

Journal of the Senate

FIFTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, March 29, 2002—9:30 a.m.

The Senate was called to order by President Dave Kerr.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

It's Holy Week for Christians,
And this is the day Christ died;
Suffering pain and ridicule,
A thief on either side.

You watched Him as He was betrayed;
You watched Him be denied;
You watched Him be deserted,
An then was crucified.

Even His own apostles
Felt their hopes subside;
While helplessly they watched
As their Master died.

What they had forgotten
Was something Christ had said:
That He had the power
To rise up from the dead.

An African-American preacher said
What set our heart-strings strumming,
"Friday might look mighty bleak,
But Sunday morning's coming!!"

I thank You for that Victory, Lord,
in the Name of the risen Christ,

AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Agriculture: **Sub HCR 5037**.

Assessment and Taxation: **HB 2647, HB 2795**.

Judiciary: **HB 2933**.

Transportation: **Sub HB 2653**.

Ways and Means: **HB 2982**.

CHANGE OF REFERENCE

The President withdrew **SB 385** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Ways and Means.

The President withdrew **HB 2660, HB 2703, HB 2729, HB 2747; Sub HB 2872** from the calendar under the heading of General Orders, and referred the bills to the Committee on Ways and Means.

CONFIRMATION OF APPOINTMENTS

In accordance with Senate Rule 56, the following appointment, submitted by the Governor to the senate for confirmation, was considered.

Senator Oleen moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By The Governor:

On the appointment to the:

State Banking Board:

Nancy A. Taylor, term expires March 15, 2005.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The appointment was confirmed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

Sub SB 614, An act concerning the KAN-ED network; relating to funding thereof; amending K.S.A. 2001 Supp. 66-2010 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 38, Nays 2, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Huelskamp, Wagle.

The substitute bill passed, as amended.

Sub SB 634, An act concerning open meetings; relating to certain hearings conducted by the parole board; amending K.S.A. 2001 Supp. 75-4318 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 25, Nays 15, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brownlee, Brungardt, Clark, Donovan, Emler, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Adkins, Barone, Corbin, Downey, Feleciano, Gilstrap, Gooch, Haley, Hensley, Huelskamp, Lee, Schmidt, Schodorf, Steineger, Wagle.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Sub SB 634**. This bill would close some parole board hearings and parole violation hearings to the public. Victims of crime, their advocates, the media and the community are important interested parties that should not be prevented from attending meetings of the parole board—regardless of where the parole board meets. I believe justice is served when the public has full access to all proceedings of our criminal justice system. This bill would close the door on proceedings in which the public has a vital interest. I oppose such legislation.—DAVID ADKINS

SB 650, An act concerning financing of certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33 and 13-13a34 and K.S.A. 2001 Supp. 19-101a, 71-301a, 71-

304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SCR 1615, A concurrent resolution urging the United States Congress to enact country of origin labeling requirements, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Corbin.

The resolution was adopted, as amended.

SCR 1623, A concurrent resolution requesting the Kansas commissioner of insurance to study the use of insurance scoring reports within the insurance industry and the need for additional regulation, if any, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Corbin, Huelskamp, Jordan, Schodorf, Wagle.

The resolution was adopted, as amended.

S Sub HB 2075, An act concerning controlled substances; relating to methamphetamine and other substances; prohibited acts and penalties therefor; enforcement grants; forfeiture proceeds; Kansas criminal justice council, duties; amending K.S.A. 2001 Supp. 21-3718, 60-4117, 65-4101, 65-4152, 65-7006 and 74-9501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Clark, Haley, Huelskamp, Lyon, Pugh.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **S Sub HB 2075**. Methamphetamine is a cancer growing on our state. This nasty drug and those who manufacture it, distribute it, sell it and use it must be stopped. I have consistently supported efforts to enhance penalties for those convicted of meth related offenses and I believe these tough laws have been helpful in our campaign against the drug but more must be done. This bill provides valuable new tools for law enforcement. Those found with the chemicals to cook meth and the intent to use them for that purpose will be put away. Those who cause a fire that damages property while cooking meth will be guilty of felony arson. Drug forfeiture funds will also be used to create a Methamphetamine Enforcement Fund to provide grants to support local law enforcement

in their war on meth. We should not be shy in our efforts to rid this state of the disastrous consequences of meth. This bill is a meaningful step in the right direction.—DAVID ADKINS

HB 2399. An act concerning criminal procedure; relating to offender registration; amending K.S.A. 2001 Supp. 22-4902 and 22-4906 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2662. An act relating to accessible parking; concerning certain fees; amending K.S.A. 8-145d, 8-1,125 and 8-1,130 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2680. An act concerning wildlife and parks; relating to violations of wildlife and parks laws; concerning cash bonds; changing the name of Toronto state park to Cross Timbers state park at Toronto Lake; amending K.S.A. 32-837 and 32-1050 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2733. An act concerning presumptive death, relating to persons absent after catastrophic events and disasters; amending K.S.A. 59-2704 and 59-2705 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed as amended.

HB 2741. An act concerning certain animals; prescribing penalties for inflicting harm or death; amending K.S.A. 2001 Supp. 21-4318 and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger,

Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2746. An act concerning retail electric service; relating to station power; amending K.S.A. 66-1, 170 and 66-1,173 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2763. An act concerning courts; relating to courtrooms and supplies; amending K.S.A. 20-348 and K.S.A. 2001 Supp. 20-349 and repealing the existing sections; also repealing K.S.A. 20-613a and 20-713, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2799. An act relating to commercial driver's licenses; concerning exempt vehicles; amending K.S.A. 8-2, 127 and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2802. An act relating to courts; concerning the Kansas law enforcement training center fund; increasing county and municipal court assessments; extending the collection of certain district court docket fees; increasing docket fees; creating the judicial council fund; amending K.S.A. 8-2107, 12-4117 and 28-172a and K.S.A. 2001 Supp. 19-101e, 19-4707, 20-362, 20-367, 59-104, 60-2001, 61-2704 and 61-4001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 2, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Harrington, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil.

Nays: Barone, Feleciano, Hensley, Huelskamp, Lyon, O'Connor, Wagle.

Present and Passing: Gooch, Haley.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **SB 2802**. This bill provides a source of much needed funding to support the Kansas Law Enforcement Training Center. Without this legislation the court docket fees currently dedicated to the center would expire. The continuation of this funding source is essential and necessary. Additionally, this bill imposes a new fee on municipal court cases to support law enforcement training. This new source of funding,

paid by those who choose to break the law, will provide the center with new resources. The training needs of our front line public safety officers has never been greater. A training center adequately funded to meet these needs is a critical resource for our state. I commend the dedicated professionals of the KLETC who each day work to enhance the skills and professionalism of the Kansas law enforcement community. I am pleased to support legislation that gives the resources to fund their mission.—DAVID ADKINS

HB 2808, An act relating to the division of vehicles; concerning driver's licenses and identification cards; providing information for an organ donation registry program; amending K.S.A. 8-247 and 8-1325 and repealing the existing sections, was considered on final action.

