

Journal of the House

SIXTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, May 4, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 121 members present.

Reps. Campbell, Henry, Novascone and D. Williams were excused on excused absence by the Speaker.

Present later: Reps. Campbell, Henry, Novascone and D. Williams.

Prayer by Chaplain Svoboda-Barber:

Gracious and Loving God
be with us today
as we near the end of this session.
Remind us of the many blessings
we have in our lives:
our friends, our families, our health,
the beauty of your creation,
meaningful work,
and simply having enough
to do the things we most enjoy.
Help us to be aware
of our many blessings
throughout this day
so that we will listen and speak and think
out of our gratitude
rather than from exhaustion or frustration.
I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Aurand.

PRESENTATION OF PETITIONS

The following petitions were presented and filed:

HP 2004, by Rep. Horst, a petition opposing an increase in bee taxes presented by Mike Prester and 29 others from Salina.

HP 2005, by Rep. Horst, a petition supporting legislation to pay health insurance for retirees of the of the Kansas Public Employees Retirement System commensurate with the amount paid for presently active state employees, signed by Earl Albert Graham and 3 others from Salina.

HP 2006, by Rep. McKinney, a petition requesting no increase in the beer tax, signed by Aaron Parsons and 29 others from Kingman.

HP 2007, by Rep. McKinney, a petition against tax increases, by Bill Johnson and 198 others from Kingman.

COMMUNICATIONS FROM STATE OFFICERS

From Dale Brunton, Director, Division of Accounts and Reports, Department of Administration, State of Kansas Monthly Financial Perspective for February 2001.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, 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 2593; SB 138**.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Toplikar moved that **HB 2419** be withdrawn from Committee on Federal and State Affairs and be placed on the calendar under the order of business General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of May 5, 2001, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1309 (b).)

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2524, An act concerning the state board of regents; relating to a research initiative for state educational institutions; establishing the regents research facilities enhancement fund, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 17; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Bethell, Boston, Burroughs, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Findley, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Kline, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Tafanelli, Tanner, Thimesch, Toplikar, Vickrey, Weber, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Alldritt, Barnes, Benlon, Dreher, Flaharty, Flora, Garner, Kirk, Kuether, E. Peterson, Powers, Sloan, Storm, Swenson, Toelkes, Tomlinson, Welshimer.

Present but not voting: None.

Absent or not voting: Campbell, Henry, Novascone, D. Williams.

The substitute bill passed, as amended.

SB 366, An act concerning health care provider insurance; amending K.S.A. 40-3401, 40-3403, 40-3404 and 40-3414 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.
 Present but not voting: None.
 Absent or not voting: Campbell, Henry, Novascone, D. Williams.
 The bill passed, as amended.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **SB 9** from Committee on Calendar and Printing and referral to Committee on Ethics and Elections.

Also, the withdrawal of **HB 2498** from Committee on Business, Commerce and Labor and referral to Committee on Local Government.

The House stood at ease until the sound of the gavel.

Speaker Glasscock called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **HB 2007**.

The Senate adopts the conference committee report to agree to disagree on **HB 2283**, requests a new conference committee be appointed, and has appointed Senators Morris, Adkins and Feleciano as second conferees on the part of the Senate.

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

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, 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 2007; SB 45, SB 195, SB 263; H. Sub. for SB 322**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 138**, submits the following report:

The House recedes from all of its amendments to the bill;

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

JOHN T. EDWARDS
 DAVID HUFF
 BRUCE LARKIN
Conferees on part of House

DAVID R. CORBIN
 LYNN JENKINS
 JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Edmonds, the conference committee report on **SB 138** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gate-wood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, Mc-

Leland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Howell, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 205**, 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 3, in line 13, by striking "bound over" and inserting "bonded out"; also in line 13, after "felony" by inserting "or a person misdemeanor"; in line 25, by striking "or"; in line 27, by striking the period and inserting "; or"; after line 27, by inserting the following:

"(e) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate.";

On page 5, after line 2, by inserting the following:

"(12) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$5 per week of such supervision.";

Also on page 5, in line 3, by striking "emergency protection from abuse or-"; in line 4, by striking "ders, temporary protection from abuse orders,."; in line 5, by striking "other"; by striking all in line 6; in line 7, by striking "Statutes Annotated, and amendments thereto, or" and inserting "and such related"; in line 11, after the period, by inserting "All emergency protection from abuse orders, temporary protection from abuse orders, other orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and such emergency, temporary and other related orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, may be entered into the national criminal information center protection order file."; by striking all in lines 36 through 43;

By striking all on page 6;

On page 7, by striking all in lines 1 through 6;

And by renumbering sections accordingly;

Also on page 7, after line 13, by inserting the following:

"New Sec. 5. (a) Domestic battery is:

(1) intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the

work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

Sec. 6. K.S.A. 2000 Supp. 21-3412 is hereby amended to read as follows: 21-3412. (a) Battery is:

(1) Intentionally or recklessly causing bodily harm to another person; or

(2) intentionally causing physical contact with another person when done in a rude, insulting or angry manner.

(b) ~~Except as provided in subsection (c),~~ Battery is a class B person misdemeanor.

~~(c) (1) Upon a first conviction of a violation of this section under circumstances which constitute a domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.~~

~~(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of this section a second time under circumstances which constitute a domestic battery, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive~~

~~hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.~~

~~(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of this crime a third or subsequent time under circumstances which constitute a domestic battery, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.~~

~~(4) As used in this section: (A) Domestic battery means a battery against a family or household member by a family or household member;~~

~~(B) family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and~~

~~(C) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:~~

~~(i) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;~~

~~(ii) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;~~

~~(iii) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and~~

~~(iv) it is irrelevant whether an offense occurred before or after conviction for a previous offense.~~

Sec. 7. K.S.A. 21-3440 is hereby amended to read as follows: 21-3440. (a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level 4, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, *subsections (b)(1) and (b)(2) of section 5* or K.S.A. 21-3517, and amendments thereto, is a severity level 5, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, *subsections (b)(1) and (b)(2) of section 5* or K.S.A. 21-3517, and amendments thereto, is a class A person misdemeanor.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 8. K.S.A. 2000 Supp. 21-4603d is hereby amended to read as follows: 21-4603d.

(a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809 and amendments thereto or aggravated escape, as defined in K.S.A. 21-3810 and amendments thereto; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any such costs and expenses incurred by a law enforcement agency or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the law enforcement agency;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 2000 Supp. 22-4529 and amendments thereto, unless waived by the court;

(10) *order the defendant to pay a domestic violence special program fee authorized by section 14, and amendments thereto;*

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8) ~~and~~, (9) and (10); or

~~(12)~~ (12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court,

a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 2000 *Supp.* 60-4301 *et seq.* and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719 and amendments thereto to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

(f) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court

states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights. Placement of offenders in a conservation camp established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, as a nonimprisonment disposition shall not entail the loss by the defendant of any civil rights.

(k) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(l) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(m) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, or for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, or 4-F of the sentencing guidelines grid for drug crimes; and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(n) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

Sec. 9. K.S.A. 2000 Supp. 21-4704 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:

(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 and subsection ~~(c)(3) of K.S.A. 21-3412~~ (b)(3) of section 5 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. 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 and subsection ~~(c)(3) of K.S.A. 21-3412~~ *(b)(3) of section 5* and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) 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. Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (1) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (2) at the time of the conviction under subsection (1) 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. 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.

Sec. 10. K.S.A. 2000 Supp. 60-3107 is hereby amended to read as follows: 60-3107. (a) The court shall be empowered to approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

(1) Restraining the parties from abusing, molesting or interfering with the privacy or rights of each other or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, *domestic battery as provided in section 5, and amendments thereto* and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto.

(2) Granting possession of the residence or household to a party to the exclusion of the other party, and further restraining the party not granted possession from entering or remaining upon or in such residence or household, subject to the limitation of subsection (c). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the party not granted possession from cancelling utility service to the residence or household.

(3) Requiring a party to provide suitable, alternate housing for such party's spouse and any minor children of the parties.

(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

(5) Ordering a law enforcement officer to evict a party from the residence or household.

(6) Ordering support payments by a party for the support of a party's minor child or a party's spouse. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.

(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring the person against whom the order is issued to seek counseling to aid in the cessation of abuse.

(b) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 60-1610 *et seq.*, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 60-1610 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 60-1610 and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242 and amendments thereto.

(c) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

(d) Subject to the provisions of subsections (b) and (c), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year.

(e) The court may amend its order or agreement at any time upon motion filed by either party.

(f) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(g) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, *domestic battery as provided in section 5, and amendments thereto*, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto.

Sec. 11. K.S.A. 2000 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a certificate to or renew the certificate of any person who has been convicted of any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619 and amendments thereto.

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a certificate to or renew the certificate of any person who:

(1) Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or section 5, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(c) The state board of education may issue a certificate to or renew the certificate of a person who has been convicted of committing an offense or act described in subsection (b) or who has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a certificate:

- (1) The nature and seriousness of the offense or act;
- (2) the conduct of the person subsequent to commission of the offense or act;
- (3) the time elapsed since the commission of the offense or act;
- (4) the age of the person at the time of the offense or act;
- (5) whether the offense or act was an isolated or recurring incident; and
- (6) discharge from probation, pardon or expungement.

(d) Before any certificate is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a certificate by reason of the state board's compliance, in good faith, with the provisions of this section.

Sec. 12. K.S.A. 2000 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a)

(1) Subject to the provisions of subsection (b), the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) in any school district, area vocational-technical school or community college in this state.

(2) Any board may waive, at any time, the years of employment requirements of provision (1) for any teachers employed by it.

(3) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose certificate has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or section 5, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

Sec. 13. K.S.A. 2000 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.

(c) "Dean" means the dean of the division of continuing education of the university of Kansas.

(d) "Director," as created in K.S.A. 74-5603 and amendments thereto, means the director of police training at the law enforcement training center.

(e) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; campus police officers at all state educational institutions or a municipal university; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharg-

ing the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) "Full-time" means employment requiring at least 1,000 hours of work per year.

(g) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of work per year.

(h) "Misdemeanor crime of domestic violence" means a violation of domestic battery as defined by subsection (c)(4) of K.S.A. 21-3412 provided by section 5 and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(i) "Auxiliary personnel" means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

New Sec. 14. (a) If a judicial district creates a local fund under this act, the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as provided in section 5, and amendments thereto. The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district in an amount not to exceed \$100 per case.

(b) Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the chief judge under this act. All moneys collected by this section shall be paid into the domestic violence special programs fund in the county where the fee is collected, as established by the judicial district and as authorized by this act.

(c) Expenditures made in each judicial district shall be determined by the chief judge and shall be paid to domestic violence programs administered by the court and to local programs within the judicial district that enhance a coordinated community justice response to the issue of domestic violence.;

And by renumbering sections accordingly;

Also on page 7, in line 14, before "22-2802" by inserting "21-3440,."; in line 15, by striking "60-3102 and 60-3104" and inserting "21-3412, 21-4603d, 21-4704, 60-3107, 72-1397, 72-5445 and 74-5602";

On page 1, in the title, in line 14, after the semicolon by inserting "domestic battery; assessment of certain fees;"; also in line 14, before "22-2802" by inserting "21-3440,."; in line 15, by striking "60-3102 and 60-3104" and inserting "21-3412, 21-4603d, 21-4704, 60-3107, 72-1397, 72-5445 and 74-5602";

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

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 205** was adopted.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein,

Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2136**, 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 8, and inserting the following:

“Section 1. K.S.A. 50-632 is hereby amended to read as follows: 50-632. (a) The attorney general or any county or district attorney may bring an action:

- (1) To obtain a declaratory judgment that an act or practice violates this act;
- (2) to enjoin, or to obtain a restraining order against a supplier who has violated, is violating, or is otherwise likely to violate this act; or
- (3) to recover damages on behalf of consumers by reason of violations of this act; and
- (4) to recover reasonable expenses and investigation fees.

(b) In lieu of instigating or continuing an action or proceeding, the attorney general may accept a consent judgment with respect to any act or practice declared to be a violation of this act. Such a consent judgment shall provide for the discontinuance by the supplier entering the same of any act or practice declared to be a violation of this act, and it may include a stipulation for the payment by such supplier of reasonable expenses and investigation fees incurred by the attorney general. The consent judgment also may include a stipulation for restitution to be made by such supplier to consumers of money, property or other things received from such consumers in connection with a violation of this act and also may include a stipulation for specific performance. Any consent judgment entered into pursuant to this section shall not be deemed to admit the violation, unless it does so by its terms. Before any consent judgment entered into pursuant to this section shall be effective, it must be approved by the district court and an entry made thereof in the manner required for making an entry of judgment. Once such approval is received, any breach of the conditions of such consent judgment shall be treated as a violation of a court order, and shall be subject to all the penalties provided by law therefor.

