

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Wednesday, April 1, 2009—9:30 a.m.

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

Heavenly Father,  
Suppose . . . . .  
We got word from Washington,  
From those who over us rule,  
Our economy is not in trouble,  
It's just April Fool!

The Dow Jones is 14,000,  
And everything is cool;  
There is no need for stimulus,  
All was April Fool!

As far as Kansas is concerned,  
There's news to make us drool;  
*Raise* the budget by 10%!  
It was just April Fool!

Unemployment's just 2%,  
*Increase* the budget for the schools.  
Everything is looking up!  
It was just April Fool!

But I seem to hear from you, O God,  
That if everything was great  
There'd be no need for any of us,  
*Anyone* could run the state!

The voters elected the people  
Whom they believe we need  
To make the hard decisions,  
And In tough times still succeed.

We need to be reminded, Lord,  
Tough times may make us bleed,  
But tough times develop tough love  
And prepare us to succeed.

And for that I thank You in the Name of Jesus Christ,

AMEN

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

**POINT OF PERSONAL PRIVILEGE**

Senator Marshall rose on a point of personal privilege to introduce Ashley Elnicki, Venessa Lee, Emily Walters, Eddie Penner, Jacob Dvorak and Katie Engelland, who were guests representing Pittsburg State University involved in student government.

**MESSAGE FROM THE HOUSE**

Announcing passage of **Substitute HB 2365**.

The House adopts the conference committee report on **SB 45**.

The House adopts the conference committee report on **Senate Substitute for HB 2354**.

The House nonconcurrs in Senate amendments to **HB 2308**, requests a conference and appoints Representatives Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 66** and has appointed Representatives Kinzer, Whitham and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 91** and has appointed Representatives Brunk, Grange and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 212** and has appointed Representatives Neufeld, Kiegerl and Loganbill as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 225** and has appointed Representatives Huntington, Rhoades and Mah as conferees on the part of the House.

**INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS**

**Substitute HB 2365** was thereupon introduced and read by title.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 45**, 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 amendments, as follows:

On page 1, after line 15, by inserting the following:

“Section 1. K.S.A. 53-509 is hereby amended to read as follows: 53-509. The following short form certificates of notarial acts are sufficient for the purposes indicated, if completed with the information required by subsection (a) of K.S.A. 53-508:

(a) For an acknowledgment in an individual capacity:

State of \_\_\_\_\_)

(County) of \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_(date) by \_\_\_\_\_[name(s) of person(s)]

\_\_\_\_\_  
(Signature of notarial officer)

(Seal, if any)

\_\_\_\_\_  
Title (and Rank)

[My appointment expires: \_\_\_\_\_]

(b) For an acknowledgment in a representative capacity:

State of \_\_\_\_\_)

(County) of \_\_\_\_\_)

This instrument was acknowledged before me on \_\_\_\_\_(date) by \_\_\_\_\_[name(s) of person(s)] as (type of authority, e.g., officer, trustee, etc.) of (name of party on behalf of whom instrument was executed.)

(Seal, if any) \_\_\_\_\_  
 (Signature of notarial officer)  
 \_\_\_\_\_  
 Title (and Rank)  
 [My appointment expires: \_\_\_\_\_]

(c) For a verification upon oath or affirmation:  
 State of \_\_\_\_\_  
 (County) of \_\_\_\_\_  
 Signed and sworn to (or affirmed) before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)]  
 making statement].

(Seal, if any) \_\_\_\_\_  
 (Signature of notarial officer)  
 \_\_\_\_\_  
 Title (and Rank)  
 [My appointment expires: \_\_\_\_\_]

(d) For witnessing or attesting a signature:  
 State of \_\_\_\_\_  
 (County) of \_\_\_\_\_  
 Signed or attested before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of person(s)]

(Seal, if any) \_\_\_\_\_  
 (Signature of notarial officer)  
 \_\_\_\_\_  
 Title (and Rank)  
 [My appointment expires: \_\_\_\_\_]

