other political subdivision, or a contractor of a federal, state, county or municipal agency, or other political subdivision, or a duly chartered educational institution, or a medical care facility licensed under K.S.A. 65-425 *et seq.*, and amendments thereto, in a psychiatric hospital licensed under K.S.A. 75-3307b and amendments thereto, or a contractor of such educational institution, medical care facility or psychiatric hospital, and whose practice, in any such employment, is limited to providing mental health services, is a part of the duties of such licensee's paid position and is performed solely on behalf of the employer; or (3) the holder was issued an institutional license prior to May 8, 1997, and is providing mental health services pursuant to a written protocol with a person who holds a license to practice medicine and surgery other than an institutional license.

(b) An institutional license shall be valid for a period of two years after the date of issuance and may be renewed if the applicant for renewal is eligible to obtain an institutional license under this section, ~~has successfully completed the examination required under subsection (a)(3) of K.S.A. 65-2873 and amendments thereto~~ *been approved for renewal by the chief clinical officer of the institution at which the holder of the license is employed or if there is no such officer or if the chief clinical officer is the holder of the license, then has been approved by the chief executive officer of the institution at which the holder of the license is employed* and has submitted evidence of satisfactory completion of a program of



continuing education required by the board. The board shall require each applicant for renewal of an institutional license under this section to submit evidence of satisfactory completion of a program of continuing education required by the board of licensees of the branch of the healing arts in which the applicant is proficient.

~~(c) Notwithstanding the provisions of subsection (b), an institutional license may be renewed once for two years if the holder was issued an institutional license prior to May 8, 1997, has successfully completed two years of postgraduate training in the United States and has submitted evidence of satisfactory completion of a program of continuing education required by the board.~~

~~(d) This section shall be a part of and supplemental to the Kansas healing arts act.~~

Sec. 3. K.S.A. 2000 Supp. 65-2895 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, after “fund” by inserting: “; concerning institutional licenses to practice a branch of the healing arts; amending K.S.A. 2000 Supp. 65-2809 and repealing the existing section”; and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

**SB 50** reported correctly engrossed April 6, 2001.

Also **SB 18, SB 57** correctly re-engrossed April 6, 2001.

#### REPORT ON ENROLLED BILLS

**SB 58, SB 110** reported correctly enrolled, properly signed and presented to the Governor on April 6, 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 Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **HB 2219, HB 2573** be passed.

**HB 2283** be amended by motion of Senator Praeger as amended by House Committee, on page 1 after line 13 by inserting the following:

“Section 1. K.S.A. 2000 Supp. 65-3505 is hereby amended to read as follows: 65-3505.

(a) Every individual who holds a valid license as an administrator issued by the board shall apply to the board for renewal of such license in accordance with rules and regulations adopted by the board and report any facts requested by the board on forms provided for such purpose.

(b) Upon making an application for a renewal of license, such individual shall pay a renewal fee to be fixed by rules and regulations and shall submit evidence satisfactory to the board that during the period immediately preceding application for renewal the applicant has attended a program or course of study as provided by the rules and regulations of the board. Any individual who submits an application for a renewal of license within 30 days after the date of expiration shall also pay a late renewal fee fixed by rules and regulations. Any individual who submits an application for a renewal of license after the thirty-day period following the date of expiration shall be considered as having a license that has lapsed for failure to renew and shall be reissued a license only after the individual has been reinstated under subsection (d).

(c) Upon receipt of such application for renewal of license, the renewal fee and the evidence required, the board shall issue a license to such administrator.

(d) An administrator who has been duly licensed in this state, whose license has not been revoked or suspended, and whose license has expired because of temporary abandonment of the practice of nursing home administration, or has moved from the state, or for such other reason, may be licensed within the state upon complying with the provisions of this section for renewal of license, filing with the board an application, and submission of a renewal fee and reinstatement fee fixed by rules and regulations.

(e) Notwithstanding the foregoing provisions of this section, the board may enter into reciprocal relations with boards of other states or endorse the training acquired by an ap-

plicant whereby licenses may be granted, without examination and upon payment of a licensure fee and a reciprocity fee, to duly licensed administrators from other states, provided the requirements for licensure of the state from which the applicant applies are as high as those in Kansas and the applicant is favorably recommended, in writing, by the board of the state in which the applicant is licensed.

(f) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to rules and regulations of the board. To provide for a system of biennial renewal of licenses the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to rules and regulations. No proration shall be made under this subsection (f) on delinquent license renewals or on temporary licenses.

(g) *The secretary of health and environment shall remit all moneys received by the secretary from fees, charges or penalties under the provision of article 35 of chapter 65 of the Kansas Statutes Annotated to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of such amount shall be credited to the state general fund and the balance shall be credited to the adult care home administrators' fee fund. All expenditures from the adult care home administrators' fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board or by the secretary of health and environment or by a person or persons designated by the chairperson and the secretary.*;

And by renumbering sections accordingly;

On page 2, in line 17, by striking "is" and by inserting "and K.S.A. 2000 Supp. 65-3505 are";

On page 1, in the title, in line 10, after the semicolon by inserting "relating to fees;" in line 11, after "65-3506" by inserting "and K.S.A. 2000 Supp. 65-3505"; also in line 11, by striking "section" and inserting "sections", and **HB 2283** be passed as amended.

**HB 2508** be further amended by motion of Senator Barone as amended by Senate Committee, on page 12, in line 29, prior to "If" by inserting "A written agreement between the parties to make direct child support payments to the obligee and not pay through the central unit shall constitute good cause, unless the court finds the agreement is not in the best interest of the child or children."

