

# Journal of the Senate

SEVENTEENTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, February 2, 2005—2:30 p.m.

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

Heavenly Father,  
I perused the Senate Calendar  
For my information,  
And once again I found  
A plethora of kinds of “ations”.  
SB 128 deals  
With mineral taxation,  
While 129’s concerned with  
Warranty limitation.  
130 is concerned with  
Teacher preparation.  
While 131 is dealing with  
Contract termination.  
134 deals with  
Party affiliation,  
And 136 with  
Interest notification.  
137 has to do  
With rights deprivation,  
SB 4’s concerned with  
License installation.  
SB 30 has to do with  
Exemption disqualification,  
While 47 deals with  
Rules dissemination.  
This is just a sample of  
Bills for legislation,  
Which requires from legislators  
Some time for concentration.  
Deliver legislators, Lord,  
From too much aggravation,  
And complete this session  
With a joyful celebration.  
I pray in the name of Jesus Christ,  
AMEN

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**SB 168**, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of destination casinos, electronic gaming machines, video lottery terminals and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8723 and 74-8830 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Federal and State Affairs.

**SB 169**, An act concerning schools; establishing the special needs scholarship program, by Committee on Federal and State Affairs.

**SB 170**, An act concerning lotteries; concerning electronic gaming, lottery facility games and other lottery games; amending K.S.A. 74-8702, 74-8710 and 74-8723 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Committee on Federal and State Affairs.

**SB 171**, An act concerning the Kansas code for care of children; relating to out of home care; amending K.S.A. 2004 Supp. 38-1502 and 38-1503 and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 172**, An act pertaining to the legislature; relating to the size thereof; amending K.S.A. 4-101 and repealing the existing section, by Senator Steineger.

**SB 173**, An act concerning economic development; enacting the main street growth and business protection act; amending K.S.A. 68-406 and repealing the existing section, by Committee on Commerce.

**SB 174**, An act concerning school districts; relating to school buildings, by Committee on Education.

**SB 175**, An act concerning insurance companies; relating to securities held by insurance companies; amending K.S.A. 40-2a27 and 40-2b28 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 176**, An act concerning insurance; relating to new terminology for insurance brokers; amending K.S.A. 40-37a01, 40-37a02, 40-37a03, 40-37a04, 40-37a05, 40-37a06 and 40-4502 and K.S.A. 2004 Supp. 40-2,131 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 177**, An act concerning the workers compensation act; relating to exceptions to coverage; amending K.S.A. 44-505 and repealing the existing section, by Committee on Financial Institutions and Insurance.

**SB 178**, An act concerning home service contracts; enacting the home service contract act; registration with the insurance commissioner, by Committee on Financial Institutions and Insurance.

**SB 179**, An act concerning offenses against children; relating to enhancing penalties; amending K.S.A. 21-3510 and 21-3511 and K.S.A. 2004 Supp. 21-3516 and repealing the existing sections, by Committee on Judiciary.

**SB 180**, An act concerning preliminary screening tests for alcohol use; amending K.S.A. 8-1012, 32-1138 and 65-1,107 and K.S.A. 2004 Supp. 41-727 and repealing the existing sections, by Committee on Judiciary.

**SB 181**, An act concerning civil procedure; relating to actions filed in violation of Article 6 of the Kansas constitution; amending K.S.A. 2004 Supp. 60-2102 and repealing the existing section, by Committee on Judiciary.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 156, SB 157, SB 158, SB 159; HB 2040.**

Elections and Local Government: **SB 163, SB 164.**

Federal and State Affairs: **SB 153.**

Financial Institutions & Insurance: **SB 152, SB 160, SB 165, SB 166, SB 167.**

Judiciary: **SB 151, SB 161, SB 162.**

Public Health and Welfare: **SB 154, SB 155.**

**MESSAGE FROM THE HOUSE**

Announcing adoption of **SCR 1601**.

