

Journal of the Senate

FORTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 20, 2009—8:00 a.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with twenty-eight senators present.
Senators Barnett, Brownlee, Brungardt, Colyer, Haley, Holland, Kelsey, Masterson, Pyle, Steineger, Wagle and Wysong were excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

Continuing a prayer
I prayed a week ago —
Praying for the Senators
Whom I think I know.

I continue to hear folks say
(What drives me up the wall)
“They’re all crooks anyway”
With emphasis on the “all”.

Of course that’s far from true,
And it says a whole lot more
About the character of the critics
Than the Senators they deplore.

Except for maybe lawyers,
There a lot more jokes
About the “politicians”
Than any other folks.

Good humor is refreshing
But these critics have no clue
About Senators’ responsibilities,
And all else they have to do.

There is more to pray about,
But I limit what I say
To little more than a minute
So they can start their day.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 329**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Schodorf the Senate nonconcurrred in the House amendments to **SB 11** and requested a conference committee be appointed.

The Vice President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurrred in the House amendments to **SB 80** and requested a conference committee be appointed.

The Vice President appointed Senators V. Schmidt, Apple and Faust-Goudeau as a conference committee on the part of the Senate.

On motion of Senator Schodorf the Senate nonconcurrred in the House amendments to **SB 131** and requested a conference committee be appointed.

The Vice President appointed Senators Schodorf, Vratil and Hensley as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurrred in the House amendments to **H Sub for SB 145** and requested a conference committee be appointed.

The Vice President appointed Senators Umbarger, Marshall and Kultala as a conference committee on the part of the Senate.

On motion of Senator V. Schmidt the Senate nonconcurrred in the House amendments to **SB 171** and requested a conference committee be appointed.

The Vice President appointed Senators V. Schmidt, Apple and Faust-Goudeau as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Teichman, the Senate acceded to the request of the House for a conference on **HB 2052**.

The Vice President appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1853—

A RESOLUTION congratulating the Greeley County Scholars' Bowl Team.

WHEREAS, The Greeley County High School Scholars' Bowl Team won the 1A State Championship Tournament on February 14, 2009; and

WHEREAS, The team members are Brian Hampel, Kevin Slattery, A.J. Ellis, Mason Gentry, Desiree Vogt and Taylor Harris; and

WHEREAS, Coach Mark Larkin helped provide this team with the direction and preparation necessary for this championship; and

WHEREAS, The team went 11-1 at the State Tournament for a record of 81-7 on the season; and

WHEREAS, Greeley County outscored its opponents at the State Tournament 725 points to 375 and outscored its opponents over the course of the season 6,450 points to 3,310; and

WHEREAS, The success enjoyed by the Greeley County Scholars' Bowl Team is a tribute to the hard work and dedication the team members have demonstrated throughout the year: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Greeley County High School Scholars' Bowl Team for winning the 1A State Championship and wish all the team future success; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1853** was adopted unanimously.

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

SENATE RESOLUTION No. 1854—

A RESOLUTION congratulating and commending the Rawlins County High School girls track team.

WHEREAS, The Rawlins County High School Lady Buffs track team won the 2008 2A Track State Championship; and

WHEREAS, After winning the 1A State Championship in 2007, the Lady Buffs moved up to 2A, but were still able to repeat as State Champions; and

WHEREAS, This accomplishment is all the more impressive since the team consists of only three students; and

WHEREAS, The three team members are seniors Macy Migchelbrink, Sara Miller and Laura Wolters; and

WHEREAS, Macy Migchelbrink won gold medals in the long jump and the 300 meter low hurdles and captured silver medals in the triple jump and 100 meter high hurdles; and

WHEREAS, Sara Miller won a gold medal in the discus and placed fifth in the shot put; and

WHEREAS, Laura Wolters captured silver medals in both the 800 meter and 1600 meter, setting a new school record for the mile; and

WHEREAS, Repeating as State Champions with only three team members is indicative of the outstanding dedication and ability of the Lady Buffs: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Rawlins County High School girls track team for winning the 2008 2A Track State Championship and that we wish them well in the future; and

Be it further resolved: That the Secretary of the Senate be directed to provide an enrolled copy of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1854** was adopted unanimously.