(e) For attestation of a copy of a document:  
 State of \_\_\_\_\_  
 (County) of \_\_\_\_\_  
 I certify that this is a true and correct copy of a document in the possession of \_\_\_\_\_  
 \_\_\_\_\_  
 Dated: \_\_\_\_\_

(Seal, if any) \_\_\_\_\_  
 (Signature of notarial officer)  
 \_\_\_\_\_  
 Title (and Rank)  
 [My appointment expires: \_\_\_\_\_]

(f) For power of attorney in a representative capacity:  
 State of \_\_\_\_\_  
 (County) of \_\_\_\_\_  
 This instrument was signed before me on \_\_\_\_\_ (date) by \_\_\_\_\_ [name(s) of designee(s)]  
 as (power of attorney) of (name of party on behalf of whom instrument was executed.)

(Seal, if any) \_\_\_\_\_  
 (Signature of notarial officer)  
 \_\_\_\_\_  
 Title (and Rank)  
 [My appointment expires: \_\_\_\_\_]”;

And by renumbering the remaining sections accordingly;  
 On page 6, in line 27, after “K.S.A” by inserting “53-509.”;

In the title, in line 12, after "K.S.A." by inserting "53-509,";  
And your committee on conference recommends the adoption of this report.

LANCE KINZER  
JEFF WHITHAM  
JANICE L. PAULS  
*Conferees on part of House*

THOMAS C. OWENS  
DEREK SCHMIDT  
DAVID HALEY  
*Conferees on part of Senate*

Senator Owens moved the Senate adopt the Conference Committee Report on **SB 45**.  
On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The Conference Committee report was adopted.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

The committee report on **HB 2085** recommending a **S Sub for HB 2085** be adopted, and the substitute bill be passed.

**S Sub for HB 2267** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Wysong, on page 4, by striking all in line 22 and inserting the following:

"Sec. 3. K.S.A. 2008 Supp. 74-99e02 is hereby amended to read as follows: 74-99e02. (a) There is hereby established a body politic and corporate to be known as the Kansas commission on rural policy. The commission shall be an independent instrumentality of the state. The exercise by the commission of the powers conferred by this act shall be deemed and held to be the performance of an essential governmental function.

(b) (1) ~~The Kansas commission on rural policy shall be governed by a board of directors consisting~~ consist of 12 members.

(2) Nine members of the ~~board of directors~~ commission shall be voting members appointed as follows: Three shall be appointed by the governor, two shall be appointed by the speaker of the house of representatives, two shall be appointed by the president of the senate, one shall be appointed by the minority leader of the house of representatives and one shall be appointed by the minority leader of the senate. Each ~~member appointed to the board of directors~~ person appointed to the commission shall be recognized for outstanding knowledge and leadership in one of the following business sectors or key areas:

- (A) Agriculture;
- (B) oil and gas;
- (C) aviation;
- (D) finance and banking;
- (E) tourism;
- (F) any other primary, job creating, value added business sector;
- (G) fostering leadership;
- (H) encouraging wealth retention and generation;
- (I) developing entrepreneurship;
- (J) retaining youth in rural communities; and
- (K) health care.

(3) All voting members appointed to the board shall be subject to senate confirmation as provided in K.S.A. 75-4315b, and amendments thereto. Any voting member appointed to the board whose nomination is subject to confirmation during a regular session of the legislature shall be deemed terminated when the senate rejects the nomination. No such termination shall affect the validity of any action taken by such member of the board before such termination.

(4) The terms of the nine voting members first appointed to the board of directors shall be as follows: Four years for members appointed by the governor, three years for members appointed by the speaker of the house of representatives and the president of the senate and two years for members appointed by the minority leader of the house of representatives and the minority leader of the senate. Members of the first board shall be appointed by September 1, 2008. Subsequent terms of all voting members appointed to the board shall be for four years.

(3) (A) Except as provided by paragraph (B) for members first appointed to the commission, voting members shall be appointed for terms of four years and until a successor is appointed and qualified.

(B) The terms of the voting members first appointed to the commission shall expire as follows: The terms of members appointed by the governor shall expire on June 30, 2012; the terms of members appointed by the president and minority leader of the senate shall expire on June 30, 2011; and the terms of members appointed by the speaker and minority leader of the house of representatives shall expire on June 30, 2010.