(c) In any action brought by the attorney general or the county or district attorney, the court may, without requiring bond of the attorney general or the county or district attorney:

- (1) Make such orders or judgments as may be necessary to prevent the use or employment by a supplier of any practices declared to be a violation of this act;
- (2) make such orders or judgments as may be necessary to compensate any consumer for damages sustained;

(3) make such orders or judgments as may be necessary to carry out a transaction in accordance with consumers' reasonable expectations;

(4) appoint a master or receiver or order sequestration of ~~assets~~ *property* whenever it shall appear that the supplier threatens or is about to remove, conceal or dispose of property to the damage of consumers to whom restoration would be made under this subsection or whenever it shall appear that the property was derived or is commingled with other property derived from transactions involving violations of the act, the court shall assess the expenses of a master or receiver against the supplier;

(5) revoke any license or certificate authorizing that supplier to engage in business in this state;

(6) issue a temporary restraining order or enjoin any supplier from engaging in business in this state;

(7) award reasonable expenses and investigation fees, civil penalties and costs; and

(8) grant other appropriate relief.

(d) *If an order of sequestration is issued pursuant to paragraph (4) of subsection (c):*

(1) *Application for such order shall be by motion verified by an affidavit setting forth facts in support thereof and the court may hear such motion ex parte;*

(2) *such order shall operate as a lien on the sequestered property and may contain other provisions as the court deems appropriate;*

(3) *if such order of sequestration was issued ex parte, such order shall be served upon the supplier whose property is sequestered not later than five days after such order is issued. Service shall be by any manner permitted by the code of civil procedure or by ordinary first class mail to the last known address of the supplier;*

(4) *a supplier whose property is sequestered may file a motion to dissolve the sequestration, verified by affidavit, putting in issue the sufficiency of the proceedings, the supplier's claim of exemption as to any property which has been sequestered, or the truth of the facts alleged in the affidavit on which the sequestration was ordered. The court shall hold a hearing on the motion within five days after the filing; and*

(5) *upon a finding that the party which obtained an ex parte order of sequestration knew or should have known that grounds for sequestration did not exist, the court, upon a motion to dissolve, may allow actual damages for the wrongful sequestration.*

Sec. 2. K.S.A. 50-632 is hereby repealed.”;

On page 1, in the title, by striking all in lines 12 through 14 and inserting the following:

“AN ACT concerning consumer protection; relating to certain remedies under the consumer protection act; amending K.S.A. 50-632 and repealing the existing section.”;

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Loyd, the conference committee report on **HB 2136** was adopted.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Howell, Klein.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Sub for HB 2154**, 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 1, by striking all in lines 19 through 43;

By striking all on pages 2 through 8;

On page 9, by striking all in lines 1 through 17; in line 18, by striking "New Sec. 3." and inserting "Section 1. (a)"; in line 30, after the period by inserting "The local government shall not totally restrict such facilities from placement in such community through planning, zoning, public health and building laws, ordinances, resolutions and regulations. To the extent reasonably possible, such residential facility or day reporting center shall otherwise be subject to applicable planning, zoning, public health and building laws, ordinances, resolutions and regulations of the local government. After meeting the requirements provided in this subsection, the secretary of corrections shall have final authority to determine the location of the residential facility or day reporting center.

(b) The secretary of social and rehabilitation services shall provide information to the local government of a community regarding site selection considerations, alternative sites which have been identified and site preferences any time the department of social and rehabilitation services seeks to establish, either directly or indirectly, a new residential alcohol and substance abuse treatment program facility in that community. If the local government objects to the site alternatives identified by the department, the local government shall actively assist the department in identifying a suitable location for the residential alcohol and substance abuse treatment program facility within the community, giving due consideration to the site selection criteria established by the department. In making a final determination regarding the location of the residential alcohol and substance abuse treatment program facility, the secretary shall consider the views of the local government and affected members of the public. The local government shall not totally restrict such facilities from placement in such community through planning, zoning, public health and building laws, ordinances, resolutions and regulations. To the extent reasonably possible, such residential alcohol and substance abuse treatment program facility shall otherwise be subject to applicable planning, zoning, public health and building laws, ordinances, resolutions and regulations of the local government. After meeting the requirements provided in this subsection, the secretary of social and rehabilitation services shall have final authority to determine the location of the residential alcohol and substance abuse treatment program facility.

(c)";

Also on page 9 by striking all in lines 33 through 43;

By striking all on pages 10 through 16;

On page 17, by striking all in lines 1 through 16;

By renumbering "Sec. 8." as "Sec. 2.";

In the title, in line 10, by striking all after "concerning"; by striking all in line 11; in line 12, by striking all before "placement" and inserting "certain state agencies; relating to"; also in line 12, by striking the comma and inserting "in local communities;"; in line 13, by striking all after "ments"; by striking all in lines 14 and 15; in line 16, by striking "sections";

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Loyd to adopt the conference committee report on **S. Sub. for HB 2154**, the motion did not prevail (see further action).

On roll call, the vote was: Yeas 59; Nays 64; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Compton, Dreher, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gilbert, Grant, Hayzlett, Hermes, Holmes, Horst, Huff, Johnson, Kirk, Klein, Kline, Krehbiel, Larkin, Levinson, Light, Lloyd, Loyd, Mason, McClure, McKinney, Minor, Neufeld, Nichols, O'Brien, O'Neal, Osborne, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Schwartz, Showalter, Stone, Tafanelli, Thimesch, Tomlinson, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson.

Nays: Alldritt, Burroughs, Campbell, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Flora, Gatewood, Glasscock, Gordon, Henderson, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Kuether, Landwehr, Lane, Lightner, Loganbill, M. Long, P. Long, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, Ostmeyer, Palmer, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tanner, Toelkes, Toplikar, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2296**, 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 17, before "K.S.A." by inserting "On and after July 1, 2001,";

On page 2, in line 20, before "K.S.A." by inserting "On and after July 1, 2001,";

On page 10, before line 3, by inserting the following:

"Sec. 4. K.S.A. 2000 Supp. 60-2610 is hereby repealed.";

By renumbering remaining sections accordingly;

Also on page 10, in line 3, before "K.S.A." where it appears the first time by inserting "On and after July 1, 2001,"; also in line 3, by striking "and" where it appears for the second time; in line 4, by striking "60-2610"; in line 6, by striking "statute book" and inserting "Kansas register"

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2296** was adopted.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton,

Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Crow.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

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 of the Whole amendments, as follows:

On page 1, after line 14, by inserting the following:

"New Section 1. The provisions of sections 1 through 7 of this act shall be known and may be cited as the individual development account program for assistive technology.

New Sec. 2. As used in this act:

(a) "Account holder" means a person who is the owner of an individual development account.

(b) "Assistive technology" means any item, piece of equipment or product system, whether acquired commercially, off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

(c) "Community-based organization" means any nonprofit or charitable association that is approved by the institute to implement the individual development account reserve fund.

(d) "Institute" means the Schiefelbusch institute for life span studies of the university of Kansas.

(e) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

(f) "Financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas which is approved by the institute to create and manage the necessary financial instruments setting up individual development accounts for eligible families or individuals to implement this program.

(g) "Individual development account" means a financial instrument established in section 3, and amendments thereto.

(h) "Individual development account reserve fund" means the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program by the financial institutions and the community-based organizations and for providing matching funds for moneys in individual development accounts. Such fund may include federal grant moneys.

(i) "Matching funds" means the moneys designated for contribution from an individual development account reserve fund to an individual development account by a community-based organization at a one-to-one ratio up to a three-to-one match.

(j) "Program" means the Kansas individual development account program established in sections 1 through 7, and amendments thereto.

(k) "Program contributor" means a person or entity who makes a contribution to an individual development account reserve fund.

New Sec. 3. (a) There is hereby established within the institute a program to be known as the individual development account program. The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for assistive technology.

(b) The institute shall adopt rules and regulations and policies to implement and administer the provisions of sections 1 through 7, and amendments thereto.

(c) The institute shall enter into contracts as deemed appropriate to carry out the provisions of this act.

(d) The institute shall prepare a request for proposals from community-based organizations seeking to administer an individual development account reserve fund on a not-for-profit basis. The community-based organization proposals shall include:

(1) A requirement that the community-based organization make matching contributions to the development account of an individual account holder's or family's contributions to the individual development account;

(2) a process for including account holders in decision making regarding the investment of funds in the accounts;

(3) specifications of the population or populations targeted for priority participation in the program;

(4) a process for including economic education seminars in the individual development account program; and

(5) a process for regular evaluation and review of individual development accounts to ensure program compliance by account holders.

(e) A notice of the request for proposals shall be published once a week for two consecutive weeks in a newspaper having general circulation in the community at least 30 days before any action thereon. The request for proposals shall also be posted on readily accessible bulletin boards in all offices of the institute and sent elsewhere as the institute deems best.

(f) In reviewing the proposals of community-based organizations, the institute shall consider the following factors:

(1) The not-for-profit status of such organization;

(2) the fiscal accountability of the community-based organization;

(3) the ability of the community-based organization to provide or raise moneys for matching contributions;

(4) the ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and

(5) the significance and quality of proposed auxiliary services, including economic education seminars and their relationship to the goals of the individual development account program.

(g) No more than 20% of all funds in the reserve fund account may be used for administrative costs of the program in the first and second years of the program, and no more than 15% of such funds may be used for administrative costs in any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

(h) No provision of this act shall be deemed to require the institute to be obligated to provide matching funds or to incur any expense in the administration of an individual development account reserve fund.

New Sec. 4. A family or individual whose household income is less than or equal to 300% of the federal poverty level may open an individual development account for the purpose of accumulating and withdrawing moneys for specified expenditures. The account holder may withdraw moneys from the account on the approval of the community-based organization, without penalty, for expenditures for assistive technology.

New Sec. 5. (a) Financial institutions seeking to administer individual development accounts approved by the institute shall be permitted to establish individual development accounts pursuant to sections 1 through 7, and amendments thereto. The financial institution shall certify to the institute, on forms prescribed by the institute and accompanied by any documentation required by the institute, that such accounts have been established pursuant to this act and that deposits have been made on behalf of the account holder.

(b) A financial institution establishing an individual development account shall:

(1) Keep the account in the name of the account holder;

(2) permit deposits to be made in the account by the following, subject to the indicated conditions:

(A) The account holder; or

(B) a community-based organization on behalf of the account holder. Such a deposit may include moneys to match the account holder's deposits, up to a five to one match rate;

(3) require the account to earn at least the market rate of interest; and

(4) permit the account holder to withdraw moneys upon approval of a community-based organization from the account for the purpose as provided in section 4, and amendments thereto.

(c) The total of all deposits by the account holder into an individual development account in a calendar year shall not exceed \$5,000. The total balance in an individual development account at any time shall not exceed \$50,000.

New Sec. 6. (a) Account holders who withdraw moneys from an individual development account not in accordance with the provisions of section 4, and amendments thereto, shall forfeit all matching moneys in the account.

(b) All moneys forfeited by an account holder pursuant to subsection (a) shall be returned to the individual development account reserve fund of the contributing community-based organization.

(c) In the event of an account holder's death, the account, minus the match funds, may be transferred to the ownership of a contingent beneficiary. An account holder shall name contingent beneficiaries at the time the account is established and may change such beneficiaries at any time. If the named beneficiary is deceased or otherwise cannot accept the transfer, the moneys shall be transferred to the estate of the deceased beneficiary.

New Sec. 7. (a) Appropriate state agencies are hereby directed to amend their state plans to protect the benefits of those receiving such benefits by adding language consistent with the following: Any funds in an individual development account, including accrued interest, shall be disregarded when determining eligibility to receive the amount of any public assistance or benefits.

(b) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount equal to 25% of the contribution amount.

(c) The institute shall verify all tax credit claims by contributors. The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The institute shall determine the date by which such information shall be submitted to the institute by the local administrator. The institute shall submit verification of qualified tax credits pursuant to sections 1 through 7 and amendments thereto to the department of revenue.

(d) The total tax credits authorized pursuant to this section shall not exceed \$6,250 in any fiscal year.

(e) The provisions of this section shall be applicable to all taxable years commencing after December 31, 2002.”;

By renumbering existing sections 1 and 2 as sections 8 and 9;

On page 3, after line 25, by inserting the following:

“Sec. 10. K.S.A. 2000 Supp. 79-32,195 is hereby amended to read as follows: 79-32,195.

As used in this act, the following words and phrases shall have the meanings ascribed to them herein: (a) “Business firm” means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act, *any individual subject to the state income tax imposed by the provisions of the Kansas income tax act*, any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, or any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto;

(b) “community services” means:

(1) The conduct of activities which meet a demonstrated community need and which are designed to achieve improved educational and social services for Kansas children and their families, and which are coordinated with communities including, but not limited to, social and human services organizations that address the causes of poverty through programs and services that assist low income persons in the areas of employment, food, housing, emergency assistance and health care;

(2) crime prevention; and

(3) health care services.

(c) "crime prevention" means any nongovernmental activity which aids in the prevention of crime.

(d) "community service organization" means any organization performing community services in Kansas and which:

(1) Has obtained a ruling from the internal revenue service of the United States department of the treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) of the federal internal revenue code; or

(2) is incorporated in the state of Kansas or another state as a nonstock, nonprofit corporation; or

(3) has been designated as a community development corporation by the United States government under the provisions of title VII of the economic opportunity act of 1964; or

(4) is chartered by the United States congress.

