

# Journal of the Senate

FORTY-SIXTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, March 16, 2005—2:30 p.m.

The Senate was called to order by President Stephen Morris.  
The roll was called with thirty-nine senators present.  
Senator Allen was excused.  
President Morris introduced as guest chaplain, Joe Slater, Augusta Church of Christ, Augusta, Kansas, who delivered the invocation:

Our Father in Heaven

We acknowledge You as our creator, our sustainer, and the giver of all that is good. We thank You and give our praise to You for the gift of life itself, and for the measure of health we enjoy. Thank you, Father, for these Senators whom You have ordained to serve our state, and in so doing to serve You. We hope that You will be pleased to bless them with strength of both body and mind, that they may bear up under the demands of their work, and with wisdom, that they may serve You well, not according to their own will, but in keeping with Your inspired word. We pray for Your care and keeping for the members of their families who are separated from them while they perform their duties here in Topeka. We thank You for the privilege of living in this state and in this great country. Please bless our state and our nation as we endure some stormy and difficult times. May we always humble ourselves before You and seek Your face. All of this we pray in the matchless name of Jesus, Your beloved Son and our precious savior—Amen

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**SB 301**, An act concerning school finance; relating to local option budgets, by Committee on Ways and Means.

**SB 302**, An act concerning taxation; relating to city and county retailers' sales tax; classes of cities; amending K.S.A. 12-195b and K.S.A. 2004 Supp. 12-187, 12-188, 12-189 and 12-192 and repealing the existing sections, by Committee on Ways and Means.

## STRICKEN FROM THE CALENDAR

On motion of Senator D. Schmidt **ERO 33**, **SR 1814** were stricken from the calendar under the heading of Special Order of Business.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Commerce: **Sub HB 2003**; **HB 2448**.

Federal and State Affairs: **SB 299**.

Ways and Means: **SB 300**.

## MESSAGE FROM THE HOUSE

Announcing passage of **HB 2026**, **HB 2037**.

Adoption of **SCR 1610**.

The House accedes to the request of the Senate for a conference on **SB 43** and has appointed Representatives Decker, O'Neal and Larkin as conferees on the part of the House.

#### INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

**HB 2026, HB 2037** were thereupon introduced and read by title.

#### CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Taddiken moved the Senate concur in house amendments to **SB 113**.

**SB 113**, An act concerning agriculture; relating to soil amendment products; amending K.S.A. 2-2808 and K.S.A. 2004 Supp. 2-2805 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 2-2806.

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

Yeas: 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.

Absent or Not Voting: Allen.

The Senate concurred.

#### FINAL ACTION ON CONSENT CALENDAR

**HB 2078, HB 2154, HB 2171, HB 2330, HB 2418** having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

**HB 2078**, An act regulating traffic; concerning certain lighting equipment; amending K.S.A. 8-1720 and 8-1729 and K.S.A. 2004 Supp. 8-1723 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: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2154**, An act concerning pharmacists; relating to hearings; repealing K.S.A. 65-1627d, 65-1627e and 65-1627g.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2171**, An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 2004 Supp. 40-2c01 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: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2330**, An act concerning the radiologic technologists practices act; amending K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 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: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2418**, An act concerning criminal procedure; relating to conditions of release prior to trial; amending K.S.A. 2004 Supp. 22-2802 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: 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.

Absent or Not Voting: Allen.

The bill passed.

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

**Sub SB 33**, An act concerning private construction contracts, enacting the Kansas fairness in private construction contract act, was considered on final action.

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

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

Nays: Journey, Pyle, Wagle.

Absent or Not Voting: Allen.

The substitute bill passed.

**SB 44**, An act concerning the teacher service scholarship program; amending K.S.A. 74-32,101 and 74-32,102 and repealing the existing sections, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

**SB 263**, An act concerning membership of the emergency medical services board; amending K.S.A. 65-6102 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

**SB 268**, An act concerning insurance products; relating to the interstate insurance product regulation compact, was considered on final action.

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

Yeas: Apple, Barnett, Barone, Betts, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Brownlee, Huelskamp, Journey, O'Connor, Ostmeyer, Palmer, Petersen, Pyle.

Absent or Not Voting: Allen.

The bill passed.

**SCR 1609**, A concurrent resolution urging Congress to provide funding to the Kansas Department of Transportation to improve and upgrade the department's radio communication system, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The resolution was adopted.