**COMMITTEE OF THE WHOLE**

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

On motion of Senator Brownlee the following report was adopted:

Recommended **SCR 1603** be amended by motion of Senator Huelskamp on page 4, in line 39 after the word "than", by inserting "thirty minutes before", and **SCR 1603** be adopted as amended.

The following amendment offered by Senator Journey to **SCR 1603** was rejected: on page 4, in line 34, by striking "A" and inserting: "Except as provided in subsection (k), a";

On page 6, following line 8, by inserting the following:

"(k) *Division of question and report.* If a conference committee report contains several points, any member may ask for the question to be divided. The request for the division of a question shall be in writing specifying the manner in which the question is to be divided. If a vote in the first house to consider the report on a division of the question results in the alteration of the provision of the report and the first house adopts the conference committee report as altered, the second house to consider the conference committee report may (1) adopt the conference committee report in which the first house has divided the question and altered the conference committee report, the altered conference committee report shall be considered adopted; (2) if the second house does not adopt a conference committee report which has divided the question and altered the conference committee report, the report shall be considered not adopted; (3) if the second house further divides the question in a conference committee report which has had the question divided in the first and language altered in the conference committee report, the report shall be returned to conference committee; and (4) if the second house divides the question in a conference committee report which has not had a question divided in the first house and alters the language from the conference committee report, the report shall be returned to the first house which shall consider the report as modified by the second house and may reject such modified report, in which case the conference committee report shall be considered not adopted, or may adopt such conference committee report as modified, in which case the conference committee report as modified shall be considered adopted."

**SB 65** be amended by adoption of the committee amendments, be further amended by motion of Senator Vratil as amended by Senate Committee, on page 1, in line 14, before "Section" by inserting "New";

On page 2, in line 1, by striking all before "shall" and inserting:

"(f) This section";

Also on page 2, after line 2, by inserting two new sections to read as follows:

"Sec. 2. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

(5) each contribution, rebate, refund or other receipt not otherwise listed;

(6) the total of all receipts;

(7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;

(8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of \$50 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;

(9) the aggregate of all expenditures not otherwise reported under this section; and

(10) the total of expenditures.

(c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.

(d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(e) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.

(f) The commission may require any treasurer to file a report for any period for which the required report is not on file, and notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.

(g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.

(h) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.

(i) *Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.*

Sec. 3. K.S.A. 25-4148 is hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 11, after “contributions” by inserting “pertaining to campaign treasurer’s reports; amending K.S.A. 25-4148 and repealing the existing section”

Senator Vratil further amended **SB 65**, as amended by Senate Committee, on page 1, in line 37, by striking “secretary of state’s” and inserting “governmental ethics commission’s”

Senator Wagle amended **SB 65**, as amended by Senate Committee, on page 1, in line 30, by striking “next business” and inserting “second business day following the”

Senator Allen amended **SB 65**, as amended by Senate Committee, on page 1, in line 14, before “Section” by inserting “New”;

On page 2, in line 1, by striking all before “Shall” and inserting “(f) This section”; after line 2, by inserting six new sections to read as follows:

“Sec. 2. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. 25-4119e, 25-4119f, 25-4119g, 25-4142 through 25-4187 and ~~K.S.A. 25-4153b~~ sections 1, 5 and 6, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 3. K.S.A. 2004 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) “Candidate” means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person’s nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) “Candidate committee” means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) “Clearly identified candidate” means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) “Commission” means the governmental ethics commission.

(e) (1) “Contribution” means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate’s campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) “Contribution” does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event; or

(E) *the transfer of campaign funds to a bona fide successor committee or candidacy in accordance with K.S.A. 25-4157a and amendments thereto.*

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "Public office" means a state or local office.

(n) "Local office" means:

(1) A member of the governing body of a city of the first class;

(2) an elected office of:

(A) A unified school district having 35,000 or more pupils regularly enrolled in the preceding school year;

(B) a county; or

(C) the board of public utilities.