(e) "contributions" shall mean and include the donation of cash, services or property other than used clothing *in an amount or value of \$250 or more*. Stocks and bonds contributed shall be valued at the stock market price on the date of transfer. Services contributed shall be valued at the standard billing rate for not-for-profit clients. Personal property items contributed shall be valued at the lesser of its fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution, but shall not include sales tax. Contributions of real estate are allowable for credit only when title thereto is in fee simple absolute and is clear of any encumbrances. The amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers.

(f) "health care services" shall include, but not be limited to, the following: Services provided by local health departments, city, county or district hospitals, city or county nursing homes, or other residential institutions, preventive health care services offered by a community service organization including immunizations, prenatal care, the postponement of entry into nursing homes by home health care services, and community based services for persons with a disability, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, services provided by rural health clinics, integration of health care services, home health services and services provided by rural health networks.

(g) "rural community" means any city having a population of fewer than 15,000 located in a county that is not part of a standard metropolitan statistical area as defined by the United States department of commerce or its successor agency. However, any such city located in a county defined as a standard metropolitan statistical area shall be deemed a rural community if a substantial number of persons in such county derive their income from agriculture and, in any county where there is only one city within the county which has a population of more than 15,000 and which classifies as a standard metropolitan statistical area, all other cities in that county having a population of less than 15,000 shall be deemed a rural community.

Sec. 11. K.S.A. 2000 Supp. 79-32,197 is hereby amended to read as follows: 79-32,197. The amount of credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto, shall not exceed 50% of the total amount contributed during the taxable year by the business firm to a community service organization or governmental entity for programs approved pursuant to K.S.A. 79-32,198, and amendments thereto. The amount of credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto, shall not exceed 70% of the total amount contributed during the taxable year by the business firm in a rural community to a community service organization or governmental entity located therein for programs approved pursuant to K.S.A. 79-32,198, and amendments thereto. If the amount of the credit allowed by K.S.A. 79-32,196, and amendments thereto, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. In no event shall the total amount of credits allowed under this section exceed ~~\$5,000,000~~ \$4,130,000 for any one fiscal year.

Sec. 12. K.S.A. 2000 Supp. 79-32,197a is hereby amended to read as follows: 79-32,197a. Any business firm or business entity not subject to Kansas income, privilege or premiums tax, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to K.S.A. 79-32,196, and amendments

thereto, for an amount not less than 50% of the value of any such credit. Such credits shall be deemed to be allowed and earned by any such business entity which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The business firm acquiring earned credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of its income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Only the full credit amount for any one contribution may be transferred and such credit may be transferred one time. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the contribution was made. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the director of community development of the department of commerce and housing in writing within 30 calendar days following the effective date of the transfer and shall provide any information as may be required by the director of community development of the department of commerce and housing to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.

New Sec. 13. The provisions of sections 10 through 12 shall be applicable to all taxable years commencing after December 31, 2000.

Sec. 14. K.S.A. 2000 Supp. 79-32,201 is hereby amended to read as follows: 79-32,201.

(a) Any taxpayer who makes expenditures for a qualified alternative-fueled motor vehicle or alternative-fuel fueling station shall be allowed a credit against the income tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, as follows:

(1) For any qualified alternative-fueled motor vehicle placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle but not to exceed \$3,000 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$5,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$50,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(2) for any qualified alternative-fueled motor vehicle placed in service on or after January 1, 2005, an amount equal to 40% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle, but not to exceed \$2,400 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$4,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$40,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(3) for any qualified alternative-fuel fueling station placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the total amount expended for each qualified alternative-fuel fueling station but not to exceed \$200,000 for each fueling station;

(4) for any qualified alternative-fuel fueling station placed in service on or after January 1, 2005, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$160,000 for each fueling station.

(b) If no credit has been claimed pursuant to subsection (a), a credit in an amount not exceeding the lesser of 5% of the cost of the vehicle or \$750 shall be allowed to a taxpayer who purchases a motor vehicle equipped by the vehicle manufacturer with an alternative fuel system and who is unable or elects not to determine the exact basis attributable to such property. The credit under this subsection shall be allowed only to the first individual to take title to such motor vehicle, other than for resale. *The credit under this subsection for motor vehicles which are capable of operating on a blend of 85% ethanol and 15% gasoline shall be allowed for taxable years commencing after December 31, 1999, only if the individual claiming the credit furnishes evidence of the purchase, during the period of time beginning with the date of purchase of such vehicle and ending on December 31 of the next succeeding calendar year, of 500 gallons of such ethanol and gasoline blend as may be required or is satisfactory to the secretary of revenue.*

(c) The tax credit under subsection (a) or (b) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the expenditures are made.

(d) As used in this section:

(1) "Alternative fuel" has the meaning provided by 42 U.S.C. 13211.

(2) "Qualified alternative-fueled motor vehicle" means a motor vehicle that operates on an alternative fuel, meets or exceeds the clean fuel vehicle standards in the federal clean air act amendments of 1990, Title II and meets one of the following categories:

(A) Bi-fuel motor vehicle: A motor vehicle with two separate fuel systems designed to run on either an alternative fuel or conventional fuel, using only one fuel at a time;

(B) dedicated motor vehicle: A motor vehicle with an engine designed to operate on a single alternative fuel only; or

(C) flexible fuel motor vehicle: A motor vehicle that may operate on a blend of an alternative fuel with a conventional fuel, such as E-85 (85% ethanol and 15% gasoline) or M-85 (85% methanol and 15% gasoline), as long as such motor vehicle is capable of operating on at least an 85% alternative fuel blend.

(3) "Qualified alternative-fuel fueling station" means the property which is directly related to the delivery of alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, including the compression equipment, storage vessels and dispensers for such fuel at the point where such fuel is delivered but only if such property is primarily used to deliver such fuel for use in a qualified alternative-fueled motor vehicle.

(4) "Incremental cost" means the cost that results from subtracting the manufacturer's list price of the motor vehicle operating on conventional gasoline or diesel fuel from the manufacturer's list price of the same model motor vehicle designed to operate on an alternative fuel.

(5) "Conversion cost" means the cost that results from modifying a motor vehicle which is propelled by gasoline or diesel to be propelled by an alternative fuel.

(6) "Taxpayer" means any person who owns and operates a qualified alternative-fueled vehicle licensed in the state of Kansas or who makes an expenditure for a qualified alternative-fuel fueling station.

(7) "Person" means every natural person, association, partnership, limited liability company, limited partnership or corporation.

(e) *Except as otherwise more specifically provided*, the provisions of this section shall apply to all taxable years commencing after December 31, 1995.

New Sec. 15. (a) For all tax years commencing after December 31, 2001, each Kansas state individual income tax return form shall contain a designation as follows:

Senior Citizen Meals on Wheels Contribution Program. Check if you wish to donate, in addition to your tax liability, or designate from your refund, _____ \$1, _____ \$5, _____ \$10, or \$ _____.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the senior citizen meals on wheels contribution program pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the senior citizen nutrition check-off fund to be administered by the department of aging to provide financial assistance under the senior nutritional program. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer who shall credit the same to such fund. All expenditures from such fund shall be made in accordance with appropriation acts.";

By renumbering existing sections 3 and 4 as sections 16 and 17;

Also on page 3, in line 26, before "and" by inserting ", 79-32,195, 79-32,197, 79-32,197a, 79-32,201";

In the title, in line 10, by striking all after the semicolon; in line 11, by striking all before "amending"; in line 12, after "3230" by inserting ", 79-32,195, 79-32,197, 79-32,197a, 79-32,201";

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

JOHN T. EDMONDS
DAVID HUFF
BRUCE LARKIN
Conferees on part of House

DAVID R. CORBIN
LYNN JENKINS
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Edmonds, the conference committee report on **SB 45** was adopted.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Tomlinson.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 195**, 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 13, by striking "released" and inserting "available"; in line 16, by striking "upon request of such member in"; in line 17, by striking all after "functions"; by striking all in lines 18 through 20; by striking all in line 21 and inserting the following: "in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.";

On page 3, by striking all of line 43;

On page 4, by striking all of lines 1 through 43;

On page 5, by striking all of lines 1 through 35; following line 35 by inserting:

"Sec. 2. K.S.A. 2000 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a)

Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall

resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

- (1) Personnel matters of nonelected personnel;
- (2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;
- (3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;
- (4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;
- (5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;
- (6) preliminary discussions relating to the acquisition of real property;
- (7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;
- (8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 38-1507 and amendments thereto or subsection (f) of K.S.A. 38-1508 and amendments thereto;
- (9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;
- (10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;
- (11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 2000 Supp. 39-7,119 and amendments thereto;
- (12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact; ~~and~~
- (13) matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, if the discussion of such matters at an open meeting would jeopardize the security of such public body, agency, building, facility or information system; *and*
- (14) *matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto.*

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

Sec. 3. K.S.A. 2000 Supp. 65-525 and 75-4319 are hereby repealed.”;

In the title, in line 17, by striking “65-503 and”; in line 18, after “525” by inserting “and 75-4319”; also in line 18, by striking “; also repealing”; in line 19, by striking all before the period;

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

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

SUSAN WAGLE
DAVID HALEY
JIM BARNETT
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 195** was adopted.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuetner, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Hermes.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 263**, 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, by striking all in lines 22 through 43;

By striking all on pages 2 through 9 and by inserting the following:

"Section 1. K.S.A. 2000 Supp. 17-2707 is hereby amended to read as follows: 17-2707.

As used in this act, unless the context clearly indicates that a different meaning is intended, ~~the following words mean:~~

(a) "Professional corporation;" *means* a corporation organized under this act.

(b) "Professional service;" *means* the type of personal service rendered by a person duly licensed by this state as a member of any of the following professions, each paragraph constituting one type:

- (1) A certified public accountant;
- (2) an architect;
- (3) an attorney-at-law;
- (4) a chiropractor;
- (5) a dentist;
- (6) an engineer;
- (7) an optometrist;
- (8) an osteopathic physician or surgeon;
- (9) a physician, surgeon or doctor of medicine;
- (10) a veterinarian;
- (11) a podiatrist;
- (12) a pharmacist;
- (13) a land surveyor;
- (14) a licensed psychologist;
- (15) a specialist in clinical social work;
- (16) a registered physical therapist;
- (17) a landscape architect;
- (18) a registered professional nurse;
- (19) a real estate broker or salesperson;
- (20) a *clinical professional counselor*;
- (21) a *geologist*;
- (22) a *clinical psychotherapist*; and
- (23) a *clinical marriage and family therapist*.

(c) "Regulating board;" means the court, board or state agency which is charged with the licensing and regulation of the practice of the profession which the professional corporation is organized to render.

(d) "Qualified person" means:

(1) Any natural person licensed to practice the same type of profession which any professional corporation is authorized to practice;

(2) the trustee of a trust which is a qualified trust under subsection (a) of section 401 of the federal internal revenue code of 1954, as amended, as in effect on January 1, 2001, or of a contribution plan which is a qualified employee stock ownership plan under subsection (a) of section 409A of the federal internal revenue code of 1954, as amended, as in effect on January 1, 2001; or

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession which any professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to professional corporation stock following such natural person's death for more than a reasonable period of time necessary to dispose of such stock.

Sec. 2. K.S.A. 2000 Supp. 17-2707 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.";

On page 1, in the title, in line 14, by striking all after "concerning"; by striking all in lines 15 through 19 and inserting: "corporations; relating to professional corporations; amending K.S.A. 2000 Supp. 17-2707 and repealing the existing section.";

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

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
DAVID ADKINS
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 263** was adopted.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2007**, 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 18 through 43;

By striking all on pages 2 through 7 and inserting the following:

"Section 1. K.S.A. 2000 Supp. 12-1694 as amended by section 50 of 2001 Senate Bill No. 15 is hereby amended to read as follows: 12-1694. (a) Any tax levied and collected pursuant to K.S.A. 12-1693, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, may, with the approval of the secretary of revenue and upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailer's sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, and the state treasurer shall credit 2% of all taxes so collected to the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county and city transient guest tax fund, which fund is hereby established. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the state treasurer, on instruction from the secretary of revenue, to the treasurers of those cities which, by virtue of their participation in the election provided for in K.S.A. 12-1693, and amendments thereto, are qualified to receive disbursements from such transient guest tax fund for the amount collected within such city, and to the treasurer of such county for the amount collected in the unincorporated areas of such county.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax, *of any city located within any such county or of any county within which is located any such city*, monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that such information may be divulged*

by any such clerk or treasurer to any financial officer designated to receive such information by the governing body of any such city or county. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) All such moneys received by the county treasurer or city treasurer from disbursements from the county and city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion, except that not more than 20% of the moneys credited to such fund shall be expended for tourism promotion.

Sec. 2. K.S.A. 2000 Supp. 12-1698 as amended by section 51 of 2001 Senate Bill No. 15 is hereby amended to read as follows: 12-1698. (a) Any tax levied and collected pursuant to K.S.A. 12-1697, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailers' sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, and the state treasurer shall credit 2% of all taxes so collected to the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county or city transient guest tax fund, which fund is hereby established. All moneys in the county or city transient guest tax fund shall be remitted at least quarterly by the state treasurer to the county or city treasurer of each county or city levying a transient guest tax under the provisions of this act in the proportion, as certified by the director of taxation, that the amount collected from such tax in each such county or city bears to the total amount collected from such taxes in all counties or cities for the period covered by the distribution.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax of any city located within any such county or of any county within which is located any such city, monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance

of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that such information may be divulged by any such clerk or treasurer to any financial officer designated to receive such information by the governing body of any such city or county.* Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) Except as otherwise provided in K.S.A. 12-1774, and amendments thereto, all such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion.