(4) The other three members of the ~~board of directors~~ commission shall serve ex officio: The secretary of commerce, the secretary of agriculture and the president of Kansas, Inc. Each ex officio member of the commission may designate an officer or employee of the state agency or organization of the ex officio member to serve on the commission in place of the ex officio member. The ex officio members of the commission, or their designees, shall be nonvoting members of the commission and shall provide information and advice to the commission.

(c) The ~~Kansas commission on rural policy board of directors~~ commission shall elect annually from among its voting members a chairperson, vice-chairperson and secretary. Five voting members of the ~~board~~ commission shall constitute a quorum and the affirmative vote of five members shall be necessary for any action taken by the ~~board~~ commission. No vacancy in the membership of the ~~board~~ commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the ~~board~~ commission.

(d) Members of the commission attending any meeting of the commission or any subcommittee meeting authorized by the commission shall be paid amounts as provided in K.S.A. 75-3223, and amendments thereto.

(e) All resolutions and orders of the ~~Kansas commission on rural policy board of directors~~ commission shall be recorded and authenticated by the signature of the secretary or a person designated by the secretary. The book of resolutions, orders, minutes of open meetings, annual reports and annual financial statements of the commission shall be public records as defined by K.S.A. 45-215 et seq., and amendments thereto. All public records shall be subject to regular audit as provided in K.S.A. 46-1106, and amendments thereto.

(f) The commission is hereby authorized to engage legal counsel, expert advisers or executive staff to carry out the duties of the commission. Compensation for such counsel, advisers or staff shall be determined by the commission within the limits of available funds.

(g) The commission is hereby authorized to accept grants, gifts, bequests and other financial or in-kind contributions.

(h) To facilitate the organization and start-up of the commission, the department of commerce shall provide administrative assistance until such time as the commission has resources to provide staffing on its own. In no event shall such assistance continue beyond September 1, 2010.

Sec. 4. 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 *including, but not limited to, programs that promote new homestead opportunities for individuals, new incentives for businesses to expand or relocate and general business development*;

(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.

Sec. 5. K.S.A. 2008 Supp. 74-99e04 is hereby amended to read as follows: 74-99e04. The provisions of K.S.A. 2008 Supp. 74-99e01 through 74-99e04, and amendments thereto, shall expire on July 1, ~~2011~~ 2012.

Sec. 6. K.S.A. 2008 Supp. 74-99e02, 74-99e03, 74-99e04, 75-712 and 75-4315d are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 12, after “Supp.” by inserting “74-99e02, 74-99e03, 74-99e04.”

**S Sub for HB 2267** be further amended by motion of Senator Brungardt, on page 1, in line 42, before the period by inserting “or as provided by K.S.A. 2008 Supp. 75-4315d, and amendments thereto”;

On page 2, in line 2, by striking all after “qualifications”; in line 3, by striking all before the period

**S Sub for HB 2267** be further amended by a second motion of Senator Brungardt, on page 1, after line 15, by inserting the following:

“Section 1. K.S.A. 22-4607 is hereby amended to read as follows: 22-4607. (a) A 15-member task force on racial profiling shall be appointed by the governor. The task force shall include representatives of the Kansas attorney general's office, the Kansas highway patrol, city and county law enforcement agencies, the Hispanic and Latino American affairs commission, the advisory commission on African-American affairs, the department of revenue, Kansas human rights commission, Kansas district courts, Kansas civil rights advocates and others who can assist in the performance of the functions of the task force.

(b) The governor's task force on racial profiling shall work in partnership with local and state law enforcement agencies to review current policies and make recommendations for future policies and procedures statewide for the full implementation of the provisions of

K.S.A. 22-4606 through 22-4611, and amendments thereto. The task force shall hold public hearings and meetings as needed to involve and inform the public on issues related to racial profiling.

(c) Members of the task force serving on the effective date of this act shall continue to serve terms until July 1, 2007. Thereafter, members shall be appointed for terms of two years. Vacancies shall be filled by appointment for the unexpired term. Upon expiration of a member's term, the member shall serve until a successor is appointed and qualifies. No member shall serve more than two consecutive full terms.

