

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 21, 2002—2:30 p.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

President Kerr introduced as guest chaplain, Rev. Richard Hermstad, Pastor, Peace Lutheran Church, Manhattan, who delivered the invocation:

We live in a worried world during troublesome days, O God of grace and promise. We pray that You remember your mercy, O God, and Your persistent love for the whole earth and all who live on it—and on all here in Kansas who struggle to bring that love to action for the people of this state and nation. We weary of our wandering through the wilderness of budgets and justice, tossed between mercy and responsible management. Grant us humble wisdom and abiding courage as we work our way through the staggering labyrinths of compassion and limits, of caring and caution.

You are the God who cares for widow, stranger, child, the weary and the broken. May those You love and for whom you care not be absent from our hearts and minds during days of wrestling with programs and promises, with debts and demands. You spoke a blessing on those who care for the poor. May those in this legislature and government be so blessed.

Remind us that there is one command above all commands—to love You with all we have, know and are, and to love our neighbors as ourselves. Open our eyes to the neighbors we cannot—and sometimes will not—see.

It is not easy to love some who are pregnant with malice. We struggle with what it means to care about those who dig pits of deceit and set traps with violence that we might fall and fail. Give us discernment for difficult days.

May wolves and lambs live in peace not only in zoos with bars of iron separating them. May there be a day soon where enemies embrace, antagonists weary of their anger, and hope lights the fire of a new day when we will not know war or suffering any more. Let this and other lands know a harvest of peace in spite of fields strewn with the mischief and makings of war.

Amid the work of these days, comfort, strengthen and hold in Your love the family of Kevin Neufeld

We know that the grass withers, the flowers fade, towers fall, we return to the earth waiting Your call to a new day. In the meantime, bless our journey and our lives from here to there and beyond, that we may persist in carrying on our work in the world as though it is Yours, for so You have said it is. Strengthen those gathered here and across our land that Your will be done on earth, as it is in heaven. May we do justice, love kindness and walk humbly with You.

We ask it in the name of the One whose love claims us, will not let us go or leave us alone, nor fail us in time of trial. Amen.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 651, An act concerning courts; establishing an appearance bond surcharge; amending K.S.A. 2001 Supp. 22-2802 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Public Health and Welfare: **HB 2711**.

Ways and Means: **SB 650**.

MESSAGE FROM THE GOVERNOR

March 20, 2002

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate are appointments made by me as Governor of the State of Kansas as of March 20, 2002, pursuant to law.

BILL GRAVES
Governor

Member, State Banking Board. Nancy A. Taylor, pursuant to the authority vested in me by KSA 74-3004, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2005.

Member, Board of Indigents' Defense Services. J. Roy Holliday, Jr., pursuant to the authority vested in me by KSA 22-4519, effective upon the date of confirmation by the Senate to serve a three-year term ending March 15, 2005.

Member, Kansas Technology Enterprise Corporation Board of Directors, Douglas C. Brush, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2006.

Member, Kansas Technology Enterprise Corporation Board of Directors, David E. Shulenburg, pursuant to the authority vested in me by KSA 74-8101, effective upon the date of confirmation by the Senate to serve a four-year term ending January 15, 2006.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2905**.

Passage of **Substitute SB 394; SB 480; Substitute SB 556**.

Also, passage of **SB 504**, as amended, **SB 548**, as amended.

The House accedes to the request of the Senate for a conference on **SB 444** and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 470** and has appointed Representatives Cox, Humerickhouse and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 502** and has appointed Representatives T. Powell, Powers and Barnes as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2905 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Vratil moved the Senate concur in house amendments to **SB 95**.

SB 95, An act enacting the interstate compact for adult offenders supervision; repealing K.S.A. 22-4101, 22-4102 and 22-4103.

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

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Jenkins, Jordan,

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

Nays: Brownlee, Harrington, Huelskamp, Pugh.

The Senate concurred.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2817** appearing on the Consent Calendar, the President directed the bill be removed and placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 484, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; death benefits for certain employees of state educational institutions; amending K.S.A. 74-4927g and K.S.A. 2001 Supp. 74-4927b and repealing the existing sections, was considered on final action.

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

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

The bill passed.

Sub SB 513, An act concerning recipients of medicaid; after death requiring certain moneys to be recouped and repaid to the secretary of social and rehabilitation services; amending K.S.A. 16-301 and K.S.A. 2001 Supp. 16-304 and repealing the existing sections, was considered on final action.

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

Nays: Gooch.

The bill passed.

SCR 1620, A concurrent resolution memorializing the Congress of the United States to designate a national holiday in honor of Cesar Chavez, was considered on final action.