Sec. 3. K.S.A. 2000 Supp. 12-1694, as amended by section 50 of 2001 Senate Bill No. 15 and 12-1698, as amended by section 51 of 2001 Senate Bill No. 15, are hereby repealed.

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

In the title, in line 12, by striking “sales and”; in line 14, by striking “12-189.”; in line 15, by striking “12-1694 and 12-1698” and inserting “12-1694, as amended by section 50 of 2001 Senate Bill No. 15, and 12-1698, as amended by section 51 of 2001 Senate Bill no. 15”;

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

DAVID R. CORBIN

LYNN JENKINS

JANIS K. LEE

Conferees on part of Senate

JOHN T. EDMONDS

DAVID HUFF

BRUCE LARKIN

Conferees on part of House

On motion of Rep. Edmonds, the conference committee report on **HB 2007** was adopted.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Ruff, the House concurred in Senate amendments to **HB 2599**, An act concerning wildlife and parks; relating to the powers and duties of the secretary of wildlife and parks; relating to sport shooting ranges; relating to commercial guide services; concerning reports of disposition of certain prosecutions; amending K.S.A. 32-964 and 32-1054 and K.S.A. 2000 Supp. 21-4619 and repealing the existing sections; also repealing K.S.A. 32-964, as amended by section 2 of 2001 House Bill No. 2098, K.S.A. 32-1054, as

amended by section 3 of 2001 House Bill No. 2098, and K.S.A. 2000 Supp. 21-4619, as amended by section 1 of 2001 House Bill No. 2098.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 95; Nays 28; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Swenson, Tafanelli, Tanner, Thimesch, Toplikar, Vickrey, Weber, Wilk, J. Williams, Wilson.

Nays: Alldritt, Benlon, Burroughs, Campbell, Cox, Crow, Flora, Hermes, Huff, Kirk, Kline, Lane, Light, Loyd, Newton, Patterson, Pauls, E. Peterson, Pottorff, Ray, Reardon, Rehorn, Storm, Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Henry, D. Williams.

REPORTS OF STANDING COMMITTEES

The Committee on **Ethics and Elections** recommends **SB 9** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 9," as follows:

"HOUSE Substitute for SENATE BILL No. 9

By Committee on Ethics and Elections

"AN ACT concerning the joint committee on corrections and juvenile justice oversight; relating to the membership thereof; amending K.S.A. 46-2801 and repealing the existing section."; and the substitute bill be passed.

(H. Sub. for **SB 9** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 201, by Representative Hermes, congratulating Ted Roberts as a delegate to the 2001-2002 Kansas Silver-Haired Legislature;

Request No. 202, by Representative Hermes, congratulating Oren and Laura Gardner on their 57th Wedding Anniversary;

Request No. 203, by Representative Hermes, congratulating Tom and Karen Seele on their 30th Wedding Anniversary;

Request No. 204, by Representative Hermes, congratulating Ron and Peggy Mikkelsen on their 7th Wedding Anniversary;

Request No. 205, by Representatives Compton and Grant, congratulating Billy M. Norris on his retirement as superintendent of Yates Center High School;

Request No. 206, by Representative E. Peterson, in memory of Ernest J. Hawkins;

Request No. 207, by Representative E. Peterson, congratulating Rick and Gail Kuehl for receiving the Laurence L. Stanton Friend of Education Award;

Request No. 208, by Representative E. Peterson, congratulating Victor Joel Frederking on attaining the rank of Eagle Scout;

Request No. 209, by Representative Wilson, commending Jerry and Gloria Pinkney for their involvement with the 12th annual Young Author's Conference;

Request No. 210, by Representative Wilson, commending Dr. Susan Knell, for serving as coordinator of the 12th annual Young Author's Conference;

Request No. 211, by Representative McKinney, congratulating James de Wit on his 100th birthday;

Request No. 212, by Representative E. Peterson, congratulating Roger Brannan, Wayne L. Comer, Thomas Gilmore, Margaret Kilpatrick, E. May (Pat) Lindquist, Norman D. (Don) Miller, John Andrew (Andy) Tompkins on their induction into the Kansas Teachers' Hall of Fame;

Request No. 213, by Representative Levinson, extending best wishes to Richard Klein for continuing good health;

Request No. 214, by Representative Jim Morrison, congratulating Don Crumbaker on his induction into the Kansas Teachers' Hall of Fame;

Request No. 215, by Representative Compton, honoring Celia Harris, Janie Sue Roberts and Tony Tabares on their retirement from USD 484;

Request No. 216, by Representative Sloan, congratulating Brandon Sublette on attaining the rank of Eagle Scout;

Request No. 217, by Representative Sloan, commending Franklin Bidinger on helping rid Clinton Reservoir of mosquitoes;

Request No. 218, by Representatives Dahl, Stone, Humerickhouse, P. Long and Weber, congratulating Dale Davis on receiving the 2001 Distinguished Citizen Award from the Jayhawk Area Council of the Boy Scouts of America;

Request No. 219, by Representative Wilson, congratulating Pittsburg Middle School Technology Student Association on winning the traveling leadership award for sportsmanship;

Request No. 220, by Representative Hermes, congratulating Chris Courtwright on his election to the Carbondale City Council;

Request No. 221, by Representative Hermes, congratulating Washburn Rural Alternative High School Class of 2001;

Request No. 222, by Representative E. Peterson, congratulating Don E. Crumbaker and Joseph Harder on being designated Friends of Education by the Kansas Teachers' Hall of Fame;

Request No. 223, by Representative O'Brien, commending Susan Jack as founder of Hands on Parsons;

Request No. 224, by Representative E. Peterson, congratulating Jeremy Webb on attaining the rank of Eagle Scout;

Request No. 225, by Representative Phelps, honoring David F. Gross on his promotion to the rank of Brigadier General, United States Army;

Request No. 226, by Representative T. Powell, commending Kristin Shaw on her contribution as an intern to the 2001 Kansas Legislature;

Request No. 227, by Representative Benlon, commending Jeffrey Bishop for his bringing out the best in young adults;

Request No. 228, by Representative Hermes, congratulating Mark and Wendy Harms on the birth of their son;

Request No. 229, by Representative Henderson, congratulating Mark Allen Clark, Christopher Robinson, Stephan Robinson, Porsche Nate§ Williams, Kieran Jene§e Lindsey as First Baptist Church of Quindaro's graduating seniors;

Request No. 230, by Representative Hermes, congratulating Stefan Jensen on attaining the rank of Eagle Scout;

Request No. 231, by Representative Levinson, congratulating Hannah G. Bergmen on her 100th birthday;

Request No. 232, by Representative Hermes, commending Joyce Martin, Julie Amos, Tom Denman on their appointment to the USD 437 school board;

Request No. 233, by Representative Hermes, commending James Schoonover on being named Master Teacher of Washburn Rural High School;

Request No. 234, by Representative Hermes, commending Kevin Hedberg on being named Secondary Teacher of Washburn Rural High School;

Request No. 235, by Representative Hermes, commending Dana Stout on being named Elementary Teacher of the Year at Indian Hills Elementary School;

Request No. 236, by Representative Hermes, commending Bob Gladfelter on being named distinguished classified staff award recipient as Washburn Rural High School Assistant Principal;

Request No. 237, by Representative Hermes, commending Jim Allen for his outstanding service as bus driver for USD 437;

Request No. 238, by Representative Hermes, commending Reene Wittenbach for her outstanding service as Washburn Rural High School secretary;

Request No. 239, by Representative Hermes, commending Howard Shuler for his service to Auburn Washburn School District #437;

Request No. 240, by Representative Kauffman, congratulating Dayne Bacon, Brad Blackburn, Kelly Simms for attaining the rank of Eagle Scout;

Request No. 241, by Representative McKinney, congratulating Ethel Barker on her 100th birthday;

Request No. 242, by Representative Loyd, congratulating Chahn Nanthavongdouangsy on attaining the rank of Eagle Scout;

Request No. 243, by Representative Loyd, congratulating Wallace and Florence Wilson on their 60th Wedding Anniversary;

Request No. 244, by Representatives Holmes, Sloan and McClure, commending Lynne Holt for her service as a member of the Legislative Research Staff;

Request No. 245, by Representative Glasscock, congratulating Topeka High School Marine Junior ROTC for winning the Commanders' Trophy and first place trophy for Exhibition Drill With Weapons;

Request No. 246, by Representative Ballard, congratulating Grant Van Blaricum on attaining the rank of Eagle Scout;

Request No. 247, by Representative Pauls, congratulating Dayne Bacon on attaining the rank of Eagle Scout;

Request No. 248, by Representative Sloan, congratulating David Chase Parkinson on attaining the rank of Eagle Scout;

Request No. 249, by Representative Novascone, congratulating the Wichita State University Men's Golf Team for winning the 2001 Missouri Valley conference title;

Request No. 250, by Representative L. Powell, congratulating members of the academic all-state honorable mention team;

Request No. 251, by Representative Dahl, honoring Bennie and Irma Koop on their 50th wedding anniversary;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Weber, the committee report was adopted.

MESSAGES FROM THE GOVERNOR

HB 2029, HB 2068, HB 2106, HB 2083; S. Sub. for HB 2155 approved on May 4, 2001.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. T. Powell moved, pursuant to House Rule 2303, that the House reconsider its action in not adopting the conference committee report on **S. Sub. for HB 2154** (see previous action). The motion prevailed.

The question then reverted back to the motion to adopt the conference committee report on **S. Sub. for HB 2154**. Rep. T. Powell offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The motion prevailed.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 322**, 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.

KENNY A. WILK
LLOYD A. STONE
JOE SHRIVER
Conferees on part of House

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

On motion of Rep. Wilk, the conference committee report on **H. Sub. for SB 322** was adopted.

Speaker Glasscock thereupon appointed Reps. Wilk, Stone and Shriver as second conferees on the part of the House.

The House stood at ease until the sound of the gavel.

Speaker Glasscock called the House to order.

On motion of Rep. Weber, the House recessed until 5:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Aurand in the chair.

On motion of Rep. Weber, the House recessed until 6:30 p.m.

EVENING SESSION

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2283**, 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.

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

KENNY A. WILK
MELVIN NEUFELD
ROCKY NICHOLS
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **HB 2283** was adopted.

Speaker Glasscock thereupon appointed Reps. Wilk, Neufeld and Nichols as second conferees on the part of the House.

Rep. Ballou moved that the House adjourn until 10:30 a.m. on Saturday, May 5, 2001. The motion did not prevail.

On motion of Rep. Weber, the House recessed until 8:30 p.m.

NIGHT SESSION

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 45**.

The Senate adopts conference committee report on **SB 138**.

The Senate adopts conference committee report on **SB 195**.

The Senate adopts conference committee report on **SB 205**.

The Senate adopts conference committee report on **SB 263**.

The Senate adopts conference committee report on **HB 2084**.

The Senate adopts conference committee report on **HB 2200**.

The Senate adopts conference committee report on **HB 2275**.

The Senate adopts conference committee report on **HB 2508**.

The Senate adopts the conference committee report to agree to disagree on **H. Sub. for SB 322**, requests a new conference committee be appointed, and has appointed Senators Morris, Adkins and Feleciano as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2017**, requests a new conference committee be appointed, and has appointed Senators Morris, Adkins and Feleciano as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2034**, requests a new conference committee be appointed, and has appointed Senators Brownlee, Emler and Barone as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2154** and has appointed Senators Vratil, Pugh and Goodwin as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, 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 2084**, **HB 2200**, **HB 2275**, **HB 2397**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2084**, 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 15 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 37 and inserting:

“Section 1. K.S.A. 21-3610 is hereby amended to read as follows: 21-3610. (a) Furnishing alcoholic liquor *or cereal malt beverage* to a minor is directly or indirectly, selling to, buying for, giving or furnishing any alcoholic liquor *or cereal malt beverage* to any minor.

(b) *Except as provided by subsections (d) and (e)*, furnishing alcoholic liquor *or cereal malt beverage* to a minor is a class B person misdemeanor for which the minimum fine is \$200.

(c) (1) *Except as provided by paragraph (2) of this subsection*, as used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto.

(2) *As used in this section*, “*cereal malt beverage*,” “*retailer*” and “*legal age for consumption of cereal malt beverage*” have the meanings provided by K.S.A. 41-2701, and amendments thereto.