Senator Schmidt further amended the bill as amended by Senate Committee of the Whole, on motion of Senator Barone, by striking all in sections 1 through 13;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, by striking all after "AN ACT"; in line 15, by striking all before "K.S.A." and inserting "repealing"; in line 17, by striking all after "60-2308"; in line 18, by striking all before the period and inserting ", concerning child support enforcement"

Senator Schmidt further amended the **HB 2508** as amended by Senate Committee of the Whole, by striking all after the enacting clause and inserting the following:

"Section 1. K.S.A. 2000 Supp. 23-4,106 is hereby amended to read as follows: 23-4,106. As used in the income withholding act:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement, an arrearage equal to or greater than the amount of support payable for one month exists on the date the order for support is entered.

(b) "Business day" means a day on which state offices in Kansas are open for regular business.

(c) "Health benefit plan" means any benefit plan, other than public assistance, which is able to provide hospital, surgical, medical, dental or any other health care or benefits for a child, whether through insurance or otherwise, and which is available through a parent's employment or other group plan.

(d) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to, wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits, workers compensation and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply. Workers compensation shall be considered income only for the purposes of child support and not for the purposes of maintenance.

(e) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

(f) "Medical child support order" means an order requiring a parent to provide coverage for a child under a health benefit plan and, where the context requires, may include an order requiring a payor to enroll a child in a health benefit plan.

(g) "Medical withholding order" means an income withholding order which requires an employer, sponsor or other administrator of a health benefit plan to enroll a child under the health coverage of a parent.

(h) "Nonparticipating parent" means, if one parent is a participating parent as defined in this section, the other parent.

(i) "Obligee" means the person or entity to whom a duty of support is owed.

(j) "Obligor" means any person who owes a duty to make payments or provide health benefit coverage under an order for support.

(k) "Order for support" means any order of a court, or of an administrative agency authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse, and includes an order which provides for modification or resumption of a previously existing order; payment of uninsured medical expenses; payment of an arrearage accrued under a previously existing order; a reimbursement order, including but not limited to an order established pursuant to K.S.A. 39-718a or 39-718b, and amendments thereto; an order established pursuant to K.S.A. 23-451 *et seq.* and amendments thereto; or a medical child support order.

(l) "Participating parent" means a parent who is eligible for single coverage under a health benefit plan as defined in this section, regardless of the type of coverage actually in effect, if any.

(m) "Payor" means any person or entity owing income to an obligor or any self-employed obligor and includes, with respect to a medical child support order, the sponsor or administrator of a health benefit plan.

(n) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including but not limited to the department of social and rehabilitation services, court trustees, county or district attorneys and other subcontractors.

(o) "Title IV-D" means part D of title IV of the federal social security act (42 U.S.C. § 651 *et seq.*) and amendments thereto, as in effect on ~~May 1, 1997~~ *December 31, 1999*. "Title IV-D cases" means those cases required by title IV-D to be processed by the department of social and rehabilitation services under the state's plan for providing title IV-D services.

Sec. 2. K.S.A. 2000 Supp. 23-4,108 is hereby amended to read as follows: 23-4,108. (a) It shall be the affirmative duty of any payor to respond within 10 days to written requests for information presented by the public office concerning: (1) The full name of the obligor; (2) the current address of the obligor; (3) the obligor's social security number; (4) the obligor's work location; (5) the number of the obligor's claimed dependents; (6) the obligor's

gross income; (7) the obligor's net income; (8) an itemized statement of deductions from the obligor's income; (9) the obligor's pay schedule; (10) the obligor's health insurance coverage; and (11) whether or not income owed the obligor is being withheld pursuant to this act. This is an exclusive list of the information that the payor is required to provide under this section.

(b) It shall be the duty of any payor who has been served a *copy of* an income withholding order for payment of an order for cash support to deduct and pay over income as provided in this section. The payor shall begin the required deductions no later than the next payment of income due the obligor after 14 days following service of the order on the payor.

(c) Within seven business days of the time the obligor is normally paid, the payor shall pay the amount withheld as directed by the income withholding agency pursuant to K.S.A. 23-4,109 and amendments thereto, as directed by the income withholding order or by a rule of the Kansas supreme court. The payor shall identify each payment with the name of the obligor, the county and case number of the income withholding order, and the date the income was withheld from the obligor. A payor subject to more than one income withholding order payable to the same payee may combine the amounts withheld into a single payment, but only if the amount attributable to each income withholding order is clearly identified. Premiums required for a child's coverage under a health benefit plan shall be remitted as provided in the health benefit plan and shall not be combined with any other support payment required by the income withholding order.

(d) The payor shall continue to withhold income as required by the income withholding order until further order of the court or agency.

(e) From income due the obligor, the payor may withhold and retain to defray the payor's costs a cost recovery fee of \$5 for each pay period for which income is withheld or \$10 for each month for which income is withheld, whichever is less. Such cost recovery fee shall be in addition to the amount withheld as support.

