

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 3, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Bethell was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty, Sovereign, and Righteous God; Author of life and liberty and in whom we find perfect happiness, hear us as we offer our praise to you this day.

As this body of your children comes to the end of their long and demanding work, place your blessing upon it. It is the work of human hands, but we acknowledge your hand of providence in all that we do. We pray that your will has been achieved in the work completed and about to be completed. We pray that the results of the work will be a true blessing for the people of Kansas.

You know, Lord, how complicated the task has been. You know what a sacrifice this service entails. You know how personal and difficult public office is. Send a special measure of your blessing and grace upon the members of this House of Representatives today for the good they have done for us all. Surround them with the gratitude of all the people for their dedication to our democracy and for their love of our state. Above all, O God, bless all your people with a deep appreciation for the gift of our nation and our freedoms. Let thanksgiving spring from their mouths for the self-giving service that keeps us free. Help them see the high expectations that flow from your gift to us: a free people of the United States of America and of the great state of Kansas. Amen.

The Pledge of Allegiance was led by Rep. Craft.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Gordon, **HR 6035**, A resolution commending Randy Sparks, was adopted.

There being no objection, the following remarks of Rep. Gordon are spread upon the journal:

I am here today to honor Randy Sparks, at the request of Topekan, Frank Chaffin. Along with me are Reps. Wilk, Ruff and Crow, the other sponsors of the resolution. In visiting with Randy, I learned that he grew up in the area of Leavenworth where Rep. Crow represents today. We are honored to have Randy Sparks here. He is a native Kansan who moved to California with his Kansas values — something that he cherishes dearly. Please join me in congratulating Randy Sparks on his 50 years in the music industry.

Randy Sparks also addressed a few remarks to the members of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Huy, **HR 6037**, A resolution in support of recognizing March 31st as Terri's Day's of Remembrance and celebration of the culture of life, was adopted.

There being no objection, the following remarks of Rep. Huy are spread upon the journal:

One year ago, on March 31, 2005, the Schindler family suffered the untimely death of Terri Schindler-Schaivo. Our nation was emotionally torn apart watching Terri's battle to live. Now, a nation that still grieves wishes to respectfully honor Terri by pledging support in all 50 state capitals for an annual remembrance of her called Terri's Day — celebrating the Culture of Life.

The Terri Schindler Schaivo Foundation, Inc., (TSSF) is a non-profit group dedicated to ensuring the rights of disabled, elderly and vulnerable citizens against care rationing, euthanasia and medical killing. Incorporated in 2001 to fight for the life of Terri Schindler Schaivo, the clear focus of TSSF now and in the future is to help others avoid future tragedies that reflect what Terri endured. Therefore, the TSSF has set a course to address the following two areas: education and a public referral network of professionals dedicated to advocate, protect, and provide care for people with disabilities and their families.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for Sub. SB 584, An act concerning school districts; relating to school finance; amending K.S.A. 72-1046b and 72-6441 and K.S.A. 2005 Supp. 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6421, 72-6426, 72-6433, 72-6434, 72-6439, 72-6442b, 72-64c04, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections; also repealing K.S.A. 2005 Supp. 75-2320, was considered on final action.

On roll call, the vote was: Yeas 55; Nays 69; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Dahl, DeCastro, Decker, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk.

Nays: Ballard, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, D. Johnson, Kelley, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Bethell.

The substitute bill did not pass.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for Sub. SB 584**. The best way for our state to continue our economic growth and keep good jobs in Kansas is to have first-rate schools and an educated workforce. Kansas parents know that investing in our schools now means better opportunities for jobs well into the future. I am committed to making that investment.

Unfortunately, this bill shortchanges the future of our children. It fails to adequately address the needs of our most vulnerable students and disregards the findings of our own studies.—**JUDITH LOGANBILL, ANN MAH, VALDENIA WINN, JULIE MENGhini, SUE STORM, DELIA GARCIA**

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 584** because we must keep the process moving, we must have a bill over 400 million to keep the court happy. We cannot allow the schools to close. It is not as much money as some like but if the budget fairy continues to

deliver money this bill can be funded without a tax increase. Please vote yes and support our kids.—BILL OTTO

MR. SPEAKER: In my 14 years in the House I've learned a lot including the following: If you insist on getting everything you want, inevitably you'll get nothing. I vote yes on **H. Sub. for Sub. SB 584**.—DOUG MAYS, JIM MORRISON

MR. SPEAKER: I vote no on **H. Sub. for Sub. SB 584**. In concurring opinions on the *Montoy* case, education is recognized as a fundamental right.

A quality public education provides our children with the tools they need to fulfill their God-given potential and to succeed in our knowledge-based economy. As a nation, we value hard work and perseverance. Education provides our children with the foundation to become hard-working, productive adults.

Unfortunately this bill fails to adequately support that right by ignoring many of the problems that our own studies have highlighted. This bill places political expediency over the fundamental right to a suitable education.—MARTI CROW

MR. SPEAKER: I vote no on **H. Sub. for Sub. SB 584**. This bill requires the Court to dismiss the *Montoy* case before the second and third year appropriations to schools would be made.

This requirement does not help us to reach a meaningful solution to the problems indicated by the Court and verified by our own studies. Instead it inflames the situation. It is just a poke in the eye of the plaintiff school districts.

Our children deserve a thoughtful solution based upon data that is readily available, but often ignored in this body. This bill is not that solution.—MICHAEL J. PETERSON, PAUL DAVIS, JANICE L. PAULS, EBER PHELPS

MR. SPEAKER: I vote no on **H. Sub. for Sub. SB 584**. The Supreme Court, in *Montoy*, finds the current finance formula “fails to provide adequate funding for a suitable education for students of their and other similarly situated districts, i.e., middle- and large-sized districts with a high proportion of minority and/or at-risk and special education students.

Our own Post Audit confirms “...it would cost almost 50% more than the estimated base-level costs for students in poverty to achieve the same performance levels that other students are achieving.”

By failing to adequately address the costs of educating children in poverty, this bill fails to meet our responsibility and invites a special session.—MELODY MCCRAY MILLER, JIM WARD, ED TRIMMER, OLETHA FAUST-GOUDEAU, BONNIE SHARP, BOB GRANT, SYDNEY CARLIN, LOUIS E. RUIZ

MR. SPEAKER: I vote yes on **H. Sub. for Sub. SB 584**. My reasons for voting yes include the desire to move the process forward, the presence of several policies which I believe are critical, and the level of additional funding for Salina would be greater than that offered by the Loyd amendment (despite the larger cost to the taxpayers). I do, however, suggest that the conference committee remove the policy regarding Montoy and at least define what is meant by “secondary schools” in the Mast amendment.—DEENA HORST

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2576, HB 2748; SB 366, SB 506; H. Sub. for SB 513**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 366**, submits the following report:

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

On page 1, by striking all in lines 22 through 43;

On page 2, by striking all in lines 1 through 22;

And by renumbering the remaining sections accordingly;

On page 3, by striking all in lines 2 through 5; after line 16 by inserting the following:

“(c) Nothing in this section shall require a person to retreat if such person is using force to protect such person or a third person.”;

Also on page 3, after line 26, by inserting the following:

“(c) Nothing in this section shall require a person to retreat if such person is using force to protect such person’s dwelling or occupied vehicle.”;

Also on page 3, by striking all in lines 27 through 43;

On page 4, by striking all in line 1;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 2, by striking “1” and inserting “5”; also in line 2, by striking “5” and inserting “9”; in line 5, by striking “1” and inserting “5”; also in line 5, by striking “5” and inserting “9”;

On page 6, in line 11, by striking “2” and inserting “6”; in line 17, by striking “1” and inserting “5”; also in line 17, by striking “5” and inserting “9”;

On page 8, in line 3, by striking “subsection” and inserting “subsections”; also in line 3, following “(c)(3)” by inserting “and (e)”;

On page 10, following line 6, by inserting the following:

“(e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

(i) The court’s evaluation of the significance and usefulness of the defendant’s assistance, taking into consideration the prosecutor’s evaluation of the assistance rendered;

(ii) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;

(iii) the nature and extent of the defendant’s assistance;

(iv) any injury suffered, or any danger or risk of injury to the defendant or the defendant’s family resulting from such assistance; and

(v) the timeliness of the defendant’s assistance.

Sec. 14. K.S.A. 16-305 is hereby amended to read as follows: 16-305. Every person who violates any provision of this act: (a) Other than by misappropriating funds in violation of an agreement shall be guilty of a misdemeanor, and, upon conviction shall be fined not less than \$100 nor more than \$500, or shall be imprisoned for not less than 10 days nor more than 90 days, or both; and (b) by misappropriating funds in violation of an agreement in an amount:

(1) Of \$25,000 or more shall be guilty of a severity level 7, nonperson felony;

(2) of at least ~~\$500~~ \$1,000 but less than \$25,000 shall be guilty of a severity level 9, nonperson felony; or

(3) of less than ~~\$500~~ \$1,000 shall be guilty of a class A nonperson misdemeanor.