(d) It shall be a defense to a prosecution under this section if: (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; (2) the defendant sold the alcoholic liquor *or cereal malt beverage* to the minor with reasonable cause to believe that the minor was 21 or more years of age *or of legal age for the consumption of alcoholic liquor or cereal malt beverage*; and (3) to purchase

the alcoholic liquor, ~~the minor or cereal malt beverage, the person~~ exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age ~~or of legal age for the consumption of alcoholic liquor or cereal malt beverage.~~

(e) ~~This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.~~

Sec. 2. K.S.A. 41-204 is hereby amended to read as follows: 41-204. ~~(a) No person shall be appointed director who is not a citizen of the United States and who has not resided in the state of Kansas successively for five years immediately preceding the date of appointment.~~

~~(b) No person shall be appointed deputy director who is not a citizen of the United States and who has not resided in the state of Kansas successively for two years immediately preceding the date of appointment.~~ (a) Any person appointed as director and all employees of the division shall be citizens of the United States and residents of the state of Kansas.

~~(c) (b)~~ No person shall be appointed director or deputy director if such person has been convicted of a felony or of any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor or cereal malt beverages, has paid a fine or penalty in settlement in any prosecution against such person in any violation of such laws or has forfeited bond to appear in court to answer charges for any such violation.

~~(d) (c)~~ No person appointed director, ~~deputy director or agent or employee of the director may or any employee of the division may have,~~ directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, ~~have~~ any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom, nor have any interest whatsoever in the purchases or sales made by the persons authorized by this act, or to purchase or to sell alcoholic liquor. ~~None of the provisions of~~ *Nothing in* this subsection shall prevent a person subject to this subsection from purchasing and keeping in the person's possession for the use of the person or the person's family or guests any alcoholic liquor which may be purchased or kept by any person by virtue of this act.

Sec. 3. K.S.A. 41-311, as amended by section 1 of 2001 Senate Bill No. 178 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least $\frac{3}{4}$ of the period for which the license is to be issued; ~~or~~

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license; ~~or~~

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

~~(13)~~ (14) who does not provide any data or information required by section 2 of 2001 Senate Bill No. 178, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages;

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative

to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license; or

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery;

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), ~~(d)(4)~~; (f)(1) and ~~(f)(2)~~, (f)(2) and section 2 of 2001 Senate Bill No. 178, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. K.S.A. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9) ~~or (12)~~, (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 5. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.

(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.

(3) A person who is not of good character and reputation in the community in which the person resides.

(4) A person who is not a citizen of the United States.

(5) A person who, within two years immediately preceding the date of application, has been convicted of a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(9) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(10) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(10) shall not apply in determining eligibility for a renewal license.

(11) *A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.*

(c) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

Sec. 6. K.S.A. 21-3610, 21-3610a, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 are hereby repealed.”;

Re-number Section 5 as Section 7;

Also on page 4, in line 39, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, by striking all in lines 10 through 12 and inserting the following: “AN ACT concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 21-3610, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 and repealing the existing sections; also repealing K.S.A. 21-3610a.”;

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL

WARD LOYD

JANICE L. PAULS

Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2084** was adopted.

On roll call, the vote was: Yeas 104; Nays 20; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Flaherty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Burroughs, Crow, Edmonds, Findley, Flora, Garner, Glasscock, Henderson, Kirk, Klein, M. Long, Mayans, Reardon, Rehorn, Sharp, Spangler, Storm, Tomlinson, Winn.

Present but not voting: None.

Absent or not voting: Thimesch.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2200**, 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 6, in line 29, by striking the comma and inserting "or"; also in line 29, by striking "underground natural gas storage fa-"; in line 30, by striking "cility" and inserting "for underground porosity storage of natural gas";

On page 10, in line 11, following "or" by inserting "underground porosity storage of"; in line 12, by striking all preceding "is"; in line 16, by striking "natural gas storage facility" and inserting "underground porosity storage"; in line 19, by striking "natural gas storage facility" and inserting "underground porosity storage of natural gas"; in line 21, following the period, by inserting "Upon completion of activities on such land, such agent shall restore the premises to the original contour and condition as nearly as practicable."; in line 29, following "(a)" by inserting "As used in this section, K.S.A. 65-171d and sections 10 through 14, and amendments thereto:

(1) "Secretary" means the secretary of health and environment.

(2) "Underground porosity storage" means the storage of hydrocarbons in underground, porous and permeable geological strata which have been converted to hydrocarbon storage. (b)";

Also on page 10, in line 30, by striking "the soil and waters of"; in line 31, by striking all before the comma and inserting "preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state"; in line 36, by striking all following "hydrocarbons"; by striking all in line 37 and inserting ", other than natural gas in underground porosity storage; and"; in line 39, by striking "; and"; by striking all in line 40; in line 41, by striking all before the period; in line 42, by striking "(b)" and inserting "(c)";

On page 11, in line 8, by striking "(d)" and inserting "(f)"; in line 10, by striking "(c)" and inserting "(d)"; also in line 10, by striking "of health and environment"; in line 15, by striking the semicolon and inserting ", other than natural gas in underground porosity storage; and"; in line 17, by striking the semicolon; by striking all in line 18; in line 19, by striking all

preceding the period; in line 20, by striking "of"; in line 21, by striking all preceding "shall"; in line 26, by striking "(d)" and inserting the following:

"(e) The secretary or the secretary's duly authorized representative may impose on any holder of a permit issued pursuant to this section such requirements relating to inspecting, monitoring, investigating, recording and reporting as the secretary or representative deems necessary to administer the provisions of this section and rules and regulations adopted hereunder.

(f)";

Also on page 11, in line 31, by striking "(e)" and inserting "(g)"; also in line 31, by striking "of health and environment"; in line 33, by striking "such"; also in line 33, preceding the period, by inserting "pursuant to this section"; in line 34, by striking "(f)" and inserting "(h)"; in line 42, by striking the comma;

On page 12, by striking all in lines 2 through 4 and inserting:

"(3) Rules and regulations adopted under paragraph (3) of subsection (a) shall be adopted on or before July 1, 2003.

(i) No hydrocarbon storage shall be allowed in any underground formation if water within the formation contains less than 5,000 milligrams per liter chlorides.";

Also on page 12, by striking all in line 7; in line 8, by striking all preceding the period and inserting "provisions of sections 9 through 11, and amendments thereto"; also in line 8, by striking "of"; in line 9, by striking all preceding "in"; in line 10, following the period, by beginning a new paragraph and inserting "(2)"; also in line 10, by striking all following "secretary"; in line 11, by striking all preceding "as"; also in line 11, following "appropriations" by inserting "for the purposes of sections 9 through 11, and amendments thereto."; in line 16, following the period, by inserting "The secretary is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of sections 9 through 11, and amendments thereto.

(3)";

Also on page 12, by striking all in lines 20 through 26;

On page 13, in line 3, by striking all following "the"; in line 4, by striking all preceding the semicolon and inserting "provisions of sections 9 through 11, and amendments thereto"; in line 13, by striking all following "secretary"; in line 14, by striking all preceding "or"; in line 34, following "(c)" by inserting "Whenever the secretary or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from underground storage of liquid petroleum gas and hydrocarbons, other than natural gas in underground porosity storage, the secretary or the secretary's duly authorized agents shall issue an order prohibiting such underground storage. Any person aggrieved by such order may request in writing, within 15 days after service of the order, a hearing on the order. Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d)";

Also on page 13, following line 36, by inserting the following:

"New Sec. 12. (a) For the purposes of this section:

(1) "Person legally responsible" includes, but is not limited to: (A) Any current or former operator of the well, or successor, who has: (i) Knowingly abandoned the well; (ii) caused the pollution or hazard, or threat of pollution or hazard, by intentionally altering or tampering with the well; or (iii) assumed legal responsibility by written agreement or contract; and (B) any current or former owner of the well who is or was in the business of producing salt.

(2) "Salt solution mining well" means a well which has been drilled into subsurface saline or salt bearing deposits for the recovery of either existing brines or brines which are formed by the injection of water to dissolve such deposits.

(3) A salt solution mining well shall be deemed abandoned if no person is legally responsible for causing the pollution or hazard, or threat of pollution or hazard, or if the person legally responsible is dead, is no longer in existence, is adjudicated to be insolvent or cannot be found.

(b) If the secretary finds that the location or construction, or both, of an abandoned salt solution mining well causes or threatens to cause pollution of the land, air or waters of the state or is or threatens to become a hazard to persons, property or public health or safety, the secretary may, in addition to any other remedy provided by law:

(1) After completion of an investigation: (A) Order any person who is legally responsible for causing the pollution or hazard, or threat of pollution or hazard, to take such remedial action as will remove the pollution or hazard, or threat of pollution or hazard, including, but not limited to, plugging such well; or (B) as funds are available, provide for the plugging of the well and order assessment of the costs to the legally responsible person; or

(2) after completion of an investigation and as funds are available, provide for the plugging of the well, if abandoned, in a manner that remediates the pollution or hazard, whether threatened or actual.

New Sec. 13. (a) There is hereby created in the state treasury the salt solution mining well plugging fund. Such fund shall be administered by the secretary in accordance with the provisions of this section and section 12, and amendments thereto.

(b) All moneys received by the secretary as grants, gifts, bequests or state or federal appropriations for the purposes of section 12, and amendments thereto, shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the salt solution mining well plugging fund. The secretary is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of section 12, and amendments thereto.

(c) Moneys in the salt solution mining well plugging fund shall be expended only for the purpose of investigating and plugging wells, identifying responsible parties and otherwise administering the provisions of section 12, and amendments thereto.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the salt solution mining well plugging fund interest earnings based on:

(1) The average daily balance of moneys in the salt solution mining well plugging fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(e) All expenditures from the salt solution mining well plugging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person designated by the secretary for the purposes set forth in this section.”;

By renumbering sections accordingly;

Also on page 13, in line 39, by striking all following “secretary”; in line 40, by striking all preceding “or”; in line 42, by striking all preceding “section”; also in line 42, following “9” by inserting “or 12”;

On page 14, in line 5, by striking all following “pollution”; by striking all in line 6; in line 7, by striking all preceding the period, and inserting “, over which the secretary has jurisdiction pursuant to sections 9 through 11, and amendments thereto, or to plug any well as authorized by section 12, and amendments thereto”; in line 9, by striking “. Any agent” and inserting “or to investigate and plug such well. Any representative”; also in line 9, by striking all following “conduct”; in line 10, by striking all preceding “shall” and inserting “such clean-up or well-plugging”; in line 12, following the period, by inserting “Upon completion of activities on such land, such representative shall restore the premises to the original contour and condition as nearly as practicable.”; by striking all in lines 13 through 19; in line 31, by striking “Control” and inserting “Protect the soil and waters of the state from pollution resulting from underground storage of liquid petroleum gas and hydrocarbons, other than underground porosity storage of natural gas; (2) control”; in line 35, by striking “(2)” and inserting “(3)”;

On page 16, in line 28, by striking all following “find”; by striking all in lines 29 and 30; in line 31, by striking all preceding “that”; in line 32, following “pond” by inserting “not regulated by the state corporation commission”; in line 35, by striking all following “such”;

in line 36, by striking all preceding the period and inserting "storage or disposal of salt water or refuse";

On page 20, in line 38, by striking all following "underground" and inserting "porosity storage of natural gas, as defined in section 17, and amendments thereto;";

On page 21, in line 35, preceding "On" by inserting "(a)"; in line 36, by striking "the"; in line 37, preceding "storage" by inserting "porosity"; also in line 37, by striking all following "gas"; in line 38, by striking all preceding the period; in line 40, following "underground" by inserting "porosity storage of"; also in line 40, by striking all following "gas"; in line 41, by striking "operations"; also in line 41, following "such" by inserting "underground porosity storage of"; in line 42, by striking all preceding the period;

On page 22, in line 1, by striking all following "abandoning"; in line 2, by striking all preceding the period and inserting "underground porosity storage of natural gas"; in line 3, by striking all preceding the comma and inserting the following:

"(b) No hydrocarbon storage shall be allowed in any underground formation if water within the formation contains less than 5,000 milligrams per liter chlorides.

(c) The provisions of K.S.A. 55-162 and 55-164";

Also on page 22, in line 5, by striking all following "to" and inserting "this section.

(d) As used in this section and K.S.A. 55-150, 55-155, 55-182 and 74-623, and amendments thereto, "underground porosity storage" means the storage of hydrocarbons in underground, porous and permeable geological strata which have been converted to hydrocarbon storage.";

By renumbering sections accordingly;

Also on page 22, in line 7, by striking "All deposits" and inserting:

"(b) All moneys received by the state corporation commission as grants, gifts, bequests or state or federal appropriations for the purposes of section 17, and amendments thereto, shall be remitted by the commission to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the natural gas underground storage fee fund. The commission is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of section 17, and amendments thereto.

(c) All moneys";

Also on page 22, in line 10, by striking "sections 15 and 16" and inserting "section 17"; in line 20, by striking "(b)" and inserting "(d)"; in line 28, by striking "(c)" and inserting "(e)"; after line 41, by inserting:

"Sec. 19. K.S.A. 2000 Supp. 55-150 is hereby amended to read as follows: 55-150. As used in this act unless the context requires a different meaning:

(a) "Commission" means the state corporation commission.

(b) "Contractor" means any person who acts as agent for an operator as a drilling, plugging, service rig or seismograph contractor in such operator's oil and gas, cathodic protection, gas gathering or underground natural gas storage operations.

(c) "Fresh water" means water containing not more than 1,000 milligrams per liter, total dissolved solids.