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

The bill passed, as amended.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2810, An act concerning reports, pamphlets, books and other printed materials; relating to the division of accounts and reports; requiring certain reports to be provided; amending K.S.A. 46-925, 46-1212c and 75-3048 and repealing the existing section; also repealing K.S.A. 75-6406, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2817, An act concerning liens; relating to filing requirements; amending K.S.A. 58-204 and 60-1102 and K.S.A. 2001 Supp. 60-1103 and repealing the existing sections, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2879, An act concerning insurance; relating to cancellation of automobile insurance policies; amending K.S.A. 40-276a and repealing the existing section, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

HB 2880, An act concerning crimes, punishment and criminal procedure; relating to specimen collection; amending K.S.A. 2001 Supp. 21-2511 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Clark, Haley, Huelskamp, Jackson, Lyon, Pugh, Tyson, Wagle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote yes on **HB 2880**. This bill expands legislation I sponsored last year to significantly enhance the use of DNA records as a valuable tool of law enforcement. I am proud to again support further expansion of the Kansas DNA database. Science and technology are providing crime fighters with powerful new investigative tools. We should take full advantage of these advancements in our efforts to solve crimes and protect public safety. I am hopeful that the next step will be to collect DNA samples at the time of a felony arrest. These genetic fingerprints have proven very valuable in solving crimes. Kansas should maximize the use of such an important resource.—DAVID ADKINS

HB 2901, An act authorizing the state board of regents to exchange and convey certain tracts of real estate located in Riley county, Kansas, for and on behalf of Kansas state university with the Kansas state university foundation, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1832—

A RESOLUTION congratulating and commending the Silver Lake High School girls basketball team and Coach Ziegler for winning the 2002 Class 3A State Basketball Championship.

WHEREAS, The Silver Lake High School girls basketball team won the 2002 Kansas State High School Activities Association Class 3A State Basketball Championship with a thrilling 40 to 38 victory over Smith Center High School in the state championship game at the Sports Arena in Hutchinson on Saturday, March 9. The victory was not assured until the final five seconds when a Smith Center player intentionally missed a free throw but was unable to make a two point follow-up shot; and

WHEREAS, The members of this championship team are Hayley Holthus, Andrea Childs, Ashley Hamilton, Jessie Yates, Missy Anderson, Amanda Yates, Jessica Hill, Jessica Perry, Olivia Christopher, Veronica Anderson, Christa Fritz and Whitney Pegram; the head coach is Loren Ziegler and the assistant coaches are Tami Holthus and Brad Womack; and

WHEREAS, The Silver Lake High School "Eagles" basketball team finished the season with a record of 25 wins and one loss; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team is due to its excellent teamwork, strong competitive spirit and determination to win. The team also has had the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Silver Lake High School girls basketball team and Coach Ziegler be congratulated and commended for winning the

2002 Kansas State High School Activities Association Class 3A State Basketball Championship; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Steve Pegram, Superintendent; Larry Winter, Principal; Loren Ziegler, Head Girls Basketball Coach; and Tami Holthus and Brad Womack, Assistant Coaches; all at Silver Lake High School, 200 East Lake, Silver Lake, Kansas 66539.

On emergency motion of Senator Jackson **SR 1832** was adopted unanimously.

Senator Jackson introduced and congratulated team members, Hayley Holthus, Andrea Childs, Ashley Hamilton, Jessie Yates, Missy Anderson, Amanda Yates, Jessica Hill, Jessica Perry, Olivia Christopher, Veronica Anderson, Christa Fritz and Whitney Pegram; head coach Loren Ziegler and assistant coaches, Tami Holthus and Brad Womack.

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

SENATE RESOLUTION No. 1833—

A RESOLUTION congratulating and commending Coach Loren Ziegler.

WHEREAS, Coach Loren Ziegler, the girls basketball coach at Silver Lake High School, coached the girls basketball team to a record of 25 wins and one loss in the 2001-2002 season. The team capped the season by winning the 2002 Kansas State High School Activities Association Class 3A State Basketball Championship. The championship game, which was played at the Sports Arena in Hutchinson on March 9, ended with a thrilling 40 to 38 victory over Smith Center, but the issue was not decided in Silver Lake's favor until the final five seconds of the game; and

WHEREAS, Coach Ziegler, in 20 years of coaching at Silver Lake, has an overall record of 362 wins and 109 losses. He won back-to-back state championships in 1983 and 1984 and stated at that time he would never have a team that good again. Time and hard work proved him wrong. His teams won the state championship again in 1988 and in 2002, winning an entry for him in the record book of most state titles, a record which he shares with four other coaches. Overall his teams have been to the state tournament seven times, they have won four titles, placed second once and third once. Coach Ziegler was named the 2002 Coach of the Year by the Topeka Capital-Journal, an honor he has now received twice: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Coach Ziegler for being named Coach of the Year, for his team's 2002 Class 3A State Championship and for 20 years of successful coaching at Silver Lake High School; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to Steve Pegram, Superintendent; Larry Winter, Principal; Jim Lindstrom, Athletic Director; and to Loren Ziegler, Head Girls Basketball Coach, all at Silver Lake High School, 200 East Lake, Silver Lake, Kansas 66539.

On emergency motion of Senator Jackson **SR 1833** was adopted unanimously.

REPORT ON ENGROSSED BILLS

SB 643 reported correctly engrossed March 29, 2002.

COMMITTEE OF THE WHOLE

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

SB 638 be amended by adoption of the committee amendments, be further amended by motion of Senator Umbarger as amended by Senate Committee, on page 2, in line 43, by striking "74-4919" and inserting "74-4914";

On page 3, in line 6, before "discipline" by inserting "teaching", and **SB 638** be passed as further amended.

HB 2640 be amended by adoption of the committee amendments, be further amended by motion of Senator Praeger as amended by Senate Committee, on page 33, after line 34, by inserting the following:

“Sec. 120 K.S.A. 40-428a is hereby amended to read as follows: 40-428a. (a) This section shall be known as the standard nonforfeiture law for individual deferred annuities.

(b) This section shall not apply to any reinsurance, group annuity purchased under a retirement plan or plan of deferred compensation established or maintained by an employer (including a partnership or sole proprietorship) or by an employee organization, or by both, other than a plan providing individual retirement accounts or individual retirement annuities under section 408 of the internal revenue code, as now or hereafter amended, premium deposit fund, variable annuity, investment annuity, immediate annuity, any deferred annuity contract after annuity payments have commenced, or reversionary annuity, nor to any contract which shall be delivered outside this state through an agent or other representative of the company issuing the contract.

(c) In the case of contracts issued on or after the operative date of this section as defined in ~~subsection (1) paragraph (1) of this subsection~~, no contract of annuity, except as stated in subsection (b), shall be delivered or issued for delivery in this state unless it contains in substance the following provisions, or corresponding provisions which in the opinion of the commissioner are at least as favorable to the contractholder, upon cessation of payment of considerations under the contract.