(d) The chairperson of the task force shall be designated by the governor. The task force shall meet at the call of the chairperson at least quarterly or as often as necessary to carry out the functions of the task force.

(e) The staff of the Kansas advisory commission on African-American affairs and the Kansas Hispanic/Latino American affairs commission shall provide administrative support to the task force and its chairperson.

(f) Members of the task force attending a meeting of the task force, or any subcommittee meeting authorized by the task force, shall receive amounts provided for in subsection (e) of K.S.A. 75-3223, and amendments thereto.

(g) The task force shall make a report of its activity to the public each calendar year.

(h) The provisions of this section shall expire on July 1, ~~2009~~ 2011.

And by renumbering the remaining sections accordingly:

On page 4, in line 22, after "K.S.A." by inserting "22-4607 and K.S.A.";

On page 1, in the title, in line 12, after "amending" by inserting "K.S.A. 22-4607 and"

A motion by Senator Pyle to amend **S Sub for HB 2267** failed and the following amendment was rejected: on page 4, following line 21, by inserting:

"Sec. 3. Any governor resigning from such office shall file a written notice of such resignation in the office of the secretary of state. Such notice of resignation shall state the effective date of the resignation. Upon receiving such notice of resignation, the secretary of state shall notify the lieutenant governor.

Sec. 4. Any lieutenant governor resigning from such office shall file a written notice of such resignation in the office of the secretary of state. Such notice of resignation shall state the effective date of the resignation. Upon receiving such notice of resignation, the secretary of state shall notify the governor.

Sec. 5. Whenever the office of lieutenant governor becomes vacant as a result of the death, permanent disability or resignation of the lieutenant governor, a successor shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as lieutenant governor pursuant to this section shall exercise any power, duty or function as lieutenant governor until confirmed by the senate.";

And by renumbering sections accordingly:

In the title, in line 11, after "concerning", by inserting "the offices of governor and lieutenant governor and"

Upon the showing of 5 hands, a roll call vote was requested:

On roll call, the vote was: Yeas 20, Nays 20, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Colyer, Donovan, Huelskamp, Kelsey, Lynn, Marshall, Masterson, McGinn, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt D, Taddiken, Wagle.

Nays: Brungardt, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kulltala, Lee, Morris, Owens, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wysong.

The motion failed and the amendment was rejected.

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

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **S Sub for HB 2085**, **S Sub for HB 2267** were advanced to Final Action and roll call.

**S Sub for HB 2085**, An act concerning solid waste; relating to management plans; relating to the waste tire management fund; amending K.S.A. 2008 Supp. 65-3410 and 65-3424g and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Pilcher-Cook.

The substitute bill passed.

**S Sub for HB 2267**, An act concerning certain boards, commissions and officers; relating to the appointment thereof; amending K.S.A. 22-4607 and K.S.A. 2008 Supp. 74-99e02, 74-99e03, 74-99e04, 75-712 and 75-4315d and repealing the existing sections.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The substitute bill passed, as amended.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2121**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

MARK TADDIKEN  
RALPH OSTMEYER  
MARCI FRANCISCO  
*Conferees on part of Senate*

LARRY POWELL  
ROCKY FUND  
*Conferees on part of House*

On motion of Senator Taddiken, the Senate adopted the conference committee report on **HB 2121**, and requested a new conference committee be appointed.

The Vice President appointed Senators Taddiken, Ostmeyer and Francisco as a second Conference Committee on the part of the Senate on **HB 2121**.

#### REPORTS OF STANDING COMMITTEES

Committee on **Public Health and Welfare** begs leave to submit the following report:

The following appointments were referred to and considered by the committee and your committee recommends that the Senate approve and consent to such appointment:

By the President of the Senate:

Kansas Health Policy Authority: K.S.A. 2008 Supp. 75-7401

E. J. "Ned" Holland, Jr., term expires March 15, 2012

Joe Lee Tilghman, term expires March 15, 2012

By the Speaker of the House of Representatives:

Kansas Health Policy Authority: K.S.A. 2008 Supp. 75-7401

Garen Lorimer Cox, term expires March 15, 2012

Committee on **Transportation** recommends **SCR 1617** be adopted.