Sec. 15. K.S.A. 19-3519 is hereby amended to read as follows: 19-3519. (a) All claims, accounts and necessary expenses of the water district lawfully incurred and approved shall be paid from appropriate available funds in bank accounts of the water district by voucher check supported by an appropriate purchase order or statement of service. All such claims shall be presented in writing with a full account of the items and may be the usual statement of account of the vendor or party rendering a service or other written statement showing the required information.

(b) (1) Any person who obtains money from the district by intentionally making a fraudulent claim for a sum of less than ~~\$500~~ \$1,000 is guilty of a class A nonperson misdemeanor.

(2) Any person who obtains money from the district by intentionally making a fraudulent claim for at least ~~\$500~~ \$1,000 but less than \$25,000 is guilty of a severity level 9, nonperson felony.

(3) Any person who obtains money from the district by intentionally making a fraudulent claim for \$25,000 or more is guilty of a severity level 7, nonperson felony.

(c) The water district board shall see that there is kept a correct record of all voucher checks issued showing the number, date and amount thereof and the name of the person or persons to whom such checks are made payable and with appropriate reference to the applicable purchase order or other claim, account or expense record, including payroll re-

cards. Any employee or officer authorized to sign or countersign voucher checks shall be covered by a surety bond in the form and amount as determined by the board.

Sec. 16. K.S.A. 2005 Supp. 21-3437 is hereby amended to read as follows: 21-3437. (a) Mistreatment of a dependent adult is knowingly and intentionally committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or cruel punishment upon a dependent adult;

(2) taking unfair advantage of a dependent adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person; or

(3) omitting or depriving treatment, goods or services by a caretaker or another person which are necessary to maintain physical or mental health of a dependent adult.

(b) No dependent adult is considered to be mistreated for the sole reason that such dependent adult relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult is a member or adherent.

(c) For purposes of this section: "Dependent adult" means an individual 18 years of age or older who is unable to protect their own interest. Such term shall include:

(1) Any resident of an adult care home including but not limited to those facilities defined by K.S.A. 39-923 and amendments thereto;

(2) any adult cared for in a private residence;

(3) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility;

(4) any individual with mental retardation or a developmental disability receiving services through a community mental retardation facility or residential facility licensed under K.S.A. 75-3307b and amendments thereto;

(5) any individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(6) any individual kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for the mentally retarded.

(d) (1) Mistreatment of a dependent adult as defined in subsection (a)(1) is a severity level 6, person felony.

(2) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 7, person felony if the aggregate amount of the value of the resources is \$25,000 or more.

(3) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 9, person felony if the aggregate amount of the value of the resources is at least ~~\$500~~ \$1,000 but less than \$25,000.

(4) Mistreatment of a dependent adult as defined in subsection (a)(2) is a class A person misdemeanor if the aggregate amount of the value of the resources is less than ~~\$500~~ \$1,000.

(5) Mistreatment of a dependent adult as defined in subsection (a)(3) is a class A person misdemeanor.

(6) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 9, person felony if the aggregate amount of the value of the resources is less than ~~\$500~~ \$1,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of a dependent adult two or more times.

Sec. 17. K.S.A. 21-3720 is hereby amended to read as follows: 21-3720. (a) Criminal damage to property is by means other than by fire or explosive:

(1) Intentionally injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property in which another has an interest without the consent of such other person; or

(2) injuring, damaging, mutilating, defacing, destroying, or substantially impairing the use of any property with intent to injure or defraud an insurer or lienholder.

(b) (1) Criminal damage to property is a severity level 7, nonperson felony if the property is damaged to the extent of \$25,000 or more.

(2) Criminal damage to property is a severity level 9, nonperson felony if the property is damaged to the extent of at least ~~\$500~~ \$1,000 but less than \$25,000.

(3) Criminal damage to property is a class B nonperson misdemeanor if the property damaged is of the value of less than ~~\$500~~ \$1,000 or is of the value of ~~\$500~~ \$1,000 or more and is damaged to the extent of less than ~~\$500~~ \$1,000.

Sec. 18. K.S.A. 21-3729 is hereby amended to read as follows: 21-3729. (a) Criminal use of a financial card is any of the following acts done with intent to defraud and for the purpose of obtaining money, goods, property, services or communication services:

(1) Using a financial card without the consent of the cardholder; or

(2) knowingly using a financial card, or the number or description thereof, which has been revoked or canceled; or

(3) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(b) For the purposes of this section:

(1) "Financial card" means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property, services or communication services or to conduct other financial transactions.

(2) "Cardholder" means the person or entity to whom or for whose benefit a financial card is issued.

(c) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

(d) (1) Criminal use of a financial card is a severity level 7, nonperson felony if the money, goods, property, services or communication services obtained within any seven-day period are of the value of \$25,000 or more.

(2) Criminal use of a financial card is a severity level 9, nonperson felony if the money, goods, property, services or communication services obtained within any seven-day period are of the value of at least ~~\$500~~ \$1,000 but less than \$25,000.

(3) Criminal use of a financial card is a class A nonperson misdemeanor if the money, goods, property, services or communication services obtained within a seven-day period are of the value of less than ~~\$500~~ \$1,000.

Sec. 19. K.S.A. 21-3734 is hereby amended to read as follows: 21-3734. (a) Impairing a security interest is:

(1) Damaging, destroying or concealing any personal property subject to a security interest with intent to defraud the secured party;

(2) selling, exchanging or otherwise disposing of any personal property subject to a security interest without the written consent of the secured party, where such sale, exchange or other disposition is not authorized by the secured party under the terms of the security agreement; or

(3) failure to account to the secured party for the proceeds of the sale, exchange or other disposition of any personal property subject to a security interest, where such sale, exchange or other disposition is authorized and such accounting for proceeds is required by the secured party under the terms of the security agreement or otherwise.

(b) (1) Impairing a security interest is a severity level 7, nonperson felony when the personal property subject to the security interest is of the value of \$25,000 or more and is subject to a security interest of \$25,000 or more.

(2) Impairing a security interest is a severity level 9, nonperson felony when the personal property subject to the security interest is of the value of at least ~~\$500~~ \$1,000 and is subject to a security interest of at least ~~\$500~~ \$1,000 and either the value of the property or the security interest is less than \$25,000.

(3) Impairing a security interest is a class A nonperson misdemeanor when the personal property subject to the security interest is of the value of less than ~~\$500~~ \$1,000, or of the value of ~~\$500~~ \$1,000 or more but subject to a security interest of less than ~~\$500~~ \$1,000.

Sec. 20. K.S.A. 2005 Supp. 21-3763 is hereby amended to read as follows: 21-3763. (a) Counterfeiting is intentionally manufacturing, using, displaying, advertising, distributing,

offering for sale, selling or possessing with intent to sell or distribute any item or services bearing or identified by a counterfeit mark.

(b) A person having possession, custody or control of more than 25 items bearing a counterfeit mark shall be presumed to possess such items with intent to sell or distribute.

(c) Any state or federal certificate of registration of any intellectual property shall be prima facie evidence of the facts stated therein.

(d) As used in this section:

(1) "Counterfeit mark" means:

(A) Any unauthorized reproduction or copy of intellectual property; or

(B) intellectual property affixed to any item knowingly sold, offered for sale, manufactured or distributed, or identifying services offered or rendered, without the authority of the owner of the intellectual property.

(2) "Intellectual property" means any trademark, service mark or trade name as such terms are defined in K.S.A. 2005 Supp. 81-202, and amendments thereto.

(3) "Retail value" means the counterfeiter's regular selling price for the item or service bearing or identified by the counterfeit mark. In the case of items bearing a counterfeit mark which are components of a finished product, the retail value shall be the counterfeiter's regular selling price of the finished product on or in which the component would be utilized.

(4) The quantity or retail value of items or services shall include the aggregate quantity or retail value of all items bearing, or services identified by, every counterfeit mark the defendant manufactures, uses, displays, advertises, distributes, offers for sale, sells or possesses.

(e) (1) Counterfeiting of the retail value of less than ~~\$500~~ \$1,000 is a class A nonperson misdemeanor.

(2) Counterfeiting of the retail value of at least ~~\$500~~ \$1,000 but less than \$25,000; that involves more than 100 but less than 1,000 items bearing a counterfeit mark; or on a second violation is a severity level 9, nonperson felony.

(3) Counterfeiting of the retail value of \$25,000 or more; that involves 1,000 or more items bearing a counterfeit mark; or on a third or subsequent violation is a severity level 7, nonperson felony.

(f) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 21. K.S.A. 2005 Supp. 21-3846 is hereby amended to read as follows: 21-3846. (a) Making a false claim, statement, or representation to the medicaid program is, knowingly and with intent to defraud, engaging in a pattern of making, presenting, submitting, offering or causing to be made, presented, submitted or offered:

(1) Any false or fraudulent claim for payment for any goods, service, item, facility, accommodation for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(2) any false or fraudulent statement or representation for use in determining payments which may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(3) any false or fraudulent report or filing which is or may be used in computing or determining a rate of payment for any goods, service, item, facility or accommodation, for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(4) any false or fraudulent statement or representation made in connection with any report or filing which is or may be used in computing or determining a rate of payment for any goods, service, item, facility or accommodation for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable;

(5) any statement or representation for use by another in obtaining any goods, service, item, facility or accommodation for which payment may be made, in whole or in part, under the medicaid program, knowing the statement or representation to be false, in whole or in part, by commission or omission, whether or not the claim is allowed or allowable;

(6) any claim for payment, for any goods, service, item, facility, or accommodation, which is not medically necessary in accordance with professionally recognized parameters or as otherwise required by law, for which payment may be made, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable; or

(7) any wholly or partially false or fraudulent book, record, document, data or instrument, which is required to be kept or which is kept as documentation for any goods, service, item, facility or accommodation or of any cost or expense claimed for reimbursement for any goods, service, item, facility or accommodation for which payment is, has been, or can be sought, in whole or in part, under the medicaid program, whether or not the claim is allowed or allowable.