(d) "Gas gathering system" means a natural gas pipeline system used primarily for transporting natural gas from a wellhead, or a metering point for natural gas produced by one or more wells, to a point of entry into a main transmission line, but shall not mean or include: (1) Lead lines from the wellhead to the connection with the gathering system which are owned by the producing person; and (2) gathering systems under the jurisdiction of the federal energy regulatory commission.

(e) "Operator" means a person who is responsible for the physical operation and control of a well, gas gathering system or underground ~~porosity storage of natural gas storage facility~~.

(f) "Person" means any natural person, partnership, governmental or political subdivision, firm, association, corporation or other legal entity.

(g) "Rig" means any crane machine used for drilling or plugging wells.

(h) "Underground porosity storage" has the meaning provided by section 17, and amendments thereto.

(i) "Usable water" means water containing not more than 10,000 milligrams per liter, total dissolved solids.

⊕ (j) "Well" means a hole drilled or recompleted for the purpose of:

- (1) Producing oil or gas;
- (2) injecting fluid, air or gas in the ground in connection with the exploration for or production of oil or gas;
- (3) obtaining geological information in connection with the exploration for or production of oil or gas by taking cores or through seismic operations;
- (4) disposing of fluids produced in connection with the exploration for or production of oil or gas;
- (5) providing cathodic protection to prevent corrosion to lines; or
- (6) injecting or withdrawing natural gas.;

By renumbering sections accordingly;

Also on page 22, in line 42, after "Supp." by inserting "55-150,";

In the title, in line 15, by striking "oil and gas" and inserting "hydrocarbons; providing for regulation of underground storage thereof; prohibiting certain acts and providing penalties for violations; relating to disposition of certain fees"; also in line 15, after "Supp." by inserting "55-150,";

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

STAN CLARK
DAVE KERR
JIM BARONE
BOB LYON
JAY SCOTT EMLER

Conferees on part of Senate

JOANN LEE FREEBORN
CARL DEAN HOLMES
WARD LOYD
LAURA MCCLURE
VAUGHN L. FLORA

Conferees on part of House

On motion of Rep. Freeborn, the conference committee report on **HB 2200** was adopted.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aurand, Burroughs, Henderson, Neufeld, Schwartz, Tomlinson, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Thimesch.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2275**, 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 1, by striking all after line 28;

By striking all of pages 2 through 35 and inserting in lieu thereof the following:

“Section 1. K.S.A. 2000 Supp. 65-1904 is hereby amended to read as follows: 65-1904.

(a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant’s understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant’s understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. ~~The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.~~

(b) Any cosmetologist’s, cosmetology technician’s, esthetician’s, electrologist’s or manicurist’s license may be renewed by the applicant within six months after the date of expiration of the applicant’s last license upon submission of proof, satisfactory to the board, of the applicant’s qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist has expired for more than six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license application fee, for two years—not more than.....	\$60
Cosmetologist license renewal fee	60
Delinquent cosmetologist renewal fee	25
Cosmetology technician license renewal fee, for two years—not more than	35
Delinquent cosmetology technician renewal fee	25
Electrologist license application fee, for two years—not more than	35
Electrologist license renewal fee	35
Delinquent electrologist renewal fee.....	25

Manicurist license application fee, for two years—not more than	30
Manicurist license renewal fee	30
Delinquent manicurist renewal fee	25
Esthetician license application fee, for two years—not more than	30
Esthetician license renewal fee	30
Delinquent esthetician renewal fee	25
Any apprentice license application fee—not more than	15
New school license application fee	150
School license renewal fee—not more than	75
Delinquent school license fee—not more than	50
New cosmetology services salon or electrology clinic license application fee—not more than	50
Cosmetology services salon or electrology clinic license renewal fee—not more than	30
Delinquent cosmetology services salon or electrology clinic renewal fee	30
Cosmetologist's examination—not more than	50
Electrologist's examination—not more than	50
Manicurist's examination—not more than	50
Esthetician examination—not more than	50
Instructor's examination—not more than	75
Reciprocity application fee—not more than	50
Verification of licensure	20
Any duplicate of license	25
Instructor's license application fee, for two years—not more than	75
Renewal of instructor's license fee	50
Delinquent instructor's renewal fee—not more than	75
Temporary permit fee	15
Statutes and regulations book	5

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the nonrefundable renewal fee for the current year during which the person has been discharged on and after July 1, 1996[.]

~~(g) Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist or a manicurist and whose license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon payment of the applicable delinquent renewal fee.~~

~~(g)~~ (g) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board, such person may obtain a license which does not indicate inactive status.

~~(h)~~ (h) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person's license to practice.

Sec. 2. K.S.A. 2000 Supp. 65-1940 is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- (a) "Board" means the Kansas state board of cosmetology.
- (b) "Director" means the executive director of the board.
- (c) "Department" means the department of health and environment.
- (d) "Secretary" means the secretary of health and environment.
- (e) "Licensed permanent color technician and tattoo artist" means a person licensed under this act to practice tattooing or permanent color technology, or both.
- (f) "Permanent color technician and tattoo artist" means a person who practices tattooing or permanent color technology, or both pursuant to this act.
- (g) "Body piercing" means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting *removable* jewelry or other objects ~~in or~~ through the human body, except puncturing the external part of the human ~~ear~~ earlobe shall not be included in this definition. *This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.*
- (h) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.
- (i) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.
- (j) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.
- (k) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.
- (l) "Body piercing facility" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.
- (m) "Permanent color technology" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 3. K.S.A. 2000 Supp. 65-1941 is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the board. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the board. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a physician, a person under the control and supervision of a physician, a *licensed* dentist, a person under the control and supervision of a *licensed* dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual's body or any other person specifically permitted to use electrolysis or tattooing by law.

- (b) *Violation of subsection (a) is a class A nonperson misdemeanor.*
- (c) *The board may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The board may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.*
- (d) *The board may order the remedying of any violations of rules and regulations of the board or any provision of this act and the board may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board, any rules and regulations of the board or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.*

Sec. 4. K.S.A. 2000 Supp. 65-1942 is hereby amended to read as follows: 65-1942. (a) No person shall:

- ~~(a)~~ (1) Sell, barter or offer to sell or barter a license;
- ~~(b)~~ (2) purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice tattooing or body piercing;
- ~~(c)~~ (3) alter materially a license with fraudulent intent;
- ~~(d)~~ (4) use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered; or
- ~~(e)~~ (5) willfully make a false, material statement in an application for licensure or for renewal of a license.

(b) *A violation of subsection (a) is a class A nonperson misdemeanor.*

Sec. 5. K.S.A. 2000 Supp. 65-1953 is hereby amended to read as follows: 65-1953. No person shall perform body piercing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given is granted by a guardian, shall be retained by the person administering such body piercing or tattooing for a period of five years. Violation of this section is a class C A misdemeanor.

Sec. 6. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- ~~(a)~~ "Board" means the Kansas state board of cosmetology.
- ~~(b)~~ "Director" means the executive director of the board.
- ~~(c)~~ "Department" means the department of health and environment.
- ~~(d)~~ (b) "Secretary" means the secretary of health and environment.
- ~~(e)~~ (c) "Licensed permanent color technician and tattoo artist" means a person licensed under this act to practice tattooing or permanent color technology, or both.
- ~~(f)~~ (d) "Permanent color technician and tattoo artist" means a person who practices tattooing or permanent color technology, or both pursuant to this act.
- ~~(g)~~ (e) "Body piercing" means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except puncturing the external part of the human earlobe shall not be included in this definition. This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.
- ~~(h)~~ (f) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.
- ~~(i)~~ (g) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.
- ~~(j)~~ (h) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.
- ~~(k)~~ (i) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.
- ~~(l)~~ (j) "Body piercing facility" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.
- ~~(m)~~ (k) "Permanent color technology" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 7. On July 1, 2002, K.S.A. 2000 Supp. 65-1941, as amended by section 2 of this act, is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the ~~board~~ secretary. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the ~~board~~ secretary. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a

physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual's body or any other person specifically permitted to use electrolysis or tattooing by law.

(b) Violation of subsection (a) is a class A nonperson misdemeanor.

(c) The ~~board~~ secretary may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The ~~board~~ secretary may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.

(d) The ~~board~~ secretary may order the remedying of any violations of rules and regulations of the ~~board~~ secretary or any provision of this act and the ~~board~~ secretary may issue a cease and desist order upon ~~board~~ determination that the holder of a license has violated any order of the ~~board~~ secretary, any rules and regulations of the ~~board~~ secretary or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.

Sec. 8. On July 1, 2002, K.S.A. 2000 Supp. 65-1943 is hereby amended to read as follows: 65-1943. An applicant for licensure shall pay a fee established by rules and regulations adopted by the ~~board~~ secretary and shall show to the satisfaction of the ~~board~~ secretary that the applicant:

(a) Has complied with the provisions of this act and the applicable rules and regulations of the secretary;

(b) is not less than 18 years of age;

(c) has a high school diploma or equivalent education;

(d) has submitted evidence of completion of education or training prescribed and approved by the ~~board~~ secretary as follows:

(1) (A) A training program under the direct supervision of a licensed permanent color technician and tattoo artist in a state approved by the ~~board~~ secretary, or a person or school in this state designated by the ~~board~~ secretary, if the application is for a permanent color technician and tattoo artist license; or

(B) a training program under the direct supervision of a person licensed in a state approved by the ~~board~~ secretary or a person or school in this state designated by the ~~board~~ secretary if the application is for a license to perform body piercing; and

(2) if the license is applied for under either subpart (A) or (B), has passed an examination approved, administered or recognized by the ~~board~~ secretary.

Sec. 9. On July 1, 2002, K.S.A. 2000 Supp. 65-1944 is hereby amended to read as follows: 65-1944. (a) A person who holds a license shall notify the ~~board~~ secretary in writing of the regular address of the place or places where the person performs or intends to perform tattooing or body piercing and shall keep the license conspicuously posted in the place of business at all times.

(b) The ~~board~~ secretary shall keep a record of the place or places of business of each person who holds a license.

(c) Any notice required to be given by the ~~board~~ secretary to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the ~~board~~ secretary.

(d) The ~~board~~ secretary shall issue to each qualified applicant a license to operate a tattoo facility or a body piercing facility and to advertise permanent tattooing or body piercing services for which the facility is licensed.

Sec. 10. On July 1, 2002, K.S.A. 2000 Supp. 65-1945 is hereby amended to read as follows: 65-1945. (a) Except as otherwise provided in this section, a license issued under K.S.A. 2000 Supp. 65-1950 expires one year after the date of issue unless renewed by payment of the required renewal fee. The ~~board~~ secretary may vary the date of license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration of the license. If the license

expires, the license may be renewed on payment of a renewal fee and late penalty fee established by the ~~board~~ *secretary* under this act.

(b) The ~~board~~ *secretary* may suspend the license of any person who fails to renew. A suspended license may be reactivated upon the payment of a reactivation fee established by the ~~board~~ *secretary* under this act and all past unpaid renewal fees.

(c) A person applying for reactivation shall not be required to take an examination as a condition of reactivation if the reactivation occurs within three years after the date the license expired.

(d) All permanent color technicians, tattoo artists and persons who are licensed to perform body piercing must participate in continuing education, with guidelines and effective date to be established by rules and regulations of the ~~board~~ *secretary*.

Sec. 11. On July 1, 2002, K.S.A. 2000 Supp. 65-1946 is hereby amended to read as follows: 65-1946. Licensed practicing permanent color technicians and tattoo artists and persons who are licensed to perform body piercing shall meet the following standards and any others the ~~board~~ *secretary* may adopt by rules and regulations:

(a) Tattooing and body piercing instruments shall be sterilized in accordance with methods approved by rules and regulations of the ~~board~~ *secretary*; ~~and such rules and regulations shall be approved by the secretary before adoption or amendment~~ *secretary*;

(b) practicing permanent color technicians and tattoo artists and persons licensed to perform body piercing shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of five years.

Sec. 12. On July 1, 2002, K.S.A. 2000 Supp. 65-1947 is hereby amended to read as follows: 65-1947. The ~~board~~ *secretary* may revoke, suspend, refuse to issue a license or renewal or place on probation any licensee upon proof that a person or licensee:

(a) Has been convicted of a violation under K.S.A. 2000 Supp. 65-1942;

(b) has been convicted in this or any other state of a crime related to the practice of tattooing or body piercing;

(c) has knowingly misrepresented, misstated or failed to disclose personal qualifications or other information necessary to practice tattooing or body piercing in any communication to the ~~board~~ *secretary* or the department;

(d) has used, caused or promoted the use of any advertising matter, promotional literature, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive;

(e) has knowingly deceived the public by acting in a manner as to mislead clients as to the person's professional status;

(f) has employed directly or indirectly any suspended or unlicensed person to perform any tattooing or body piercing covered by this act;

(g) has permitted another person to use the license;

(h) has practiced tattooing or body piercing under a false, misleading or deceptive name;

(i) has failed, if a licensed permanent color technician and tattoo artist or if licensed to perform body piercing, to maintain a business address and telephone number at which the licensee may be reached during business hours;

(j) has failed, if a nonpracticing permanent color technician and tattoo artist or a person licensed to perform body piercing, to provide the ~~board~~ *secretary* with a home address and telephone number;

(k) has failed to properly and reasonably accept responsibility for the actions of employees;

(l) has practiced tattooing or body piercing with a mental or physical illness that affects ability to perform or endangers the public;

(m) has demonstrated gross incompetence in performing tattooing or body piercing; or

(n) has violated any of the provisions of this act or rules and regulations adopted by the ~~board~~ *secretary* pursuant to this act.