**REFERRED TO GENERAL ORDERS**

Vice President Vratil referred **SCR 1617**; **HB 2130** to the calendar under the heading of General Orders.

On emergency motion of Senator D. Schmidt, **HB 2130** was moved to the top of the calendar under the heading of General Orders.

On emergency motion of Senator D. Schmidt, **SCR 1617** was moved to the top of the calendar under the heading of General Orders.

**ORIGINAL MOTION**

On motion of Senator Brumgardt, the Senate acceded to the request of the House for a conference on **HB 2308**.

The Vice President appointed Senators Brumgardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

**MESSAGE FROM THE HOUSE**

The House adopts the Conference Committee Report to agree to disagree on **HB 2152** and has appointed Representatives Hayzlett, Vickrey and Long as second conferees on the part of the House.

The House not adopts the Conference Committee Report to agree to disagree on **SB 171**.

The House nonconcur in Senate amendments to **HB 2162**, requests a conference and appoints Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2221**, requests a conference and appoints Representatives Landwehr, Crum and Flaharty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2324**, requests a conference and appoints Representatives Carlson, King and Menghini as conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **HB 2221**.

The President appointed Senators Barnett, V. Schmidt and Kelly as conferees on the part of the Senate.

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

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**AFTERNOON SESSION**

The Senate met pursuant to recess with Vice President Vratil in the chair.

**ORIGINAL MOTION**

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **HB 2162**.

The Vice President appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Donovan, the Senate acceded to the request of the House for a conference on **HB 2324**.

The Vice President appointed Senators Donovan, D. Schmidt and Holland as conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS**

Senators Steineger, Morris and D. Schmidt introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1870—

A SENATE RESOLUTION commemorating the twentieth anniversary of the sister-state relationship between the State of Kansas and the Province of Taiwan, Republic of China.

WHEREAS, On November 14, 1989, the State of Kansas invited the Province of Taiwan, Republic of China to join the State of Kansas as a sister state to strengthen international understanding and goodwill and to establish a greater friendship between the residents of Kansas and Taiwan; and

WHEREAS, The Province of Taiwan has been a true friend and steadfast partner of the State of Kansas in an enduring sister-state relationship for 20 years; and

WHEREAS, Over the past 20 years, the bonds of friendship between Kansas and Taiwan have strengthened, resulting in a better economic, social and cultural exchange between the two; and

WHEREAS, Every other year, Taiwan has sent an Agriculture Trade Goodwill Mission to Kansas to demonstrate Taiwan's continuing goodwill and willingness to purchase Kansas agricultural products and the Kansas agricultural industry has benefitted greatly over the past two decades from the sale of wheat, corn and beef into Taiwan; and

WHEREAS, Beginning in 1989, every year over 400 students from Taiwan have studied at Kansas colleges and universities; and

WHEREAS, The commercial interaction between the State of Kansas and Taiwan has grown substantially with each passing year, resulting in increased economic growth for both Taiwan and Kansas; and

WHEREAS, Taiwan is the ninth largest trade partner of the United States, with over \$64.7 billion in two-way trade in 2007, and is a top foreign market for Kansas products: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we, on behalf of the people of the State of Kansas, do hereby express our sincere friendship and appreciation to the people of the Province of Taiwan, Republic of China for 20 years of enlightenment, friendship and mutual economic growth as our sister-state; and

*Be it further resolved:* That it is with great pride that the State of Kansas looks forward to many more rewarding years as a sister-state with the Province of Taiwan, Republic of China; and

*Be it further resolved:* That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the United States Secretary of State Hillary Clinton, U.S. Department of State, 2201 C Street NW, Washington, DC 20520; to Director General Dale W. Jieh, Taipei Economic and Cultural Office, 3100 Broadway, Suite 800, Kansas City, MO 64111; and to each member of the Kansas Congressional Delegation.