(1) That upon cessation of payment of considerations under a contract, the company will grant a paid-up annuity benefit on a plan stipulated in the contract of such value as is specified in subsection (e), (f), (g), (h), and (j).

(2) If a contract provides for a lump sum settlement at maturity, or at any other time, that upon surrender of the contract at or prior to the commencement of any annuity payments, the company will pay in lieu of any paid-up annuity benefit a cash surrender benefit of such amount as is specified in subsections (e), (f), (h), and (j). The company shall reserve the right to defer the payment of such cash surrender benefit for a period of six ~~(6)~~ months after demand therefor with surrender of the contract.

(3) A statement of the mortality table, if any, and interest rates used in calculating any minimum paid-up annuity, cash surrender or death benefits that are guaranteed under the contract, together with sufficient information to determine the amounts of such benefits.

(4) A statement that any paid-up annuity, cash surrender or death benefits that may be available under the contract are not less than the minimum benefits required by any statute of the state in which the contract is delivered and an explanation of the manner in which such benefits are altered by the existence of any additional amounts credited by the company to the contract, any indebtedness to the company on the contract or any prior withdrawals from or partial surrenders of the contract. Notwithstanding the requirements of this subsection, any deferred annuity contract may provide that if no considerations have been received under a contract for a period of two ~~(2)~~ full years and the portion of the paid-up annuity benefit at maturity on the plan stipulated in the contract arising from considerations paid prior to such period would be less than ~~twenty dollars (\$20)~~ \$20 monthly, the company may at its option terminate such contract by payment in cash of the then present value of such portion of the paid-up annuity benefit, calculated on the basis of the mortality table, if any, and interest rate specified in the contract for determining the paid-up annuity benefit, and by such payment shall be relieved of any further obligation under such contract.

(d) The minimum values as specified in subsections (e), (f), (g), (h) and (j) of any paid-up annuity, cash surrender or death benefits available under an annuity contract shall be based upon minimum nonforfeiture amounts as defined in this subsection.

(1) With respect to contracts providing for flexible considerations, the minimum nonforfeiture amount at any time at or prior to the commencement of any annuity payments shall be equal to an accumulation up to such time at a rate of interest of ~~three percent (3%)~~ 3% per annum of percentages of the net considerations (as hereinafter defined) paid prior to such time, decreased by the sum of:

~~(i)~~ (A) Any prior withdrawals from or partial surrenders of the contract accumulated at a rate of interest of ~~three percent (3%)~~ 3% per annum; and

~~(ii)~~ (B) the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract.

The net considerations for a given contract year used to define the minimum nonforfeiture amount shall be an amount not less than zero and shall be equal to the corresponding gross considerations credited to the contract during that contract year less an annual contract charge of ~~thirty dollars (\$30)~~ \$30 and less a collection charge of ~~one dollar and twenty-five cents (\$1.25)~~ \$1.25 per consideration credited to the contract during that contract year. The percentages of net considerations shall be ~~sixty-five percent (65%)~~ 65% of the net consideration for the first contract year and ~~eighty-seven and one-half percent (87½%)~~ 87.5% of the net considerations for the second and later contract years. Notwithstanding the provisions of the preceding sentence, the percentage shall be ~~sixty-five percent (65%)~~ 65% of the portion of the total net consideration for any renewal contract year which exceeds by not more than two times the sum of those portions of the net considerations in all prior contract years for which the percentage was ~~sixty-five percent (65%)~~ 65%. *Notwithstanding any other provision of this paragraph, for any contract issued on or after July 1, 2002, and before July 1, 2005, the interest rate at which net considerations, prior withdrawals and partial surrenders shall be accumulated, for the purpose of determining nonforfeiture amounts, shall be 1.5% per annum.*

(2) With respect to contracts providing for fixed scheduled considerations, minimum nonforfeiture amounts shall be calculated on the assumption that considerations are paid annually in advance and shall be defined as for contracts with flexible considerations which are paid annually with two exceptions:

(~~a~~) (A) The portion of the net consideration for the first contract year to be accumulated shall be the sum of ~~sixty-five percent (65%)~~ 65% of the net consideration for the first contract year plus ~~twenty-two and one-half percent (22½%)~~ 22.5% of the excess of the net consideration for the first contract year over the lesser of the net considerations for the second and third contract years.

(~~b~~) (B) The annual contract charge shall be the lesser of (i) ~~thirty dollars (\$30)~~ \$30 or (ii) ~~ten percent (10%)~~ 10% of the gross annual consideration.

(3) With respect to contracts providing for a single consideration, minimum nonforfeiture amounts shall be defined as for contracts with flexible considerations except that the percentage of net consideration used to determine the minimum nonforfeiture amount shall be equal to ~~ninety percent (90%)~~ 90% and the net consideration shall be the gross consideration less a contract charge of ~~seventy-five dollars (\$75)~~ \$75.

(e) Any paid-up annuity benefit available under a contract shall be such that its present value on the date annuity payments are to commence is at least equal to the minimum nonforfeiture amount on that date. Such present value shall be computed using the mortality table, if any, and the interest rate specified in the contract for determining the minimum paid-up annuity benefits guaranteed in the contract.

(f) For contracts which provide cash surrender benefits, such cash surrender benefits available prior to maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate not more than ~~one percent (1%)~~ 1% higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. In no event shall any cash surrender benefit be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

(g) For contracts which do not provide cash surrender benefits, the present value of any paid-up annuity benefit available as a nonforfeiture option at any time prior to maturity shall not be less than the present value of that portion of the maturity value of the paid-up annuity benefit provided under the contract arising from considerations paid prior to the time the contract is surrendered in exchange for, or changed to, a deferred paid-up annuity, such present value being calculated for the period prior to the maturity date on the basis of the interest rate specified in the contract for accumulating the net considerations to

determine such maturity value, and increased by any existing additional amounts credited by the company to the contract. For contracts which do not provide any death benefits prior to the commencement of any annuity payments, such present values shall be calculated on the basis of such interest rate and the mortality table specified in the contract for determining the maturity value of the paid-up annuity benefit. However, in no event shall the present value of a paid-up annuity benefit be less than the minimum nonforfeiture amount at that time.

(h) For the purpose of determining the benefits calculated under subsections (f) and (g), in the case of annuity contracts under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election shall be permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's seventieth birthday or the tenth anniversary of the contract, whichever is later.

(i) Any contract which does not provide cash surrender benefits or does not provide death benefits at least equal to the minimum nonforfeiture amount prior to the commencement of any annuity payments shall include a statement in a prominent place in the contract that such benefits are not provided.

(j) Any paid-up annuity, cash surrender or death benefits available at any time, other than on the contract anniversary under any contract with fixed scheduled considerations, shall be calculated with allowance for the lapse of time and the payment of any scheduled considerations beyond the beginning of the contract year in which cessation of payment of considerations under the contract occurs.