On roll call, the vote was: Yeas 24, Nays 13, Present and Passing 3, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Huelskamp, Jenkins, Jordan, Lee, Morris, Oleen, Praeger, Steineger, Vratil.

Nays: Brownlee, Corbin, Harrington, Jackson, Kerr, Lyon, O'Connor, Pugh, Salmans, Schmidt, Taddiken, Tyson, Umbarger.

Present and Passing: Schodorf, Teichman, Wagle.

The resolution was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SCR 1620**.

When I was young, I had two heroes—Robert Kennedy and Cesar Chavez. In 1968, during Senator Kennedy's ill-fated campaign for the Democratic nomination in the California Presidential Primary, one of his most fervent supporters was Cesar Chavez.

However, his work in California stretched far beyond that.

The work that Chavez did for migrant farm workers cannot be overstated. He organized perhaps the most difficult of all groups, and he deserves recognition. Working men and

women everywhere owe a tremendous debt to Cesar Chavez and his lifetime of achievements.

He ranks as one of the great figures of the 20th Century, on an equal level with Roosevelt and Churchill, and with Martin Luther King, Jr. and Mahatma Gandhi.

I hope Congress will take prompt action on House Concurrent Resolution No. 3 and provide for a national holiday honoring this American hero.—ANTHONY HENSLEY

HB 2642, An act concerning financial assistance for higher education; relating to the teacher service scholarship program and the Kansas national guard educational assistance program; amending K.S.A. 2001 Supp. 48-276, 48-277, 48-278, 48-279 and 74-32,102 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2658, An act concerning highways; designating a part of United States Highway 400 as the Clayton J. Connell memorial highway; designating a part of interstate highway 135 as the Ben E. Vidricksen highway, was considered on final action.

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 bill passed, as amended.

HB 2704, An act concerning solid waste management planning; amending K.S.A. 2001 Supp. 65-3405 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

HB 2761, An act concerning crimes, criminal procedure and punishment; relating to civil and voting rights of convicted felons; relating to conditions under which felons may vote; amending K.S.A. 2001 Supp. 21-4603, 21-4603d and 21-4615 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2769, An act concerning criminal procedure; relating to abatement of common nuisances; amending K.S.A. 22-3901 and repealing the existing section, was considered on final action.

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

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

Nays: Haley, Pugh.

The bill passed.

HB 2794, An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-135, 8-145 and 8-145d and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 607** be amended on page 1, in line 31, by striking "recreational" and inserting "viewing or enjoying"; also in line 31, by striking "and" the second time it appears and inserting "or"; in line 32, by striking "provided as agritourism activities"; after line 43, by inserting the following:

"Sec. 3. K.S.A. 58-3206 is hereby amended to read as follows: 58-3206. Nothing in this act limits in any way any liability which otherwise exists: (a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(b) For injury suffered in any case where the owner of nonagricultural land charges the person or persons who enter or go on the nonagricultural land for the recreational use thereof, except that in the case of nonagricultural land leased to the state or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

(c) *For injury received on agricultural land incidental to the use of the land on which a commercial or business enterprise of any description is being carried on, except that leasing agricultural land for recreational purposes shall not be considered to be a business or commercial enterprise.*";

And by renumbering sections accordingly;

On page 2, in line 1, by striking "and" and inserting a comma; also in line 1, after "58-3202" by inserting "and 58-3206";

On page 1, in the title, in line 10, by striking "and" the second time it appears and inserting a comma; in line 11, after "3202" by inserting "and 58-3206"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2676**, as amended by House Committee of the Whole, be amended on page 1, in line 14, by striking all after "No"; in line 15, by striking "tion" and inserting "supplier"; in line 21, after "card" by inserting "or debit card"; in line 22, before the period, by inserting "or debit card"; in line 23, by striking "2003" and inserting "2004"; in line 26, by striking "2003" and inserting "2004"; also in line 26, by striking "2004" and inserting "2005"; in line 28, by striking "2003" and inserting "2004"; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2337**, as amended by the House Committee of the Whole, be passed.

Committee on **Federal and State Affairs** recommends **HB 2741** be passed.

Also **SB 622** be amended on page 1, in line 29, by striking all after the period; by striking all of lines 30 and 31; in line 34, by striking all after "code"; in line 35, by striking all before "as";

On page 2, in line 27, by striking "January 26,"; in line 28, by striking "1992" and inserting "July 1, 2003"; in line 29, after "date" by inserting "on which"; in line 30, by striking "into"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2677**, as amended by House Committee, be passed.

Also **HB 2723**, as amended by House Committee of the Whole, be passed.