(8) Any wholly or partially false or fraudulent book, record, document, data or instrument to any properly identified law enforcement officer, any properly identified employee or authorized representative of the attorney general, or to any properly identified employee or agent of the department of social and rehabilitation services, or its fiscal agent, in connection with any audit or investigation involving any claim for payment or rate of payment for any goods, service, item, facility or accommodation payable, in whole or in part, under the medicaid program.

(9) Any false or fraudulent statement or representation made, with the intent to influence any acts or decision of any official, employee or agent of a state or federal agency having regulatory or administrative authority over the Kansas medicaid program.

(b) (1) As defined by subsection (a)(1) through (a)(7), making a false claim, statement or representation to the medicaid program where the aggregate amount of payments illegally claimed is \$25,000 or more is a severity level 7, nonperson felony.

(2) As defined by subsection (a)(1) through (a)(7), making a false claim, statement or representation to the medicaid program where the aggregate amount of payments illegally claimed is at least ~~\$500~~ \$1,000 but less than \$25,000 is a severity level 9, nonperson felony.

(3) As defined by subsection (a)(1) through (a)(7), making a false claim, statement or representation to the medicaid program where the aggregate amount of payments illegally claimed is less than ~~\$500~~ \$1,000 is a class A misdemeanor.

(4) As defined by subsections (a)(8) and (a)(9), making a false claim, statement or representation to the medicaid program is a severity level 9, nonperson felony.

(c) In determining what is medically necessary pursuant to subsection (a)(6) of this section the attorney general may contract with or consult with qualified health care providers and other qualified individuals to identify professionally recognized parameters for the diagnosis or treatment of the recipient's condition, illness or injury.

Sec. 22. K.S.A. 21-3902 is hereby amended to read as follows: 21-3902. (a) Official misconduct is any of the following acts committed by a public officer or employee in the officer or employee's public capacity or under color of the officer or employee's office or employment:

(1) Using or authorizing the use of any aircraft, as defined by K.S.A. 3-201, and amendments thereto, vehicle, as defined by K.S.A. 8-1485, and amendments thereto, or vessel, as defined by K.S.A. 32-1102, and amendments thereto, under the officer's or employee's control or direction, or in the officer's or employee's custody, exclusively for the private benefit or gain of the officer or employee or another.

(2) Knowingly and willfully failing to serve civil process when required by law.

(3) Using confidential information acquired in the course of and related to the officer's or employee's office or employment for the private benefit or gain of the officer or employee or another or to maliciously cause harm to another. As used in this section, "confidential" means any information that is not subject to mandatory disclosure pursuant to K.S.A. 45-221, and amendments thereto.

(4) Except as authorized by law, knowingly, willfully and with the intent to reduce or eliminate competition among bidders or prospective bidders on any contract or proposed contract: (A) Disclosing confidential information regarding proposals or communications from bidders or prospective bidders on any contract or proposed contract; (B) accepting any bid or proposal on a contract or proposed contract after the deadline for acceptance of such bid or proposal; or (C) altering any bid or proposal submitted by a bidder on a contract or proposed contract.

(5) Except as authorized by law, knowingly destroying, tampering with or concealing evidence of a crime.

(6) Knowingly and willfully submitting to a governmental entity a claim for expenses which is false or duplicates expenses for which a claim is submitted to such governmental entity, another governmental or private entity.

(b) The provisions of subsection (a)(1) shall not apply to any use of persons or property which:

(1) At the time of the use, is authorized by law or by formal written policy of the governmental entity; or

(2) constitutes misuse of public funds, as defined in K.S.A. 21-3910 and amendments thereto.

(c) (1) Official misconduct as defined in subsections (a)(1) through (a)(4) is a class A nonperson misdemeanor.

(2) Official misconduct as defined in subsection (a)(5) is: (A) A severity level 8, nonperson felony if the evidence is evidence of a crime which is a felony; and (B) a class A nonperson misdemeanor if the evidence is evidence of a crime which is a misdemeanor.

(3) Official misconduct as defined in subsection (a)(6) is: (A) A severity level 7, nonperson felony if the claim is for \$25,000 or more; (B) a severity level 9, nonperson felony if the claim is for at least ~~\$500~~ \$1,000 but less than \$25,000; and (C) a class A nonperson misdemeanor for a claim of less than ~~\$500~~ \$1,000.

(4) Upon conviction of official misconduct a public officer or employee shall forfeit such officer or employee's office or employment.

Sec. 23. K.S.A. 21-3904 is hereby amended to read as follows: 21-3904. (a) Presenting a false claim is knowingly and with intent to defraud presenting a claim or demand which is false in whole or in part, to a public officer or body authorized to audit, allow or pay such claim.

(b) (1) Presenting a false claim for \$25,000 or more is a severity level 7, nonperson felony.

(2) Presenting a false claim for at least ~~\$500~~ \$1,000 but less than \$25,000 is a severity level 9, nonperson felony.

(3) Presenting a false claim for less than ~~\$500~~ \$1,000 is a class A nonperson misdemeanor.

Sec. 24. K.S.A. 21-3905 is hereby amended to read as follows: 21-3905. (a) Permitting a false claim is the auditing, allowing, or paying of any claim or demand made upon the state or any subdivision thereof or other governmental instrumentality within the state by a public officer or public employee who knows such claim or demand is false or fraudulent in whole or in part.

(b) (1) Permitting a false claim for \$25,000 or more is a severity level 7, nonperson felony.

(2) Permitting a false claim for at least ~~\$500~~ \$1,000 but less than \$25,000 is a severity level 9, nonperson felony.

(3) Permitting a false claim for less than ~~\$500~~ \$1,000 is a class A nonperson misdemeanor.

(4) Upon conviction of permitting a false claim, a public officer or public employee shall forfeit the officer or employee's office or employment.

Sec. 25. K.S.A. 21-4111 is hereby amended to read as follows: 21-4111. (a) Criminal desecration is:

(1) Obtaining or attempting to obtain unauthorized control of a dead body or remains of any human being or the coffin, urn or other article containing a dead body or remains of any human being;

(2) by means other than by fire or explosive:

(A) Damaging, defacing or destroying the flag, ensign or other symbol of the United States or this state in which another has a property interest without the consent of such other person;

(B) damaging, defacing or destroying any public monument or structure;

(C) damaging, defacing or destroying any tomb, monument, memorial, marker, grave, vault, crypt gate, tree, shrub, plant or any other property in a cemetery; or

(D) damaging, defacing or destroying any place of worship.

(b) (1) Criminal desecration as described in subsections (a)(2)(B), (a)(2)(C) and (a)(2)(D) is:

(A) A severity level 7, nonperson felony if the property is damaged to the extent of \$25,000 or more;

(B) a severity level 9, nonperson felony if the property is damaged to the extent of at least ~~\$500~~ \$1,000 but less than \$25,000; and

(C) a class A nonperson misdemeanor if the property is damaged to the extent of less than ~~\$500~~ \$1,000.

(2) Criminal desecration as described in subsections (a)(1) and (a)(2)(A) is a class A nonperson misdemeanor.

Sec. 26. K.S.A. 2005 Supp. 32-1005 is hereby amended to read as follows: 32-1005. (a) Commercialization of wildlife is knowingly committing any of the following, except as permitted by statute or rules and regulations:

(1) Capturing, killing or possessing, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(2) selling, bartering, purchasing or offering to sell, barter or purchase, for profit or commercial purposes, all or any part of any wildlife protected by this section;

(3) shipping, exporting, importing, transporting or carrying; causing to be shipped, exported, imported, transported or carried; or delivering or receiving for shipping, exporting, importing, transporting or carrying all or any part of any wildlife protected by this section, for profit or commercial purposes; or

(4) purchasing, for personal use or consumption, all or any part of any wildlife protected by this section.

(b) The wildlife protected by this section and the minimum value thereof are as follows:

(1) Eagles, ~~\$500~~ \$1,000;

(2) deer or antelope, \$400;

(3) elk or buffalo, \$600;

(4) furbearing animals, \$25;

(5) wild turkey, \$75;

(6) owls, hawks, falcons, kites, harriers or ospreys, \$200;

(7) game birds, migratory game birds, resident and migratory nongame birds, game animals and nongame animals, \$20 unless a higher amount is specified above;

(8) fish and mussels, the value for which shall be no less than the value listed for the appropriate fish or mussels species in the monetary values of freshwater fish or mussels and fish kill counting guidelines of the American fisheries society, special publication number 30;

(9) turtles, \$10 each for unprocessed turtles or \$8 per pound or fraction of a pound for processed turtle parts;

(10) bullfrogs, \$2, whether dressed or not dressed;

(11) any wildlife classified as threatened or endangered, \$200 unless a higher amount is specified above; and

(12) any other wildlife not listed above, \$10.

