

Journal of the Senate

THIRTY-SECOND DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 25, 2004—10:00 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,

There's a parliamentary rule
Which is used most everywhere.
The person who has the floor
Must address the chair.

This idea was introduced
To keep debating cool,
And not become too personal
If debaters keep the rule.

It seems to me, O God,
This rule applies to prayer.
If we would keep in mind
That heaven has a chair.

And that we should remember
That You are in that chair,
And that You watch and listen
To people everywhere.

I believe that there would be
Less conflict everywhere,
If we never do forget
To address the chair.

That's why You gave us, Lord,
The wonderful gift of prayer,
So the world would be much quieter
When we address the chair.

I pray in Jesus' Name,

AMEN

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 545, An act concerning certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 2003 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 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, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committees as indicated:
Assessment and Taxation: **SB 544**.

MESSAGE FROM THE GOVERNOR

February 20, 2004

To the Senate of the State of Kansas:

Submitted herewith for confirmation by the Senate is an appointment made by me as the Governor of the State of Kansas, pursuant to law.

KATHLEEN SEBELIUS
Governor

Member, Kansas Development Finance Authority, Timothy C. Schaller, pursuant to the authority vested in me by K.S.A. 74-8903, effective upon the date of confirmation by the Senate, to serve a term of four years.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2563, HB 2604, HB 2707, HB 2725, HB 2731, HB 2745, HB 2746, HB 2793**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2563, HB 2604, HB 2707, HB 2725, HB 2731, HB 2745, HB 2746, HB 2793 were thereupon introduced and read by title.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 183, An act concerning crimes, criminal procedure and punishment; relating to the interstate compact for juveniles; repealing K.S.A. 38-1001, 38-1002, 38-1003, 38-1004, 38-1005, 38-1006 and 38-1007, was considered on final action.

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

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brungardt, Buhler, Bunten, Corbin, Donovan, Downey, Emler, Goodwin, Haley, Helgerson, Hensley, Jackson, Jordan, Journey, Kerr, Lee, Morris, O'Connor, Oleen, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Gilstrap, Huelskamp, Lyon, Pugh.

The bill passed.

SB 257, An act concerning the Kansas animal health department; relating to pet animal act fees; amending K.S.A. 2003 Supp. 47-1721 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Goodwin, Haley, Helgerson, Hensley, Jordan, Kerr, Lee, Morris, Oleen, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Gilstrap, Huelskamp, Jackson, Journey, Lyon, O'Connor, Pugh, Salmans, Tyson.

The bill passed, as amended.

SB 309, An act relating to the state corporation commission; concerning certain penalties; amending K.S.A. 66-138 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 330. An act regulating traffic; requiring certain warning devices on garbage trucks; amending K.S.A. 8-1738 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 348. An act concerning accident and health insurance; pertaining to the effect of health savings accounts on certain types of coverage; amending K.S.A. 2003 Supp. 40-2,105 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 366. An act concerning the cancer registry; relating to the definition of health care provider and parties required to report to the registry; amending K.S.A. 65-1,168 and 65-1,169 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 373. An act concerning school district; relating to consolidation of districts; amending K.S.A. 72-8701 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 376. An act concerning campaign finance; relating to use of unexpended campaign funds; amending K.S.A. 25-4142 and 25-4157a and K.S.A. 2003 Supp. 25-4143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 29, Nays 11, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Buhler, Bunten, Corbin, Donovan, Emler, Goodwin, Jackson, Jordan, Journey, Kerr, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Barone, Betts, Clark, Downey, Gilstrap, Haley, Helgerson, Hensley, Huelkamp, Lee, Lyon.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote "NO" on **SB 376**.

SB 376 should be called the "untruth in campaign act" as it is untruthful to the public when they contribute to a person to run for office. Just as Governor Candidate Glasscock returned money when he chose to run for Lt. Governor and just as Congressman Jerry Moran didn't use his Senate account to run for Federal Office, the public policy of Kansas

should be that a candidate who raises money for one particular office should not be able to transfer that money to run for another office.