Committee on **Judiciary** recommends **HB 2709**, as amended by House Committee of the Whole, be amended on page 11, in line 5, by striking "section 4,";

On page 15, by striking all in lines 35 through 43;

By striking all on page 16;

On page 17, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

Also on page 17, in line 5, by striking ", 84-9-201";

On page 1, in the title, in line 14, by striking ", 84-9-201"; and the bill be passed as amended.

Also **HB 2772**, as amended by House Committee, be amended on page 1, in line 20, by striking "\$150" and inserting "\$400"; in line 23, before "(2)" by inserting "and"; also in line 23, by striking "\$150" and inserting "\$400"; in line 25, by striking "; and (3) \$150 for each"; by striking all in line 26; in line 27, by striking all before the period and inserting "or the Johnson county sheriff's laboratory";

On page 2, in line 2, after "fund" by inserting "and the fee for services rendered or administered by the Johnson county sheriff's laboratory shall be deposited in the Johnson county general fund"; in line 4, before "labo-" by inserting "center or"; in line 6, after "center's" by inserting "or laboratory's"; by striking all in lines 8 through 15; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 646** be amended on page 1, in line 43, by striking "two" and inserting "one"; also in line 43, by striking "projects" and inserting "project";

On page 2, in line 3, following the period, by inserting "Construction of only one such demonstration project shall be initiated in any calendar year, and such demonstration project shall not exceed 15 miles in length."; and the bill be passed as amended.

Also **HB 2662**, as amended by House Committee, be amended on page 2, in line 16, by striking "permitted by law" and inserting "prescribed in subsection (b)"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2959** be amended on page 1, following line 12, by inserting the following:

"New Section 1. (a) On and after January 1, 2003: (1) No faculty member or other employee of a state educational institution in the unclassified service under the Kansas civil services act, and amendments thereto; or (2) no faculty member or other employee of a postsecondary educational institution shall serve as a consultant or perform consulting services, either individually or as part of a business, unless such person has filed a disclosure statement as required by this section. The disclosure statement shall contain the following information:

(1) The names of the contracting parties;

(2) whether or not the faculty member has a substantial interest in the consulting business;

(3) the date that the contract was approved by the institution as determined by the board of regents;

(4) the amount of the consideration of the contract;

(5) a summary of the basic terms of the contract; and

(6) any other information required by rules and regulations promulgated by the board of regents.

The information required by paragraphs (1) through (5) shall be disclosed pursuant to any request therefor made under the open records act.

(b) The disclosure statement required by this section, and amendments thereto, shall be filed with the secretary of state and the local information officer of the state educational institution or post-secondary educational institution and such other locations as designated by the board of regents by rule and regulation no later than 10 business days after the contract has been signed by both parties. Each disclosure statement, and amendments thereto, required by this section shall be available for public inspection, under the provisions

of the open records act, during the normal business hours of any office in which it is filed. Disclosure statements required under this section shall be maintained for a period of five years after the faculty member or unclassified employee of a state educational institution or faculty member or employee of a postsecondary educational institution ceases to be employed by such state educational institution or postsecondary educational institution.

(c) A separate disclosure statement, or amendment of an existing disclosure statement, shall be filed for each consulting business owned, operated or maintained by such faculty member or other unclassified employee in the unclassified service under the Kansas civil service act, and amendments thereto, of a state educational institution or such faculty member or other employee of a postsecondary educational institution.

(d) No contract may be divided for the purpose of evading the requirements of this section. All contracts between the same parties during a calendar year shall be treated cumulatively as one contract for the purposes of this section.

New Sec. 2. The statement required by section 1, and amendments thereto, shall be signed and dated by the individual making the statement and shall contain substantially the following:

STATEMENT OF CONSULTING INTERESTS

(name) _____
 (office or position of employment for which this statement is filed) _____
 (address) (body of statement, including the information prescribed by section 1 in form prescribed by Kansas board of regents) _____

“I declare that this statement of substantial interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my consulting interests and other matters required by law. I understand that intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.”

 (date of filing) _____ (signature of person making the statement)

New Sec. 3. As used in this act: (a) “Board of regents shall have the meaning ascribed to it in K.S.A. 76-711, and amendments thereto.

(b) “Business” shall have the meaning ascribed to it in K.S.A. 46-230 and amendments thereto.

(c) “Consultant” shall have the meaning ascribed to it in K.S.A. 46-284 and amendments thereto. Consultant also includes any corporation, partnership or other business entity in which the individual has a substantial interest.

(d) “Contract” shall have the meaning ascribed to it in K.S.A. 46-231 and amendments thereto.

(e) “Person” shall have the meaning ascribed to it in K.S.A. 46-223 and amendments thereto.

(f) “Postsecondary educational institution” shall have the meaning ascribed to it in K.S.A. 2001 Supp. 74-3201b, and amendments thereto, except that it shall not include public universities as defined in K.S.A. 2001 Supp. 74-3201b, and amendments thereto.