(k) For any contract which provides, within the same contract by rider or supplemental contract provision, both annuity benefits and life insurance benefits that are in excess of the greater of cash surrender benefits or a return of the gross considerations with interest, the minimum nonforfeiture benefits shall be equal to the sum of the minimum nonforfeiture benefits for the annuity portion and the minimum nonforfeiture benefits, if any, for the life insurance portion computed as if each portion were a separate contract. Notwithstanding the provisions of subsections (e), (f), (g), (h) and (j), additional benefits payable (1) in the event of total and permanent disability, (2) as reversionary annuity or deferred reversionary annuity benefits, or (3) as other policy benefits additional to life insurance, endowment, and annuity benefits, and considerations for all such additional benefits, shall be disregarded in ascertaining the minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits that may be required by this section. The inclusion of such additional benefits shall not be required in any paid-up benefits, unless such additional benefits separately would require minimum nonforfeiture amounts, paid-up annuity, cash surrender and death benefits.

(l) After July 1, 1978, any company may file with the commissioner a written notice of its election to comply with the provisions of this section after a specified date before July 1, 1980. After the filing of such notice, then upon such specified date, which shall be the operative date of this section for such company, this section shall become operative with respect to annuity contracts thereafter issued by such company. If a company makes no such election, the operative date of this section for such company shall be July 1, 1980.

Sec. 21. K.S.A. 2001 Supp. 40-4909 is hereby amended to read as follows: 40-4909. (a) The commissioner may *deny*, suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the applicant or license holder has:

(1) Provided incorrect, misleading, incomplete or untrue information in the license application.

(2) Violated:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

(B) any subpoena or order of the commissioner;

(C) any insurance law or regulation of another state; or

(D) any subpoena or order issued by the regulatory official for insurance in another state.

(3) Obtained or attempted to obtain a license under this act through misrepresentation or fraud.

(4) Improperly withheld, misappropriated or converted any moneys or properties received in the course of doing insurance business.

(5) Intentionally misrepresented the provisions, terms and conditions of an actual or proposed insurance contract or application for insurance.

(6) Been convicted of a misdemeanor or felony.

(7) Admitted to or been found to have committed any insurance unfair trade practice or fraud in violation of K.S.A. 40-2404 and amendments thereto.

(8) Used any fraudulent, coercive, or dishonest practice, or demonstrated any incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

(9) Had an insurance agent license, or its equivalent, denied, suspended or revoked in any other state, district or territory.

(10) Forged another person's name to an application for insurance or to any document related to an insurance transaction.

(11) Improperly used notes or any other reference material to complete an examination for an insurance license issued under this act.

(12) Knowingly accepted insurance business from an individual who is not licensed.

(13) Failed to comply with any administrative or court order imposing a child support obligation upon the applicant or license holder.

(14) Failed to pay any state income tax or comply with any administrative or court order directing payment of state income tax.

(15) Rebated the whole or any part of any insurance premium or offered in connection with the presentation of any contract of insurance any other inducement not contained in the contract of insurance.

(16) Made any misleading representation or incomplete comparison of policies to any person for the purposes of inducing or tending to induce such person to lapse, forfeit or surrender such person's insurance then in force.

(b) In addition, the commissioner may suspend, revoke or refuse renewal of any license issued under this act if the commissioner finds that the interests of the insurer or the insurable interests of the public are not properly served under such license.

(c) Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the provisions of the Kansas administrative procedures act.

(d) The license of any business entity may be suspended, revoked or refused renewal if the insurance commissioner finds that any violation committed by an individual licensee employed by or acting on behalf of such business entity was known by or should have been known by one or more of the partners, officers or managers acting on behalf of the business entity and:

(1) Such violation was not reported to the insurance commissioner by such business entity; or

(2) such business entity failed to take any corrective action.

(e) None of the following actions shall deprive the commissioner of any jurisdiction or right to institute or proceed with any disciplinary proceeding against such license, to render a decision suspending, revoking or refusing to renew such license, or to establish and make a record of the facts of any violation of law for any lawful purpose:

(1) The imposition of an administrative penalty under this section;

(2) the lapse or suspension of any license issued under this act by operation of law;

(3) the licensee's failure to renew any license issued under this act; or

(4) the licensee's voluntary surrender of any license issued under this act. No such disciplinary proceeding shall be instituted against any licensee after the expiration of two years from the termination of the license.

(f) Whenever the commissioner imposes any administrative penalty or denies, suspends, revokes or refuses renewal of any license pursuant to subsection (a), any costs incurred as a result of conducting an administrative hearing authorized under the provisions of this section shall be assessed against the person who is the subject of the hearing or any business entity represented by such person who is the party to the matters giving rise to the hearing. As used in this subsection, "costs" shall include witness fees, mileage allowances, any costs

associated with the reproduction of documents which become a part of the hearing record and the expense of making a record of the hearing.

(g) No person whose license as an agent or broker had been suspended or revoked shall be employed by any insurance company doing business in this state either directly, indirectly, as an independent contractor or otherwise to negotiate or effect contracts of insurance, suretyship or indemnity or perform any act toward the solicitation of or transaction of any business of insurance during the period of such suspension or revocation.

(h) In lieu of taking any action under subsection (a), the commissioner may:

(1) Censure the person; or
 (2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the imposition of the original administrative penalty.

Sec. 22 K.S.A. 2001 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address a RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group which is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" mean the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2000~~ 2001.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and

it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

- (1) An insurer's capital and surplus or surplus only if a mutual insurer; and
- (2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.;

Renumber the remaining sections accordingly;

Also on page 33, in line 37, before "40-2240" by inserting "40-428a,,"; also in line 37, after "17-1262" by inserting " , 40-2c01 and 40-4909";

On page 1, in the title, in line 14, before "amending" by inserting "relating to risk-based capital requirements; relating to licensure of insurance agents; relating to standard nonforfeiture provisions for annuities"; also in line 14, before "40-2240" by inserting "40-428a,,"; in line 15, before "and" by inserting " , 40-2c01 and 40-4909", and **HB 2640** be passed as further amended.

The Committee considered **HB 2785**.

Senator Haley moved to amend the bill on page 2, in line 26, after the period by inserting "The provisions of this paragraph prior to its amendment by this act shall continue to be in effect regarding real estate the property tax imposed upon which became delinquent prior to January 1, 2003."

The amendment was rejected and the Committee recommended **HB 2785** be passed over and retain a place on the calendar.

The Committee rose and reported progress (see Committee of the Whole, afternoon session).

On motion of Senator Oleen, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **HB 2660, HB 2703, HB 2729, HB 2747; Sub HB 2872** from the Committee on Ways and Means, and returned the bills to the calendar under the heading of General Orders.

MESSAGE FROM THE GOVERNOR

SB 394 approved on March 29, 2002.

March 29, 2002

Message to the Senate of the State of Kansas:

Enclosed herewith is Executive Order No. 02-02 for your information.

BILL GRAVES
Governor

The President announced Executive Order No. 02-02, Establishing the Kansas Bioterrorism Coordinating Council and the Kansas Hospital Preparedness Planning Committee, is on file in the office of the Secretary of the Senate and available for review at any time.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2878, HB 2947, HB 3008**.