(c) Possession of wildlife, in whole or in part, captured or killed in violation of law and having an aggregate value of ~~\$500~~ \$1,000 or more, as specified in subsection (b), is prima facie evidence of possession for profit or commercial purposes.

(d) Commercialization of wildlife having an aggregate value of ~~\$500~~ \$1,000 or more, as specified in subsection (b), is a severity level 10, nonperson felony. Commercialization of wildlife having an aggregate value of less than ~~\$500~~ \$1,000, as specified in subsection (b), is a class A nonperson misdemeanor.

(e) In addition to any other penalty provided by law, a court convicting a person of the crime of commercialization of wildlife may:

(1) Confiscate all equipment used in the commission of the crime and may revoke for a period of up to 10 years all licenses and permits issued to the convicted person by the Kansas department of wildlife and parks; and

(2) order restitution to be paid to the Kansas department of wildlife and parks for the wildlife taken, which restitution shall be in an amount not less than the aggregate value of the wildlife, as specified in subsection (b).

(f) The provisions of this section shall apply only to wildlife illegally harvested and possessed by a person having actual knowledge that such wildlife was illegally harvested.

Sec. 27. K.S.A. 39-717 is hereby amended to read as follows: 39-717. (a) Assistance granted under the provisions of this act shall not:

(1) Be sold or otherwise disposed of to others by the client or by anyone else except under the rules and regulations of the secretary of social and rehabilitation services; or

(2) knowingly be purchased, acquired or possessed by anyone unless the purchase, acquisition or possession is authorized by the rules and regulations of the secretary of social and rehabilitation services or the laws under which the assistance was granted.

(b) (1) Any person convicted of violating the provisions of this section shall be guilty of a class A nonperson misdemeanor if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was less than ~~\$500~~ \$1,000.

(2) Any person convicted of violating the provisions of this section shall be guilty of a severity level 9, nonperson felony if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was at least ~~\$500~~ \$1,000 but less than \$25,000.

(3) Any person convicted of violating the provisions of this section shall be guilty of a severity level 7, nonperson felony if the value of the assistance sold or otherwise disposed of, purchased, acquired or possessed was \$25,000 or more.

(c) None of the money paid, payable, or to be paid, or any tangible assistance received under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

Sec. 28. K.S.A. 40-247 is hereby amended to read as follows: 40-247. (a) An insurance agent or broker who acts in negotiating or renewing or continuing a contract of insurance including any type of annuity by an insurance company lawfully doing business in this state, and who receives any money or substitute for money as a premium for such a contract from the insured, whether such agent or broker shall be entitled to an interest in same or otherwise, shall be deemed to hold such premium in trust for the company making the contract. If such agent or broker fails to pay the same over to the company after written demand made upon such agent or broker, less such agent's or broker's commission and any deductions, to which by the written consent of the company such agent or broker may be entitled, such failure shall be prima facie evidence that such agent or broker has used or applied the premium for a purpose other than paying the same over to the company.

(b) (1) An agent or broker who violates the provisions of this section shall be guilty of a:

(A) Severity level 7, nonperson felony if the value of the insurance premium is \$25,000 or more;

(B) severity level 9, nonperson felony if the value of the insurance premium is at least ~~\$500~~ \$1,000 but less than \$25,000; or

(C) class A nonperson misdemeanor if the value of the insurance premium is less than ~~\$500~~ \$1,000.

(2) If the value of the insurance premium is less than ~~\$500~~ \$1,000 and such agent or broker has, within five years immediately preceding commission of the crime, been convicted of violating this section two or more times shall be guilty of a severity level 9, nonperson felony.

Sec. 29. K.S.A. 40-2,118, as amended by section 1 of 2006 House Substitute for Senate Bill No. 207, is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed

by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in paragraph (2) of this subsection unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229 and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4, chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2011, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2011.

(e) Except as otherwise specifically provided in K.S.A. 21-3718 and amendments thereto and K.S.A. 44-5,125 and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; ~~a severity level 9, nonperson felony if the amount is at least \$500 but less than \$1,000;~~ and a class C nonperson misdemeanor if the amount is less than ~~\$500~~ \$1,000.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 30. K.S.A. 2005 Supp. 40-5013 is hereby amended to read as follows: 40-5013. (a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of this act, the Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may in the exercise of discretion, order any one or more of the following:

(1) Payment of a monetary penalty of not more than \$1,000 for each and every act or violation, unless the person knew or reasonably should have known such person was in violation of this act, the Kansas insurance statutes or any rule and regulation or order thereunder, in which case the penalty shall be not more than \$2,000 for each and every act or violation;

(2) suspension or revocation of the person's license or certificate if such person knew or reasonably should have known that such person was in violation of this act, the Kansas insurance statutes or any rule and regulation or order thereunder; or

(3) that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commissioner will carry out the purposes of the violated or potentially violated provision.

(b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a penalty of up to \$500 for each violation or act, along with an additional penalty of up to \$100 for each week thereafter that such report or other information is not provided to the commissioner.

(c) If the commissioner makes written findings of fact that there is a situation involving an immediate danger to the public health, safety or welfare or the public interest will be

irreparably harmed by delay in issuing an order under paragraph (3) of subsection (a), the commissioner may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502, and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536, and amendments thereto. Upon the entry of such an order, the commissioner shall promptly notify the person subject to the order that: (1) It has been entered; (2) the reasons therefor; and (3) that upon written request within 15 days after service of the order the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to the person subject to the order, by written findings of fact and conclusions of law, shall vacate, modify or make permanent the order.

(d) (1) Any person who violates the provisions of this act shall be guilty of a:

(A) Severity level 7, nonperson felony if the value of the viatical settlement contract is \$25,000 or more;

(B) severity level 9, nonperson felony if the value of the viatical settlement contract is at least ~~\$500~~ \$1,000 but less than \$25,000; or

(C) class A nonperson misdemeanor if the value of the viatical settlement contract is less than ~~\$500~~ \$1,000.

(2) If the value of the insurance premium is less than ~~\$500~~ \$1,000 and such agent or broker has, within five years immediately preceding commission of the crime, been convicted of violating this section two or more times shall be guilty of a severity level 9, nonperson felony.

(e) Restitution may be ordered in addition to, but not in lieu of, any other penalty imposed under this act.

Sec. 31. K.S.A. 44-5,125 is hereby amended to read as follows: 44-5,125. (a) (1) Any person who obtains or attempts to obtain workers compensation benefits for such person or another, or who denies or attempts to deny the obligation to make any payment of workers compensation benefits by knowingly or intentionally: (A) Making a false or misleading statement, (B) misrepresenting or concealing a material fact, (C) fabricating, altering, concealing or destroying a document; (D) receiving temporary total disability benefits or permanent total disability benefits to which they are not entitled, while employed, or (E) conspiring with another person to commit any act described by paragraph (1) of this subsection (a), shall be guilty of:

(i) A class A nonperson misdemeanor, if the amount received as a benefit or other payment under the workers compensation act as a result of such act or the amount that the person otherwise benefited monetarily as a result of a violation of this subsection (a) is ~~\$500~~ \$1,000 or less;

(ii) a severity level 9, nonperson felony, if such amount is more than ~~\$500~~ \$1,000 but less than \$25,000;

(iii) a severity level 7, nonperson felony, if the amount is more than \$25,000, but less than \$50,000;

(iv) a severity level 6, nonperson felony if the amount is more than \$50,000, but less than \$100,000; or

(v) a severity level 5, nonperson felony if the amount is more than \$100,000.

(b) Any person who knowingly and intentionally presents a false certificate of insurance that purports that the presenter is insured under the workers compensation act, shall be guilty of a level 8, nonperson felony.

(c) A health care provider under the workers compensation act who knowingly and intentionally submits a charge for health care that was not furnished, shall be guilty of a level 9, nonperson felony.

(d) Any person who obtains or attempts to obtain a more favorable workers compensation insurance premium rate than that to which the person is entitled, who prevents, reduces, avoids or attempts to prevent, reduce or avoid the payment of any compensation under the workers compensation act, or who fails to communicate a settlement offer or similar information to a claimant under the workers compensation act, by, in any such case knowingly

or intentionally: (1) Making a false or misleading statement; (2) misrepresenting or concealing a material fact; (3) fabricating, concealing or destroying a document; or (4) conspiring with another person or persons to commit the acts described in clause (1), (2) or (3) of this subsection shall be guilty of a level 9, nonperson felony.

(e) Any person who has received any amount of money as a benefit or other payment under the workers compensation act as a result of a violation of subsection (a) or (c) and any person who has otherwise benefited monetarily as a result of a violation of subsection (a) or (c) shall be liable to repay an amount equal to the amount so received by such person or the amount by which such person has benefited monetarily, with interest thereon. Any such amount, plus any accrued interest thereon, shall bear interest at the current rate of interest prescribed by law for judgments under subsection (e)(1) of K.S.A. 16-204 and amendments thereto per month or fraction of a month until repayment of such amount, plus any accrued interest thereon. The interest shall accrue from the date of overpayment or erroneous payment of any such amount or the date such person benefited monetarily.