As the bill emerged from committee, the bill grand-fathered in those who had transferred money. The bill set the policy for the future on the right track. There was no incumbent protection as the bill came from committee. Those incumbents mentioned, like the statewide office holders, have long-since spent the funds from their previous campaigns. We should start over as of January 1, 2004, and tell the truth to the voters of Kansas: when we raise money for one campaign, it will not be used for a different campaign. **SB 376** codifies an untruth to the voters of Kansas.—ANTHONY HENSLEY

MR. PRESIDENT: I vote yes on **SB 376** because it moves the process along to assist the wrong done to the Mayor of Wichita. The amendment added on the floor of the Senate allows self serving incumbents to juggle campaign funds sometimes in disagreement with the wishes of their contributors. It is therefore hoped that the process in the House of Representatives will correct the deficiency.—KAY O'CONNOR

MR. PRESIDENT: I vote aye on **SB 376**.

A vote for this bill codifies nearly three decades of responsible, time-tested policy and practice of the Kansas Governmental Ethics Commission. This bill ensures that Kansas Elections will remain competitive, fair and open.

A vote against this bill gives incumbents at all levels — from the governor's office to the Kansas senate — an unfair financial advantage over challengers. We should not allow an egregious incumbent protection racket to be the law in Kansas.

I vote for giving voters real choices. I vote for treating all candidates fairly. I vote without regard to whether my vote will “please lobbyists” or other political insiders. I vote aye.—DEREK SCHMIDT

Senators Kerr, Oleen, Umbarger and Vratil request the record to show they concur with the “Explanation of Vote” offered by Senator Schmidt on **SB 376**.

SB 383, An act amending the Kansas uniform commercial drivers' license act; relating to hazardous materials endorsement; amending K.S.A. 2003 Supp. 8-2,128 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 385, An act regulating traffic; concerning school zones; amending K.S.A. 8-2118 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 417, An act concerning income taxation; relating to rural business development tax credits; amending K.S.A. 40-2803 and 40-2804 and K.S.A. 2003 Supp. 79-32,117 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huel-skamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 422. An act concerning crimes, punishment and criminal procedure; relating to imprisonment for life without the possibility of parole; amending K.S.A. 21-4634 and K.S.A. 2003 Supp. 21-4635 and 22-3717 and repealing the existing sections, 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Haley, Journey.

The bill passed, as amended.

SB 423. An act concerning civil procedure; relating to wage garnishment; amending K.S.A. 2003 Supp. 60-2310 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 28, Nays 11, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brungardt, Buhler, Bunten, Clark, Donovan, Emler, Gilstrap, Goodwin, Helgerson, Jackson, Jordan, Journey, Kerr, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Adkins, Barone, Betts, Brownlee, Corbin, Haley, Hensley, Huelskamp, Lee, Pugh, Tyson.

Present and Passing: Downey.

The bill passed, as amended.

SB 446. An act relating to roads and highways; concerning duties and liabilities during repairs or improvements; amending K.S.A. 68-2101, 68-2102, 68-2103 and 68-2107 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

SB 501. An act regulating traffic; concerning the use of compression release engine braking system; amending K.S.A. 8-2118 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed.