~~(m)~~ (o) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

~~(m)~~ (p) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

~~(m)~~ (q) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

~~(p)~~ "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 4. K.S.A. 25-4157a is hereby amended to read as follows: 25-4157a. (a) No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or the candidate committee of such candidate except for:

(1) Legitimate campaign purposes;

(2) expenses of holding political office;

(3) contributions to the party committees of the political party of which such candidate is a member;

(4) any membership dues or donations paid to a community service, *charitable* or civic organization in the name of the candidate or candidate committee of any candidate;

(5) expenses incurred in the purchase of tickets to meals and special events sponsored by any organization the major purpose of which is to promote or facilitate the social, business, commercial or economic well being of the local community; or

(6) expenses incurred in the purchase and mailing of greeting cards to voters and constituents.

For the purpose of this subsection, expenditures for “personal use” shall include expenditures to defray normal living expenses for the candidate or the candidate’s family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

(b) No moneys received by any candidate or candidate committee of any candidate as a contribution shall be used to pay interest or any other finance charges upon moneys loaned to the campaign by such candidate or the spouse of such candidate.

(c) No candidate or candidate committee shall accept from any other candidate or candidate committee for any candidate for local, state or national office, any moneys received by such candidate or candidate committee as a campaign contribution. The provisions of this subsection shall not be construed to prohibit:

(1) A candidate or candidate committee from accepting moneys from another candidate or candidate committee if such moneys constitute a reimbursement for one candidate’s proportional share of the cost of any campaign activity participated in by both candidates involved. Such reimbursement shall not exceed an amount equal to the proportional share of the cost directly benefiting and attributable to the personal campaign of the candidate making such reimbursement; or

(2) A candidate or candidate committee from transferring campaign funds to a bona fide successor committee or candidacy established by the candidate.

(d) ~~At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds otherwise not obligated for the payment of expenses incurred in such campaign or the holding of office shall be contributed to a charitable organization, as defined by the laws of the state, contributed to a party committee or returned as a refund in whole or in part to any contributor or contributors from whom received or paid into the general fund of the state. At the time of the termination of any campaign and prior to the filing of a termination report in accordance with K.S.A. 25-4157, and amendments thereto, all residual funds not otherwise obligated for the payment of expenses incurred in such campaign or the holding of office, or any portion of such funds, shall be:~~

- (1) Contributed to a charitable organization, as defined by the laws of the state; or
- (2) contributed to a party committee; or
- (3) returned as a refund in whole or in part to any contributor or contributors from whom such funds were received; or
- (4) paid into the general fund of the state; or
- (5) transferred to a bona fide successor committee or candidacy established by the candidate; or
- (6) transferred for the purpose of retiring the remaining debt to the original committee or candidacy from which funds were transferred pursuant to paragraph (2) of subsection (e).

*Whenever a transfer to a bona fide successor committee or candidacy is made pursuant to paragraph (5), all moneys shall be transferred to the bona fide successor committee or candidacy.*

*(e) For the purposes of this section, “bona fide successor committee or candidacy” means:*

- (1) *The candidate’s campaign committee or candidacy for a public office initiated at the termination of the original candidacy; or*
- (2) *the candidate’s campaign committee or candidacy initiated at the time of the transfer of all moneys to a new campaign committee or candidacy for public office when there is debt in the original campaign at the time of the transfer and the candidate does not terminate the original campaign committee or candidacy.*

New Sec. 5. (a) Upon transferring money to a bona fide successor committee or candidacy as defined by paragraph (2) of subsection (e) of K.S.A. 25-4157a, and amendments thereto, the candidate may only accept contributions to the original candidacy sufficient to retire the debt. Such contributions shall be subject to the contribution limits for the original office sought as set forth in K.S.A. 25-4153, and amendments thereto. Once the candidate has received sufficient contributions to retire the debt, the candidate must terminate the candidacy pursuant to the provisions set forth in subsection (d) of K.S.A. 25-4157a, and amendments thereto.



(b) This section shall be part of and supplemental to the campaign finance act.