(f) The entire sum withheld by the payor, including the cost recovery fee and premiums due from the obligor which are incurred solely because of a medical withholding order, shall not exceed the limits provided for under section 303(b) of the consumer credit protection act (15 U.S.C. § 1673(b)). If amounts of earnings required to be withheld exceed the maximum amount of earnings which may be withheld according to the consumer credit protection act, priority shall be given to payment of current and past due support, and the payor shall promptly notify the holder of the limited power of attorney of any nonpayment of premium for a health benefit plan on the child's behalf. An income withholding order issued pursuant to this act shall not be considered a wage garnishment as defined in subsection (b) of K.S.A. 60-2310 and amendments thereto. If amounts of earnings required to be withheld in accordance with this act are less than the maximum amount of earnings which could be withheld according to the consumer credit protection act, the payor shall honor garnishments filed by other creditors to the extent that the total amount taken from earnings does not exceed consumer credit protection act limitations.

(g) The payor shall promptly notify the court or agency that issued the income withholding order of the termination of the obligor's employment or other source of income, or the layoff of the obligor from employment, and provide the obligor's last known address and the name and address of the individual's current employer, if known.

(h) A payor who complies with a *copy of* an income withholding order that is regular on its face shall not be subject to civil liability to any person or agency for conduct in compliance with the income withholding order.

(i) Except as provided further, if any payor violates the provisions of this act, the court may enter a judgment against the payor for the total amount which should have been withheld and paid over. If the payor, without just cause or excuse, intentionally fails to pay over income within the time established in subsection (c) and the obligee files a motion to have such income paid over, the court shall enter a judgment against the payor and in favor of the obligee for three times the amount of the income owed and reasonable attorney fees.

(j) In addition to any judgment authorized by subsection (i), a payor shall be subject to a civil penalty not exceeding \$500 and other equitable relief as the court considers proper if the payor: (1) Discharges, refuses to employ or takes disciplinary action against an obligor

subject to an income withholding order because of such withholding and the obligations or additional obligations which it imposes upon the payor; or (2) fails to withhold support from income or to pay such amounts in the manner required by this act.

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.

Sec. 4. K.S.A. 2000 Supp. 23-4,118 is hereby amended to read as follows: 23-4,118. (a) ~~The department of social and rehabilitation services is designated as the state income withholding agency in title IV-D cases. For the purpose of keeping adequate records to document, track and monitor support payments in title IV-D cases and for the purpose of initiating the income withholding process in such cases, the department may contract for the performance of all or a portion of the withholding agency function with existing title IV-D contractors or any newly created entity capable of providing such services.~~

~~(b) In all other cases, except as otherwise provided in this subsection, the clerk of the district court is designated as the income withholding agency for the purpose of keeping adequate records to allow the obligor and obligee to track and monitor support payments. If a district court trustee has been designated by the chief judge to receive, process and maintain records for moneys received under support orders, the district court trustee is designated as the income withholding agency for non-IV-D cases in the judicial district. The department of social and rehabilitation services, the title IV-D agency for the state, shall establish a central unit for collection and disbursement of support payments to meet the requirements of title IV-D. The department shall collaborate with the Kansas supreme court to establish the central unit for collection and disbursement of support payments, which shall include, but is not limited to, all support payments subject to the requirements of title IV-D. Upon designation by the Kansas supreme court, the central unit for collection and disbursement of support payments shall commence operations with respect to support orders entered in each county as provided in a schedule adopted or approved by the supreme court or the supreme court's designee.~~

~~(b) When the central unit for collection and disbursement of support payments commences operations with respect to a county, any provision in any child support order or~~

*income withholding order entered in that county which requires remittance of support payments to the clerk of the district court or district court trustee shall be deemed to require remittance of support payments to the central unit for collection and disbursement of support payments, regardless of the date the child support or income withholding order was entered.*

*(c) As used in this section, "child support order" includes any order for maintenance of a spouse or ex-spouse issued in conjunction with a child support order.*

Sec. 5. K.S.A. 23-4,136 is hereby amended to read as follows: 23-4,136. Any person who is the obligor under a support order of another jurisdiction may obtain voluntary income withholding by filing with the court a request for an income withholding order and a certified copy of the support order of the other jurisdiction. The court shall issue an income withholding order, as provided in subsection (i) of K.S.A. 23-4,107 and amendments thereto, which shall be honored by any payor regardless of whether there is an arrearage. ~~In such a case, payments shall be made from the payor or the clerk of the court to the agency for distribution to the obligee.~~

Sec. 6. K.S.A. 38-1121 is hereby amended to read as follows: 38-1121. (a) The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes, but if any person necessary to determine the existence of a father and child relationship for all purposes has not been joined as a party, a determination of the paternity of the child shall have only the force and effect of a finding of fact necessary to determine a duty of support.

(b) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued, but only if any man named as the father on the birth certificate is a party to the action.

(c) Upon adjudging that a party is the parent of a minor child, the court shall make provision for support and education of the child including the necessary medical expenses incident to the birth of the child. The court may order the support and education expenses to be paid by either or both parents for the minor child. When the child reaches 18 years of age, the support shall terminate unless: (1) The parent or parents agree, by written agreement approved by the court, to pay support beyond that time; (2) the child reaches 18 years of age before completing the child's high school education in which case the support shall not automatically terminate, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or (3) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. The court, in extending support pursuant to subsection (c)(3), may impose such conditions as are appropriate and shall set the child support utilizing the guideline table category for 16-year through 18-year old children. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1992. If an agreement approved by the court prior to July 1, 1988, provides for termination of support before the date provided by subsection (c)(2), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (c)(2). If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (c)(3), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (c)(3). For purposes of this section, "bona fide high school student" means a student who is enrolled in full accordance with the policy of the accredited high school in which the student is pursuing a high school diploma or a graduate equivalency diploma (GED). ~~The judgment shall specify the terms of payment and shall require payment to be made through the clerk of the district court or the court trustee except for good cause shown.~~ The judgment may require the party to provide a bond with sureties to secure payment. The court may at any time during the minority of the child modify or change the order of support, including any order issued in

a title IV-D case, within three years of the date of the original order or a modification order, as required by the best interest of the child. If more than three years has passed since the date of the original order or modification order, a requirement that such order is in the best interest of the child need not be shown. The court may make a modification of support retroactive to a date at least one month after the date that the motion to modify was filed with the court. Any increase in support ordered effective prior to the date the court's judgment is filed shall not become a lien on real property pursuant to K.S.A. 60-2202, and amendments thereto.