SB 524. An act concerning agriculture; amending K.S.A. 2-127, 2-128, 2-129, 2-129i, 2-131b, 2-131d, 2-131e, 2-132, 2-137, 2-142, 2-144d, 2-158, 2-714, 2-716, 2-907, 2-1002, 2-1004, 2-1004a, 2-1008, 2-1010, 2-1012, 2-1013, 2-1014, 2-1201, 2-1209, 2-1220, 2-1226, 2-1227, 2-1228, 2-1316, 2-1317, 2-1318, 2-1319, 2-1322, 2-1327, 2-1331, 2-1421a, 2-1424a, 2-1425, 2-1427, 2-1437, 2-2003, 2-2005, 2-2009, 2-2202, 2-2210, 2-2212, 2-2438a, 2-2439, 2-2444a, 2-2461, 2-2464a, 2-2469, 2-2472, 2-2802, 2-2803, 2-2814, 2-2901, 2-2903, 2-2911, 2-3002a, 2-3309, 2-3315, 2-3601, 11-201, 12-636, 12-761, 12-766, 12-2713, 16-1503, 16-1505, 19-1561b, 19-2963, 24-407, 24-418, 24-656, 24-659, 24-1202, 24-1204, 27-328, 28-813, 34-101c, 34-125, 34-132, 34-133, 34-134, 42-701, 42-725, 44-820, 47-1902, 47-1903, 47-1904, 47-1905, 47-2001, 47-2301, 50-905, 55-153, 65-1,177, 65-688, 65-6a19, 65-6a24, 65-6a26, 65-6a28, 65-6a29, 65-6a30, 65-6a31, 65-6a32, 65-6a33, 65-6a35, 65-6a44, 65-6a44a, 65-6a45, 65-6a56, 65-771, 65-772, 65-34,103, 65-5703, 66-1,160, 68-506b, 68-1414, 68-1702, 68-2203, 74-504, 74-504a, 74-504b, 74-504e, 74-505, 74-505c, 74-506a, 74-506b, 74-506d, 74-509, 74-510a, 74-511, 74-515a, 74-515b, 74-542, 74-550, 74-553, 74-554, 74-555,

74-562, 74-578, 74-2610, 74-5048, 75-3149, 75-3150, 76-478, 82a-301a, 82a-303a, 82a-307a, 82a-405, 82a-603, 82a-612, 82a-701, 82a-706e, 82a-732, 82a-734, 82a-903, 82a-1021, 82a-1023, 82a-1301, 82a-1335, 82a-1501, 82a-1803, 83-205 and 83-403 and K.S.A. 2003 Supp. 2-1333, 2-2906, 2-3602, 47-816, 55-443, 55-447, 65-6a18, 74-567, 74-2622, 74-50,159, 74-50,162, 74-8101, 79-3425c, 82a-731, 82a-954, 82a-1603, 82a-1903, 82a-1904, 83-219, 83-302 and 83-402 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, Betts, Brownlee, Brungardt, Buhler, Bunten, Clark, Corbin, Donovan, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Huelkskamp, Jackson, Jordan, Journey, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **SB 293** be amended on page 1, in line 35, by striking all following "projectile"; in line 36, by striking "sive"; in line 41, by striking all following "(5)"; by striking all in lines 42 and 43;

On page 2, in line 2, by striking "the two immediately"; in line 3, by striking all preceding the comma and inserting "this subsection"; in line 4, by striking "(7)" and inserting "(6)"; in line 5, by striking "(8)" and inserting "(7)"; in line 9, by striking "or (9)" and inserting "(8)"; in line 11, preceding the period by inserting "; or (9) any weapon as defined by resolution of the board of education adopted pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto"; preceding line 20, by inserting new material to read as follows:

"New Sec. 2. A board of education may adopt a resolution pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto, prohibiting, on school property, the possession of weapons which are not otherwise prohibited under K.S.A. 72-89a01 et seq., and amendments thereto.";

By renumbering the remaining sections accordingly;

And the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 523** be amended on page 1, in line 19, by striking "is"; in line 27, by striking "an" and inserting "a clerical"; in line 30, by striking "No-"; in line 31, by striking all before the comma and inserting "October 1"; also in line 31, by striking all after the period; by striking all in lines 32 and 33; in line 34, by striking all before "A"; and inserting "Any budget amended pursuant to this subsection shall be subject to the same publication, notice and public hearing requirements as required by K.S.A. 79-2929, and amendments thereto, for the adoption of the original budget."; and the bill be passed as amended.