(f) Any person aggrieved by a violation of subsection (a), (b), (c) or (d) shall have a cause of action against any other person to recover any amounts of money erroneously paid as benefits or any other amounts of money paid under the workers compensation act, and to seek relief for other monetary damages, for which liability has accrued under this section against such other person. Relief under this subsection is to be predicated upon exhaustion of administrative remedies available in K.S.A. 44-5,120 and amendments thereto.

(g) Nothing in this section shall prohibit an employer from exercising a right to reimbursement under K.S.A. 44-534a, 44-556 or 44-569a and amendments thereto.

(h) Prosecution for any crime under this section shall be commenced within five years subject to the time period set forth in subsection (8) of K.S.A. 21-3106 and amendments thereto.

Sec. 32. K.S.A. 2005 Supp. 47-1827 is hereby amended to read as follows: 47-1827. (a) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, damage or destroy an animal facility or any animal or property in or on an animal facility.

(b) No person shall, without the effective consent of the owner, acquire or otherwise exercise control over an animal facility, an animal from an animal facility or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property and to damage the enterprise conducted at the animal facility.

(c) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility:

(1) Enter an animal facility, not then open to the public, with intent to commit an act prohibited by this section;

(2) remain concealed, with intent to commit an act prohibited by this section, in an animal facility;

(3) enter an animal facility and commit or attempt to commit an act prohibited by this section; or

(4) enter an animal facility to take pictures by photograph, video camera or by any other means.

(d) (1) No person shall, without the effective consent of the owner and with the intent to damage the enterprise conducted at the animal facility, enter or remain on an animal facility if the person:

(A) Had notice that the entry was forbidden; or

(B) received notice to depart but failed to do so.

(2) For purposes of this subsection (d), "notice" means:

(A) Oral or written communication by the owner or someone with apparent authority to act for the owner;

(B) fencing or other enclosure obviously designed to exclude intruders or to contain animals; or

(C) a sign or signs posted on the property or at the entrance to the building, reasonably likely to come to the attention of intruders, indicating that entry is forbidden.

(e) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, damage or destroy any field crop product that is

grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(f) No person shall, without the effective consent of the owner and with the intent to damage or destroy the field crop product, enter any property, with the intent to damage or destroy any field crop product that is grown in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency.

(g) (1) Violation of subsection (a) or (e) is a severity level 7, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of \$25,000 or more. Violation of subsection (a) or (e) is a severity level 9, nonperson felony if the facility, animals, field crop product or property is damaged or destroyed to the extent of at least ~~\$500~~ \$1,000 but less than \$25,000. Violation of subsection (a) or (e) is a class A nonperson misdemeanor if the facility, animals, field crop product or property damaged or destroyed is of the value of less than ~~\$500~~ \$1,000 or is of the value of ~~\$500~~ \$1,000 or more and is damaged to the extent of less than ~~\$500~~ \$1,000.

(2) Violation of subsection (b) is a severity level 10, nonperson felony.

(3) Violation of subsection (c) is a class A, nonperson misdemeanor.

(4) Violation of subsection (d) or (f) is a class B nonperson misdemeanor.

(h) The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their duties under law.

Sec. 33. K.S.A. 65-4150 is hereby amended to read as follows: 65-4150. As used in this act:

(a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) "Deliver" or "delivery" means actual, constructive or attempted transfer from one person to another, whether or not there is an agency relationship.

(c) "Drug paraphernalia" means all equipment, ~~products~~ and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance in violation of the uniform controlled substances act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

(3) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances used or intended for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.

(7) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marihuana.

(8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.

(9) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances.

(10) Containers and other objects used or intended for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.

(12) Objects used or intended for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes;

(C) carburetion tubes and devices;

(D) smoking and carburetion masks;

(E) roach clips (objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand);

(F) miniature cocaine spoons and cocaine vials;

(G) chamber pipes;

(H) carburetor pipes;

(I) electric pipes;

(J) air-driven pipes;

(K) chillums;

(L) bongs; and

(M) ice pipes or chillers.

(d) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(e) "Simulated controlled substance" means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 34. K.S.A. 2005 Supp. 65-7006 is hereby amended to read as follows: 65-7006. (a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance.

(b) It shall be unlawful for any person to market, sell, distribute, advertise, or label any drug product containing ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance.

(c) It shall be unlawful for any person to market, sell, distribute, advertise or label any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers or salts of isomers for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug final monograph or tentative final monograph or approved new drug application.

(d) For persons arrested and charged under this section, bail shall be at least \$50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

(e) A violation of this section shall be a drug severity level \pm 2 felony.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 7, after “K.S.A.”, where it appears for the first time, by inserting “16-305, 19-3519.”; also in line 7, by striking “and 21-3213” and inserting “, 21-3720, 21-3729, 21-3734, 21-3902, 21-3904, 21-3905, 21-4111, 22-2501, 39-717, 40-247, 40-2,118, as amended by section 1 of 2006 House Substitute for Senate Bill No. 207, 44-5,125, and 65-4150”; in line 8, after “Supp.” by inserting “21-3437, 21-3763, 21-3846.”; also in line 8, by striking “and” and inserting a comma; also in line 8, after “22-3901” by inserting “, 32-1005, 40-5013, 47-1827 and 65-7006”;

On page 1, in the title, in line 16, by striking “relating to”; in line 17, by striking “concerning”; also in line 17, after “gangs;” by inserting “loss of value of the crime; controlled substances; warrantless searches;”; also in line 17, after “K.S.A.” by inserting “16-305, 19-3519.”; in line 18, by striking “and 21-3213” and inserting “, 21-3720, 21-3729, 21-3734, 21-3902, 21-3904, 21-3905, 21-4111, 39-717, 40-247, 40-2,118, as amended by section 1 of

2006 House Substitute for Senate Bill No. 207, 44-5,125, and 65-4150"; also in line 18, after "Supp." by inserting "21-3437, 21-3763, 21-3846,,"; also in line 18, by striking "and", where it appears for the third time, and inserting a comma; also in line 18, after "22-3901" by inserting ", 32-1005, 40-5013, 47-1827 and 65-7006"; in line 19, preceding the period by inserting "; also repealing K.S.A. 22-2501";

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

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 366** was adopted. On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Bethell, Powers, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 528**, submits the following report:

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

On page 2, in line 2, by striking all after "anomalies"; by striking all in lines 3 and 4;

On page 4, by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 29;

And by renumbering sections accordingly;

In the title, in line 15, by striking all after the semicolon; in line 16, by striking all before "amending";

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

JAMES F. MORRISON
PEGGY MAST
Conferees on part of House

JIM BARNETT
NICK JORDAN
Conferees on part of Senate

On motion of Rep. Jim Morrison, the conference committee report on **SB 528** was adopted.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Colloton, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powell, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thull, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: Ballard, Carlin, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Henderson, Holland, Huff, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Menghini, M. Miller, Pottorff, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Treaster, Trimmer, Ward, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, Powers.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 52**, submits the following report:

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

On page 1, in line 18, by striking "board shall select two or more" and inserting "state board of regents shall select not more than two of the"; in line 20, before the period, by inserting "in accordance with this section. The state board of regents shall select one of the following state educational institutions to be a pilot university: Emporia state university, Fort Hays state university or Pittsburg state university. The state board of regents may select one of the following state educational institutions to be a pilot university: Kansas state university, Wichita state university or the university of Kansas. If the state board of regents does not select Kansas state university, Wichita state university or the university of Kansas to be a pilot university, then the state board of regents shall select a second one of the following state educational institutions to be a pilot university: Emporia state university, Fort Hays state university or Pittsburg state university.";

On page 2, in line 5, before "2009" by inserting "2007, 2008,"; following line 13, by inserting the following to read as follows:

"(c) The director of purchases shall submit a report to the legislature at the beginning of the regular session in 2007, 2008, 2009 and 2010 regarding the impact of the pilot project conducted pursuant to subsection (a) on the purchasing system of the department of administration and on the purchases and purchasing activities of state agencies other than pilot universities, including information regarding amounts and kinds of expenditures by such other state agencies and regarding other issues or problems encountered as a result of the pilot project.";

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

MELVIN J. NEUFELD
BRENDA LANDWEHR
BILL FEUERBORN
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **H. Sub. for SB 52** was adopted.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Coloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Beamer, Freeborn, McKinney.

Present but not voting: None.

Absent or not voting: Bethell, Powers.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 506**, submits the following report:

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

On page 1, preceding line 24, by inserting the following:
 “WHEREAS, Subsection (a)(7) of K.S.A. 2005 Supp. 22-4902, and amendments thereto, shall be known and may be cited as Miki’s Law: Now, therefore,”;

On page 8, following line 19, by inserting the following:
 “Sec. 5. On and after July 1, 2006, K.S.A. 2005 Supp. 8-247, as amended by section 4 of this act, is hereby amended to read as follows: 8-247. (a) (1) All original licenses shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who ~~are less than 21 years of age or~~ are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application; ~~or~~

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; ~~or~~

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee’s twenty-first birthday.