New Sec. 6. (a) For the period commencing on January 1, 1976, and ending on the day preceding the effective date of this act, any candidate who transferred campaign funds to a bona fide successor candidacy, as such term is defined in K.S.A. 25-4157a, and amendments thereto, shall be deemed to have made such transfer in compliance with the provisions of the campaign finance act in existence at the time of such transfer regardless of when the original campaign fund is closed after the date such transfer is made and such transfer is hereby validated.

(b) This section shall be part of and supplemental to the campaign finance act.

Sec. 7. K.S.A. 25-4142 and 25-4157a and K.S.A. 2004 Supp. 25-4143 are hereby repealed.;

By renumbering the remaining section accordingly;  
In the title, on page 1, in line 11, after "contributions" by inserting "relating to the use of unexpended campaign funds; amending K.S.A. 25-4142 and 25-4157a and K.S.A. 2004 Supp. 25-4143 and repealing the existing sections"

Senator Lee amended **SB 65**, as amended by Senate Committee, on page 2, in line 1, by striking all before "shall" and inserting "(f) This section"; after line 2, by inserting a new section to read as follows:

"Sec. 2. The governmental ethics commission shall develop and implement forms for each report required to be made under the campaign finance act to be filled out on-line and transmitted via e-mail or over the internet. The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.;"

By renumbering the remaining sections accordingly

Senator Vratil amended **SB 65**, as amended by Senate Committee, on page 1, in line 34, by striking "e-mail" and inserting "electronic means"

Senator Journey amended **SB 65**, as amended by Senate Committee, on page 2, in line 1, by striking all before "shall" and inserting "(f) This section"; after line 2, by inserting a new section to read as follows:

"Sec. 2. (a) Every person, other than a candidate for the office of precinct committeeman or committeewoman, who spends an aggregate amount of \$100 or more to expressly advocate the nomination, election or defeat of a clearly identified candidate for precinct committeeman or committeewoman shall keep, or cause to be kept, a detailed account of all moneys received by such person and all expenditures made by such person to expressly advocate the nomination, election or defeat of any candidate for precinct committeeman or committeewoman and shall file a report thereof as required by subsection (b).

(b) (1) The report required by subsection (a) shall contain the following information:

(A) the name and address of each person who made any contribution in an amount of \$50 or more during the primary election period;

(B) the date such contribution was made; and

(C) an itemized listing of all expenditures made by such person to expressly advocate the nomination, election or defeat of any candidate for precinct committeeman or committeewoman.

(2) The report required by this subsection shall be filed with the county election official of the county of residence of the candidate for the office of precinct committeeman or committeewoman whose candidacy was affected not later than 10 days after the date of the primary election.

(c) In addition to the requirements of subsection (b), each person who spends an aggregate amount of \$100 or more to expressly advocate the nomination, election or defeat of any candidate for precinct committeeman or committeewoman prior to the ninth day preceding the primary election shall file a report containing the information required by paragraph (1) of subsection (b). Such report shall be filed with the county election official of the county of residence of the candidate for the office of precinct committeeman or committeewoman whose candidacy was affected not later than the ninth day preceding the primary election. The report required by this subsection shall be in addition to, and not in lieu of, the report required by subsection (b).

(d) Any candidate for election to precinct committeeman or precinct committeewoman shall not be subject to the reporting requirements of subsections (b) and (c) if such candidate's total aggregate expenditures for such candidate's election are less than \$100.

(e) The terms “contribution,” “expenditure,” “expressly advocate the nomination, election or defeat of a clearly identified candidate” and “person” shall have the meaning ascribed to them in K.S.A. 25-4143 and amendments thereto.

(f) Violation of this section is a class C misdemeanor.

(g) The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.”;

By renumbering the remaining sections accordingly;

In the title, in line 11, preceding the period, by inserting ”; reporting requirements for precinct committeemen and precinct committeewomen” and **SB 65** be passed as further amended.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SB 65**; **SCR 1603** were advanced to Final Action and roll call.