**HB 2027**, An act concerning library boards; amending K.S.A. 12-1222 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2052**, An act concerning solid waste; relating to uncontaminated soil; amending K.S.A. 65-3402 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2097**, An act relating to banks and trust companies; concerning the exchange of certain examinations and reports; amending K.S.A. 9-1303 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2098**, An act relating to banks; concerning trust authority; amending K.S.A. 9-1601 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2099**, An act relating to credit unions; concerning powers of the credit union administrator; amending K.S.A. 17-2206 and 17-2244 and K.S.A. 2004 Supp. 17-2223a and repealing the existing sections, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2109**, An act concerning motor vehicles; relating to the child passenger safety act and the safety belt use act; amending K.S.A. 8-1343a, 8-1344, 8-1345, 8-2502 and 8-2503 and repealing the existing sections, was considered on final action.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Kelly, Lee, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wysong.

Nays: Haley, Huelskamp, Journey, O'Connor, Ostmeyer, Palmer, Pyle, Wagle, Wilson.

Absent or Not Voting: Allen.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote Aye on **HB 2109**.

The Senate Transportation Committee met today with Col. Seck of the Kansas Highway Patrol, Deb Miller, Secretary of KDOT and the Secretary of KDHE. The subject of the meeting was about the 2004 Highway Fatality and Injury rate.

In 2004, 456 people died in vehicle crashes, over 2000 suffered disabling injuries, and 23,000 suffered other injuries. 76% of all those killed were *not* wearing seat belts. Last year the cost of fatal and injury crashes exceeded 3 billion dollars. Thank each and every one of you that voted for this legislation, you likely saved someone from death or disability.—LES DONOVAN

MR. PRESIDENT: I regretfully vote No on **HB 2109**.

If and when the House restores the language in conference which makes 14 and under; not 18 and under as currently eligible for traffic stops and ticketing due to seat belt usage, I will vote, *as I have in the past*, to increase public safety through increased seat belt usage.

My concern remains as expressed on General Orders yesterday that without an effective Kansas law in place defining and regulating racial profiling as this Senate supported 39-0

on February 23, 2005. Until then stopping someone who “looked 18 or under” is yet another weakening of probable cause.—DAVID HALEY

**HB 2140**, An act concerning the procedure for redevelopment districts to finance investigation and remediation of flood-plain conditions; qualifications; amending K.S.A. 2004 Supp. 12-1770a and 12-1771e and repealing the existing sections, was considered on final action.

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

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

Nays: Huelskamp, O'Connor.

Absent or Not Voting: Allen.

The bill passed, as amended.

**HB 2153**, An act concerning the secretary of aging; relating to the long-term care ombudsman; amending K.S.A. 2004 Supp. 75-7306 and 75-7310 and repealing the existing sections, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed, as amended.

**HB 2157**, An act concerning employment security law; relating to disqualification from receipt of benefits; amending K.S.A. 2004 Supp. 44-706 and repealing the existing section, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The bill passed.

**HB 2164**, An act concerning the Kansas enterprise zone act; relating to sales tax exemption requirements; time extension; amending K.S.A. 2004 Supp. 74-50,115 and repealing the existing section, was considered on final action.

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

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

Nays: Francisco, Lee.

Absent or Not Voting: Allen.

The bill passed.

**HCR 5004**, A concurrent resolution urging Congress to modify the provisions of the National Voter Registration Act of 1993 to simplify the procedure for removal of voters from voter registration lists, was considered on final action.

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

Yeas: 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.

Absent or Not Voting: Allen.

The resolution was adopted, as amended.

#### REPORT ON ENGROSSED BILLS

**SB 44, SB 263** reported correctly engrossed March 16, 2005.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 288** be amended on page 1, in line 15, by striking all following "L."; by striking all in lines 16 through 42; in line 43, by striking all preceding "K.S.A.";

On page 2, in line 17, by striking "\$100" and inserting "\$50"; in line 18, after the stricken material, by inserting "more than 45 days";

On page 3, by striking all in lines 26 through 34;

By renumbering the remaining sections accordingly;

Also on page 3, in line 35, by striking "K.S.A. 47-1712 and"; also in line 35, by striking "are" and inserting "is";

On page 1, in the title, in line 10, by striking "K.S.A.", in line 11, by striking "47-1712 and"; in line 12, by striking "sections" and inserting "section; and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **HB 2031, HB 2102** be passed.

Also, **HB 2040** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

**SB 257** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 257," as follows:

"Substitute for SENATE BILL No. 257

By Committee on Assessment and Taxation

"AN ACT concerning health and health care; relating to health benefit plans and health savings accounts; income tax credits for certain employer contributions thereto; amending K.S.A. 40-2239, 40-2242 and 40-2246 and K.S.A. 2004 Supp. 40-2240 and repealing the existing sections."; and the substitute bill be passed.

**HB 2082** be amended on page 1, in line 16, by striking "reg-"; in line 17, by striking "ularly" and inserting "primarily"; and the bill be passed as amended.