(2) All renewals under: (A) paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; ~~and~~ (C) paragraph (1)(D) shall expire every year on the date of birth of the licensee; *and (D) paragraph (1) (E), if a renewal license is issued, shall expire on the licensee’s twenty-first birthday.* No driver’s license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. If the driver's license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice: (1) A copy of the eyesight examination form; (2) a copy of the written examination prescribed by subsection (e); (3) a copy of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto; and (4) the written information required under subsection (g).

(d) Every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examinations without charge and shall report the results of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (c).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license and, if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(5) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass

the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.

(6) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (7) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(7) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner.

(g) The division shall provide the following information in a person's notice of expiration or renewal under subsection (c):

(1) Written information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the uniform anatomical gift act;

(2) written information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The written information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) written information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant in writing that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing printed material enclosed with a mailed notice for driver's license renewal;

or

(B) providing printed material to an applicant who personally appears at an examining station;

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

Sec. 6. On and after July 1, 2006, K.S.A. 2005 Supp. 22-4902 is hereby amended to read as follows: 22-4902. As used in this act, unless the context otherwise requires:

- (a) "Offender" means: (1) A sex offender as defined in subsection (b);
- (2) a violent offender as defined in subsection (d);
- (3) a sexually violent predator as defined in subsection (f);
- (4) any person who, on and after the effective date of this act, is convicted of any of the following crimes when the victim is less than 18 years of age:
 - (A) Kidnapping as defined in K.S.A. 21-3420 and amendments thereto, except by a parent;
 - (B) aggravated kidnapping as defined in K.S.A. 21-3421 and amendments thereto; or
 - (C) criminal restraint as defined in K.S.A. 21-3424 and amendments thereto, except by a parent;
- (5) any person convicted of any of the following criminal sexual conduct if one of the parties involved is less than 18 years of age:
 - (A) Adultery as defined by K.S.A. 21-3507, and amendments thereto;
 - (B) criminal sodomy as defined by subsection (a)(1) of K.S.A. 21-3505, and amendments thereto;
 - (C) promoting prostitution as defined by K.S.A. 21-3513, and amendments thereto;
 - (D) patronizing a prostitute as defined by K.S.A. 21-3515, and amendments thereto;
 - (E) lewd and lascivious behavior as defined by K.S.A. 21-3508, and amendments thereto;
- or
- (F) unlawful sexual relations as defined by K.S.A. 21-3520, and amendments thereto;
- (6) any person who has been required to register under any federal, military or other state's law or is otherwise required to be registered;
- (7) *any person who, on or after July 1, 2006, is convicted of any person felony and the court makes a finding on the record that a deadly weapon was used in the commission of such person felony;*
- ~~(7)~~ (8) any person who has been convicted of an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in subsection (4) ~~or~~, (5) or (7), or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in subsection (4) ~~or~~, (5) or (7); or
- ~~(8)~~ (9) any person who has been convicted of an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in subsection (4) ~~or~~, (5) or 7.

Convictions which result from or are connected with the same act, or result from crimes committed at the same time, shall be counted for the purpose of this section as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this section. A conviction from another state shall constitute a conviction for purposes of this section.

(b) "Sex offender" includes any person who, after the effective date of this act, is convicted of any sexually violent crime set forth in subsection (c) or is adjudicated as a juvenile offender

for an act which if committed by an adult would constitute the commission of a sexually violent crime set forth in subsection (c).

(c) "Sexually violent crime" means:

- (1) Rape as defined in K.S.A. 21-3502 and amendments thereto;
- (2) indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto;
- (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto;
- (4) criminal sodomy as defined in subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto;
- (5) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto;
- (6) indecent solicitation of a child as defined by K.S.A. 21-3510 and amendments thereto;
- (7) aggravated indecent solicitation of a child as defined by K.S.A. 21-3511 and amendments thereto;
- (8) sexual exploitation of a child as defined by K.S.A. 21-3516 and amendments thereto;
- (9) sexual battery as defined by K.S.A. 21-3517 and amendments thereto;
- (10) aggravated sexual battery as defined by K.S.A. 21-3518 and amendments thereto;
- (11) aggravated incest as defined by K.S.A. 21-3603 and amendments thereto; or
- (12) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to a sexually violent crime as defined in subparagraphs (1) through (11), or any federal, military or other state conviction for an offense that under the laws of this state would be a sexually violent crime as defined in this section;
- (13) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of a sexually violent crime, as defined in this section; or
- (14) any act which at the time of sentencing for the offense has been determined beyond a reasonable doubt to have been sexually motivated. As used in this subparagraph, "sexually motivated" means that one of the purposes for which the defendant committed the crime was for the purpose of the defendant's sexual gratification.

(d) "Violent offender" includes any person who, after the effective date of this act, is convicted of any of the following crimes:

- (1) Capital murder as defined by K.S.A. 21-3439 and amendments thereto;
- (2) murder in the first degree as defined by K.S.A. 21-3401 and amendments thereto;
- (3) murder in the second degree as defined by K.S.A. 21-3402 and amendments thereto;
- (4) voluntary manslaughter as defined by K.S.A. 21-3403 and amendments thereto;
- (5) involuntary manslaughter as defined by K.S.A. 21-3404 and amendments thereto; or
- (6) any conviction for an offense in effect at any time prior to the effective date of this act, that is comparable to any crime defined in this subsection, or any federal, military or other state conviction for an offense that under the laws of this state would be an offense defined in this subsection; or
- (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(e) "Law enforcement agency having jurisdiction" means the sheriff of the county in which the offender expects to reside upon the offender's discharge, parole or release.

(f) "Sexually violent predator" means any person who, on or after July 1, 2001, is found to be a sexually violent predator pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(g) "Nonresident student or worker" includes any offender who crosses into the state or county for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, for the purposes of employment, with or without compensation, or to attend school as a student.

(h) "Aggravated offenses" means engaging in sexual acts involving penetration with victims of any age through the use of force or the threat of serious violence, or engaging in sexual acts involving penetration with victims less than 14 years of age, and includes the following offenses:

- (1) Rape as defined in subsection (a)(1)(A) and subsection (a)(2) of K.S.A. 21-3502, and amendments thereto;

(2) aggravated criminal sodomy as defined in subsection (a)(1) and subsection (a)(3)(A) of K.S.A. 21-3506, and amendments thereto; and

(3) any attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto, of an offense defined in this subsection.

(i) "Institution of higher education" means any post-secondary school under the supervision of the Kansas board of regents.";

And by renumbering the remaining sections accordingly;

On page 15, in line 24, after the period by inserting "If the court requires the juvenile to register but such registration is not open to the public, the juvenile shall provide a copy of such court order to the sheriff at the time of registration. The sheriff shall forward a copy of such court order to the Kansas bureau of investigation.";

On page 23, after line 10, by inserting the following:

"Sec. 16. On and after July 1, 2006, K.S.A. 2005 Supp. 8-247, as amended by section 4 of this act, 8-247, as amended by section 2 of 2006 Senate Bill No. 554, and 22-4902 are hereby repealed.";

And by renumbering the remaining sections accordingly;

In the title, in line 21, after "8-247," by inserting "8-247, as amended by section 4 of this act, 22-4902,"; in line 22, before the period by inserting "; also repealing K.S.A. 2005 Supp. 8-247, as amended by section 2 of 2006 Senate Bill No. 554";

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

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 506** was adopted.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Powers.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2576**, submits the following report:

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

On page 56, in line 16, preceding "On", by inserting "(1)"; preceding line 23, by inserting the following:

“(2) The provision of paragraph (1) requiring a mandatory minimum term of imprisonment of not less than 40 years shall not apply if the court finds:

(A) The defendant is an aggravated habitual sex offender and sentenced pursuant to section 1, and amendments thereto; or

(B) the defendant, because of the defendant’s criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 480 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.”;

Also on page 56, following “(a)(2)”, by inserting “or subsection (b)(2)”;

On page 57, after line 29, by inserting:

“New Sec. 4. (a) The department of corrections shall be required to review and report on the following serious offenses committed by sex offenders, as defined by K.S.A. 22-4902, and amendments thereto, while such offenders are in the custody of the secretary of corrections:

- (1) Murder in the first degree, as provided in K.S.A. 21-3401, and amendments thereto;
- (2) murder in the second degree, as provided in K.S.A. 21-3402, and amendments thereto;
- (3) capital murder, as provided in K.S.A. 21-3439, and amendments thereto;
- (4) rape, as provided in K.S.A. 21-3502, and amendments thereto;
- (5) aggravated criminal sodomy, as provided in K.S.A. 21-3506, and amendments thereto;
- (6) sexual exploitation of a child, as provided in K.S.A. 21-3516, and amendments thereto;
- (7) kidnapping as provided in K.S.A. 21-3420, and amendments thereto,
- (8) aggravated kidnapping, as provided in K.S.A. 21-3421, and amendments thereto;
- (9) criminal restraint, as provided in K.S.A. 21-3424, and amendments thereto;
- (10) indecent solicitation of a child, as provided in K.S.A. 21-3510, and amendments thereto;
- (11) aggravated indecent solicitation of a child, as provided in K.S.A. 21-3511, and amendments thereto;
- (12) indecent liberties with a child, as provided in K.S.A. 21-3503, and amendments thereto;
- (13) aggravated indecent liberties with a child, as provided in K.S.A. 21-3504, and amendments thereto;
- (14) criminal sodomy, as provided in K.S.A. 21-3505, and amendments thereto;
- (15) aggravated child abuse, as provided in K.S.A. 21-3609, and amendments thereto;
- (16) aggravated robbery, as provided in K.S.A. 21-3427, and amendments thereto;
- (17) burglary, as provided in K.S.A. 21-3715, and amendments thereto;
- (18) aggravated burglary, as provided in K.S.A. 21-3716, and amendments thereto;
- (19) theft, as provided in K.S.A. 21-3701, and amendments thereto;
- (20) vehicular homicide, as provided in K.S.A. 21-3405, and amendments thereto;
- (21) involuntary manslaughter while driving under the influence, as provided in K.S.A. 21-3442, and amendments thereto; or
- (22) stalking, as provided in K.S.A. 21-3438, and amendments thereto.