**SB 65**, An act concerning campaign finance; pertaining to certain daily reports of contributions; pertaining to campaign treasurer’s reports; relating to the use of unexpended campaign funds; reporting requirements for precinct committeemen and precinct committee women; amending K.S.A. 25-4142, 25-4148 and 25-4157a and K.S.A. 2004 Supp. 25-4143 and repealing the existing sections.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Brownlee, Brungardt, Donovan, Emler, Huelskamp, Jordan, Journey, Kelly, McGinn, Morris, O’Connor, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Barone, Betts, Bruce, Francisco, Gilstrap, Goodwin, Haley, Hensley, Lee, Ostmeyer, Wilson.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 65**, because of the addition of the amendment relating to the use of unexpended campaign funds. I support the requirement for reporting campaign contributions received during the period commencing eleven days before an election.—

MARCI FRANCISCO

Senators Betts and Goodwin request the record to show they concur with the “Explanation of Vote” offered by Senator Francisco on **SB 65**.

MR. PRESIDENT: Regrettably, I must vote “NO” on **SB 65**. With the addition of the amendment allowing the transfer of funds from one campaign account to another campaign report where the candidate for both offices is the same person, it would be most inappropriate if not unethical for me, a state senator who is *currently* a candidate for Mayor/CEO of Wyandotte County/Kansas City, Kansas, to vote for this measure. Perhaps the governor will veto it...again.—DAVID HALEY

**SCR 1603**, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2005-2006 biennium.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, McGinn, Morris, O’Connor, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 105** be passed.

Also, **SB 12** be amended on page 1, in line 41, by striking “employer” and inserting “taxpayer”;

On page 2, in line 1, by striking “employer” and inserting “taxpayer”;

On page 3, in line 23, by striking “employer” and inserting “taxpayer”; in line 26, by striking “employer” and inserting “taxpayer”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 19** be amended on page 1, in line 20, by striking “including”; in line 21, by striking all preceding “regardless”; in line 25, by striking “Each” and inserting “A response to any”; in line 28, preceding the period, by inserting “except as required pursuant to the legislative post audit act”; in line 29, following “in” by inserting “responses to”;

In the title, in line 10, following “of” by inserting “responses to”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 5** be amended on page 1, in line 23, by striking “the commissioner”; in line 24, by striking “of insurance determines to be” and inserting “is”; in line 43, by striking “the commissioner of insurance deter-”;

On page 2, in line 1, by striking “mines to be” and inserting “is”; in line 8, by striking “determined by a department or agency”; in line 9, by striking “under this act to be”; in line 29, by striking “the department determines”; in line 30, by striking “to be” and inserting “is”;

On page 8, in line 42, by striking “the commission has”; in line 43, by striking “determined to be” and inserting “which is”;

On page 12, in line 13, by striking “deter-”; in line 14, by striking “mined”; also in line 14, by striking “by the corporation to be”;

On page 13, in line 27, by striking “deter-”; in line 28, by striking “mined by the secretary to be”; and the bill be passed as amended.

Also, **SB 7** be amended on page 1, in line 14, after “custody” by inserting “of,”; also in line 14, after “of” by inserting a comma; in line 16, after “parent” by inserting “of one or more of the following events”; in line 17, by striking “or has been”; in line 19, after the second comma by inserting “or under”; in line 21, by striking “or has been”; in line 24, after the comma by inserting “or under”; in line 28, by striking “occurrence” and inserting “event”; in line 34, by striking “occurrence” and inserting “event”; in line 36, by striking “In”; by striking all in lines 37 through 39;

On page 4, in line 24, by striking “or has been”; in line 26, after the third comma by inserting “or under”; in line 30, by striking “or has been”; in line 33, after the comma by inserting “or under”; in line 43, by striking “or has been”;

On page 5, in line 2, after the second comma by inserting “or under”; in line 5, by striking “or has been”; in line 8, after the comma by inserting “or under”; and the bill be passed as amended.