(d) If both parents are parties to the action, the court shall enter such orders regarding custody, residency and parenting time as the court considers to be in the best interest of the child.

If the parties have an agreed parenting plan it shall be presumed the agreed parenting plan is in the best interest of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interest of the child. If the parties are not in agreement on a parenting plan, each party shall submit a proposed parenting plan to the court for consideration at such time before the final hearing as may be directed by the court.

(e) In entering an original order for support of a child under this section, the court may award an additional judgment to reimburse the expenses of support and education of the child from the date of birth to the date the order is entered. If the determination of paternity is based upon a presumption arising under K.S.A. 38-1114 and amendments thereto, the court shall award an additional judgment to reimburse all or part of the expenses of support and education of the child from at least the date the presumption first arose to the date the order is entered, except that no additional judgment need be awarded for amounts accrued under a previous order for the child's support.

(f) In determining the amount to be ordered in payment and duration of such payments, a court enforcing the obligation of support shall consider all relevant facts including, but not limited to, the following:

- (1) The needs of the child.
- (2) The standards of living and circumstances of the parents.
- (3) The relative financial means of the parents.
- (4) The earning ability of the parents.
- (5) The need and capacity of the child for education.
- (6) The age of the child.
- (7) The financial resources and the earning ability of the child.
- (8) The responsibility of the parents for the support of others.
- (9) The value of services contributed by both parents.
- (g) The provisions of K.S.A. 23-4,107, and amendments thereto, shall apply to all orders

of support issued under this section.

(h) An order granting parenting time pursuant to this section may be enforced in accordance with K.S.A. 23-701, and amendments thereto, or under the uniform child custody jurisdiction and enforcement act.

Sec. 7. K.S.A. 38-1123 is hereby amended to read as follows: 38-1123. (a) If existence of the father and child relationship has been determined and payment of support is ordered under prior law, the court may order support and any related expenses to be paid through ~~the clerk of the court or district court trustee~~ *the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto.* If payment of support is ordered under this act, the court shall require such support and any related expense to be paid through ~~the clerk of the court or the court trustee~~ *central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto.*

(b) The provisions of ~~K.S.A. 23-4,107~~ *the Kansas income withholding act, K.S.A. 23-4,105 through K.S.A. 23-4,123, and amendments thereto,* shall apply to orders of support issued under this act or under the predecessor to this act.

(c) Willful failure to obey the judgment or order of the court is a civil contempt of the court. All remedies for the enforcement of judgments apply.

Sec. 8. K.S.A. 2000 Supp. 60-1610 is hereby amended to read as follows: 60-1610. A decree in an action under this article may include orders on the following matters:

(a) *Minor children.* (1) *Child support and education.* The court shall make provisions for the support and education of the minor children. The court may modify or change any prior order, including any order issued in a title IV-D case, within three years of the date of the original order or a modification order, when a material change in circumstances is shown, irrespective of the present domicile of the child or the parents. If more than three years has passed since the date of the original order or modification order, a material change in circumstance need not be shown. The court may make a modification of child support retroactive to a date at least one month after the date that the motion to modify was filed with the court. Any increase in support ordered effective prior to the date the court's judgment is filed shall not become a lien on real property pursuant to K.S.A. 60-2202 and amendments thereto. Regardless of the type of custodial arrangement ordered by the court, the court may order the child support and education expenses to be paid by either or both parents for any child less than 18 years of age, at which age the support shall terminate unless: (A) The parent or parents agree, by written agreement approved by the court, to pay support beyond the time the child reaches 18 years of age; (B) the child reaches 18 years of age before completing the child's high school education in which case the support shall not terminate automatically, unless otherwise ordered by the court, until June 30 of the school year during which the child became 18 years of age if the child is still attending high school; or (C) the child is still a bona fide high school student after June 30 of the school year during which the child became 18 years of age, in which case the court, on motion, may order support to continue through the school year during which the child becomes 19 years of age so long as the child is a bona fide high school student and the parents jointly participated or knowingly acquiesced in the decision which delayed the child's completion of high school. The court, in extending support pursuant to subsection (a)(1)(C), may impose such conditions as are appropriate and shall set the child support utilizing the guideline table category for 16-year through 18-year old children. Provision for payment of support and educational expenses of a child after reaching 18 years of age if still attending high school shall apply to any child subject to the jurisdiction of the court, including those whose support was ordered prior to July 1, 1992. If an agreement approved by the court prior to July 1, 1988, provides for termination of support before the date provided by subsection (a)(1)(B), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (a)(1)(B). If an agreement approved by the court prior to July 1, 1992, provides for termination of support before the date provided by subsection (a)(1)(C), the court may review and modify such agreement, and any order based on such agreement, to extend the date for termination of support to the date provided by subsection (a)(1)(C). For purposes of this section, "bona fide high school student" means a student who is enrolled in full accordance with the policy of the accredited high school in which the student is pursuing a high school diploma or a graduate equivalency diploma (GED). In determining the amount to be paid for child support, the court shall consider all relevant factors, without regard to marital misconduct, including the financial resources and needs of both parents, the financial resources and needs of the child and the physical and emotional condition of the child. Until a child reaches 18 years of age, the court may set apart any portion of property of either the husband or wife, or both, that seems necessary and proper for the support of the child. ~~Every~~ *Except for good cause shown, every order requiring payment of child support under this section shall require that the support be paid through the clerk of the district court or the court trustee except for good cause shown central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto. A written agreement between the parties to make direct child support payments to the obligee, and not through the central unit, shall constitute good cause. The obligor shall file the written agreement with the court. The obligor shall maintain written evidence of the payment of the support obligation and shall, at least annually, provide such evidence to the court.* If the divorce decree of the parties provides for an abatement of child support during any period provided in such decree, the child support such nonresidential parent owes for such period shall abate during such period of time, except that if the residential parent shows that the