On emergency motion of Senator Steineger **SR 1870** was adopted unanimously.

Senators Haley and Faust-Goudeau introduced the following Senate resolution, which was read:

## SENATE RESOLUTION No. 1871—

A RESOLUTION designating the month of April as Minority Health Awareness Month.

WHEREAS, The overall health and well-being of all Kansas citizens is important and is directly related to the quality of life of the citizens of this great state; and

WHEREAS, The rates of overweight and obese individuals has been increasing in the United States in recent years. Obesity increases an individual's risk of diabetes, heart disease, cancer and many other illnesses. In Kansas, the rate of obesity is 25% for whites, 30% for Hispanics and 40% for African Americans; and

WHEREAS, Despite the growing scientific evidence documenting the importance of fruits and vegetables to a healthy diet, four out of five Kansans, regardless of race and ethnicity, do not eat the daily recommended five servings of fruits and vegetables, underscoring the importance of raising awareness about healthy lifestyle choices; and

WHEREAS, Thousands of Kansas children, adults and elders suffer from poor health as a result of lack of access to appropriate health care because of race, ethnicity, cultural differences, gender, socioeconomic status, geographical location and disabilities; and

WHEREAS, These health disparities are compounded by factors including poverty, health care provider shortages, patient health care preferences and lifestyle choices; and

WHEREAS, Activities such as research, improved public policy and appropriate legislation can help to remove health related barriers and disparities facing racial, ethnic and tribal populations and increase awareness of the importance of managing our health and well-being; and

WHEREAS, Regardless of race, age, gender, disability or socioeconomic status, all Kansans should have the opportunity to actively participate in the management of their personal health and well-being through proper nutrition, moderate exercise and regular health screenings: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we designate the month of April as Minority Health Awareness Month and that we urge all Kansans to join in this observance; and

*Be it further resolved:* That the Secretary of the Senate be directed to provide two enrolled copies of this resolution to Senator David Haley and two enrolled copies to Senator Oletha Faust-Goudeau.

On emergency motion of Senator Haley **SR 1871** was adopted unanimously.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2126**, 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 as Senate Substitute for House Bill No. 2126, as follows:

On page 2, by striking all in lines 3 through 43;

By striking all on pages 3 through 7;

On page 8, by striking all in lines 1 through 39;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, by striking all after "situations"; by striking all in lines 11 through 14; in line 15, by striking all before the period;

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

PAT APPLE  
MIKE PETERSEN  
JANIS K. LEE  
*Conferees on part of Senate*

CARL DEAN HOLMES  
FORREST KNOX  
ANNIE KUETHER  
*Conferees on part of House*

Senator Apple moved the Senate adopt the Conference Committee Report on **S Sub for HB 2126**.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Wysong.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2250**, 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, by striking all in lines 17 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 7 and inserting the following:

“Section 1. K.S.A. 17-1766 is hereby amended to read as follows: 17-1766. ~~All solicitations by professional solicitors shall contain the following disclosures at the point of solicitation:~~

~~—(a) The name, address and telephone number of the charitable organization;~~

~~—(b) the registration number, obtained pursuant to K.S.A. 17-1763 for the charitable organization;~~

~~—(c) if the solicitation is made by a person acting as a professional solicitor, the registration number obtained pursuant to K.S.A. 17-1765; and~~

~~—(d) that an annual financial report required by K.S.A. 17-1763 for the preceding fiscal year is on file with the secretary of state. (a) Prior to verbally requesting a contribution, or contemporaneously with and accompanying a written request for a contribution, every professional solicitor shall affirmatively disclose the following at the point of solicitation:~~

~~(1) The fact that the solicitation is being made by a professional solicitor and not by an employee of the charitable organization on behalf of which the solicitation is being made;~~

~~(2) the name of the professional solicitor, the name of the professional fund raiser and the name of the charitable organization on behalf of which the solicitation is being made, all as registered with the secretary of state; and~~

~~(3) the fact that information about the professional solicitor, the professional fund raiser and the charitable organization are on file for public inspection with the secretary of state.~~