Passage of **SB 407, SB 449, SB 463, SB 477, SB 630, SB 642**.

Announcing passage of **SB 208**, as amended by **House Substitute for SB 208; SB 375**, as amended, **SB 402**, as amended, **SB 410**, as amended; **SB 434**, as amended by **House**

Substitute for SB 434; SB 440, as amended, **Substitute SB 467**, as amended, **SB 482**, as amended, **SB 531**, as amended, **SB 543**, as amended, **SB 564**, as amended, **SB 565**, as amended.

Adoption of **HCR 5051**.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2230** and requests a conference and has appointed Representatives O'Neal, Loyd, and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2676** and requests a conference and has appointed Representatives Lane, Palmer and Ruff as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2709** and requests a conference and has appointed Representatives Ray, Campbell and Gilbert as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2719** and requests a conference and has appointed Representatives Horst, Faber and Gatewood as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2727** and requests a conference and has appointed Representatives Ray, Campbell and Gilbert as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2771** and requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House concurs in Senate amendments to **HCR 5014**.

The House announces the appointment of Representative O'Neal to replace Representative Loyd as a conferee on **HB 2175**; also, the appointment of Representative Loyd to replace Representative Patterson as a conferee on **HB 2175**.

Announcing passage of Substitute **SB 339, SB 433, SB 491**.

Passage of **SB 474**, as amended, **SB 458**, as amended, **SB 459**, as amended, **SB 475**, as amended, **SB 486**, as amended by **House Substitute for SB 486**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2878, HB 2947, HB 3008; HCR 5051 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR AND NONCONCUR

On motion of Senator Schmidt the Senate nonconcurred in the House amendments to **SB 395** and requested a conference committee be appointed.

The President appointed Senators Schmidt, Huelskamp and Downey as a conference committee on the part of the Senate.

On motion of Senator Vratil the Senate nonconcurred in the House amendments to **SB 400** and requested a conference committee be appointed.

The President appointed Senators Vratil, Schmidt and Goodwin as a conference committee on the part of the Senate.

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **H Sub for SB 430** and requested a conference committee be appointed.

The President appointed Senators Tyson, Taddiken and Lee as a conference committee on the part of the Senate.

On motion of Senator Schmidt the Senate nonconcurred in the House amendments to **SB 437** and requested a conference committee be appointed.

The President appointed Senators Schmidt, Huelskamp and Downey as a conference committee on the part of the Senate.

On motion of Senator Clark the Senate nonconcurred in the House amendments to **Sub SB 545** and requested a conference committee be appointed.

The President appointed Senators Clark, Emler and Barone as a conference committee on the part of the Senate.

On motion of Senator Umbarger the Senate nonconcurred in the House amendments to **SB 551** and requested a conference committee be appointed.

The President appointed Senators Umbarger, Vratil and Downey as a conference committee on the part of the Senate.

On motion of Senator Praeger the Senate nonconcurred in the House amendments to **SB 586** and requested a conference committee be appointed.

The President appointed Senators Praeger, Teichman and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Brownlee the Senate nonconcurred in the House amendments to **H Sub for SB 605** and requested a conference committee be appointed.

The President appointed Senators Brownlee, Jordan and Barone as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2078**.

The President appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **S Sub for HB 2230**.

The President appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

On motion of Senator Morris, the Senate acceded to the request of the House for a conference on **S Sub for HB 2621**.

The President appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2676**.

The President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2709**.

The President appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2719**.

The President appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **HB 2727**.

The President appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2771**.

The President appointed Senators Vratil, Pugh, Goodwin as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 438** be amended on page 2, in line 5, after the second comma, by inserting "a penalty of \$5 per day, or commencing on July 1, 2002, and ending on June 30, 2005,;" in line 29, after "(3)" by inserting "commencing July 1, 2002, and ending on June 30, 2005,;"

On page 3, in line 32, after "that" by inserting "such fee shall not exceed \$130, or commencing July 1, 2002, and ending on June 30, 2005,;"

On page 5, in line 16, by striking "On"; in line 17, by striking "and after"; also in line 17, before "July" by inserting "The application fee per category shall be \$112, or commencing"; also in line 17, after "2002," by inserting "and ending June 30, 2005,,"; in line 21, after "fee" by inserting "of \$10, or commencing July 1, 2002, and ending June 30, 2005, an additional fee";

On page 6, in line 23, after "that" by inserting "such fee shall not exceed \$35, or commencing July 1, 2002, and ending June 30, 2005,";

On page 7, in line 32, after "that" by inserting "such fee shall not exceed \$25, or commencing July 1, 2002, and ending June 30, 2005,";

On page 8, in line 28, after "that" by inserting "such fee shall not exceed \$35, or commencing July 1, 2002, and ending June 30, 2005,";

On page 9, in lines 17 and 25, after "that" by inserting "such fee shall not exceed \$25, or commencing July 1, 2002, and ending June 30, 2005,";

On page 10, in line 32, after "that" by inserting "such fee shall not exceed \$10, or commencing July 1, 2002, and ending June 30, 2005,";

On page 11, in line 30, after "that" by inserting "such fee shall not exceed \$50, or commencing July 1, 2002, and ending June 30, 2005,"; in line 41, after "secretary" by inserting "an inspection fee of \$.20, or commencing July 1, 2002, and ending June 30, 2005,";

On page 12, in line 12, after "penalty" by inserting "of \$1, or commencing July 1, 2002, and ending June 30, 2005, a penalty"; in line 31, after "fee" by inserting "of \$25, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 40, after "rate" by inserting "of \$.05, or commencing July 1, 2002, and ending June 30, 2005, the rate";

On page 13, in line 22, after "permit" by inserting "shall be \$55 plus \$10 for each additional point of diversion, or commencing July 1, 2002, and ending June 30, 2005,";

On page 14, in line 28, after "certification" by inserting "shall be \$10, or commencing July 1, 2002, and ending June 30, 2005, such certification"; in line 41, after "and" by inserting ", commencing July 1, 2002, and ending June 30, 2005,";

On page 21, in line 19, after "fee" by inserting "of \$50, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 29, after "fee" by inserting "of \$150, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 33, after "fee" by inserting "of \$200, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 40, after "fee" by inserting "of \$250, or commencing July 1, 2002, and ending June 30, 2005, a fee";

On page 22, in line 15, after "fee" by inserting "shall be \$10, or commencing July 1, 2002, and ending June 30, 2005, such fee reinstatement"; in line 18, after "rate" by inserting "of \$25, or commencing July 1, 2002, and ending June 30, 2005, the rate";

On page 27, in lines 11 and 14, after "fee" by inserting "of \$120, or commencing July 1, 2002, and ending June 30, 2005, a license fee"; in line 20, after "fee" by inserting "of \$25 or commencing July 1, 2002, and ending June 30, 2005, a license fee"; in line 38 and 42, after "fee" by inserting "of \$50, or commencing July 1, 2002, and ending June 30, 2005, a license fee";