criteria for the abatement has not been satisfied there shall not be an abatement of such child support.

(2) *Child custody and residency. (A) Changes in custody.* Subject to the provisions of the uniform child custody jurisdiction and enforcement act (K.S.A. 38-1336 through 38-1377, and amendments thereto), the court may change or modify any prior order of custody, residency, visitation and parenting time, when a material change of circumstances is shown, but no ex parte order shall have the effect of changing residency of a minor child from the parent who has had the sole de facto residency of the child to the other parent unless there is sworn testimony to support a showing of extraordinary circumstances. If an interlocutory order is issued ex parte, the court shall hear a motion to vacate or modify the order within 15 days of the date that a party requests a hearing whether to vacate or modify the order.

(B) *Examination of parties.* The court may order physical or mental examinations of the parties if requested pursuant to K.S.A. 60-235 and amendments thereto.

(3) *Child custody or residency criteria.* The court shall determine custody or residency of a child in accordance with the best interests of the child.

(A) If the parties have entered into a parenting plan, it shall be presumed that the agreement is in the best interests of the child. This presumption may be overcome and the court may make a different order if the court makes specific findings of fact stating why the agreed parenting plan is not in the best interests of the child.

(B) In determining the issue of child custody, residency and parenting time, the court shall consider all relevant factors, including but not limited to:

- (i) The length of time that the child has been under the actual care and control of any person other than a parent and the circumstances relating thereto;
- (ii) the desires of the child's parents as to custody or residency;
- (iii) the desires of the child as to the child's custody or residency;
- (iv) the interaction and interrelationship of the child with parents, siblings and any other person who may significantly affect the child's best interests;
- (v) the child's adjustment to the child's home, school and community;
- (vi) the willingness and ability of each parent to respect and appreciate the bond between the child and the other parent and to allow for a continuing relationship between the child and the other parent; and
- (vii) evidence of spousal abuse.

Neither parent shall be considered to have a vested interest in the custody or residency of any child as against the other parent, regardless of the age of the child, and there shall be no presumption that it is in the best interests of any infant or young child to give custody or residency to the mother.

(4) *Types of legal custodial arrangements.* Subject to the provisions of this article, the court may make any order relating to custodial arrangements which is in the best interests of the child. The order shall provide one of the following legal custody arrangements, in the order of preference:

(A) *Joint legal custody.* The court may order the joint legal custody of a child with both parties. In that event, the parties shall have equal rights to make decisions in the best interests of the child.

(B) *Sole legal custody.* The court may order the sole legal custody of a child with one of the parties when the court finds that it is not in the best interests of the child that both of the parties have equal rights to make decisions pertaining to the child. If the court does not order joint legal custody, the court shall include on the record specific findings of fact upon which the order for sole legal custody is based. The award of sole legal custody to one parent shall not deprive the other parent of access to information regarding the child unless the court shall so order, stating the reasons for that determination.

(5) *Types of residential arrangements.* After making a determination of the legal custodial arrangements, the court shall determine the residency of the child from the following options, which arrangement the court must find to be in the best interest of the child. The parties shall submit to the court either an agreed parenting plan or, in the case of dispute, proposed parenting plans for the court's consideration. Such options are:

(A) *Residency.* The court may order a residential arrangement in which the child resides with one or both parents on a basis consistent with the best interests of the child.

(B) *Divided residency.* In an exceptional case, the court may order a residential arrangement in which one or more children reside with each parent and have parenting time with the other.

(C) *Nonparental residency.* If during the proceedings the court determines that there is probable cause to believe that the child is a child in need of care as defined by subsections (a)(1), (2) or (3) of K.S.A. 38-1502 and amendments thereto or that neither parent is fit to have residency, the court may award temporary residency of the child to a grandparent, aunt, uncle or adult sibling, or, another person or agency if the court finds the award of custody to such person or agency is in the best interests of the child. In making such a residency order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to awarding such residency to a relative of the child by blood, marriage or adoption and second to awarding such residency to another person with whom the child has close emotional ties. The court may make temporary orders for care, support, education and visitation that it considers appropriate. Temporary residency orders are to be entered in lieu of temporary orders provided for in K.S.A. 38-1542 and 38-1543, and amendments thereto, and shall remain in effect until there is a final determination under the Kansas code for care of children. An award of temporary residency under this paragraph shall not terminate parental rights nor give the court the authority to consent to the adoption of the child. When the court enters orders awarding temporary residency of the child to an agency or a person other than the parent, the court shall refer a transcript of the proceedings to the county or district attorney. The county or district attorney shall file a petition as provided in K.S.A. 38-1531 and amendments thereto and may request termination of parental rights pursuant to K.S.A. 38-1581 and amendments thereto. The costs of the proceedings shall be paid from the general fund of the county. When a final determination is made that the child is not a child in need of care, the county or district attorney shall notify the court in writing and the court, after a hearing, shall enter appropriate custody orders pursuant to this section. If the same judge presides over both proceedings, the notice is not required. Any disposition pursuant to the Kansas code for care of children shall be binding and shall supersede any order under this section.