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

SENATE RESOLUTION No. 1855—

A RESOLUTION congratulating and commending the Colby High School girls tennis doubles state champions.

WHEREAS, The doubles team of Senior Lindsey Wilson and Sophomore Caitlyn Wark from Colby High School won the 4A Tennis Doubles State Championship Tournament; and

WHEREAS, The duo outlasted the team from St. James Academy in a three set match, winning 2-6, 7-6 and 6-4; and

WHEREAS, The determination and fortitude displayed by Lindsey and Caitlyn when they lost the first game of each set in the championship match is what made them champions: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Lindsey Wilson and Caitlyn Wark for winning the 4A Tennis Doubles State Championship and that we wish them future success; and

Be it further resolved: That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator Ralph Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1855** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 75, SB 205, SB 285, SB 310 reported correctly engrossed March 20, 2009.

REPORT ON ENROLLED BILLS

SB 5, SB 40, SB 50, SB 86, SB 115, SB 122, SB 123, SB 137, SB 148, SB 156; H Sub for SB 238; SB 240 reported correctly enrolled, properly signed and presented to the Governor on March 20, 2009.

SR 1852 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 20, 2009.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 312; HB 2172; HB 2324**, as amended by House Committee, be passed.

Also, **SB 242** be amended on page 2, in line 10, by striking "16%" and inserting "17%"; also in line 10, by striking "14%" and inserting "16%"; in line 11, by striking "and 12%" and inserting "15%"; in line 12, after "thereafter" by inserting ", except that if the amount provided for transfer to the local ad valorem tax reduction fund pursuant to K.S.A. 79-2959, and amendments thereto, as of July 1, 2009, is transferred during fiscal year 2013, then 14% during calendar year 2015, if the amount provided for transfer to the local ad valorem tax reduction fund pursuant to K.S.A. 79-2959, and amendments thereto, as of July 1, 2009, is transferred during fiscal year 2014, then 13% during calendar 2016, and if the amount provided for transfer to the local ad valorem tax reduction fund pursuant to K.S.A. 79-2959, and amendments thereto, as of July 1, 2009, is transferred during fiscal year 2015, then 12% during calendar year 2017, and all calendar years thereafter, and subject to if a transfer is made as provided in this subsection during fiscal years 2013 or 2014 but not in a subsequent fiscal year, then the percent multiplier shall remain at that level for that calendar year and all calendar years thereafter"; in line 38, by striking "25%" and inserting "20%"; in line 40, by striking "50%" and inserting "40%"; in line 43, by striking "75%" and inserting "60%";

On page 3, in line 2, by striking "and" the first time it appears; also in line 2, after "2012," by inserting "such rate shall be computed with regard to 80% of the general property taxes levied by school districts pursuant to K.S.A. 72-6431, and amendments thereto; and (10) as of November 1, 2013,;" and the bill be passed as amended.

HB 2299, as amended by House Committee of the Whole, be amended on page 1, after line 16, by inserting the following:

"Section 1. K.S.A. 2008 Supp. 79-3603 is hereby amended to read as follows: 79-3603. For the privilege of engaging in the business of selling tangible personal property at retail in this state or rendering or furnishing any of the services taxable under this act, there is hereby levied and there shall be collected and paid a tax at the rate of 5.3%. Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax at the rate of 2% until the earlier of the date the bonds issued to finance or refinance the redevelopment project have been paid in full or the final scheduled maturity of the first series of bonds issued to finance any part of the project upon:

(a) The gross receipts received from the sale of tangible personal property at retail within this state;