The Committee on **Commerce** recommends **SB 260** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 260," as follows:

"Substitute for SENATE BILL No. 260

By Committee on Commerce

"AN ACT abolishing Kansas, Inc.; amending K.S.A. 74-5001a, 74-5007a, 74-8102, 74-8111, 74-9303, 74-9306, 75-2935b, 79-1119 and 79-3614 and K.S.A. 2004 Supp. 12-1774, 74-5049, 74-5089, 74-50,134, 74-50,151, 74-8136, 74-8405, 74-99b09, 74-99c07, 74-99c10, 75-2935 and 79-3234 and repealing the existing sections; also repealing K.S.A. 74-50,101, 74-8003, 74-8009, 74-8011, 74-8012, 74-8013, 74-8014, 74-8015, 74-8016, 74-8204, 74-8310 and 74-8317 and K.S.A. 2004 Supp. 74-5095, 74-8001, 74-8002, 74-8004, 74-8005, 74-8006, 74-8007, 74-8010 and 74-8017."; and the substitute bill be passed.

Committee on **Education** recommends **HB 2252** be amended on page 1, in line 16, by striking "The board of education of any school district may" and inserting "(1) Except as provided by paragraph (3), the board of education of any school district shall"; in line 17, by striking ", if any,."; also in line 17, by striking the comma where it appears for the third time; in line 18, by striking all preceding the period and inserting "at any time the board

determines such change is necessary”; in line 19, preceding “member” by inserting “board”; in line 20, by striking all following “olution”; by striking all in lines 21 through 25; in line 26, by striking all preceding the period and inserting “. The board shall draw boundaries of board member districts that are as compact and equal in population as possible. The boundaries of board member districts shall be drawn, to the extent practical, to include whole voting precincts. Upon a finding by the board that whole voting precincts cannot be included, boundaries shall be drawn to include whole census blocks.

(2) If the population of any board member district is at least 5% above or 5% below the mean population of all board member districts within the school district, based upon the most recently published federal decennial census or upon population estimates as determined by the county election officer of the home county of the school district, the board of education of such school district shall change the boundaries of the board member districts so that the population of any board member district is not greater than 5% above nor greater than 5% below the mean population of all board member districts within the school district. If the board does not change the boundaries as required by this paragraph, the county or district attorney of the home county of the school district shall notify the board of its duty to make such changes. If within 60 days after receiving such notification, the board fails to change the boundaries as required by this paragraph, the county or district attorney shall file an action in the district court of such county requesting an order to compel the school board to change the board member district boundaries as required by this paragraph.

(3) No boundary changes shall be made during the ninety-day period preceding any regular election of the school district”;

Also on page 1, in line 36, by striking “Commencing”; by striking all in lines 37 through 43;

On page 2, in line 1, preceding “member” by inserting “board”; in line 4, by preceding “member” by inserting “board”; in line 7, preceding “member” by inserting “board”; in line 10, preceding “member” by inserting “board”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 80** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 80,” as follows:

“Substitute for SENATE BILL No. 80

By Committee on Elections and Local Government

“AN ACT concerning certain public funds; relating to records concerning the receipt and expenditure thereof.”;

and the substitute bill be passed.

Committee on **Federal and State Affairs** recommends **SB 274** be amended on page 1, in line 34, after “warehousing” by inserting “facility”;

On page 2, in line 20, by striking “or beer enthusiasts”;

On page 3, in line 29, by striking “warehouse” and inserting “warehousing facility”; in line 30, by striking “\$50” and inserting “\$100”;

On page 4, by striking all in lines 36 through 43;

By striking all on pages 5 through 7;

On page 8, by striking all in lines 1 through 22; by renumbering sections 5 and 6 as sections 3 and 4; in line 23, by striking all after “41-310”; in line 24, by striking all before “are”;

In the title, in line 10, by striking “and K.S.A. 2004 Supp. 41-719 and 41-2645”; and the bill be passed as amended.

Also, **SB 276** be amended on page 2, in line 43, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 269**; **HB 2125**, as amended by House Committee of the Whole; **HB 2160**, as amended by House Committee; **HB 2205** be passed.

Also, **HB 2326**, as amended by House Committee, be amended on page 6, in line 17, by striking all following “claims” and inserting “which have not been paid prior to the effective date of this act.”;



On page 8, in line 10, by striking all following “claims”; in line 11, by striking all preceding the period and inserting “which have not been paid prior to the effective date of this act”; in line 15, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2180** be passed.

Also, **HB 2262** be amended on page 1, in line 29, after “court” by inserting “or the governor”; and the bill be passed as amended.