Also, **HCR 5005**, as amended by House Committee, be amended on page 1, in line 38, by striking all after "the"; in line 39, by striking all before the comma and inserting "four preceding general elections as defined in K.S.A. 25-101, and amendments thereto"; also in line 39, by striking all after "election"; in line 40, by striking all before "or"; and the concurrent resolution be adopted as amended.

Committee on **Financial Institutions and Insurance** recommends **SB 509** be amended on page 6, in line 23, by striking all after "sideration" and inserting "for";

On page 14, in line 3, before "or" by inserting ", county or district attorney"; in line 18, by striking "under the Kansas credit services organization"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 388** be amended on page 1, in line 18, by striking "the powers"; in line 19, by striking "and authority of peace, police and law enforcement officers"; in line 21, before "anywhere" by inserting "statewide law enforcement powers and authority"; and the bill be passed as amended.

Also, **SB 430** be amended on page 2, in line 5, by striking "The" and inserting "Except as provided in subparagraph (3), the"; in line 14, by striking "The" and inserting "Except as provided in subparagraph (3), the"; after line 22, by inserting the following:

"(3) Nothing in this section shall prohibit the use and admissibility in evidence of one or more excerpts from any such survey or inspection report that relates to the allegations

asserted by the named plaintiff, if the court determines on the record, following a hearing outside the presence of the jury, that every such excerpt is otherwise admissible under the rules of evidence of the code of civil procedure.”;

Also on page 2, in line 23, by striking “(3)” and inserting “(4)”; after line 31, by inserting the following:

“Sec. 2. K.S.A. 2003 Supp. 39-936 is hereby amended to read as follows: 39-936. (a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each resident shall be provided with a copy of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy of such statement in the resident’s file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person or persons shall be in attendance at all times upon residents receiving accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person or persons attendant upon the residents.

(c) (1) The licensing agency shall require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to the mentally retarded which has been granted an exception by the secretary of health and environment upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, employed on and after the effective date of this act who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the secretary of health and environment or are not participating in such a course on the effective date of this act to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the secretary of health and environment shall not provide direct, individual care to residents. The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the secretary of health and environment. The 40 hours of training may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education and training required by the secretary of health and environment under subsection (c)(2).

(2) The licensing agency may require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to the mentally retarded which has been granted an exception by the secretary of health and environment upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, who provide direct, individual care to residents and who do not administer medications to residents after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued employment by an adult care home. A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home which prepared and which will administer the course of instruction. The licensing agency shall not require unlicensed employees of an adult care home who provide direct, individual care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the secretary of health and environment shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction. Unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon

completion of the approved course of instruction shall be eligible to take an examination. The examination shall be prescribed by the secretary of health and environment, shall be reasonably related to the duties performed by unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents and shall be the same examination given by the secretary of health and environment to all unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications.

(3) The secretary of health and environment shall fix, charge and collect a fee to cover all or any part of the costs of the licensing agency under this subsection (c). The fee shall be fixed by rules and regulations of the secretary of health and environment. The fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(4) The secretary of health and environment shall establish a state registry containing information about unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications in compliance with the requirements pursuant to PL 100-203, Subtitle C, as amended November 5, 1990.

(5) No adult care home shall use an individual as an unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications unless the facility has inquired of the state registry as to information contained in the registry concerning the individual.

(6) Beginning July 1, 1993, the adult care home must require any unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications and who since passing the examination required under paragraph (2) of this subsection has had a continuous period of 24 consecutive months during none of which the unlicensed employee provided direct, individual care to residents to complete an approved refresher course. The secretary of health and environment shall prepare guidelines for the preparation and administration of refresher courses and shall approve or disapprove courses.

(d) Any person who has been employed as an unlicensed employee of an adult care home in another state may be so employed in this state without an examination if the secretary of health and environment determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.