(g) “State educational institution” shall have the meaning ascribed to it in K.S.A. 76-711, and amendments thereto.

(h) “Substantial interest” shall have the meaning ascribed to it in K.S.A. 46-229 and amendments thereto.

New Sec. 4. This act shall not apply to any faculty member or other employee of a state educational institution in the unclassified service under the Kansas civil service act, and amendments thereto or any faculty member or other employee of a postsecondary educational institution:

(a) Who serves in an adjunct faculty position which is a part-time position which is equivalent to 25% or less of a full-time position;

(b) whose consulting contract has an annual value of \$500 or less;

(c) who is a lawyer if disclosure would require revealing the identity of a client or otherwise violate the lawyer-client privilege set forth in K.S.A. 60-426, and amendments thereto; or

(d) who is a physician if disclosure would require revealing the identity of a patient or otherwise violate the physician-patient privilege set forth in K.S.A. 60-427, and amendments thereto.

New Sec. 5. (a) Failure to file any statement as required by this act or intentionally filing a false statement is a class B misdemeanor.

(b) Failure to provide access to or a copy of a disclosure statement as required by this act shall be deemed to be a violation of the open records act and shall be subject to the provisions of K.S.A. 45-222 and 45-223 and amendments thereto.

New Sec. 6. The Kansas board of regents shall adopt rules and regulations necessary to implement this act on or before January 1, 2003.

New Sec. 7. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the university consulting contract sunshine act.;

Also on page 1, in line 13, by striking "Section 1." and inserting "Sec. 8.;"

By renumbering the remaining sections accordingly;

On page 6, in line 6, by striking all following "which"; in line 7, by striking "systems" and inserting "would pose a substantial likelihood of revealing security measures that protect: (A) Systems"; in line 8, following "energy" by inserting ", water"; also in line 8, following "services" by inserting "; or (B) sewer or wastewater treatment systems, facilities or equipment. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping";

In the title, in line 9, by striking "amending the open records act" and inserting "concerning the disclosure of information; relating to open records; pertaining to certain consulting contracts"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 297 reported correctly engrossed March 20, 2002.

REPORT ON ENROLLED BILLS

SR 1825, SR 1826 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 21, 2002.

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 Schodorf in the chair.

On motion of Senator Schodorf the following report was adopted:

Recommended **HB 2663** be passed.

Also, the Committee recommended **HB 2698** be passed.

A motion by Senator Haley to amend the bill failed and the following amendment was rejected:

As amended by House Committee, on page 2, after line 5, by inserting the following:

"New Sec. 2. (a) When the appraised value of real property owned by a decedent is not greater than \$15,000 according to the most recent tax appraisal, and the decedent's estate is not subject to homestead or allowances pursuant to K.S.A. 59-401 *et seq.*, and amendments thereto, or such homestead or allowances are waived, any heir, devisee or legatee of the decedent may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification of interest in title shall be in substantially the form set out in subsection (f) and shall state:

- (1) The decedent's name and the date of death;
- (2) the address and legal description of such real property owned by the decedent;
- (3) the name and current address of the heir, devisee or legatee filing the notification;

- (4) the relationship between the decedent and the heir, devisee or legatee filing the notification;
- (5) that the taxes on such real property are current and not delinquent;
- (6) that such real property is free of liens and encumbrances; and
- (7) that the heir, devisee or legatee filing the notification of interest in title is filing a claim to be the vested owner of such real property.
- (b) A certified copy of the decedent's death certificate shall be attached to such form.
- (c) If after three years from the date of the filing of the notification of interest in title, no other heir, devisee or legatee has petitioned the court in a probate proceeding pursuant to the Kansas probate code, the heir, devisee or legatee who filed the notification of interest in title shall be the legal owner of such real property.
- (d) If at any time during the three-year period, another heir, devisee or legatee petitions the court to establish a probate proceeding, and if during the probate proceeding the court establishes a determination of descent that allows another party to receive a share of such real property, such other party shall be liable to the heir, devisee or legatee filing the notification of interest in title for any taxes paid on such real property and reasonable maintenance and upkeep costs documented and paid by such heir, devisee or legatee.
- (e) The provisions of this section shall apply only to real property located in Wyandotte county.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after “concerning” by inserting “real estate; relating to”; also in line 10, by striking “; relating to” and inserting a comma; in line 11, before “amending” by inserting “transfer upon the death of the owner, notice of interest in title by an heir.”;

HB 2821 be amended by adoption of the committee amendments, and the bill be passed as amended.

HB 2607 be amended by motion of Senator Downey as amended by House Committee of the Whole, on page 3, following line 5, by inserting the following:

“Sec. 3. K.S.A. 2001 Supp. 82a-1030 is hereby amended to read as follows: 82a-1030.