**HB 2386**, as amended by House Committee, be amended on page 2, in line 36, by striking “direct”; in line 37, by striking “the offender” and inserting “court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services”;

On page 3, in line 1, by striking “direct”; also in line 1, by striking “the offender” and inserting “community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision of community corrections”; in line 22, before the period by inserting “”;

(10) “community corrections” means the entity responsible for supervising adults and juveniles for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto;

(11) “court services” means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state; and

(12) “law enforcement officer” means the same as prescribed by K.S.A. 21-3110, and amendments thereto”; and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2077** be amended on page 1, in line 23, after the semicolon, by inserting “or”; in line 24, by striking the semicolon; by striking all in lines 25 and 26; in line 27, by striking all before the period; in line 32, by striking all after “(B)”;

And by relettering paragraphs accordingly;

Also on page 1, in line 33, by striking all before the semicolon and inserting: “a mid-level practitioner as defined in K.S.A. 65-1626 and amendments thereto”; in line 34, by striking “and dental hygienists”;

On page 2, by striking all in line 8; in line 9, by striking all before “and”; in line 10, by striking “(D)” and inserting “(C)”;

preceding line 11, by inserting the following:  
“(8) “Person” means any individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.”;

Also on page 2, in line 24, by striking all after the period; by striking all in lines 25 and 26; in line 27, by striking all after “person”; in line 28, by striking all before “may”;

On page 3, in line 5, by striking all after “(a)”;

by striking all in lines 6 through 23 and inserting: “Any person who in good faith donates cancer drugs without charge to the cancer drug repository program which drugs are in compliance with the provisions of this act at the time donated shall not be subject to criminal or civil liability arising from any injury or death due to the condition of such drugs unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of such person.

(b) Any person who in good faith dispenses cancer drugs without charge, except as provided in this act, in accordance with the provisions of this act and as part of the cancer drug repository program which drugs are in compliance with the provisions of this act at the time dispensed shall not be subject to criminal or civil liability arising from any injury or death due to the condition of such drugs unless such injury or death is a direct result of the willful, wanton, malicious or intentional misconduct of such person.”; and the bill be passed as amended.

Also, **HB 2336**, as amended by House Committee, be amended on page 3, in line 40, by striking “2007” and inserting “2008”; in line 43, by striking “2009” and inserting “2010”;

On page 5, in line 19, by striking “2007” and inserting “2008”; in line 21, by striking “2009” and inserting “2010”;

On page 9, in line 20, by striking all after the period; by striking all in lines 21 through 26; in line 30, by striking all after the period; by striking all in lines 31 through 33; in line 36, before the period, by inserting “about such drugs”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2461**, as amended by House Committee, be passed.

Committee on **Ways and Means** recommends **HB 2364**, as amended by House Committee, be passed.

#### CHANGE OF REFERENCE

The President withdrew **Sub SB 260** from the Committee on Ways and Means (Separately), and referred the bill to the Calendar under the heading of General Orders.

#### 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 Schodorf in the chair.

On emergency motion of Senator D. Schmidt, **SB 217** was advanced on the calendar under the heading of General Order to the first order of business.

On motion of Senator Schodorf the following report was adopted:

Recommended **SB 277, SB 278; HB 2183, HB 2323, HB 2325, HB 2327** be passed.

The committee report on **HB 2016** recommending a **Senate Sub for HB 2016** be adopted, and the substitute bill be passed.

A motion by Senator Journey to amend **Senate Sub for HB 2016** failed and the following amendment was rejected:

On page 1, by striking all in lines 14 through 22;

By renumbering the remaining sections accordingly;

On page 2, in line 40, by striking “21-3510 and ”;

On page 1, in the title, in line 10, by striking “21-3510 and ”

**SB 217; HB 2122, HB 2314, HB 2315, HB 2347, HB 2387** be amended by adoption of the committee amendments, and the bills be passed as amended.

**SB 243** be amended by adoption of the committee amendments, be further amended by motion of Senator Umbarger as amended by Senate Committee, on page 2, in line 35, before the semicolon by inserting “as determined by the secretary”; in line 37, by striking “Amer-”; in line 38, by striking all before the semicolon and inserting “secretary”;

On page 3, in line 1, by striking all after “insurance”; in line 2, by striking all before the semicolon and inserting “, the amount to be determined by the secretary”; in line 22, by striking all after “facility”; in line 23, by striking all before the semicolon;

On page 4, in line 12, by striking all after “act”; in line 13, by striking all before the period; in line 25, after “review” by inserting “and approve or reject”;

On page 7, in line 20, before the period by inserting “, and the secretary, as to the determination of the best interests of the state of Kansas”;

On page 8, in line 2, after “fees” by inserting “, monitoring fees, and any other fees authorized by this act”; in line 7, by striking all after “of”; by striking all in line 8; in line 9, by striking all before the period and inserting “the costs associated with the implementation and enforcement of this act. The secretary shall establish rules and regulations prescribing the fees necessary for the implementation and enforcement of this act”, and **SB 243** be passed as further amended.

**Sub SB 85; SB 259** be passed over and retain a place on the calendar.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 17, 2005.

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

PAT SAVILLE, *Secretary of the Senate.*