(b) the gross receipts from intrastate, interstate or international telecommunications services and any ancillary services sourced to this state in accordance with K.S.A. 2008 Supp. 79-3673, and amendments thereto, except that telecommunications service does not include: (1) Any interstate or international 800 or 900 service; (2) any interstate or international private communications service as defined in K.S.A. 2008 Supp. 79-3673, and amendments thereto; (3) any value-added nonvoice data service; (4) any telecommunication service to a provider of telecommunication services which will be used to render telecommunications services, including carrier access services; or (5) any service or transaction defined in this section among entities classified as members of an affiliated group as provided by section 1504 of the federal internal revenue code of 1986, as in effect on January 1, 2001;

(c) the gross receipts from the sale or furnishing of gas, water, electricity and heat, which sale is not otherwise exempt from taxation under the provisions of this act, and whether furnished by municipally or privately owned utilities, except that, on and after January 1, 2006, for sales of gas, electricity and heat delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises, and for agricultural use and also, for such use, all sales of propane gas, the state rate shall be 0%; and for all sales of propane gas, LP gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises, the state rate shall be 0%, but such tax shall not be levied and collected upon the gross receipts from: (1) The sale of a rural water district benefit unit; (2) a water system impact fee, system enhancement fee or similar fee collected by a water supplier as a condition for establishing service; or (3) connection or reconnection fees collected by a water supplier;

(d) the gross receipts from the sale of meals or drinks furnished at any private club, drinking establishment, catered event, restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public;

(e) the gross receipts from the sale of admissions to any place providing amusement, entertainment or recreation services including admissions to state, county, district and local fairs, but such tax shall not be levied and collected upon the gross receipts received from sales of admissions to any cultural and historical event which occurs triennially;

(f) the gross receipts from the operation of any coin-operated device dispensing or providing tangible personal property, amusement or other services except laundry services, whether automatic or manually operated;

(g) the gross receipts from the service of renting of rooms by hotels, as defined by K.S.A. 36-501 and amendments thereto, or by accommodation brokers, as defined by K.S.A. 12-1692, and amendments thereto but such tax shall not be levied and collected upon the gross receipts received from sales of such service to the federal government and any agency, officer or employee thereof in association with the performance of official government duties;

(h) the gross receipts from the service of renting or leasing of tangible personal property except such tax shall not apply to the renting or leasing of machinery, equipment or other personal property owned by a city and purchased from the proceeds of industrial revenue bonds issued prior to July 1, 1973, in accordance with the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, and any city or lessee renting or leasing such machinery, equipment or other personal property purchased with the proceeds of such bonds who shall have paid a tax under the provisions of this section upon sales made prior to July 1, 1973, shall be entitled to a refund from the sales tax refund fund of all taxes paid thereon;

(i) the gross receipts from the rendering of dry cleaning, pressing, dyeing and laundry services except laundry services rendered through a coin-operated device whether automatic or manually operated;

(j) the gross receipts from the rendering of the services of washing and washing and waxing of vehicles;

(k) the gross receipts from cable, community antennae and other subscriber radio and television services;

(l) (1) except as otherwise provided by paragraph (2), the gross receipts received from the sales of tangible personal property to all contractors, subcontractors or repairmen for use by them in erecting structures, or building on, or otherwise improving, altering, or repairing real or personal property.

(2) Any such contractor, subcontractor or repairman who maintains an inventory of such property both for sale at retail and for use by them for the purposes described by paragraph (1) shall be deemed a retailer with respect to purchases for and sales from such inventory, except that the gross receipts received from any such sale, other than a sale at retail, shall be equal to the total purchase price paid for such property and the tax imposed thereon shall be paid by the deemed retailer;

(m) the gross receipts received from fees and charges by public and private clubs, drinking establishments, organizations and businesses for participation in sports, games and other recreational activities, but such tax shall not be levied and collected upon the gross receipts received from: (1) Fees and charges by any political subdivision, by any organization exempt from property taxation pursuant to paragraph *Ninth* of K.S.A. 79-201, and amendments thereto, or by any youth recreation organization exclusively providing services to persons 18 years of age or younger which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for participation in sports, games and other recreational activities; ~~and~~ (2) entry fees and charges for participation in a special event or tournament sanctioned by a national sporting association to which spectators are charged an admission which is taxable pursuant to subsection (e); *and (3) fees and charges for participating in guided and non-guided hunts and fishing expeditions and excursions and hunting or fishing leases;*