(e) All medical care and treatment shall be given under the direction of a physician authorized to practice under the laws of this state and shall be provided promptly as needed.

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) Except in emergencies as defined by rules and regulations of the licensing agency and except as otherwise authorized under federal law, no resident may be transferred from or discharged from an adult care home involuntarily unless the resident or legal guardian of the resident has been notified in writing at least 30 days in advance of a transfer or discharge of the resident.

(h) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

(i) (1) *On and after July 1, 2004:*

(A) *In addition to the continuing education requirements for a licensee with an active nursing license pursuant to K.S.A. 65-1117, and amendments thereto, such licensee shall earn two additional hours of continuing education, if such licensee is employed by an adult care home and is providing direct, individual care to residents.*

(B) *In addition to the continuing education requirements for a certified medication aide pursuant to K.S.A. 65-1,121, and amendments thereto, such certified medication aide shall earn two additional hours of continuing education, if such aide is employed by an adult care home and is providing direct, individual care to residents.*

(C) *In addition to the training requirements and refresher course for an unlicensed employee of an adult care home pursuant to subsection (c), such employee shall earn two additional hours of training, if such employee is providing direct, individual care to residents.*

(2) *The continuing education or training requirements of this subsection shall:*

(A) *Conform with the regulations of the centers for medicare/medicaid services concerning enhanced quality measures;*

(B) *be approved by the quality improvement organization for Kansas; and*

(C) *be reasonably related to the duties performed by the licensees, aides and employees.”;*

And by renumbering sections accordingly;

Also on page 2, in line 32, by striking “is” and inserting “and K.S.A. 2003 Supp. 39-936 are”;

On page 1, in the title, in line 10, before “amending” by inserting “relating to continuing education for staff of adult care homes;”; also in line 10, after “39-935” by inserting “and K.S.A. 2003 Supp. 39-936”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Transportation** recommends **SB 500** be amended by substituting a new bill to be designated as “Substitute for SENATE BILL No. 500,” as follows:

“Substitute for SENATE BILL No. 500

By Committee on Transportation

“AN ACT relating to motor vehicles; concerning salvage vehicles; amending K.S.A. 8-197 and repealing the existing section.”;

and the substitute bill be passed.

Committee on **Utilities** recommends **SB 310** be amended on page 1, in line 16, by striking all after the period; by striking all in lines 17 through 21 and inserting: “Nothing in this section shall affect any authority of the state corporation commission with regard to any member or consumer owned public utility or to a telecommunications public utility.

(b) The commission shall ensure that the nonregulated activities of a public utility or affiliated entity do not materially impair the finances or credit of a public utility.

(c) The commission shall have full power and authority to adopt all reasonable and necessary rules and regulations and orders for carrying out this section.”;

Also on page 1, in line 22, by striking “(b)” and inserting “(d)”; in line 26, by striking “and” where it appears for the first time, and inserting “or”; in line 41, by striking “Nonutility” and inserting “Nonregulated”;

On page 2, in line 2, by striking “nonutility” and inserting “nonregulated”; and the bill be passed as amended.

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 Brungardt in the chair.

Recommended **SB 415**, **SB 426**, **SB 472** be passed.

SB 431 be amended by adoption of the committee amendments, and the bill be passed as amended.

SB 502 be amended by motion of Senator Allen on page 2, in line 26, by striking all following “section”; by striking all in lines 27 through 30; in line 31, by striking “(C)” and inserting “whenever”; in line 33, by striking “because of legislative business”; in line 34, by striking “who is a duly”; in line 35, by striking all preceding “may”; in line 36, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 39, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 40, by striking “legislator” and inserting “precinct committeeman or precinct committeewoman”; in line 41, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”;

On page 4, in line 42, by striking all following “section”; by striking all in line 43;

On page 5, by striking all in lines 1 and 2; in line 3, by striking “(C)” and inserting “whenever”; in line 5, by striking “because of legislative business”; in line 6, by striking