(b) The secretary of corrections shall submit such report to the speaker of the house of representatives and the president of the senate annually, beginning January 1, 2007.

New Sec. 5. (a) The department of corrections shall be required to identify, assess and monitor high-risk sex offenders in the custody of the secretary of corrections.

(b) The department is directed to develop a graduated risk assessment that identifies, assesses and closely monitors a high-risk sex offender who is placed on postrelease supervision.

New Sec. 6. The Kansas board of education shall appoint a task force to study the feasibility of requiring all Kansas school districts to adopt district policies mandating all schools conduct a check of the internet site maintained by the Kansas bureau of investigation concerning registered offenders prior to permitting any unescorted, noninstructional personnel, including but not limited to, any vendor or entity under contract with the school board, to be on school grounds while students are present. The task force’s study shall be completed and the task force shall submit a report containing its findings and recommendations to the

Kansas board of education, the speaker of the house of representatives and the president of the senate on or before January 1, 2007.

New Sec. 7. (a) Electronic solicitation is, by means of communication conducted through the telephone, internet, or by other electronic means:

(1) Enticing or soliciting a person whom the offender believes to be a child under the age of 16 to commit or submit to an unlawful sexual act; or

(2) enticing or soliciting a person whom the offender believes to be a child under the age of 14 to commit or submit to an unlawful sexual act.

(b) Electronic solicitation as described in subsection (a)(1) is a severity level 3 person felony. Electronic solicitation as described in subsection (a)(2) is a severity level 1 person felony.

(c) For the purposes of this section, "communication conducted through the internet or by other electronic means" includes but is not limited to e-mail, chatroom chats and text messaging.

(d) This section shall be part of and supplemental to the Kansas criminal code.;

And by renumbering the remaining sections accordingly;

On page 62, by striking lines 42 through 43;

On page 63, by striking lines 1 through 17 and by inserting the following:

"Sec. 15. K.S.A. 2005 Supp. 21-4638 is hereby amended to read as follows: 21-4638.

When it is provided by law that a person shall be sentenced pursuant to this section, such person shall be sentenced to imprisonment for life and shall not be eligible for probation or suspension, modification or reduction of sentence. Except as otherwise provided, in addition, a person sentenced pursuant to this section shall not be eligible for parole prior to serving 40 years' imprisonment, and such 40 years' imprisonment shall not be reduced by the application of good time credits. For crimes committed on and after July 1, 1999, a person sentenced pursuant to this section shall not be eligible for parole prior to serving 50 years' imprisonment, and such 50 years' imprisonment shall not be reduced by the application of good time credits. *For crimes committed on or after July 1, 2006, a mandatory minimum term of imprisonment of 50 years shall not apply if the court finds that the defendant, because of the defendant's criminal history classification, is subject to presumptive imprisonment pursuant to the sentencing guidelines grid for nondrug crimes and the sentencing range exceeds 600 months. In such case, the defendant is required to serve a mandatory minimum term equal to the sentence established pursuant to the sentencing range.* Upon sentencing a defendant pursuant to this section, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced pursuant to K.S.A. 21-4638 and amendments thereto.

Sec. 16. K.S.A. 2005 Supp. 21-4704, as amended by section 4 of 2006 Senate Bill No. 408, is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	39 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5

LEGEND
Presumptive Probation
Presumptive Parole
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2) (B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) *The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:*

(1) *An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is available and the offender can be admitted to such program within a reasonable period of time; or*

(2) *the nonprison sanction will serve community safety interests by promoting offender reformation.*

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

Sec. 17. K.S.A. 2005 Supp. 21-4706, as amended by section 8 of 2006 Senate Bill No. 25, is hereby amended to read as follows: 21-4706. (a) For crimes committed on or after July 1, 1993, the sentences of imprisonment shall represent the time a person shall actually serve, subject to a reduction of up to 15% of the primary sentence for good time as authorized by law.

(b) The sentencing court shall pronounce sentence in all felony cases.

(c) Violations of K.S.A. 21-3401, 21-3439 and 21-3801 and amendments thereto and sections 1 and 2 of 2006 Senate Bill No. 25, and amendments thereto, are off-grid crimes for the purpose of sentencing. Except as otherwise provided by K.S.A. 21-4622 through 21-4627, and 21-4629 through 21-4631, and amendments thereto, the sentence shall be imprisonment for life and shall not be subject to statutory provisions for suspended sentence, community service or probation.

(d) *As identified in K.S.A. 21-3502, 21-3404, 21-3506, 21-3513 and 21-3516 and K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the offender is 18 years of age or older and the victim is under 14 years of age, such violations are off-grid crimes for the purposes of sentencing. Except as provided in section 1, and amendments thereto, the sentence shall be imprisonment for life pursuant to section 2, and amendments thereto.*

Sec. 18. K.S.A. 22-3436 is hereby amended to read as follows: 22-3436. ~~On and after July 1, 1991;~~ If a defendant is charged with a crime pursuant to article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(a) The prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto, shall: (1) inform the victim or the victim's family; ~~(a)~~ before any dismissal or declining of prosecuting charges; ~~and (b)~~ (2) inform the victim or the victim's family of the nature of any proposed plea agreement; and (3) inform and give notice to the victim or the victim's family of the rights established in subsection (b);

(b) *The victim of a crime or the victim's family have the right to be present at any hearing where a plea agreement is reviewed or accepted and the parties may submit written arguments to the court prior to the date of the hearing.*;

And by renumbering the remaining sections accordingly;

On page 66, after line 1, by inserting the following:

"(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.";

On page 73, in line 10, following the period, by inserting "Any violation of any provision of such act, including a violation of the duties set forth in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall, upon the 31st consecutive day, constitute a new and separate offense and shall continue to constitute a new and separate offense upon completion of every 30 days thereafter for as long as the offense continues.";

On page 75, by striking all in line 43;

By striking all on pages 76 and 77;

On page 78, by striking all in lines 1 through 5;

And by renumbering the remaining sections accordingly;

Also on page 78, in line 20, by striking "19" and inserting "25"; also in line 20, by striking "38" and inserting "44";

On page 81, in line 20, by striking "21" and inserting "27";

On page 86, in line 22, by striking "19" and inserting "25";

On page 87, in line 36, by striking "may"; in line 37, by striking "also" and inserting "shall"; in line 38, following the period by inserting "If the person does not enter into and complete a treatment program for domestic violence, the person shall serve not less than 180 days nor more than one year's imprisonment.";

On page 88, in line 35, by striking "once during the person's lifetime" and inserting "twice during any three-year period"; after line 35, by inserting: 7

"New Sec. 47. If any provisions of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications

of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.”;

By renumbering the remaining sections accordingly;

Also on page 88, in line 36, preceding “and” by inserting “, 22-3436”; in line 38, by striking “21-4706” and inserting “21-4638”; also in line 38, by striking “, 74-9501”; also in line 38, preceding “are” by inserting “and K.S.A. 2005 Supp. 21-4704, as amended by section 4 of 2006 Senate Bill No. 408 and 21-4706, as amended by section 8 of 2006 Senate Bill No. 25”;

In the title, in line 18, by striking “for certain sex offenses”; in line 22, preceding “Kansas” by inserting “board of education, department of corrections and the”; also in line 22, by striking all following “commission”; in line 23, by striking all preceding the semicolon; in line 24, following “battery” by inserting “; electronic solicitation”; in line 29, following “21-3812” by inserting “, 22-3436”; in line 30, by striking all following “21-3516,”; in line 31, by striking “4706” and inserting “21-4638”; also in line 31, by striking “, 74-9501”; also in line 31, following “75-52,129”, by inserting “and K.S.A. 2005 Supp. 21-4704, as amended by section 4 of 2006 Senate Bill No. 408 and 21-4706, as amended by section 8 of 2006 Senate Bill No. 25”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
Conferees on part of House

On motion of Rep. O'Neal to adopt the conference committee report on **HB 2576**, Rep. Wilk offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed.

Roll call was demanded.

On roll call, the vote was: Yeas 74; Nays 49; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, M. Holmes, Horst, Humerickhouse, Huntington, Hutchins, Kiegerl, Kirk, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McCreary, McKinney, Menghini, M. Miller, Myers, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Ruff, Ruiz, Sawyer, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Weber, Wilk, Winn, Wolf, Yoder.

Nays: Aurand, Beamer, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goico, C. Holmes, Huebert, Huff, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, S. Sharp, Siegfried, Watkins, Williams, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, Powers.