~~(b) In addition to the other requirements of this section, if the solicitation is written, the professional solicitor shall affirmatively disclose the following at the point and time of solicitation:~~

~~(1) The registration numbers obtained pursuant to K.S.A. 17-1763, 17-1764 and 17-1765, and amendments thereto;~~

~~(2) the address and telephone number of the charitable organization on behalf of which the solicitation is being made; and~~

~~(3) the fact that the charitable organization’s most recent annual financial report required by K.S.A. 17-1763, and amendments thereto, is on file for public inspection with the secretary of state.~~

~~(c) In addition to the other requirements of this section, if the solicitation is verbal, the professional solicitor shall, if requested by the prospective contributor, disclose the following:~~

~~(1) The registration numbers obtained pursuant to K.S.A. 17-1763, 17-1764 and 17-1765, and amendments thereto;~~

~~(2) the address and telephone number of the charitable organization on behalf of which the solicitation is being made; and~~

~~(3) the fact that the charitable organization’s most recent annual financial report required by K.S.A. 17-1763, and amendments thereto, is on file for public inspection with the secretary of state.~~

~~(d) In addition to the other requirements of this section, if requested by the prospective contributor, the professional solicitor shall disclose the amount of any contribution to be retained by the professional fund raiser. Such amount shall be calculated as follows:~~

~~(1) If the compensation paid to the professional fund raiser is contingent upon the number of contributions or the amount of revenue received from the solicitation campaign, the stated amount shall be expressed as a fixed percentage of gross revenue.~~

~~(2) If the compensation paid to the professional fund raiser is not contingent upon the number of contributions or the amount of revenue received, the stated amount shall be a reasonable estimate, expressed as a percentage of the gross revenue. The stated estimate, expressed as a percentage of gross revenue, shall be based upon all of the relevant facts known to the professional fund raiser regarding the solicitation to be conducted as well as the past performance of solicitations conducted by the professional fund raiser. The prospective donor shall be informed that the stated amount is an estimate.~~

Sec. 2. K.S.A. 17-1766 is hereby repealed.”;

Also on page 3, in line 9, by striking “Kansas register” and inserting “statute book”;

In the title, by striking all in lines 12 through 14 and inserting: “AN ACT amending the charitable organizations and solicitations act; concerning professional fund raisers; amending K.S.A. 17-1766 and repealing the existing section.”;

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

THOMAS C. OWENS  
DEREK SCHMIDT  
DAVID HALEY  
*Conferees on part of Senate*

LANCE KINZER  
JEFF WHITHAM  
JANICE L. PAULS  
*Conferees on part of House*

Senator Owens moved the Senate adopt the Conference Committee Report on **HB 2250**.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Wysong.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2292**, 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 8, by striking all in lines 10 through 43;

By striking all on pages 9 through 27;

On page 28, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

Also on page 28, in line 38, by striking all following “K.S.A.”; by striking all in lines 39 and 40; in line 41, by striking all preceding “2008”;

In the title, in line 15, by striking “concerning certain consumer loan services.”; in line 16, by striking all following “ing”; by striking all in lines 17 and 18; in line 19, by striking all preceding “K.S.A.”;

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

RUTH TEICHMAN  
KARIN BROWNLEE  
CHRIS STEINEGER  
*Conferees on part of Senate*

ANTHONY BROWN  
RICHARD PROEHL  
ROBERT GRANT  
*Conferees on part of House*

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2292**.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Absent or Not Voting: Wysong.

The Conference Committee report was adopted.

#### COMMITTEE OF THE WHOLE

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

On motion of Senator Petersen the following report was adopted:

**SCR 1617** be adopted.

#### WITHDREW FROM GENERAL ORDERS

The Vice President withdrew **HB 2130** from the calendar under the heading of General Orders and rereferred the bill to the Committee on **Transportation**.

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **SCR 1617** was advanced to Final Action and roll call.

**SCR 1617**, A CONCURRENT RESOLUTION recognizing the Kansas department of transportation, the Oklahoma department of transportation, the Texas department of transportation and Amtrak for their work in preparing an Amtrak, Kansas City - Wichita - Oklahoma City - Fort Worth Passenger Rail Feasibility Report and Study Scope and urging the Kansas department of transportation to apply for federal funding.