On page 28, in lines 17, 24, 28 and 33, after "fee" by inserting "of \$.01, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 41, after "fee" by inserting "of \$.0075, or commencing July 1, 2002, and ending June 30, 2005, a fee";

On page 29, in lines 5 and 13, after "fee" by inserting "of \$1, or commencing July 1, 2002, and ending June 30, 2005, a fee";

On page 30, after line 43, by inserting the following:

| "Acre Feet | Fee |
|---------------------|-------------------------------|
| 0 to 100..... | \$100 |
| 101 to 320 | \$150 |
| More than 320 | \$150 + \$10 |
| | for each additional 100 |
| | acre feet or any part thereof |

Commencing July 1, 2002, and ending June 30, 2005, the application fee shall be fixed by this section for the appropriate category of acre feet in accordance with the following:"

On page 31, after line 11, by inserting the following:

| Storage-Acre Feet | Fee |
|---------------------|---------------------------------------|
| 0 to 250..... | \$100 |
| More than 250 | \$100 + \$10 |
| | for each additional 250 |
| | storage-acre feet or any part thereof |

Commencing July 1, 2002, and ending June 30, 2005, the application fee shall be fixed by this section for the appropriate category of storage-acre feet in accordance with the following:"

On page 32, after line 9, by inserting the following:

| | |
|--|------|
| "(1) Application to change a point of diversion 300 feet or less | \$50 |
| (2) Application to change a point of diversion more than 300 feet.. | 100 |
| (3) Application to change the place of use..... | 100 |
| (4) Application to change the use made of water..... | 150 |

Commencing July 1, 2002, and ending June 30, 2005, the application fee shall be set forth in the schedule below:"

Also on page 32, by striking all in line 14; in line 16, after "fee" by inserting "of \$150, or commencing July 1, 2002, and ending June 30, 2005, a fee"; also in line 16, before "\$300" by inserting "not to exceed"; in line 17, after "fee" by inserting "of \$250, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 18, before "\$500" by inserting "not to exceed";

On page 33, in line 17, after "fee" by inserting "of \$200, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 25, after "fee" by inserting "of \$50, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 29, after "fee" by inserting "of \$100, or commencing July 1, 2002, and ending June 30, 2005, a fee";

On page 34, in line 2, after "fee" by inserting "of \$100, or commencing July 1, 2002, and ending June 30, 2005, a fee"; in line 15, after "and" by inserting ", commencing July 1, 2002, and ending June 30, 2005,"; in line 16, by striking "of \$20 per" and inserting "as established in this act, for each"; in line 17, after the period by inserting "Such fee shall be based upon the authorized quantity for each water right number as follows:

| Authorized quantity | Annual Administration Fee |
|----------------------------|---------------------------|
| 0-100 acre feet | \$10 |
| 101 to 320 acre feet..... | \$15 |
| 321-1,000 acre feet..... | \$20 |
| 1,001-5,000 acre feet..... | \$30 |
| over 5,000 acre feet..... | \$200"; |

On page 36, in line 34, after "(6)" by inserting "commencing July 1, 2002, and ending June 30, 2005,"; in line 38, after the period, by inserting "For the purposes of this fee, metering device shall not include dispensing devices as defined by K.S.A. 83-401, and amendments thereto."; in line 43, by striking "\$60/facility" and inserting "\$25/facility";

On page 37, in line 1, by striking "\$115/facility" and inserting "\$50/facility"; in line 2, by striking "\$170/facility" and inserting "\$75/facility"; after line 5, by inserting the following:

"(J) facility fee cap (any combination) \$120/facility";

Also on page 37, in lines 25 and 26, after "fee" by inserting "of \$50, or commencing July 1, 2002, and ending June 30, 2005, a fee";

On page 38, in lines 39 and 40, after "fee" by inserting "of \$50, or commencing July 1, 2002, and ending June 30, 2005, a fee"; and the bill be passed as amended.

Committee on **Commerce** recommends **Substitute for HB 2754** be amended on page 9, in line 21, before "but" by inserting "except that no such carrier, provider or utility shall collect from customers an amount in excess of 5% of its intrastate retail revenues,"; and the substitute bill be passed as amended.

Committee on **Reapportionment** recommends **SB 256** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 256," as follows:

“Substitute for SENATE BILL No. 256
By Committee on Reapportionment

“AN ACT concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243.”; and the substitute bill be passed.

Committee on **Ways and Means** recommends **SB 641** be amended on page 3, following line 41, by inserting new material as follows:

“Parks—Bilger/Taylor gym roof..... \$139,885”;

On page 5, by striking all in lines 9 through 12 and inserting new material as follows:

“Rehabilitation and repair projects..... \$75,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2002, is hereby reappropriated for fiscal year 2003.”;

On page 10, following line 14, by inserting new material to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance a capital improvement project for renovation of student residential life facilities: *Provided*, That such capital improvement project is hereby approved for the Fort Hays state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$9,045,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.”;

On page 25, in line 4, preceding “employment”, by inserting “special”; also in line 4, by striking “administration”; in line 6, preceding “employment”, by inserting “special”; also in line 6, by striking “administration”; by striking all in line 7; in line 8, by striking all preceding the colon; in line 9, by striking all following “2003”; in line 10, by striking all preceding “may”; in line 16, by striking all following “2003”; in line 17, by striking all preceding “for”; in line 18, by striking “\$210,000” and inserting “\$138,000”; in line 21, preceding “employment” by inserting “special”; also in line 21, by striking “administration”; following line 22, by inserting new material to read as follows:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30,2003, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Employment security administration property sale fund..... \$72,000

Provided, That expenditures may be made for fiscal year 2003 from the employment security administration property fund to plan for a new building at 427 S.W. Topeka Boulevard to be used by the department of human resources for employment security purposes.”;

By relettering the remaining subsections accordingly;

On page 26, following line 21, by inserting new material to read as follows:

“(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 126(b) of chapter 144 of the 2001 Session Laws of Kansas on the payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building account of the special employment security fund is hereby decreased from \$250,862 to \$0.”;

On page 27, following line 1, by inserting new material to read as follows:

“(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year or years specified for the capital improvement project or projects specified as follows:

Veterans’ home capital improvements federal match

For the fiscal year ending June 30, 2004..... \$587,825

Provided, That no expenditures shall be made from the veterans’ home federal match account for fiscal year 2004 except upon receipt of federal funds for the purpose of capital improvements for the Kansas veterans’ home and approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

For the fiscal year ending June 30, 2005..... \$587,825

Provided, That no expenditures shall be made from the veterans’ home federal match account for fiscal year 2005 except upon receipt of federal funds for the purpose of capital improvements for the Kansas veterans’ home and approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.”;

On page 30, following line 28, by inserting new material to read as follows:

“Boating fee fund—Kansas and Missouri river access \$100,000”;

and the bill be passed as amended.