The substitute motion prevailed.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as fourth conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2748**, submits the following report:

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

On page 1, in line 20, by striking "serious bodily injury" and inserting "great bodily harm"; in line 31, by striking "Serious bodily injury" and inserting "Great bodily harm";

On page 2, in line 5, by striking "serious bodily injury" and inserting "great bodily harm"; in line 24, by striking "Serious bodily injury" and inserting "Great bodily harm"; by striking all in lines 28 through 30;

On page 3, in line 8, by striking all after "shall"; by striking all in lines 9 and 10; in line 11, by striking all before the period and inserting "issue a warning citation to anyone violating subsection (a)(3)"; after line 11, by inserting the following:

"Sec. 4. K.S.A. 2005 Supp. 8-1,146 is hereby amended to read as follows: 8-1,146. (a) Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less ~~or~~ motorcycles *or travel trailers*, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person has proof of having served and is designated as a veteran, and has had an honorable discharge from the United States army, navy, air force, marine corps, coast guard or merchant marines, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck ~~or~~ motorcycle *or travel trailer* designating such person as an United States military veteran. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

On and after January 1, 2005, any person issued a license plate under this section may request a decal for each license plate indicating the appropriate military branch in which the person served.

(b) Any person who is a veteran of the United States army, navy, air force, marine corps, coast guard or merchant marines may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a veteran of the United States army, navy, air force, marine corps, coast guard or merchant marines. Application for the registration of a passenger vehicle, truck ~~or~~ motorcycle *or travel trailer* and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(e) A fee of \$2 shall be paid for each decal issued under subsection (a). The director of vehicles shall design such decals. Such decals shall be affixed to the license plate in the location required by the director.;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 12, after "Supp." by inserting "8-1,146 and";

In the title, in line 12, after "concerning" by inserting "motor vehicles; relating to license plates; concerning"; in line 14, after "Supp." by inserting "8-1,146 and";

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2748** was adopted. On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Cox, Craft, Crow, Dahl, Davis, Decker, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Mays, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Colloton, DeCastro, Dillmore, Edmonds, Faber, Flora, Huntington, Huy, Lane, Masterson, McCreary, Owens, Peck, Pilcher-Cook, Schwab, Schwartz, Shultz, Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Powers.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Decker, Hayzlett and Crow as members of the conference committee on **SB 549** to replace Reps. Neufeld, Hutchins and Feuerborn.

Also, the appointment of Reps. Decker, Hayzlett and Crow as members of the conference committee on **HB 2809** to replace Reps. Vickrey, Huebert and Sawyer.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **Sub. SB 486**.

The Senate adopts conference committee report on **H. Sub. for SB 51**.

The Senate adopts conference committee report on **H. Sub. for SB 337**.

The Senate adopts conference committee report on **HB 2129**.

The Senate adopts conference committee report on **HB 2541**.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 3022, An act concerning motor-vehicle fuels taxation; relating to rates; providing for certain transfers from the state general fund; amending K.S.A. 2005 Supp. 79-34,141 and 79-34,141, as amended by section 2 of this act, and repealing the existing sections; also

repealing K.S.A. 2005 Supp. 79-34,141, as amended by section 2 of 2006 Senate Bill No. 544, by Committee on Taxation.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Siegfried in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Siegfried, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Edmonds, **HCR 5043** be amended on page 1, in line 25, by striking "A majority" and inserting "Two-thirds (2/3)"; in line 27, by striking all after "bill"; by striking all in lines 28 through 32; in line 33, by striking all before the period;

On page 2, by striking all in lines 1 through 5; in line 6, by striking "taxes"; in line 9, by striking all after "any"; by striking all in lines 10 and 11; in line 12, by striking all before the period and inserting "bill";

In the title, in line 15, by striking "certain";

Also, roll call was demanded on motion of Rep. Williams to amend **HCR 5043** on page 1, in line 27, after "except" by inserting ", unless otherwise provided,"; in line 33, after the period by inserting "The two-thirds (2/3) majority requirement to pass any such bill enacting or amending any such tax shall not apply to any such tax which is imposed or levied for the purpose of providing revenue for medicaid expenditures to nursing homes.";

On page 2, in line 2, before the period, by inserting ", except a bill which enacts or amends a tax which is imposed or levied for the purpose of providing revenue for medicaid expenditures to nursing homes"; in line 12, before the period, by inserting ", except a tax which is imposed or levied for the purpose of providing revenue for medicaid expenditures to nursing homes";

On roll call, the vote was: Yeas 96; Nays 24; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, Kelley, Kelsey, Kilpatrick, Kirk, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Judy Morrison, Myers, O'Malley, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Brown, Brunk, Carter, Edmonds, Faber, E. Johnson, Kinzer, Knox, Krehbiel, Mast, Masterson, F. Miller, Jim Morrison, Neufeld, Peck, Pilcher-Cook, Schwab, Schwartz, Shultz, Siegfried, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Beamer, Bethell, Kiegerl, O'Neal, Powers.

The motion of Rep. Williams prevailed.

Also, roll call was demanded on motion of Rep. Holland to amend **HCR 5043** on page 1, in line 27, after "except" by inserting ", unless otherwise provided,"; in line 33, after the period by inserting "The two-thirds (2/3) majority requirement to pass any such bill enacting or amending any such tax shall not apply to any such tax which is imposed or levied for the purpose of providing funding for construction, improvement, reconstruction and maintenance of highways.";

On page 2, in line 2, before the period, by inserting ", except a bill which enacts or amends a tax which is imposed or levied for the purpose of providing funding for construction, improvement, reconstruction and maintenance of highways"; in line 12, before the period, by inserting ", except a tax which is imposed or levied for the purpose of providing funding for construction, improvement, reconstruction and maintenance of highways";

On roll call, the vote was: Yeas 84; Nays 32; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burgess, Burroughs, Carlin, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kelsey, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, O'Malley, Oharah, Owens, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, M. Holmes, Huebert, Huy, E. Johnson, Kelley, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, F. Miller, Judy Morrison, Myers, Neufeld, Olson, Otto, Peck, Pilcher-Cook, Siegfried, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Beamer, Bethell, Colloton, Kiegerl, Kilpatrick, O'Neal, Powers, S. Sharp, Swenson.

The motion of Rep. Holland prevailed.

Also, roll call was demanded on motion of Rep. Carlin to amend **HCR 5043** on page 1, in line 27, after "except" by inserting ", unless otherwise provided,"; in line 33, after the period by inserting "The two-thirds ($\frac{2}{3}$) majority requirement to pass any such bill enacting or amending any such tax shall not apply to any such tax which is imposed or levied for the purpose of providing revenue for expenditures for public institutions of higher education.";

On page 2, in line 2, before the period, by inserting ", except a bill which enacts or amends a tax which is imposed or levied for the purpose of providing revenue for expenditures for public institutions of higher education"; in line 12, before the period, by inserting ", except a tax which is imposed or levied for the purpose of providing revenue for expenditures for public institutions of higher education";

On roll call, the vote was: Yeas 82; Nays 33; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kelsey, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, McCreary, McKinney, McLeland, Menghini, M. Miller, O'Malley, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Faber, M. Holmes, Huebert, Huy, E. Johnson, Kelley, Kinzer, Knox, Krehbiel, Landwehr, Masterson, Mays, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Peck, Pilcher-Cook, Powell, Schwartz, Vickrey, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Beamer, Bethell, Edmonds, Gordon, Kiegerl, Kilpatrick, O'Neal, Powers, Siegfried, Tafanelli.

The motion of Rep. Carlin prevailed.

Also, on motion of Rep. B. Sharp, **HCR 5043** be amended on page 1, in line 29, following "pass" by inserting "(a)"; in line 33, preceding the period by inserting "; and (b) any bill directly reducing in any manner the amount of revenues that would be received by the state pursuant to law"; in line 43, following "pass" by inserting "(a)";

On page 2, in line 6, preceding the period by inserting "; and (b) any bill that directly reduces the amount of revenues to the state"; in line 9, following "pass" by inserting "(a)"; in line 12, preceding the period by inserting "or (b) any reduction of revenues the state would otherwise receive under existing law";

Also, roll call was demanded on motion of Rep. Feuerborn to refer **HCR 5043** to Committee on Appropriations.

On roll call, the vote was: Yeas 63; Nays 57; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Otto, Owens, Pauls, Peterson, Phelps, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Oharah, Olson, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Bethell, Kiegerl, O'Neal, Pottorff, Powers.

The motion prevailed, and **HCR 5043** be rereferred to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Ward moved that the House reconsider its adverse action in not passing **H. Sub. for Sub. SB 584** under that order of business Final Action on Bills and Concurrent Resolutions (see morning session). The motion did not prevail.

CHANGE OF CONFEREES

Speaker pro tem Merrick announced the appointment of Rep. Brunk as a member of the conference committee on **SB 323** to replace Rep. Siegfried. Also, the appointment of Rep. Siegfried as a member of the conference committee on **SB 323** to replace Rep. Edmonds.

REPORT ON ENROLLED RESOLUTIONS

HR 6034, HR 6035 reported correctly enrolled and properly signed on May 3, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, May 4, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