(b) *Financial matters.* (1) *Division of property.* The decree shall divide the real and personal property of the parties, including any retirement and pension plans, whether owned by either spouse prior to marriage, acquired by either spouse in the spouse's own right after marriage or acquired by the spouses' joint efforts, by: (A) a division of the property in kind; (B) awarding the property or part of the property to one of the spouses and requiring the other to pay a just and proper sum; or (C) ordering a sale of the property, under conditions prescribed by the court, and dividing the proceeds of the sale. Upon request, the trial court shall set a valuation date to be used for all assets at trial, which may be the date of separation, filing or trial as the facts and circumstances of the case may dictate. The trial court may consider evidence regarding changes in value of various assets before and after the valuation date in making the division of property. In dividing defined-contribution types of retirement and pension plans, the court shall allocate profits and losses on the nonparticipant's portion until date of distribution to that nonparticipant. In making the division of property the court shall consider the age of the parties; the duration of the marriage; the property owned by the parties; their present and future earning capacities; the time, source and manner of acquisition of property; family ties and obligations; the allowance of maintenance or lack thereof; dissipation of assets; the tax consequences of the property division upon the respective economic circumstances of the parties; and such other factors as the court considers necessary to make a just and reasonable division of property. The decree shall provide for any changes in beneficiary designation on: (A) Any insurance or annuity policy that is owned by the parties, or in the case of group life insurance policies, under which either of the parties is a covered person; (B) any trust instrument under which one party is the grantor or holds a power of appointment over part or all of the trust assets, that may be exercised in favor of either party; or (C) any transfer on death or payable on death account under which one or both of the parties are owners or beneficiaries. Nothing in this section shall relieve the parties of the obligation to effectuate any change in beneficiary designation by the filing of such change with the insurer or issuer in accordance with the terms of such policy.

(2) *Maintenance.* The decree may award to either party an allowance for future support denominated as maintenance, in an amount the court finds to be fair, just and equitable under all of the circumstances. The decree may make the future payments modifiable or terminable under circumstances prescribed in the decree. The court may make a modification of maintenance retroactive to a date at least one month after the date that the motion to modify was filed with the court. In any event, the court may not award maintenance for a period of time in excess of 121 months. If the original court decree reserves the power of the court to hear subsequent motions for reinstatement of maintenance and such a motion is filed prior to the expiration of the stated period of time for maintenance payments, the court shall have jurisdiction to hear a motion by the recipient of the maintenance to reinstate the maintenance payments. Upon motion and hearing, the court may reinstate the payments in whole or in part for a period of time, conditioned upon any modifying or terminating circumstances prescribed by the court, but the reinstatement shall be limited to a period of time not exceeding 121 months. The recipient may file subsequent motions for reinstatement of maintenance prior to the expiration of subsequent periods of time for maintenance payments to be made, but no single period of reinstatement ordered by the court may exceed 121 months. Maintenance may be in a lump sum, in periodic payments, on a percentage of earnings or on any other basis. At any time, on a hearing with reasonable notice to the party affected, the court may modify the amounts or other conditions for the payment of any portion of the maintenance originally awarded that has not already become due, but no modification shall be made without the consent of the party liable for the maintenance, if it has the effect of increasing or accelerating the liability for the unpaid maintenance beyond what was prescribed in the original decree. Every order requiring payment of maintenance under this section shall require that the maintenance be paid through the ~~clerk of the district court or the court trustee~~ *central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto*, except for good cause shown.

(3) *Separation agreement.* If the parties have entered into a separation agreement which the court finds to be valid, just and equitable, the agreement shall be incorporated in the decree. A separation agreement may include provisions relating to a parenting plan. The provisions of the agreement on all matters settled by it shall be confirmed in the decree except that any provisions relating to the legal custody, residency, visitation parenting time, support or education of the minor children shall be subject to the control of the court in accordance with all other provisions of this article. Matters settled by an agreement incorporated in the decree, other than matters pertaining to the legal custody, residency, visitation, parenting time, support or education of the minor children, shall not be subject to subsequent modification by the court except: (A) As prescribed by the agreement or (B) as subsequently consented to by the parties.

(4) *Costs and fees.* Costs and attorney fees may be awarded to either party as justice and equity require. The court may order that the amount be paid directly to the attorney, who may enforce the order in the attorney's name in the same case.

(c) *Miscellaneous matters.* (1) *Restoration of name.* Upon the request of a spouse, the court shall order the restoration of that spouse's maiden or former name.

(2) *Effective date as to remarriage.* Any marriage contracted by a party, within or outside this state, with any other person before a judgment of divorce becomes final shall be voidable until the decree of divorce becomes final. An agreement which waives the right of appeal from the granting of the divorce and which is incorporated into the decree or signed by the parties and filed in the case shall be effective to shorten the period of time during which the remarriage is voidable.