Sec. 13. On July 1, 2002, K.S.A. 2000 Supp. 65-1948 is hereby amended to read as follows: 65-1948. The powers and duties of the ~~board~~ *secretary* as related to this act are as follows:

(a) To authorize all disbursements necessary to carry out the provisions of this act;

- (b) to determine training and experience requirements for taking the examination and to supervise and administer examinations to test the knowledge of applicants for licensure;
- (c) to license persons who apply to the ~~board~~ *secretary* and who have qualified to practice tattooing or body piercing;
- (d) to rent facilities when necessary to carry out the examination of applicants for licensure;
- (e) to renew licenses;
- (f) to suspend or revoke licenses or place licensees on probation in the manner provided by this act;
- (g) to appoint representatives to conduct or supervise the examination of applicants for licensure;
- (h) to designate the time and place for examining applicants for licensure;
- (i) to carry out, ~~together with the department or separately,~~ the periodic inspection of facilities of persons who are licensed to practice tattooing or body piercing *and to enter into contracts for the performance of such inspections*;
- (j) to issue a tattoo facility license to qualified applicants upon compliance with this act;
- (k) to issue a body piercing facility license to qualified applicants upon compliance with this act; and
- (l) to appoint or employ subordinate employees.

Sec. 14. On July 1, 2002, K.S.A. 2000 Supp. 65-1949 is hereby amended to read as follows: 65-1949. (a) The ~~board~~ *secretary* shall adopt rules and regulations to prescribe education and training standards for the practice of tattooing and separate education and training standards for the licensure of body piercing.

(b) An applicant seeking licensure as a permanent color technician and tattoo artist or to be licensed to perform body piercing shall be required to demonstrate safety, sanitation and sterilization techniques by means of an inspection conducted by the ~~board~~ *secretary* to test the applicant's knowledge of infection control practices and requirements.

Sec. 15. On July 1, 2002, K.S.A. 2000 Supp. 65-1950 is hereby amended to read as follows: 65-1950. (a) The ~~board~~ *secretary* shall assess, by rules and regulations adopted by the ~~board~~ *secretary*, the following fees and any other fees necessary to carry out the provisions of this act:

- (1) Application fee;
- (2) examination fees;
- (3) reexamination fees;
- (4) reciprocity fee;
- (5) license fee;
- (6) license renewal fee, active and inactive;
- (7) late fee;
- (8) reactivation fee;
- (9) duplicate license fee;
- (10) demonstration permit;
- (11) tattoo facility fee and renewal fee, active or inactive; and
- (12) body piercing facility fee renewal fee.

(b) The ~~board~~ *secretary* shall license each applicant, without discrimination, who proves to the satisfaction of the ~~board~~ *secretary*, fitness for such licensure as required by this act and upon payment of a fee established by the ~~board~~ *secretary* under this section. Except as provided in K.S.A. 2000 Supp. 65-1945, the ~~board~~ *secretary* shall issue to the applicant a license that expires one year after the date of issuance.

(c) An applicant who is employed as a permanent color technician and tattoo artist on the day immediately preceding the effective *date* of this act shall be licensed by the ~~board~~ *secretary*, even though the applicant does not meet the training requirements of this act, so long as the applicant successfully passes an examination required by the ~~board~~ *secretary*.

(d) The ~~board~~ *secretary* shall establish all fees under this act. The fees and charges established under this section shall not exceed the cost of administering the regulatory program under this act pertaining to the purpose for which the fee or charge is established.

Sec. 16. On July 1, 2002, K.S.A. 2000 Supp. 65-1951 is hereby amended to read as follows: 65-1951. The ~~board, the director~~ *secretary* or a person authorized by the ~~board~~

secretary shall remit all moneys received by or for it from fees, charges or penalties under the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the ~~cosmetology~~ tattoo and body piercing fee fund.

Sec. 17. On July 1, 2002, K.S.A. 2000 Supp. 65-1954 is hereby amended to read as follows: 65-1954. (a) The ~~board~~ secretary, in addition to any other penalty prescribed under the act governing permanent color technicians and tattoo artists, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the ~~board~~ secretary in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

(b) In determining the amount of penalty to be assessed pursuant to this section, the ~~board~~ secretary may consider the following factors among others: (1) Willfulness of the violation; (2) repetitions of the violation; and (3) magnitude of the risk of harm caused by the violation.

(c) In addition to a civil penalty and costs, the ~~board~~ secretary may assess investigation and hearing costs against a licensee for proceedings which have resulted in a successful action by the ~~board~~ secretary against the license of the licensee under K.S.A. 2000 Supp. 65-1947 and amendments thereto.

(d) All civil fines assessed and collected under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the state general fund. All costs assessed under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the ~~cosmetology~~ tattoo and body piercing fee fund.

New Sec. 18. (a) On July 1, 2002, all of the powers, duties and functions of the state board of cosmetology and the position of executive director thereof which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to and imposed upon the secretary of health and environment.

(b) On and after July 1, 2002, whenever the state board of cosmetology or the executive director thereof are referred to or designated by this act, any other statute, rules and regulations, contract or other document, with reference to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, such reference or designation shall apply to the secretary of health and environment.

(c) All rules and regulations of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment under this act until revised, amended, revoked or nullified pursuant to law.

(d) All orders and directives of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be orders and directives of the secretary of health and environment under this act until revised, amended, or nullified pursuant to law.

(e) On July 1, 2002, all books, records and other property of the state board of cosmetology which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to the secretary of health and environment.

(f) On July 1, 2002, officers and employees who immediately prior to the effective date of this act were engaged in the exercise and performance of the powers, duties and functions which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, and who, in the opinion of the secretary of health and environment, are necessary to perform the powers, duties and functions transferred under this section shall become officers and employees of the department of health and environment. Any such officer or employee shall retain all retirement benefits and all rights of civil

service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(g) Whenever any conflict arises as to the proper disposition of any property or records as a result of any abolishment and transfer made under this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

Sec. 19. On July 1, 2002, K.S.A. 2000 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, which shall be composed of ~~seven~~ six members, appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large. Not more than four members shall be of the same political party. Four members shall be licensed cosmetologists; ~~one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer~~; and two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) ~~The terms of office of members of the board serving prior to the effective date of this act shall expire on the effective date of this act, but such members shall continue to serve until their successors are appointed and qualified as provided in this section.~~ Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties.

Sec. 20. K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1941, 65-1942, 65-1952 and 65-1953 are hereby repealed.

Sec. 21. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, 65-1941, as amended by section 2 of this act, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954 and 74-2701 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.":

On page 1, in the title, in line 12, by striking all after the semicolon; by striking all of line 13; in line 14, by striking all before "persons"; in line 16, before "amending" by inserting "transferring certain powers, duties and functions to the secretary of health and environment"; by striking all of lines 19 to 26, inclusive, and inserting in lieu thereof: "K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1940, as amended by section 1 of this act, 65-1941, 65-1941, as amended by section 2 of this act, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1953, 65-1954 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1952.";

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

SUSAN WAGLE

JIM BARNETT

DAVID HALEY

Conferees on part of Senate

GARRY BOSTON
 JAMES F. MORRISON
 JUDY SHOWALTER

Conferees on part of House

On motion of Rep. Boston, the conference committee report on **HB 2275** was adopted.

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, O'Brien, O'Neal, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tanner, Toelkes, Tomlinson, Toplikar, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Cook, Edmonds, Flora, Huebert, Hutchins, Lane, Light, Neufeld, Nichols, Novascone, Osborne, L. Powell, Powers, Pyle, Spangler, Swenson, Tafanelli, Vickrey, Weber, Welshimer.

Present but not voting: None.

Absent or not voting: Thimesch.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2508**, submits the following report:

The Senate recedes from all of its 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 19, after "Section 1.", by inserting "On and after July 1, 2001,";

On page 3, in line 9, after "Sec. 2.", by inserting "On and after July 1, 2001,"; in line 11, by striking "five" and inserting "10"; in line 21, by striking "certified"; in line 23, after "support", by inserting "that meets the requirements of subsection (h)"; in line 25, by striking "which is not less than five" and inserting "after 14"; in line 27, by striking "five" and inserting "seven";

On page 4, in line 29, by striking "certified"; in line 32, after the period, by inserting "As used in this section, "regular on its face" means a completed document in the standard format for any income withholding notice that has been adopted by the United States secretary of health and human services in a final rule or a certified copy of the income withholding order.";

On page 5, in line 32, after "ified", by inserting "on or before July 1, 2001,"; in line 35, by striking all after "shall"; by striking all of lines 36 and 37; in line 38, by striking all before the period and inserting "incorporate by reference the Kansas supreme court rule concerning official child support and maintenance records established pursuant to subsection (c)";

On page 6, in line 4, by striking "minimum" and inserting "a"; also in line 4, by striking "penalties" and inserting "penalty of \$100"; in line 6, by striking all after "assessed"; by striking all of line 7; in line 8, by striking all before the period; also in line 8, after the period, by inserting "Of the penalty, \$25 shall be allocated to the obligee and \$75 shall be allocated to the department of social and rehabilitation services.";

Also on page 6, in line 16, by striking "line"; in line 25, by striking all after "(6)"; by striking all of lines 26 through 30; in line 31, by striking "(7)"; in line 36, by striking "(8)" and inserting "(7)"; in line 38, before the period, by inserting "for new orders effective on and after January 1, 2002"; after line 39, by inserting the following:

“(c) The Kansas supreme court, by court rule, shall establish the procedure for the creation, maintenance and correction of official child support and maintenance records for use as official court records.”;

And by relettering the remaining subsections accordingly;

On page 7, in line 16, by striking all after “funds”; in line 17, by striking all before “which”; in line 22, by striking all after “(g)”; by striking all of lines 23 through 43;

On page 8, by striking all of line 1; in line 2, by striking “(h)”; in line 3, after “Sec. 4.” by inserting “On and after July 1, 2001.”; in line 13, after “Sec. 5.” by inserting “On and after July 1, 2001.”;

On page 10, in line 29, after “Sec. 6.” by inserting “On and after July 1, 2001.”;

On page 11, in line 4, before “Sec. 7.” by inserting “On and after July 1, 2001.”;

On page 12, in line 27, after the period, by inserting “The obligor shall file such written agreement with the court. The obligor shall maintain written evidence of the payment of the support obligation and, at least annually, shall provide such evidence to the court and the obligee.”;

On page 16, in line 39, after the period, by inserting “If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has made a determination concerning the manner of payment of child support, then maintenance payments shall be paid in the same manner.”;

On page 17, in line 25, after “Sec. 8.” by inserting “On and after July 1, 2001.”;

On page 18, in line 25, after “Sec. 9.” by inserting “On and after July 1, 2001.”;

On page 19, in line 10, by striking all after “(4)”; by striking all of line 11; in line 12, by striking “(5)”; also in line 12, by striking “75” and inserting “100”;

And by renumbering the remaining subsections accordingly;

Also on page 19, in line 14, by striking “25” and inserting “10”; in line 21, by striking all after “(10)”; in line 22, by striking “(11)”; after line 22, by inserting the following:

“(10) a representative of the office of judicial administration as an ex officio member;”

Also on page 19, in line 24, before the semicolon by inserting “as an ex officio member”; in line 39, before the period by inserting “and appoint a temporary chairperson to convene the initial meeting”;

On page 20, in line 20, after “commission” by inserting “duties”; also in line 20, after “shall” by inserting “include, but not be limited to”; in line 21, by striking “Recommend” and inserting “Recommending”; in line 25, by striking “recommend” and inserting “recommending”; in line 26, by striking “recommend” and inserting “recommending”; in line 29, by striking “present” and inserting “presenting”; in line 31, by striking “review” and inserting “reviewing and making nonbinding suggestions and recommendations to”; also in line 31, after “any” by inserting “current or proposed”; in line 32, after “is” by inserting “or may be”; also in line 32, by striking all after “unit”; in line 33, by striking all before the semicolon; by striking all of lines 34 through 37; in line 38, by striking “(7) monitor” and inserting “(6) monitoring”; in line 41, by striking “(8) monitor” and inserting “(7) monitoring”; also in line 41, after “all” by inserting “unmatched”; in line 42, after “of”, by inserting “unmatched”;

On page 21, in line 1, by striking “(9) monitor” and inserting “(8) monitoring”; in line 4, by striking “(10) monitor” and inserting “(9) monitoring”; also in line 4, by striking “and”; in line 5, by striking “(11) conduct” and inserting “(10) conducting”; in line 6, before the period, by inserting the following:

”;

(11) reviewing the nature and extent of direct payment orders by judicial district and report: (A) On the effectiveness of orders and any abuses occurring; and (B) on the impact on the court trustee system; and

(12) reviewing the income withholding provisions of the law and make recommendations to accelerate the timely receipt and payment of such withholdings”;

Also on page 21, in line 8, after “Sec. 11.” by inserting “On and after July 1, 2001.”;

On page 22, by striking all of lines 18 through 20; in line 21, after “Sec. 12.” by inserting “On and after July 1, 2001.”;

On page 25, in line 34, before the comma by inserting “providing for an alternative arrangement”; in line 42, after the period, by inserting “If child support and maintenance

payments are both made to an obligee by the same obligor, and if the court has determined that good cause has been shown that direct child support payments to the obligee may be made, then the court shall provide for direct maintenance payments to the obligee and no income withholding order shall be issued pursuant to subsection (b).”;

On page 26, in line 7, by striking “which shows” and inserting “if”; in line 9, by striking all after the stricken material; in line 10, by striking all before the period and inserting “in an amount equal to or greater than the amount of support payable for one month”; in line 13, by striking all after the stricken material; in line 14, by striking all before the comma and inserting “the amount of support payable for one month”; in line 24, by striking all after the stricken material; in line 25, by striking all before the comma and inserting “the amount of support payable for one month”;

On page 27, by striking all of lines 21 through 43;

On page 28, by striking all of lines 1 through 31 and inserting the following:

“Sec. 13. Section 130 of 2001 Senate Bill No. 57 is hereby amended to read as follows:

Sec. 130.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

State operations \$88,076,981

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants \$3,535,388

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Mental health and retardation services aid and assistance \$126,208,957

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That the secretary of social and rehabilitation services is authorized to refuse to enter into contracts with ICFs/MR: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to continue meeting with the directors of nursing facilities for mental health (NF/MN facilities) and the directors of community mental health centers and to develop a plan for reducing the reliance of the state on NF/MN facilities and to determine the number of individuals currently in care who are candidates for community based services: *And provided further*, That the secretary of social and rehabilitation services shall not decertify any beds prior to the plan being reviewed by the legislature during the regular session in 2002.