(a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person's use pursuant to such person's water right. Such charge shall not exceed ~~\$60~~ \$1 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, except that the annual user charge for the fiscal year of the district beginning on or after July 1, 2001, and before July 1, 2002, may be in an amount not exceeding \$.65. Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that such person's actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed \$.05 for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one publication in a newspaper or newspapers of general circulation within the district at least 28 days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental

thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of 20% of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than 10% of the eligible voters of such district and in no case by less than 20 of the eligible voters of such district, is filed with the county clerk of each of the counties in such district within 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, and amendments thereto.

Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, and amendments thereto.”;

And by renumbering sections accordingly;

Also, on page 3, in line 6, by striking “is” and inserting “and K.S.A. 2001 Supp. 82a-1030 are”;

On page 1, in the title, in line 10, following “ACT” by inserting “concerning water; concerning groundwater management districts;”; in line 12, following “82a-626”, by inserting “and K.S.A. 2001 Supp. 82a-1030”; in line 13, by striking “section”, and inserting “sections”.

Senator Hensley moved to amend **HB 2607**, as amended by House Committee of the Whole, on page 3, following line 5, by inserting:

“New Sec. 3. (a) (1) Except as otherwise provided in this subsection, the definitions set forth in K.S.A. 25-4143, and amendments thereto, shall be applicable to the provisions in this section.

(2) As used in this section: (A) “Regulated entity” means any person who is required by law to be licensed by the insurance commissioner, or any person who engages in a business or profession which is regulated by the insurance commissioner, or any person employed by a company regulated by the insurance commissioner; and

(B) “contracting entity” means any person who contracts with the department of insurance to provide legal services for the department in cases in which the workers compensation fund is involved.

(b) No regulated entity or contracting entity and no person or political committee acting on behalf of a regulated entity or contracting entity shall make a contribution to or on behalf of a person holding the office of insurance commissioner, to or on behalf of a candidate for the office of insurance commissioner or, to or on behalf of a candidate committee of any such candidate.

(c) No person holding the office of insurance commissioner and no candidate for the office of insurance commissioner and no candidate committee of a candidate for the office of insurance commissioner shall knowingly solicit or accept a contribution from any

regulated entity or contracting entity or any person or political committee acting on behalf of a regulated entity or contracting entity.

(d) Any person or entity violating the provisions of this act shall be punished in the manner and be subject to the penalties prescribed by K.S.A. 25-4181, and amendments thereto.”;

And by renumbering sections accordingly;

In the title, by striking all in lines 10 through 13 and inserting:

“AN ACT concerning certain elections; relating to the election of certain public officers; amending K.S.A. 82a-626 and repealing the existing section.”.

The Chair ruled the amendment was not germane to the bill.

The Committee recommended **HB 2607** be passed as amended.

Sub SB 296, as amended by adoption of the committee amendments, and amended by motion of Senator Adkins in Committee of the Whole on March 20, 2002, was further amended by motion of Senator Donovan, as amended by Senate Committee of the Whole, on page 1, after line 14 by inserting the following:

“Section 1. (a) Prior to making unsolicited consumer telephone calls in this state and quarterly thereafter, a telephone solicitor shall consult the national do-not call list maintained by the telephone preference service of the direct marketing association, and delete from such telephone solicitor’s calling list all state residents who have registered with such service. The direct marketing association shall offer to consumers at least one method of registration at no cost and such registration shall be for a period of five years. Consumers desiring to register for such service may contact the direct marketing association or the attorney general. The attorney general may compile a list of telephone numbers from consumers desiring to register for such service. The attorney general shall forward the list to the direct marketing association in electronic format no less than 15 days prior to the date of the next quarterly update. No registration fee shall be imposed on the attorney general for submission of such list to the direct marketing association. Membership to the direct marketing association shall not be a requirement for telephone solicitors to obtain the telephone preference service list and telephone solicitors shall have access to the list on terms approved by the attorney general. The direct marketing association shall make available the national do not call list to the attorney general in a form prescribed by the attorney general and all quarterly updates of the telephone preference service list at no cost. The attorney general may inform Kansas consumers whether a consumer’s name appears on the current list and may register Kansans for inclusion on the list and forward such registrations to the direct marketing association.

(b) Telephone solicitors shall have a period of not more than 60 days from the time of receipt of the current quarterly update to remove a consumer’s telephone number from the telephone solicitors’ calling lists.

(c) No telephone solicitor may make or cause to be made any unsolicited consumer telephone calls to any consumer if the consumer’s telephone number or numbers appear in the current quarterly list of consumers registered with the telephone preference service maintained by the direct marketing association. A telephone solicitor shall not use the telephone preference service list for any other purpose than to remove consumers’ telephone numbers from calling lists.