REPORT ON ENROLLED BILLS

SB 95, SB 390, SB 397, SB 469, SB 546 reported correctly enrolled, properly signed and presented to the Governor on March 29, 2002.

CHANGE OF REFERENCE

The President withdrew **SB 438** from the Committee on Ways and Means, and referred the bill to the Committee of the Whole.

CHANGE OF CONFERENCE

The President announced the appointment of Senator Downey as a member of the Conference Committee on **SB 430** to replace Senator Lee.

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for further consideration of bills on the calendar under the heading of General Orders with Senator Morris in the chair.

On motion of Senator Morris the following report was adopted:

The committee report on **HB 2094** recommending a **S Sub for HB 2094** be adopted, and the substitute bill be passed.

SB 627; Sub HB 2057; HB 2247, HB 2602, HB 2665, HB 2666, HB 2718, HB 2752, HB 2768 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2677 be amended by motion of Senator Praeger as amended by House Committee, on page 1, in line 29, by striking “surety” and inserting “payment”; in line 31, after “entering” by inserting “into”; in line 32 by striking “surety” and inserting “payment”, and **HB 2677** be passed as amended.

HB 2818 be amended by motion of Senator Schmidt on page 1, line 19, by striking all in line 19, and **HB 2818** be passed as amended.

SB 436 be amended by adoption of the committee amendments, be further amended by motion of Senator Schmidt on page 4, line 5, by inserting “third-party” before “licensed”;

on page 4, line 6, by inserting "third-party" before "licensed";

on page 4, line 11, by striking the first "shall" and inserting in lieu thereof "may", and **SB 436** be passed as further amended.

HB 2953 be amended by adoption of the committee amendments, be further amended by motion of Senator Lyon as amended by Senate Committee, on page 7, following line 16, by inserting:

"New Sec. 3. The state board of education shall adopt rules and regulations for the administration and effectuation of the provisions of this section and sections 4 through 9, and amendments thereto. In accordance with such rules and regulations, the board may issue an initial license to teach in this state to any person who successfully completes the alternate teacher preparation program.

New Sec. 4. As used in sections 3 through 9, and amendments thereto:

(a) "Alternate teacher preparation program" means a program which is provided for by the state board of education and designed to ensure that a teacher licensure applicant has the basic knowledge and qualifications necessary to engage in the profession of teaching at an accredited school in this state.

(b) "Teacher licensure applicant" means a person who applies under authority of sections 3 through 9, and amendments thereto, for an initial license to teach in this state.

New Sec. 5. (a) The alternate teacher preparation program will require a teacher licensure applicant to complete:

(1) A 10 contact hour preservice orientation conducted by an employing accredited school prior to a classroom assignment. Orientation shall include familiarization with school policies, procedures, curriculum, instructional model, community characteristics, and resources; and

(2) an internship of two school years (four semesters) prescribed by the state board of education. At the successful completion of internship, student teaching requirements will be waived.

(b) During internship, a teacher licensure applicant will be supervised by a team of two persons consisting of a mentor teacher or national board certified teacher and the building principal from the accredited school employing the applicant. Guidelines for supervision will be provided by the state board of education. The supervisory team will meet no fewer than three times per school year to evaluate, consult with, and provide advice to the applicant. The last meeting of the first year of internship will result in a recommendation for discontinuation of the program or continuation for the second year of internship. Successful completion of the program will result in a recommendation for licensure.

New Sec. 6. A teacher licensure applicant shall:

(a) Be the holder of a baccalaureate or higher degree, earned with a minimum cumulative grade point average of 2.75 on a 4.0 scale, and granted by an accredited college or university;

(b) have earned academic credits appropriate to meeting subject and field requirements for licensure with an endorsement at the secondary level for such subject or field or for licensure with an endorsement at the elementary, middle or junior high level. The state board of education will assure attainment by the applicant of the minimum semester hour requirements for general education and subjects or fields of specialization. Minor deficiencies in the subject or field of specialization requirements may be satisfied through additional course work approved by the state board of education;

(c) take and pass the national teacher examination core battery with a composite score at or higher than the national mean score;

(d) apply for and receive from the state board of education a license valid for one year and renewable for a second year upon successful completion of the first year of participation in the program and recommendation by the supervisory team;

(e) receive and document an offer of a teaching position at an accredited Kansas school; and

(f) pay a fee approved by the state board of education as part of the contractual arrangements with the employing accredited school, which fee shall be in an amount determined by the board to be necessary for payment of the costs of the program including, but not limited to, the costs for remuneration of the principal and mentor teacher members

of the supervisory team. The applicant and employing accredited school shall share equally in the costs for remuneration of the principal and mentor teacher.

New Sec. 7. Upon successful completion of the alternate teacher preparation program as verified by the employing accredited school, a teacher licensure applicant may apply for licensure on a form provided by the state board of education. The state board shall review the application and the recommendation of the employing accredited school and shall grant licensure, grant provisional licensure, or deny licensure. Successful completion of the alternate teacher preparation program will not entitle a teacher licensure applicant to licensure with an endorsement in special education subject areas or licensure at the elementary level other than in the subjects or fields of specialization for which the applicant has met the standards for endorsement.

New Sec. 8. Upon completion of each school year, commencing with the 2005-06 school year, the state board of education shall make a report to the legislature on the effectiveness of the alternate teacher preparation program. The report shall include the following information:

- (a) The number of accredited schools participating in the program;
- (b) the number of persons who applied for employment as teacher licensure applicants and the number of such applicants who actually were employed;
- (c) the number of persons who successfully completed the alternate teacher preparation program, who were recommended for licensure, and who were granted licenses;
- (d) the quality of teachers granted licenses under sections 3 through 9, and amendments thereto;
- (e) the rate of attrition of teachers granted licenses under sections 3 through 9, and amendments thereto, as compared with teachers who have completed a regular teacher preparation program; and
- (f) the costs to the state of providing the alternate teacher preparation program as compared with regular teacher preparation programs.

New Sec. 9. The requirements and procedures contained in sections 3 through 8, and amendments thereto, for initial issuance of licenses to teach shall be deemed alternative to the requirements and procedures therefor that are in effect under any other provision of law and under rules and regulations adopted pursuant thereto by the state board of education.”;

By renumbering accordingly;

In the title, by striking all in lines 16 through 19 and inserting:

“AN ACT concerning the state board of education; relating to the powers and duties thereof; amending K.S.A. 2001 Supp. 72-6445 and 72-7108 and repealing the existing sections.”; and **HB 2953** be passed as further amended.

Sub HB 2979 be amended by adoption of the committee amendments, be further amended by motion of Senator Huelskamp as amended by Senate Committee, on page 1, after line 35 by inserting the following:

“Sec. 2. (a) Notwithstanding any provision of K.S.A. 8-1102 or the Kansas standard asset seizure and forfeiture act, K.S.A. 60-4101 *et seq.*, and amendments thereto, each city or county which impounds a motor vehicle shall give notice to the owner of such motor vehicle and to any interest holder who has an interest in such motor vehicle of the impoundment.