(n) the gross receipts received from dues charged by public and private clubs, drinking establishments, organizations and businesses, payment of which entitles a member to the use of facilities for recreation or entertainment, but such tax shall not be levied and collected

upon the gross receipts received from: (1) Dues charged by any organization exempt from property taxation pursuant to paragraphs *Eighth* and *Ninth* of K.S.A. 79-201, and amendments thereto; and (2) sales of memberships in a nonprofit organization which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, and whose purpose is to support the operation of a nonprofit zoo;

(o) the gross receipts received from the isolated or occasional sale of motor vehicles or trailers but not including: (1) The transfer of motor vehicles or trailers by a person to a corporation or limited liability company solely in exchange for stock securities or membership interest in such corporation or limited liability company; or (2) the transfer of motor vehicles or trailers by one corporation or limited liability company to another when all of the assets of such corporation or limited liability company are transferred to such other corporation or limited liability company; or (3) the sale of motor vehicles or trailers which are subject to taxation pursuant to the provisions of K.S.A. 79-5101 et seq., and amendments thereto, by an immediate family member to another immediate family member. For the purposes of clause (3), immediate family member means lineal ascendants or descendants, and their spouses. Any amount of sales tax paid pursuant to the Kansas retailers sales tax act on the isolated or occasional sale of motor vehicles or trailers on and after July 1, 2004, which the base for computing the tax was the value pursuant to subsections (a), (b)(1) and (b)(2) of K.S.A. 79-5105, and amendments thereto, when such amount was higher than the amount of sales tax which would have been paid under the law as it existed on June 30, 2004, shall be refunded to the taxpayer pursuant to the procedure prescribed by this section. Such refund shall be in an amount equal to the difference between the amount of sales tax paid by the taxpayer and the amount of sales tax which would have been paid by the taxpayer under the law as it existed on June 30, 2004. Each claim for a sales tax refund shall be verified and submitted not later than six months from the effective date of this act to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of tax paid as provided by this act. All such refunds shall be paid from the sales tax refund fund, upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or the director's designee. No refund for an amount less than \$10 shall be paid pursuant to this act. In determining the base for computing the tax on such isolated or occasional sale, the fair market value of any motor vehicle or trailer traded in by the purchaser to the seller may be deducted from the selling price;

(p) the gross receipts received for the service of installing or applying tangible personal property which when installed or applied is not being held for sale in the regular course of business, and whether or not such tangible personal property when installed or applied remains tangible personal property or becomes a part of real estate, except that no tax shall be imposed upon the service of installing or applying tangible personal property in connection with the original construction of a building or facility, the original construction, reconstruction, restoration, remodeling, renovation, repair or replacement of a residence or the construction, reconstruction, restoration, replacement or repair of a bridge or highway.

For the purposes of this subsection:

(1) "Original construction" shall mean the first or initial construction of a new building or facility. The term "original construction" shall include the addition of an entire room or floor to any existing building or facility, the completion of any unfinished portion of any existing building or facility and the restoration, reconstruction or replacement of a building, facility or utility structure damaged or destroyed by fire, flood, tornado, lightning, explosion, windstorm, ice loading and attendant winds, terrorism or earthquake, but such term, except with regard to a residence, shall not include replacement, remodeling, restoration, renovation or reconstruction under any other circumstances;

(2) "building" shall mean only those enclosures within which individuals customarily are employed, or which are customarily used to house machinery, equipment or other property, and including the land improvements immediately surrounding such building;

(3) "facility" shall mean a mill, plant, refinery, oil or gas well, water well, feedlot or any conveyance, transmission or distribution line of any cooperative, nonprofit, membership corporation organized under or subject to the provisions of K.S.A. 17-4601 et seq., and

amendments thereto, or municipal or quasi-municipal corporation, including the land improvements immediately surrounding such facility;

(4) “residence” shall mean only those enclosures within which individuals customarily live;