(d) A telephone solicitor shall be liable for violations of subsection (b) if such telephone solicitor makes or causes to be made an unsolicited telephone call to a state resident whose telephone number appears on the telephone preference service current quarterly list or uses the list for any unauthorized purpose.

(e) As used in this section, “telephone solicitor” and “unsolicited consumer telephone calls” shall mean the same as provided in K.S.A. 50-670, and amendments thereto.

(f) It is an affirmative defense that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of the law. A telephone solicitor shall not be held liable for violating this act if the telephone solicitor can demonstrate, by clear and convincing evidence, that the telephone solicitor: (1) Has obtained a copy of the updated do-not call list and established and implemented written policies and procedures related to the requirements of these regulations; (2) has trained the telephone solicitor’s personnel in the requirements of these

regulations; (3) maintains records demonstrating compliance with the regulations; and (4) if the telephone solicitor has made a subsequent unsolicited telemarketing sales call, made such call as the result of an error.

(g) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

(h) The attorney general may promulgate rules and regulations to carry out the provisions of this section.

(i) The provisions of this section shall be a part of and supplemental to the Kansas consumer protection act.

Sec. 2. No later than December 31, 2002, the attorney general shall convene a meeting or meetings with consumer groups to collectively develop a method or methods to notify the consumer groups' membership and educate and promote to Kansas consumers generally the availability of the direct marketing association's telephone preference service and of a telephone solicitor's obligations under this act.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

Also, on page 1, by striking all in lines 15 through 43;

By striking all on pages 2 through 6;

On page 1, in the title, in line 11, by striking “no-call database” and inserting “do-not call list”; also, in line 11, by striking the last semicolon; in line 12, by striking all before the period.

Senator Vratil further amended **Sub SB 296**, in Sec. 1, (f), by striking “It is” and inserting “No more than once each 12-month period of time, it shall be”

Senator Barone further amended **Sub SB 296**, in Sec. 3, by striking “statute book” and inserting “Kansas Register”

The Committee recommended **Sub SB 296**, be passed as further amended.

A motion by Senator Adkins to amend **Sub SB 296** failed and the following amendment was rejected:

MR. PRESIDENT:

I move to amend **Substitute for SB 296**, as amended by Senate Committee of the Whole, by striking all in sections 1, 2 and 3 and inserting the following:

“Section 1. K.S.A. 2001 Supp. 50-670 is hereby amended to read as follows: 50-670.

(a) As used in this section *and section 2, and amendments thereto*:

(1) “Consumer telephone call” means a call made by a telephone solicitor to the residence of a consumer for the purpose of soliciting a sale of any property or services to the person called, or for the purpose of soliciting an extension of credit for property or services to the person called, or for the purpose of obtaining information that will or may be used for the direct solicitation of a sale of property or services to the person called or an extension of credit for such purposes;

(2) “Unsolicited consumer telephone call” means a consumer telephone call other than a call made:

(A) In response to an express request of the person called;

(B) primarily in connection with an existing debt or contract, payment or performance of which has not been completed at the time of such call; or

(C) to any person with whom the telephone solicitor or the telephone solicitor's predecessor in interest ~~had an existing business relationship if the solicitor is not an employee, a contract employee or an independent contractor of a provider of telecommunications services; or has an established business relationship, unless the consumer has objected to such consumer telephone calls and requested that the telephone solicitor cease making consumer telephone calls, in which case the telephone solicitor must maintain a record of the consumer's request not to receive future consumer telephone calls and shall honor the consumer's request for 10 years from the time the request is made.~~

(3) “Telephone solicitor” means any natural person, firm, organization, partnership, association or corporation who makes or causes to be made a consumer telephone call, including, but not limited to, calls made by use of automatic dialing-announcing device;

(4) “Automatic dialing-announcing device” means any user terminal equipment which:

(A) When connected to a telephone line can dial, with or without manual assistance, telephone numbers which have been stored or programmed in the device or are produced or selected by a random or sequential number generator; or

(B) when connected to a telephone line can disseminate a recorded message to the telephone number called, either with or without manual assistance;

(5) "Negative response" means a statement from a consumer indicating the consumer does not wish to listen to the sales presentation or participate in the solicitation presented in the consumer telephone call.

(6) "Established business relationship" means the existence of an oral or written arrangement, agreement, contract or other such legal state of affairs between the telephone solicitor and a consumer, where both parties have a course of conduct or established pattern of activity for commercial or mercantile purposes and for the benefit or profit of both parties. The "established business relationship" must exist between the consumer and business directly, and does not extend to any related business entity or other business organization of the telephone solicitor or related to the telephone solicitor or such solicitor's agent, including, but not limited to, a parent corporation, subsidiary partnership, company or other corporation or affiliate.