(b) The notice required by this section shall be in writing and shall contain:

- (1) A general description of the motor vehicle impounded;
- (2) the date and place where the impoundment occurred;
- (3) the name of the impounding agency; and
- (4) the name, address and telephone number of the impounding officer or other person or agency from whom information about the impoundment may be obtained.

(c) The notice required by this section shall be given within seven days of the date of the impoundment.

(d) For the purposes of this section, the term “interest holder” shall have the meaning ascribed to it in K.S.A. 60-4102 and amendments thereto.

Sec. 3. No fees of any kind shall be charged to or collected from anyone for storage or impoundment of a motor vehicle for more than seven calendar days unless notice has been given as required by section 2, and amendments thereto.”;

Renumber the remaining section accordingly;

Also on page 1, in the title, in line 13, before the period by inserting “; relating to the seizure of automobiles by cities and counties”, and **Sub HB 2979** be passed as further amended.

S Sub for HB 2123 be amended by adoption of the committee report recommending a substitute, be amended by motion of Senator Pugh on page 2, in line 30, by striking “: (1) Causing” and inserting “causing”; in line 31, after “gamecock” the second time it appears, by inserting “while having a sharp instrument attached to such gamecock’s leg”; also in line 31, by striking “; (2)”; by striking all in lines 32 through 35; in line 36, by striking all before the period, and **S Sub for HB 2123** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **SB 436**, **SB 627**, **SB 638**; **Sub HB 2057**; **S Sub HB 2094**, **S Sub HB 2123**; **HB 2247**, **HB 2602**, **HB 2640**, **HB 2665**, **HB 2666**, **HB 2677**, **HB 2718**, **HB 2752**, **HB 2768**, **HB 2818**, **HB 2953**; **Sub HB 2979** were advanced to Final Action and roll call.

SB 436, An act concerning dams, levees and other water obstructions; fees; inspections; amending K.S.A. 24-126, 82a-301, 82a-302 and 82a-303b and repealing the existing sections; also repealing K.S.A. 82a-304.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Emler, Gooch, Goodwin, Haley, Harrington, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Downey, Feleciano, Gilstrap, Hensley, O’Connor.

The bill passed, as amended.

SB 627, An act concerning the Kansas national guard; relating to pay and allowances; amending K.S.A. 2001 Supp. 48-225 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O’Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 638, An act concerning retirement; relating to certain school retirants; employment after retirement; requiring certain duties of state board of education and legislative educational planning committee; amending K.S.A. 2001 Supp. 46-1208a, 72-5437, 72-5445, 72-7513 and 74-4914 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O’Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

Sub HB 2057, An act concerning medical scholarships and loans; concerning medically underserved areas; amending K.S.A. 65-2811a, 76-379, 76-383 and 76-384 and K.S.A. 2001 Supp. 74-32,132, 76-375, 76-381 and 76-385 and repealing the existing sections; also repealing K.S.A. 76-373, 76-374, 76-377, 76-377a and K.S.A. 2001 Supp. 76-376.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

S Sub HB 2094, An act concerning schools and school finance; relating to juvenile detention facilities; amending K.S.A. 2001 Supp. 72-6407, 72-6430 and 72-8187 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: O'Connor.

The substitute bill passed.

S Sub HB 2123, An act concerning cockfighting; amending K.S.A. 21-4313 and K.S.A. 2001 Supp. 21-4310 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Lee.

The substitute bill passed, as amended.

HB 2247, An act concerning the Kansas business health partnership act; relating to the removal of the sunset provision and making other clarifications of the act; amending K.S.A. 40-4701, 40-4702, 40-4704, 40-4706 and 40-4707 and repealing the existing sections.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Huelskamp, Lyon.

The bill passed, as amended.

HB 2602, An act concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2640, An act relating to insurance; relating to viatical settlements and investments; relating to small employer benefit plans; relating to group policies; relating to risk-based capital requirements; relating to licensure of insurance agents; relating to standard nonforfeiture provisions for annuities amending K.S.A. 40-428a, 40-2240 and 40-2258 and K.S.A. 2001 Supp. 17-1262, 40-2c01 and 40-4909 and repealing the existing sections; also

repealing K.S.A. 40-2,171, 40-2,172, 40-2,173, 40-2,174, 40-2,175, 40-2,176, 40-2,177, 40-2,178, 40-2,179, 40-2,180, 40-2,181, 40-2,182 and 40-2-183.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2665. An act concerning emergency medical services; relating to certification; relating to the administration of auto-injection epinephrine; amending K.S.A. 2001 Supp. 65- 6121 and 65-6129 and repealing the existing sections; also repealing K.S.A. 65-6122.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2666. An act concerning autopsies; relating to payment; amending K.S.A. 22a-242 and 22a-245 and K.S.A. 2001 Supp. 65-2418 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Gooch, Goodwin, Haley, Harrington, Jackson, Jenkins, Jordan, Kerr, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Feleciano, Gilstrap, Hensley, Huelskamp, Lee, O'Connor.

The bill passed, as amended.

HB 2677. An act concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2001 Supp. 60-1111 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2718. An act concerning the department of health and environment; relating to vital statistics; amending K.S.A. 23-110, 65-2417 and 65-2434 and K.S.A. 2001 Supp. 65-2418, 65- 2424d and 65-2423 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The bill passed, as amended.

HB 2752, An act concerning crimes, criminal procedure and punishment; creating certain crimes relating to pipelines; relating to theft; amending K.S.A. 2001 Supp. 21-3701 and repealing the existing section.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley, Lyon, Pugh.

The bill passed, as amended.

HB 2768, An act concerning farm and pastureland tenancies; relating to termination thereof; amending K.S.A. 58-2506 and repealing the existing section.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

HB 2818, An act concerning agriculture; creating the sunflower commodity commission; prescribing certain powers, duties and responsibilities; assessments; amending K.S.A. 2-3001, 2-3002, 2-3003, 2-3006 and 2-3007 and repealing the existing sections.

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

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee.

The bill passed, as amended.

HB 2953, An act concerning the state board of education; relating to the powers and duties thereof; amending K.S.A. 2001 Supp. 72-6445 and 72-7108 and repealing the existing sections.

On roll call, the vote was: Yeas 18, Nays 22, Present and Passing 0, Absent or Not Voting 0.

Yeas: Barnett, Brownlee, Clark, Corbin, Donovan, Harrington, Huelskamp, Jackson, Jordan, Kerr, Lyon, Morris, O'Connor, Pugh, Salmans, Taddiken, Tyson, Wagle.

Nays: Adkins, Allen, Barone, Brungardt, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jenkins, Lee, Oleen, Praeger, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil.

A constitutional majority having failed to vote in favor of the bill **HB 2953** did not pass.

Sub HB 2979, An act concerning vehicles; relating to storage fees; requiring notice to lienholders; relating to the seizure of automobiles by cities and counties.

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

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The substitute bill passed, as amended.

On motion of Senator Oleen the Senate adjourned until 2:30 p.m., Monday, April 1, 2002.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