“who is a duly”; in line 7, by striking all preceding “may”; in line 8, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 11, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 12, by striking “legislator” and inserting “precinct committeeman or precinct committeewoman”; in line 13, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”;

On page 7, in line 5, by striking all following “section”; by striking all in lines 6 through 9; in line 10, by striking “(C)” and inserting “whenever”; in line 12, by striking “because of legislative business”; in line 13, by striking “who is a duly”; in line 14, by striking all preceding “may”; in line 15, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 18, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 19, by striking “legislator” and inserting “precinct committeeman or precinct committeewoman”; in line 20, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”;

On page 9, in line 4, by striking all following “section”; by striking all in lines 5 through 7; in line 8, by striking “(C)” and inserting “whenever”; in line 10, by striking “because of legislative business”; in line 11, by striking “who is a duly”; in line 12, by striking all preceding “may”; in line 13, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 16, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”; in line 17, by striking “legislator” and inserting “precinct committeeman or precinct committeewoman”; in line 18, by striking “legislator’s” and inserting “precinct committeeman’s or precinct committeewoman’s”, and **SB 502** be passed as amended.

SB 331, SB 479; HB 2008; Sub HB 2145 be passed over and retain a place on the calendar.

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

On motion of Senator Oleen, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

The President withdrew **SB 344, SB 512** from the Committee on Education and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 432** from the Committee on Judiciary and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 401, SB 522** from the Committee on Utilities and referred the bills to the Committee on Ways and Means.

The President withdrew **SB 409** from the Committee on Agriculture and referred the bill to the Committee on Ways and Means.

The President withdrew **SB 293, SB 355** from the calendar under the heading of General Orders and referred the bills to the Committee on Ways and Means.

COMMITTEE OF THE WHOLE

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

On motion of Senator Brungardt the report for the morning session and following afternoon session were adopted:

Recommended **SB 328, SB 350, SB 416, SB 442, SB 481, SB 508** be passed.

The committee report on **SB 350** recommending a **Sub SB 380** be adopted, and the substitute bill be passed.

SB 314, SB 357, SB 370, SB 382, SB 384, SB 387, SB 404, SB 410, SB 424, SB 440, SB 443, SB 447, SB 448, SB 449, SB 478 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 436 be amended by adoption of the committee amendments.

The following amendment offered by Senator Betts was rejected: as amended by Senate Committee, on page 1, in line 16, by striking "five" and inserting "10", and the bill be passed as amended.

SB 331 be amended by adoption of the committee amendments, be further amended by motion of Senator Clark as amended by Senate Committee, on page 2, in line 34, by striking "and" where it appears both times and inserting "or";

On page 3, following line 12, by inserting:

"(d) As used in this section "mother hubbard clause" means a provision in a deed or other instrument in writing which is intended to convey an interest in real estate and which describes the property to be conveyed as all of the grantor's property in a certain county.", and **SB 331** be passed as further amended.

SB 326 be amended by adoption of the committee amendments, be further amended by motion of Senator Jackson on page 1 line 19, by striking \$50,000 and inserting \$10,000, and page 2 line 13, by striking \$50,000 and inserting \$10,000 and page 2 line 21 by striking \$50,000 and inserting \$10,000 and page 2 line 27 by striking \$50,000 and inserting \$10,000, and page 2, line 29 by striking \$50,000 and inserting \$10,000, and **SB 326** be passed as further amended.

SB 396 be amended by adoption of the committee amendments, be further amended by motion of Senator Tyson as amended by Senate Committee, on page 7, in line 9, by striking "15." and inserting "13."; in line 12, by striking "16." and inserting "14.", and **SB 396** be passed as further amended.

SB 403 be amended by adoption of the committee amendments, be further amended by motion of Senator Huelskamp as further amended by Senate Committee, on page 22, following line 20, by inserting:

"New Sec. 17. (a) No school district shall expend any public moneys for the acquisition of electronic material harmful to minors.