**SB 25** be amended on page 1, in line 23, by striking “(d)” and inserting “(c)”;

in line 25, after the period by inserting “The provisions of subsection (c) of K.S.A. 21-3302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of terrorism pursuant to this section. The provisions of subsection (d) of K.S.A. 21-3303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of terrorism pursuant to this section.”;

in line 42, by striking “(d)” and inserting “(c)”;

On page 2, in line 2, after the period by inserting “The provisions of subsection (c) of K.S.A. 21-3302, and amendments thereto, shall not apply to a violation of conspiracy to commit the crime of illegal use of weapons of mass destruction pursuant to this section. The provisions of subsection (d) of K.S.A. 21-3303, and amendments thereto, shall not apply to a violation of criminal solicitation to commit the crime of illegal use of weapons of mass destruction pursuant to this section.”;

On page 7, in line 12, after the period by inserting “The provisions of this subsection shall not apply to a violation of attempting to commit the crime of terrorism pursuant to section 1, and amendments thereto, or of illegal use of weapons of mass destruction pursuant to section 2, and amendments thereto.”;

in line 15, by striking “The provisions”; by striking all in lines 16 through 19; after line 24, by inserting the following:

“Sec. 6. K.S.A. 21-3302 is hereby amended to read as follows: 21-3302. (a) A conspiracy is an agreement with another person to commit a crime or to assist in committing a crime. No person may be convicted of a conspiracy unless an overt act in furtherance of such conspiracy is alleged and proved to have been committed by such person or by a co-conspirator.

(b) It shall be a defense to a charge of conspiracy that the accused voluntarily and in good faith withdrew from the conspiracy, and communicated the fact of such withdrawal to one or more of the accused person's co-conspirators, before any overt act in furtherance of the conspiracy was committed by the accused or by a co-conspirator.

(c) Conspiracy to commit an off-grid felony shall be ranked at nondrug severity level 2. Conspiracy to commit any other nondrug felony shall be ranked on the nondrug scale at two severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for conspiracy to commit a nondrug felony shall be level 10. *The provisions of this subsection shall not apply to a violation of conspiracy to commit the crime of terrorism pursuant to section 1, and amendments thereto, or of illegal use of weapons of mass destruction pursuant to section 2, and amendments thereto.*

(d) Conspiracy to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.

(e) A conspiracy to commit a misdemeanor is a class C misdemeanor.

Sec. 7. K.S.A. 21-3303 is hereby amended to read as follows: 21-3303. (a) Criminal solicitation is commanding, encouraging or requesting another person to commit a felony, attempt to commit a felony or aid and abet in the commission or attempted commission of a felony for the purpose of promoting or facilitating the felony.

(b) It is immaterial under subsection (a) that the actor fails to communicate with the person solicited to commit a felony if the person's conduct was designed to effect a communication.

(c) It is an affirmative defense that the actor, after soliciting another person to commit a felony, persuaded that person not to do so or otherwise prevented the commission of the felony, under circumstances manifesting a complete and voluntary renunciation of the actor's criminal purposes.

(d) Criminal solicitation to commit an off-grid felony shall be ranked at nondrug severity level 3. Criminal solicitation to commit any other nondrug felony shall be ranked on the nondrug scale at three severity levels below the appropriate level for the underlying or completed crime. The lowest severity level for criminal solicitation to commit a nondrug felony shall be level 10. *The provisions of this subsection shall not apply to a violation of criminal solicitation to commit the crime of terrorism pursuant to section 1, and amendments thereto, or of illegal use of weapons of mass destruction pursuant to section 2, and amendments thereto.*

(e) Criminal solicitation to commit a felony which prescribes a sentence on the drug grid shall reduce the prison term prescribed in the drug grid block for an underlying or completed crime by six months.”;

And by renumbering the remaining sections accordingly;

On page 10, in line 43, after “21-3301” by inserting “, 21-3302, 21-3303”;

In the title, in line 11, after “21-3301” by inserting “, 21-3302, 21-3303”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 60** be amended on page 3, in line 30, by striking “800” and inserting “1,000”;

On page 4, in line 30, by striking “800” and inserting “1,000” and the bill be passed as amended.

#### **REPORT ON ENROLLED BILLS**

SR 1807 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on February 2, 2005.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 3, 2005.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