Kansas neurological institute—operating expenditures \$9,398,466

Provided, That any unencumbered balance in the Kansas neurological institute—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Kansas neurological institute—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are

hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital—operating expenditures..... \$9,716,548

Provided, That any unencumbered balance in the Larned state hospital—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Osawatomie state hospital—operating expenditures \$5,592,630

Provided, That any unencumbered balance in the Osawatomie state hospital—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Osawatomie state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomie state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center—operating expenditures \$6,201,974

Provided, That any unencumbered balance in the Parsons state hospital and training center—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Parsons state hospital and training center—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility—operating expenditures \$740,473

Provided, That any unencumbered balance in the Rainbow mental health facility—operating expenditures account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Rainbow mental health facility—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children's mental health initiative \$1,000,000

Provided, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Children's health insurance..... \$9,364,164

Provided, That any unencumbered balance in the children's health insurance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That any health maintenance organization which contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the HealthWave Program and also contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the PrimeCare Program may be eligible for enhanced funding under the Title XXI program.

Youth services aid and assistance..... \$58,603,619

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002 : *Provided further*, That the consensus estimating group for the department of social and rehabilitation services shall include foster care and adoption services in caseload estimates: *And provided further*, That expenditures shall be made from the youth services aid and assistance account in the amount of \$90,000 from the community funding program subaccount for a pilot project for 100 child welfare mediation cases in Wichita pursuant to a contract, which is hereby authorized and directed to be entered into by the secretary of social and rehabilitation services with a private contractor which shall provide \$30,000 of foundation funding for such project.

Vocational rehabilitation aid and assistance..... \$3,440,562

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance..... \$51,621,778

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Community based services \$36,834,437

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Other medical assistance \$238,878,004

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Sex predator program..... \$1,301,352

Provided, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund..... \$62,391,895

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments

under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund	\$984,781
Kansas neurological institute—foster grandparents program—federal fund	No limit
Kansas neurological institute—patient benefit fund	No limit
Kansas neurological institute—work therapy patient benefit fund	No limit
Larned state hospital fee fund	\$2,747,653
Larned state hospital—elementary and secondary education fund—federal	No limit
Larned state hospital—vocational education fund—federal	No limit
Larned state hospital—ECIA fund—federal	No limit
Larned state hospital—canteen fund	No limit
Larned state hospital—patient benefit fund	No limit
Larned state hospital—motor pool revolving fund	No limit
Osawatomie state hospital fee fund	\$3,245,715

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited to the credit of the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund for fiscal year 2002.

Osawatomie state hospital—ECIA fund—federal	No limit
Osawatomie state hospital—canteen fund	No limit
Osawatomie state hospital—patient benefit fund	No limit
Osawatomie state hospital—work therapy patient benefit fund	No limit
Osawatomie state hospital—motor pool revolving fund	No limit
Osawatomie state hospital—training fee revolving fund	No limit

Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited to the credit of the Osawatomie state hospital—training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Parsons state hospital and training center fee fund	\$997,177
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Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited to the credit of the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund for fiscal year 2002.

Parsons state hospital and training center—canteen fund	No limit
Parsons state hospital and training center—patient benefit fund	No limit
Parsons state hospital and training center—work therapy patient benefit fund	No limit
Rainbow mental health facility fee fund	\$761,965
Rainbow mental health facility—elementary and secondary education fund—federal	No limit
Rainbow mental health facility—patient benefit fund	No limit

Social services clearing fund..... No limit

Provided, That the secretary of social and rehabilitation services shall certify to the director of the budget on June 30, 2002, that expenditures from the social services clearing fund for state operations did not exceed \$275,765,005 for fiscal year 2002: *Provided, however*, That expenditures from the social services clearing fund for transfers or state operations for institutions under the control of the department of social and rehabilitation services shall be in addition to any expenditure limitation on the social services clearing fund: *Provided further*, That expenditures may be made from this fund for fiscal year 2002 pursuant to employment incentive programs which the secretary is hereby authorized to develop and enter into with public and private employers to provide an economic incentive to such employers to employ assistance recipients: *And provided further*, That any transfer made from this fund to another state agency pursuant to a contract with that agency shall be in addition to any expenditure limitations imposed on this fund.

Social welfare fund..... \$50,689,197

Provided, That any transfers of funds between the social welfare fund and state institutions made by the secretary of social and rehabilitation services during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That notwithstanding the provisions of K.S.A. 39-7,154 and amendments thereto, the child support collection pass-through payments are hereby eliminated for FY 2002 and no expenditures shall be made from the social welfare fund for payment of any amounts pursuant to K.S.A. 39-7,154 and amendments thereto: *And provided further*, That expenditures shall be made from the social welfare fund to pay for the third day of emergency shelter payments for law enforcement placements during fiscal year 2002.

Other state fees fund No limit

Provided, That expenditures shall be made from the social welfare fund for a grant in the amount of \$15,000 for the fetal alcohol syndrome project pursuant to a grant agreement that shall require a \$1 for \$1 match from the local contractor, that local funds shall be used for prevention services and that the contractor shall also provide all data and information required by the secretary of social and rehabilitation services to determine the effectiveness of the project.

Alcohol and drug abuse block grant federal fund \$11,193,076

Provided, That any transfers of moneys from the alcohol and drug abuse block grant federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child welfare services block grant federal fund \$5,471,777

Mental health block grant federal fund..... \$2,763,991

Social services block grant—federal fund..... \$23,044,036

Provided, That any transfers of moneys from the social services block grant—federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child care mandatory federal fund..... No limit

Provided, That any transfers from the child care mandatory federal fund to the department of health and environment during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Temporary assistance to needy families federal fund No limit

Child care matching federal fund No limit

Child care discretionary federal fund No limit

Disability determination services federal fund No limit

Food stamp assistance federal fund..... No limit

Foster care assistance federal fund No limit

Medical assistance federal fund No limit

Provided, That the secretary of social and rehabilitation services is hereby authorized and directed to apply for a medicaid waiver from the U.S. department of health and human services for a pilot project for not more than 300 children currently in the third grade who

are performing below average in school reading scores to be treated and receive services under an optometric vision therapy program that will be matched with state funding through the department of education provided in the grant to the Kansas optometric association for vision study account of the children's initiatives fund.

Rehabilitation services federal fund.....	No limit
Other federal grants and assistance fund	No limit
SRS enterprise fund	No limit
SRS trust fund	No limit

Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

Child support enforcement administration fund	No limit
Energy assistance block grant federal fund.....	No limit
Childrens health insurance federal fund.....	No limit
Family and children trust account—family and children investment fund.....	No limit
Children's initiatives accountability fund	\$0
Kansas insurance coverage for children fund.....	No limit
State medicaid match fund—SRS.....	\$12,300,000

(c) During the fiscal year ending June 30, 2002, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2002, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2002 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department.

(d) On July 1, 2001, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital—canteen fund to the Osawatomie state hospital—patient benefit fund.

(e) On July 1, 2001, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer \$11,000 from the Parsons state hospital and training center—canteen fund to the Parsons state hospital and training center—patient benefit fund.

(f) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(g) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,332,070 from the temporary assistance to needy families federal fund to the social services block grant—federal fund.

(h) During the fiscal year ending June 30, 2002, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures maybe made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(i) During the fiscal year ending June 30, 2002, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be

made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2002, upon receipt of any such donation of moneys from private sources for deposit in the family and children endowment account of the family and children investment fund, the secretary of social and rehabilitation services shall match the amount of each such donation on a \$1 for \$1 basis from moneys appropriated for fiscal year 2002 for the department of social and rehabilitation services in accordance with this subsection. During the fiscal year ending June 30, 2001, and to provide such matching moneys, the secretary of social and rehabilitation services shall transfer amounts from any available moneys appropriated for fiscal year 2002 in one or more accounts of the state general fund or in one or more special revenue funds of the department of social and rehabilitation services, that in the aggregate are equal to the amount of moneys donated, to the family and children endowment account of the family and children investment fund.

~~(j) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund for the fiscal year 2002, as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2002 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order, to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.~~

~~(k) (j)~~ During the fiscal year ending June 30, 2002, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund, the amounts budgeted but not expended from the mental health and retardation services aid and assistance account of the state general fund, and the amounts budgeted but not expended for the regular medical program from the social welfare fund, an aggregate of \$870,000 from such accounts and such fund shall not be expended for other programs or purposes during fiscal year 2002 and shall be expended by the above agency during fiscal year 2003 for implementation of the medicaid buy-in program for individuals with disabilities.

~~(l) (k)~~ In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2002 from the moneys appropriated from the state general fund or any special revenue fund to provide information about the proposed location of a residential alcohol and substance abuse treatment program that is proposed for the provision of services under contract with the secretary of social and rehabilitation services, to the governing body of the local government in which the residential alcohol and substance abuse treatment program is proposed to be located: *Provided*, That, if the governing body of the local government objects to the proposed location and the governing body actively assists the secretary of social and rehabilitation services in identifying a suitable location for the residential alcohol and substance abuse treatment program within the local government, with consideration of the site selection criteria established for the location of the program and applicable zoning and other land-use restrictions of the local government, then, prior to entering into a contract for services with the specific residential alcohol and substance abuse treatment program, the secretary of social and rehabilitation services shall actively consider the views of the governing body of the local government and the affected residents of the local government and shall act in the best interests of the state with regard to entering into the proposed contract with the residential alcohol and substance abuse treatment program: *Provided, however*, That no such objections by the governing body or the residents of a local government shall prohibit the secretary of social and rehabilitation services from entering into a contract for services with a residential alcohol and substance abuse treatment program to be located within a local government: *Provided fur-*

ther, That, as used in this subsection, "local government" means any city, county or other taxing subdivision of the state having general governance authority.

Sec. 14. K.S.A. 2000 Supp. 23-4,118 and section 130 of 2001 Senate Bill No. 57 are hereby repealed.";

And by renumbering the remaining sections accordingly;

Also on page 28, in line 32, before "K.S.A.", by inserting "On and after July 1, 2001,"; in line 33, by striking "23,497" and inserting "23-497"; also in line 33, by striking "23-4,118,";

On page 1, in the title, in line 14, by striking "23-496" and inserting "23-497"; in line 15, by striking "and" the first time it appears and inserting a comma; also in line 15, after "60-2308" by inserting "and section 130 of 2001 Senate Bill No. 57";

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN

Conferees on part of Senate

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS

Conferees on part of House

On motion of Rep. O'Neal to adopt the conference committee report on **HB 2508**, Rep. DiVita offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. O'Neal and the conference committee report was adopted.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: DiVita, Spangler, Toplikar, Wells, Welshimer.

Present but not voting: None.

Absent or not voting: Faber, Neufeld.

REPORT ON ENGROSSED BILLS

HB 2524 reported correctly engrossed May 3, 2001.

HB 2101 reported correctly re-engrossed May 3, 2001.

REPORT ON ENROLLED BILLS

HB 2059, HB 2124, HB 2178, HB 2208, HB 2297, HB 2313; S. Sub. for Sub. HB 2468; HB 2591, HB 2594, HB 2595, HB 2597 reported correctly enrolled, properly signed and presented to the governor on May 4, 2001.

On motion of Rep. Ballou, the House adjourned until 11:00 a.m., Saturday, May 5, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