(b) Any telephone solicitor who makes an unsolicited consumer telephone call to a residential telephone number shall:

(1) Identify themselves;

(2) identify the business on whose behalf such person is soliciting;

(3) identify the purpose of the call immediately upon making contact by telephone with the person who is the object of the telephone solicitation;

(4) promptly discontinue the solicitation if the person being solicited gives a negative response at any time during the consumer telephone call;

(5) hang up the phone, or in the case of an automatic dialing-announcing device operator, disconnect the automatic dialing-announcing device from the telephone line within 25 seconds of the termination of the call by the person being called; and

(6) a live operator or an automated dialing-announcing device shall answer the line within five seconds of the beginning of the call. If answered by automated dialing-announcing device, the message provided shall include only the information required in subsection (b)(1) and (2), but shall not contain any unsolicited advertisement.

(c) A telephone solicitor shall not withhold the display of the telephone solicitor's telephone number from a caller identification service when that number is being used for telemarketing purposes ~~and~~, *except that before January 1, 2004, a telephone solicitor's telephone number shall not be required to be displayed* when the telephone solicitor's service or equipment is *not* capable of allowing the display of such number.

(d) A telephone solicitor shall not transmit any written information by facsimile machine or computer to a consumer after the consumer requests orally or in writing that such transmissions cease.

(e) A telephone solicitor shall not obtain by use of any professional delivery, courier or other pickup service receipt or possession of a consumer's payment unless the goods are delivered with the opportunity to inspect before any payment is collected.

(f) Local exchange carriers and telecommunications carriers shall not be responsible for the enforcement of the provisions of this section.

(g) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

(h) This section shall be part of and supplemental to the Kansas consumer protection act.

New Sec. 2. (a) The attorney general shall contract with the direct marketing association for the no-call list provided for by this act to be the national do-not-call list maintained by the telephone preference service of such association. The contract shall establish:

(1) The maximum fees that telephone solicitors may be charged for access to the no-call list;

(2) the maximum fees that consumers may be charge to register for inclusion on the no-call list;

(3) the schedule of dates by which consumers must register in order to appear on updates of the no-call list;

(4) the schedule of dates by which telephone solicitors will be provided updates of the no-call list; and

(5) what information shall be furnished, without charge, upon request of a consumer, registered in accordance with this section, concerning a telephone solicitor or other person who the consumer believes has engaged in an unsolicited consumer telephone call prohibited by this section.

If the direct marketing association does not agree to enter into the contract provided for by this subsection, the attorney general may contract, upon bids, with another vendor to establish and maintain the no-call list provided for by this section.

(b) Prior to making unsolicited consumer telephone calls in this state and quarterly thereafter, a telephone solicitor shall consult the do-not call list provided for by this act, and shall delete from such telephone solicitor's calling list all state residents who have registered to be on such list. The direct marketing association, or other vendor maintaining the do-not call list, shall offer to consumers at least one method of registration at no cost and such registration shall be for a period of five years. Consumers desiring to register to be on the do-not call list may contact the direct marketing association, or other vendor maintaining the do-not call list. Membership in the direct marketing association shall not be a requirement for telephone solicitors to obtain the telephone preference service list and telephone solicitors shall have access to the list. The direct marketing association, or other vendor, shall make available to the attorney general, in an electronic format, the no-call list and all quarterly updates of such list at no cost.

(c) The attorney general and the direct marketing association, or other vendor, shall ensure that consumers are given clear notice that telephone numbers are not immediately added to the no-call database upon submission of a consumer's registration and that it may be as long as 90 days before telephone solicitors receive a new no-call database which includes the consumer's telephone number.

(d) Telephone solicitors shall have a period of not more than 60 days from the time of receipt of the current quarterly update of the do-not call list to remove a consumer's telephone number from the telephone solicitor's calling lists.

(e) The attorney general may compile a list of telephone numbers from consumers desiring to register for such service. The attorney general shall forward the list to the direct marketing association in electronic format no less than 15 days prior to the date of the next quarterly update. No registration fee shall be imposed on the attorney general for submission of such list to the direct marketing association.

(f) No telephone solicitor may make or cause to be made any unsolicited consumer telephone calls to any consumer if the consumer's telephone number or numbers appear in the current quarterly list of consumers registered on the no-call list. A telephone solicitor shall not use the no-call list for any other purpose than to remove consumers' telephone numbers from calling lists.

(g) A telephone solicitor shall be liable for violations of subsection (d) if such telephone solicitor makes or causes to be made an unsolicited telephone call to a state resident whose telephone number appears on the current quarterly no-call list or uses the list for any unauthorized purpose.