(b) As used in this section, "electronic material harmful to minors" means any electronic source of print, picture, figure, image, description, film or recording which is harmful to minors, as defined in K.S.A. 21-4301c, and amendments thereto.";

By renumbering the remaining sections accordingly

Senator Lee moved to amend the bill As Further Amended by Senate Committee, on page 11, by striking all in lines 35 through 43;

On page 12, by striking all in lines 1 through 26;

And by renumbering sections accordingly;

On page 22, in line 23, by striking "72-6431,"; also in line 23, by striking "72-6431c,";

On page 1, in the title, in line 15, by striking "72-6431,"; in line 18, by striking "72-6431c,"

Upon the showing of five hands a roll call vote was requested.

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

Yeas: Adkins, Barone, Betts, Brownlee, Brungardt, Buhler, Downey, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Journey, Lee, O'Connor, Oleen, Salmans, Schmidt, Steineger, Teichman.

Nays: Allen, Barnett, Bunten, Clark, Corbin, Donovan, Emler, Huelskamp, Jackson, Jordan, Kerr, Lyon, Morris, Pugh, Schodorf, Taddiken, Tyson, Umbarger, Vratil, Wagle.

The motion failed and the amendment was rejected.

Senator Hensley moved to amend the bill as further amended by Senate Committee, on page 1, in line 22, before the comma, by inserting "and each school year thereafter"; in line 26, by striking all after the period; by striking all in lines 27 through 43;

On page 2, in line 41, by striking "or";

On page 3, by striking all in lines 22 through 31;

And by renumbering sections accordingly;

On page 7, by striking all in lines 32 through 35;

On page 10, in line 5, by striking all after "2005"; by striking all in lines 6 through 8; in line 9, by striking "2007"; in line 20, by striking the semicolon; by striking all in lines 21 through 23; in line 24, by striking all before "and";

On page 12, in line 9, before "2004-" by inserting "2003-2004 and school year"; in line 10, by striking all after the period; by striking all in line 11; in line 19, by striking "5" and inserting "6";

On page 13, in line 37, by striking "5%" and inserting "3.5%";

On page 14, in line 1, after "2004," by inserting "and"; in line 2, by striking all after "2004,"; in line 3, by striking "and before July 1, 2006, and 5.7% on and after July 1, 2006,";

On page 20, by striking all in lines 7 through 16; in line 36, after "2004," by inserting "and"; in line 37, by striking all after "2004"; in line 38, by striking all before the period;

On page 21, by striking all in lines 41 through 43;

On page 22, by striking all in lines 1 through 7;

In the title, in line 13, by striking all after "revenue"; in line 14, by striking "surcharge" and inserting "therefor"

Upon the showing of five hands a roll call vote was requested.

On roll call, the vote was: Yeas 15, Nays 24, Present and Passing 1, Absent or Not Voting 0.

Yeas: Adkins, Barone, Betts, Buhler, Downey, Goodwin, Haley, Helgerson, Hensley, Journey, Lee, O'Connor, Schmidt, Steineger, Teichman.

Nays: Allen, Barnett, Brownlee, Brungardt, Bunten, Clark, Corbin, Donovan, Emler, Huelskamp, Jackson, Jordan, Kerr, Lyon, Morris, Oleen, Pugh, Salmans, Schodorf, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Present and Passing: Gilstrap.

The motion failed and the amendment was rejected.

Senator Lyon moved to amend the bill as further amended by Senate Committee, on page 22, following line 20, by inserting:

"Sec. 17. K.S.A. 72-6438 is hereby amended to read as follows: 72-6438. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081 prior to its repeal by this act, is hereby continued in existence and shall consist of (1) all moneys credited to such fund under K.S.A. 72-6418 and 72-6431 and K.S.A. 72-6441, and amendments thereto, and (2) all amounts transferred to such fund.