(5) “utility structure” shall mean transmission and distribution lines owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) “windstorm” shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;

(q) the gross receipts received for the service of repairing, servicing, altering or maintaining tangible personal property which when such services are rendered is not being held for sale in the regular course of business, and whether or not any tangible personal property is transferred in connection therewith. The tax imposed by this subsection shall be applicable to the services of repairing, servicing, altering or maintaining an item of tangible personal property which has been and is fastened to, connected with or built into real property;

(r) the gross receipts from fees or charges made under service or maintenance agreement contracts for services, charges for the providing of which are taxable under the provisions of subsection (p) or (q);

(s) on and after January 1, 2005, the gross receipts received from the sale of prewritten computer software and the sale of the services of modifying, altering, updating or maintaining prewritten computer software, whether the prewritten computer software is installed or delivered electronically by tangible storage media physically transferred to the purchaser or by load and leave;

(t) the gross receipts received for telephone answering services;

(u) the gross receipts received from the sale of prepaid calling service and prepaid wireless calling service as defined in K.S.A. 2008 Supp. 79-3673, and amendments thereto; and

(v) the gross receipts received from the sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701, et seq., and amendments thereto, shall be taxed at a rate of: (1) 4.9% on July 1, 2000, and before July 1, 2001; and (2) 2.5% on July 1, 2001, and before July 1, 2002. From and after July 1, 2002, all sales of bingo cards, bingo faces and instant bingo tickets by licensees under K.S.A. 79-4701 et seq., and amendments thereto, shall be exempt from taxes imposed pursuant to this section.”;

Also on page 1, in line 17, by striking “Section 1.” and inserting “Sec. 2.”;

On page 32, in line 31, by striking “and”; in line 41, after “purpose” by inserting “;

(ffff) all sales of game birds for which the primary purpose is use in hunting;

(gggg) all sales of personal property and services purchased by any senior services center, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of enhancing the lives of older citizens to help such citizens to remain independent and active in their homes and communities, and all sales of any such property by such organization for any such purpose; and

(hhhh) all sales of admissions or tickets to annual county fairs held by county fair associations to provide support for the education and encouragement of improvement in agriculture, horticulture, livestock, poultry, dairy products, liberal arts, fine arts, domestic economy and 4-H club activities of citizens of the county”;

Also on page 32, in line 42, by striking “2.” and inserting “3.”; also in line 42, after “Supp.” by inserting “79-3603 and”; also in line 43, by striking “is” and inserting “are”;

On page 33, in line 1, by striking “3.” and inserting “4.”;

On page 1, in the title, in line 12, by striking all after the second semicolon; in line 13, by striking all before “amending”; in line 14, after “Supp.” by inserting “79-3603 and”; also in line 14, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Commerce** recommends **SB 324** be amended on page 3, after line 17, by inserting the following:

“Sec. 2. K.S.A. 2008 Supp. 74-99e03 is hereby amended to read as follows: 74-99e03. (a) The Kansas commission on rural policy shall develop recommendations for community-based programming and funding in the following key areas: Fostering leadership; encouraging wealth retention and generation; developing entrepreneurship through the coordination of existing programs; and retaining youth in rural communities. The commission shall

not compete with, duplicate or assume the responsibilities or functions of existing federal or state funded programs and organizations, in delivering services related to the above key areas, but will design, collaborate with and optimize the activities of such other agencies in a comprehensive effort.

(b) Prior to July 1, ~~2009~~ 2010, the commission shall perform the following:

(1) Develop a comprehensive plan for fulfillment of the commission's duties, including an evaluation of the current efforts being utilized to fulfill the commission's objectives, and report on the best practices currently being conducted and on the commission's activities to the legislature during the ~~2009~~ 2010 legislative session;

(2) develop partnerships with other organizations to offer technical assistance to rural communities seeking programming assistance; and

(3) develop partnerships with private organizations and institutions engaged in rural development strategies to identify best practices and make those resources available to rural communities through a centralized point of contact.