Sec. 9. K.S.A. 2000 Supp. 60-2308 is hereby amended to read as follows: 60-2308. (a) Money received by any debtor as pensioner of the United States within three months next preceding the issuing of an execution, or attachment, or garnishment process, cannot be applied to the payment of the debts of such pensioner when it appears by the affidavit of the debtor or otherwise that such pension money is necessary for the maintenance of the debtor's support or a family support wholly or in part by the pension money. The filing of the affidavit by the debtor, or making proof as provided in this section, shall be *prima facie* evidence of the necessity of such pension money for such support. It shall be the duty of

the court in which such proceeding is pending to release all moneys held by such attachment or garnishment process, immediately upon the filing of such affidavit, or the making of such proof.

(b) Except as provided in subsection (c), any money or other assets payable to a participant or beneficiary from, or any interest of any participant or beneficiary in, a retirement plan which is qualified under sections 401(a), 403(a), 403(b), 408, 408A or 409 of the federal internal revenue code of 1986 and amendments thereto shall be exempt from any and all claims of creditors of the beneficiary or participant. Any such plan shall be conclusively presumed to be a spendthrift trust under these statutes and the common law of the state. All records of the debtor concerning such plan or arrangement and of the plan concerning the debtor's participation in the plan or arrangement shall be exempt from the subpoena process.

(c) Any plan or arrangement described in subsection (b) shall not be exempt from the claims of an alternate payee under a qualified domestic relations order. However, the interest of any and all alternate payees under a qualified domestic relations order shall be exempt from any and all claims of any creditor, other than the state department of social and rehabilitation services, of the alternate payee. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986 and amendments thereto.

(d) The provisions of subsections (b) and (c) shall apply to any proceeding which: (1) Is filed on or after July 1, 1986; or (2) was filed on or after January 1, 1986, and is pending or on appeal July 1, 1986.

(e) Money held by *the central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto*, the state department of social and rehabilitation services, any clerk of a district court or ~~a~~ any district court trustee in connection with a court order for the support of any person, whether ~~it be~~ *the money is* identified as child support, spousal support, alimony or maintenance, shall be exempt from execution, attachment or garnishment process.

Sec. 10. K.S.A. 60-2803 is hereby amended to read as follows: 60-2803. (a) When a money judgment rendered in a civil action in a court of this state is satisfied, the judgment creditor or the assignee of the judgment creditor shall file satisfaction and release of the judgment within twenty days after receipt of written demand therefor, sent by restricted mail as defined by K.S.A. 60-103 and amendments thereto. Such satisfaction and release shall be filed with the clerk of the court in which the judgment was entered and with the clerk of any other court in which the judgment was filed.

(b) If a judgment creditor or the assignee of a judgment creditor refuses or neglects to enter satisfaction and release of a judgment when required by this section, such judgment creditor or assignee shall be liable to the judgment debtor, or other interested person demanding the satisfaction or release, in damages in the amount of one hundred dollars, together with a reasonable attorney's fee for preparing and prosecuting the action to recover such damages.

(c) The provisions of this section shall not apply if the judgment is satisfied by payment through the office of the clerk of the district court, *the district court trustee or any central unit for collection and disbursement of support payments designated pursuant to K.S.A. 23-4,118, and amendments thereto*.

Sec. 11. K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-4,106, 23-4,108, 23-4,111, 23-4,118, 60-1610 and 60-2308 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, by striking all in the title and inserting:

"AN ACT concerning child support enforcement; establishing the Kansas payment center; income withholding; amending K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-4,106, 23-4,108, 23-4,111, 23-4,118, 60-1610 and 60-2308 and repealing the existing sections."

Senator O'Connor moved to amend **HB 2508** as amended by Senate Committee of the Whole, on motion of Senator Schmidt, by striking all after the enacting clause and inserting the following:

"New Section 1. As used in this act:

(a) "Generally accepted operation practice" means those safety practices adopted, pursuant to rules and regulations, by the Kansas department of wildlife and parks and established by a nationally recognized nonprofit membership organization that provides voluntary firearms safety programs which include training individuals in the safe handling and use of firearms and which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges.

(b) "Local unit of government" means a county, city, township or any other political subdivision of the state, or any agency, authority, institution or instrumentality thereof.

(c) "Person" means an individual, proprietorship, partnership, corporation, club, governmental entity or other legal entity.

(d) "Sport shooting range" or "range" means an area designed and operated for the use of archery, rifles, shotguns, pistols, semiautomatic firearms, skeet, trap, black powder or any other similar sport shooting.

New Sec. 2. (a) Notwithstanding any other provisions of law, and in addition to other protections provided in this act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices in the state is not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction and initial operation of the range.

(b) In addition to any civil protection provided by the act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction or initial operation of the range.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range immune from liability under this act. However, this subsection does not constrict the application of any provision of generally accepted operation practices.

(d) A person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall not maintain a nuisance action on the basis of noise or noise pollution or based upon known or inherent dangers against the person who owns, operates or uses the range to restrain, enjoin, or impede the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range.

New Sec. 3. (a) A sport shooting range that is operated and is not in violation of state law at the time of the enactment of an ordinance or resolution shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or resolution or amendment to an existing ordinance or resolution.