(h) It shall be an affirmative defense in any action or proceeding brought under this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent unsolicited consumer telephone calls in violation of this act. Such defense shall not be exercised by a telephone solicitor more than once within the state of Kansas in any 12-month period.

(i) Any violation of this section is an unconscionable act or practice under the Kansas consumer protection act.

(j) (1) Upon request of the attorney general for the purpose of enforcing the provisions of this section, the direct marketing association, or other vendor, shall furnish the attorney general with all information requested by the attorney general concerning a telephone solicitor or any person the attorney general believes has engaged in an unsolicited consumer

telephone call prohibited by this section. The direct marketing association, or other vendor, shall not charge a fee for furnishing the information to the attorney general.

(2) The direct marketing association, or other vendor, shall comply with any lawful subpoena or court order directing disclosure of the list or any other information.

(k) The direct marketing association, or other vendor, shall promptly forward any complaints concerning alleged violations of this section to the attorney general.

(l) The attorney general may convene a meeting or meetings with consumer advocacy groups to collectively develop a method or methods to notify the consumer advocacy group's membership and educate and promote to Kansas consumers generally the availability of the no-call list, and of a telephone solicitor's obligations under this act.

(m) On or before the first day of each regular legislative session, the attorney general shall report to the standing committees of the house and senate which hear and act on legislation relating to telecommunications issues on the status of implementation of the provisions of this section, including, but not limited to, the number of consumers who have given notice of objection, the number of requests for the data base, state revenues received from the respective sources of revenue under this section, the number of complaints received alleging violations of this section and actions taken to enforce the provisions of this section.

(n) If the federal trade commission establishes a single national no-call list the attorney general may designate the list established by the federal trade commission as the Kansas no-call list.

(o) The attorney general may promulgate rules and regulations to carry out the provisions of the Kansas no-call act.

(p) The provisions of this section shall be a part of and supplemental to the Kansas consumer protection act.

New Sec. 3. This act shall be known and may be cited as the Kansas no-call act.

Sec. 4. K.S.A. 2001 Supp. 50-670 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.”;

And in the title by striking all after “AN ACT” and inserting “concerning unsolicited telephone calls; prohibiting certain acts and providing penalties for violations; amending K.S.A. 2001 Supp. 50-670 and repealing the existing section.”.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 296; HB 2607, HB 2663, HB 2698, HB 2821** were advanced to Final Action and roll call.

Sub SB 296, An act concerning consumer protection and privacy; relating to unsolicited consumer telephone calls; do-not call list; prohibited acts.

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

Absent or Not Voting: Jenkins.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I support the work we have done on **Sub SB 296**. We are providing a private business solution to help those who feel bothered by telemarketing calls. This will provide relief yet not impact the state general fund as a state government no-call list would do.—KARIN BROWNLEE

Senator Harrington requests the record to show she concurs with the explanation of vote offered by Senator Brownlee on **Sub SB 296**.

MR. PRESIDENT: I vote aye on **Sub SB 296** understanding that it is a flawed piece of legislation. In its present form, this bill is an unworkable hybrid of self-regulation and government regulation of an industry. It expects actions by a private entity but provides no workable mechanism for ensuring those actions occur.

I vote for this bill today because it reflects the will of the Senate and because I want the process to continue this year. Kansans want and deserve a workable do-not-call list to deter unwanted telemarketing calls. I hope the shortcomings of this bill can be remedied as the process continues so we can deliver to Kansans more than false expectations.—DEREK SCHMIDT

Senators Gooch, Haley, Hensley, Lee, Schodorf and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator Schmidt on **Sub SB 296**.

HB 2607, An act concerning water; concerning groundwater management districts; concerning certain rural water districts; authorizing certain elections to be held by mail ballot; amending K.S.A. 82a-626 and K.S.A. 2001 Supp. 82a-1030 and repealing the existing sections.

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

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

Absent or Not Voting: Jenkins.

The bill passed, as amended.

HB 2663, An act regulating traffic; concerning electric personal assistive mobility device; amending K.S.A. 8-126, 8-1446, 8-1485 and 8-1486 and repealing the existing sections.

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

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

Absent or Not Voting: Jenkins.

The bill passed.

HB 2698, An act concerning taxation; relating to real estate sales validation questionnaires; amending K.S.A. 79-1437e and repealing the existing section.

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

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

Absent or Not Voting: Jenkins.

The bill passed.

HB 2821, An act concerning vocational education; relating to tuition rates for postsecondary students; amending K.S.A. 72-4433 and repealing the existing section.

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

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

Absent or Not Voting: Jenkins.

The bill passed, as amended.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Friday, March 22, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