(c) In addition to the duties set forth in subsection (b), the commission, once appointed and confirmed, shall perform the following:

(1) Develop on-the-ground resources for rural communities utilizing existing resources and partnerships or by developing new efforts and strategies;

(2) act in concert with contracting organizations to develop fundamental capacity building resources to assist communities in achieving growth using the key areas set forth in subsection (a);

(3) review rural development programs in other state agencies and provide strategic recommendations to such agencies;

(4) serve as a convener of organizations engaged in activities focused on the key areas set forth in subsection (a) to develop unified recommendations for rural development efforts across the state;

(5) develop and recommend to the secretary of commerce a strategic mission for the office of rural opportunity;

(6) report annually to the legislature with each annual report to include a report on the activities of the commission, recommendations by the commission and suggestions for legislation.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 21, after “74-99e02” by inserting “,74-99e03”;

In the title, in line 10, after “74-99e02” by inserting “, 74-99e03”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2250**, as amended by House Committee, be amended on page 1, in line 20, by striking “but, subject” and inserting a period; after line 20, by inserting the following:

“(b) Subject”;

Also on page 1, after line 24, by inserting the following:

“(c) Subject to K.S.A. 60-445 and 60-448, and amendments thereto, in any criminal action other than a criminal action in which the defendant is accused of a sex offense under articles 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, such evidence is admissible to show the modus operandi or general method used by a defendant to perpetrate similar but totally unrelated crimes when the method of committing the prior acts is so similar to that utilized in the current case before the court that it is reasonable to conclude the same individual committed both acts.”;

And by relettering the remaining subsections accordingly;

Also on page 1, in line 31, after “relevant” by inserting “and probative”;

On page 2, after line 32, by inserting the following:

“(h) If any provision of this section or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provisions or application. To this end the provisions of this section are severable.”;

and the bill be passed as amended.

Committee on **Public Health and Welfare** recommends **HB 2162**, as amended by House Committee; **HB 2343**, **HB 2359** be passed.

Committee on **Utilities** recommends **HB 2115** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2115,” as follows:

“SENATE Substitute for HOUSE BILL No. 2115

By Committee on Utilities

“AN ACT concerning utilities; relating to the underground utility damage prevention act; concerning interference with an emergency call; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections; also repealing K.S.A. 21-4211, 66-1802, as amended by section 5 of chapter 122 of the 2008 Session Laws of Kansas, 66-1804, as amended by section 6 of chapter 122 of the 2008 Session Laws of Kansas, 66-1805, as amended by section 7 of chapter 122 of the 2008 Session Laws of Kansas, 66-1806, as amended by section 8 of chapter 122 of the 2008 Session Laws of Kansas, section 9 of chapter 122 of the 2008 Session Laws of Kansas and section 10 of chapter 122 of the 2008 Session Laws of Kansas.”;

and the substitute bill be passed.

Also, **HB 2126**, be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2126,” as follows:

“SENATE Substitute for HOUSE BILL No. 2126

By Committee on Utilities

“AN ACT concerning telecommunications; relating to providing caller location in emergency situations; concerning telecommunications; relating to enhanced wireless 911 service; concerning certain fees and disposition thereof; relating to audits of certain systems; establishing the joint committee on enhanced and next generation 911; definitions; amending K.S.A. 2008 Supp. 12-5322, 12-5323, 12-5334, 12-5338 and 12-5361 and repealing the existing sections.”;

and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2354** be amended by substituting a new bill to be designated as “SENATE Substitute for HOUSE BILL No. 2354,” as follows:

“SENATE Substitute for HOUSE BILL No. 2354

By Committee on Ways and Means

“AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending section 95 of 2009 House Substitute for Substitute for Senate Bill No. 23 and K.S.A. 2008 Supp. 2-223, 12-5256, 55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, as amended by section 88 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-2979, as amended by section 89 of 2009 House Substitute for Substitute for Senate Bill No. 23, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections.”;

and the substitute bill be passed.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Monday, March 23, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*
PAT SAVILLE, *Secretary of the Senate.*