(b) A sport shooting range that is in existence as of the effective date of this act and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance or resolution of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(1) Repair, remodel or reinforce any improvement or facilities or building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or improvement;

(2) reconstruct, repair, rebuild or resume the use of a facility or building damaged by fire, collapse, explosion, act of God or act of war occurring after the effective date of this act. The reconstruction, repair or restoration shall be completed within one year following the date of the damage or settlement of any property damage claim. If reconstruction, repair

or restoration is not completed within one year as provided in this subsection, such reconstruction, repair or restoration may be terminated in the discretion of the local unit of government; or

(3) do anything authorized under generally accepted operation practices, including, but not limited to:

- (A) Expand or enhance its membership or opportunities for public participation; and
- (B) reasonably expand or increase facilities or activities.

New Sec. 4. (a) Except as otherwise provided, the provisions of this act shall not prohibit a local unit of government from regulating the location and construction of a sport shooting range.

(b) No person or governmental entity may take title to property which has a permanently located and improved sport shooting range, by condemnation, eminent domain or similar process when the proposed use of such property would be for shooting related activities or recreational activities or for private or commercial development. However, this provision does not limit governmental exercise of eminent domain or easement necessary for infrastructure additions or improvements, such as highways, waterways or utilities.

New Sec. 5. The secretary of the Kansas department of wildlife and parks is hereby authorized to adopt rules and regulations necessary to implement the provisions of this act. Rules and regulations establishing generally accepted operation practices shall be adopted and be in effect on or before January 1, 2002.

Sec. 6. K.S.A. 2000 Supp. 21-4201 is hereby amended to read as follows: 21-4201. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto; or

(6) special deputy sheriffs described in K.S.A. 2000 Supp. 19-827 who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 *et seq.* in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(8) shall not apply to a governmental laboratory, *the owners of a laboratory certified by the National Institute of Justice for the purposes of testing, research and development* or solid plastic bullets.

(f) It shall be a defense that the defendant is within an exemption.

(g) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(h) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

(i) *The provisions of subsection (a)(6) shall not apply to the owners of a laboratory certified by the National Institute of Justice for the purposes of testing, research and development.*

Sec. 7. K.S.A. 2000 Supp. 21-4201 is hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.;

On page 1, by striking all in the title and inserting "AN ACT concerning firearms and other weapons; relating to the use and regulation thereof; amending K.S.A. 2000 Supp. 21-4201 and repealing the existing section."

A ruling of the chair was requested as to the germaneness of the amendment to **HB 2508**.

The chair ruled the amendment was not germane to the bill; the ruling of the chair was challenged.

On a voice vote, the chair was sustained.

**HB 2508** be passed as further amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **HB 2219**, **HB 2283**, **HB 2508**; **HB 2573** were advanced to Final Action and roll call.

**HB 2219**, An act relating to annual reports concerning certain tax incentive effectiveness; amending K.S.A. 2000 Supp. 74-8017 and repealing the existing section, was considered on final action.

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

Absent or Not Voting: Steineger.

The bill passed.

**HB 2283**, An act concerning the board of adult care home administrators; relating to fees; amending K.S.A. 65-3506 and K.S.A. 2000 Supp. 65-3505 and repealing the existing sections, was considered on final action.

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

Absent or Not Voting: Steineger.

The bill passed, as amended.

**HB 2508**, An act concerning child support enforcement; establishing the Kansas payment center; income withholding; amending K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-4,106, 23-4,108, 23-4,111, 23-4,118, 60-1610 and 60-2308 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 30, Nays 9, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Brownlee, Clark, Harrington, Huelskamp, Lyon, O'Connor, Pugh, Salmans, Tyson.

Absent or Not Voting: Steineger.

The bill passed, as amended.

**HB 2573**, An act concerning the Kansas development finance authority; relating to the financing of certain projects of statewide as well as local importance; amending K.S.A. 2000 Supp. 74-8930 and 74-8922 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31, Nays 8, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Brownlee, Clark, Harrington, Huelskamp, Lyon, O'Connor, Pugh, Tyson.

Absent or Not Voting: Steineger.

The bill passed.

#### EXPLANATION OF VOTE

"We're off to see the Wizard, this wonderful Wizard of Ours. . ."

It really is a heck of a deal; for only a thirty year S.T.A.R.S!

If ever the Wizard does come to town, the E.P.A. clean-up is worth the ground.

Because, because, because, because. . . . because. . .

Because of the tourism and real jobs.

We're off to see the Wizard; the Wonderful Wizard of Oz.

MR. PRESIDENT: I vote "AYE" on a year extension for Johnson County to work with OZ Entertainment to develop a premier tourism attraction plan for our great state.—DAVID HALEY

MR. PRESIDENT: I vote yes on **HB 2573**. I fully understand some of the frustrations and concerns voiced while this bill traveled through the legislative process. Over the years, as



we have worked with this issue we have always believed that the decision on whether the OZ development fits Johnson County's development plan, should be a local issue, with the decision made by local officials. This bill continues that commitment.—NICK JORDAN

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **S Sub for HB 2143** was advanced to Final Action, subject to amendment, debate and roll call.

**S Sub for HB 2143**, An act concerning air transportation; providing certain financial guarantees to ensure the operation of discount airlines within the state, was considered on final action.

**S Sub for HB 2143** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Jackson on page 2, line 3, by inserting the word "calendar" and removing the word "calender"

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, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle.

Nays: Huelskamp, Tyson, Vratil.

The substitute bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote against **S Sub for HB 2143** because there is no source of funding for this bill. With a budget crisis and a need to find additional revenue of \$185,000,000, I believe it is irresponsible to commit to additional potential expenditures of \$4,000,000, without identifying the source of those funds. Passage of **S Sub for HB 2143** will move this state closer to a tax increase.—JOHN VRATIL

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Wednesday, April 25, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