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

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Huelskamp, Pilcher-Cook, Pyle.

Absent or Not Voting: Wysong.

The resolution was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2172**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

LESLIE D. DONOVAN, SR.

DEREK SCHMIDT

TOM HOLLAND

*Conferees on part of Senate*

RICHARD CARLSON

JEFF KING

*Conferees on part of House*

On motion of Senator Donovan, the Senate adopted the conference committee report on **HB 2172**, and requested a new conference committee be appointed.

The Vice President appointed Senators Donovan, D. Schmidt and Holland as a second Conference Committee on the part of the Senate on **HB 2172**.

**MESSAGE FROM THE HOUSE**

The House concurs in Senate amendments to **HB 2308**, and requests return of the bill.  
 The House adopts the conference committee report on **HB 2131**.  
 The House adopts the conference committee report on **HB 2134**.  
 The House adopts the conference committee report on **SB 11**.  
 The House adopts the conference committee report on **SB 19**.  
 The House adopts the conference committee report on **SB 35**.  
 The House adopts the conference committee report on **SB 44**.  
 The House adopts the conference committee report on **SB 87**.  
 The House adopts the conference committee report on **SB 154**.  
 The House adopts the conference committee report on **SB 225**.  
 The House adopts the Conference Committee Report to agree to disagree on **HB 2121** and has appointed Representatives Powell, Fund and Svaty as second conferees on the part of the House.

The House reconsidered its earlier action and adopts the Conference Committee Report to agree to disagree on **SB 171** and has appointed Representatives Huber, Schwab and Sawyer as second conferees on the part of the House.

**REPORT ON ENROLLED BILLS**

**SR 1864, SR 1865, SR 1866, SR 1867, SR 1868** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 1, 2009.

Also, **SCR 1611** reported correctly enrolled, properly signed and presented to the Secretary of State on April 1, 2009.

**REPORTS OF STANDING COMMITTEES**

Committee on **Transportation** recommends **HB 2130**, be amended by adoption of the amendments recommended by the Senate Committee on Transportation as reported in the Journal of the Senate on March 16, 2009, be further amended by adoption of the amendments recommended by the Senate committee on Federal and State Affairs as reported in the Journal of the Senate on March 25, 2009, and the bill as printed, as further amended by Senate Committee, be further amended on page 1, by striking all in lines 19 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 41 and inserting the following:

“Section 1. K.S.A. 2008 Supp. 8-2503 is hereby amended to read as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b) or (c), each ~~front seat~~ occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is 18 years of age or older, shall have a safety belt properly fastened about such person’s body at all times when the passenger car is in motion.

(b) Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person’s body at all times when the passenger car is in motion.

(c) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or

(4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.

(d) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

(e) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. 402.

(f) Law enforcement officers shall not stop drivers for violations of subsection (a) *by a back seat occupant* in the absence of another violation of law. A citation for violation of subsection (a) *by a back seat occupant* shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

Sec. 2. K.S.A. 2008 Supp. 8-2504 is hereby amended to read as follows: 8-2504. (a) (1) From and after July 1, 2007, and prior to January 1, 2009, a law enforcement officer shall issue a warning citation to anyone violating subsection (b) of K.S.A. 8-2503, and amendments thereto, ~~(2) the effective date of this act and prior to June 30, 2009, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503, and amendments thereto.~~

(2) On and after June 30, 2009, persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined \$30 including court costs; and ~~(3) from and after January 1, 2009, persons violating subsection (b) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including court costs.~~

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

Sec. 3. K.S.A. 2008 Supp. 8-2503 and 8-2504 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 12 through 16 and by inserting the following: “AN ACT relating to motor vehicles; concerning the use of safety belts; amending K.S.A. 2008 Supp. 8-2503 and 8-2504 and repealing the existing sections.”;

And the bill be passed as amended.

On motion of Senator D. Schmidt the Senate adjourned until 9:30 a.m., Thursday, April 2, 2009.

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