(b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of general state aid entitlements provided for under this act.

(d) *Any increase in the amount of the base state aid per pupil in school year 2004-2005, and each year thereafter, which is attributable to revenue derived from the surcharge imposed pursuant to subsection (e) of K.S.A. 79-32,110, and amendments thereto, and that portion of revenue derived from the taxes imposed pursuant to K.S.A. 79-3603, 79-3620, 79-3703 and 79-3710, and amendments thereto, which are attributable to the increase in the rates of taxation in such sections on July 1, 2004, shall be used for the enhancement of salaries and benefits of teachers.*";

By renumbering the remaining sections accordingly;

Also on page 22, in line 22, following "72-6433b," by inserting "72-6438,";

In the title, in line 15, following "6414" by inserting " , 72-6438"

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

Yeas: Brownlee, Clark, Donovan, Huelskamp, Jordan, Journey, Lyon, O'Connor, Oleen, Pugh, Salmans, Schmidt, Taddiken, Tyson, Wagle.

Nays: Adkins, Allen, Barnett, Barone, Betts, Brungardt, Buhler, Bunten, Corbin, Downey, Emler, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jackson, Kerr, Lee, Morris, Schodorf, Steineger, Teichman, Umbarger, Vratil.

The motion failed and the amendment was rejected.

Senator Huelskamp moved to amend the bill as further amended by Senate Committee, on page 3, in line 24, by striking "2007" and inserting "2005";

On page 22, following line 20, by inserting:

"Sec. 17. K.S.A. 72-6438 is hereby amended to read as follows: 72-6438. (a) The state school district finance fund, established by K.S.A. 1991 Supp. 72-7081 prior to its repeal by this act, is hereby continued in existence and shall consist of (1) all moneys credited to such fund under K.S.A. 72-6418 and 72-6431 and K.S.A. 72-6441, and amendments thereto, and (2) all amounts transferred to such fund.

(b) The state school district finance fund shall be used for the purpose of school district finance and for no other governmental purpose. It is the intent of the legislature that the fund shall remain intact and inviolate for such purpose, and moneys in the fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(c) Amounts in the state school district finance fund shall be allocated and distributed to school districts as a portion of general state aid entitlements provided for under this act.

(d) *The cost of health care benefits required to be provided by section 3, and amendments thereto, shall be paid from any increase in the amount of the base state aid per pupil which is attributable to revenue derived from the surcharge imposed pursuant to subsection (e) of K.S.A. 79-32,110, and amendments thereto, and that portion of revenue derived from the taxes imposed pursuant to K.S.A. 79-3603, 79-3620, 79-3703 and 79-3710, and amendments thereto, which are attributable to the increase in the rates of taxation in such sections on July 1, 2004. Any revenue remaining after paying such costs shall be used to pay other costs of the school district. Nothing in this subsection shall be construed as limiting a school district from using other revenue to pay for health care benefits required by section 3, and amendments thereto.*;

By renumbering the remaining sections accordingly;

Also on page 22, in line 22, following "72-6433b," by inserting "72-6438,";

In the title, in line 15, following "6414" by inserting ", 72-6438"

The motion failed and the amendment was rejected.

The Committee recommended **SB 403** as amended by adoption of the committee amendments and further amended by motion of Senator Huelskamp be passed as further amended.

EXPLANATION OF VOTE

MR. CHAIRMAN: This state ranks in the bottom fifth of the nation in terms of dollars invested in public education that actually make it into the classroom. That is unacceptable! This amendment would make certain that new taxes for education would go to where it is needed most—to the CLASSROOM. Let's quit wasting money on administrative overhead and direct it to helping our kids.—TIM HUELSKAMP

Senator Lyon requests the record to show he concurs with the "Explanation of Vote" offered by Senator Huelskamp on **SB 403**.

HB 2008 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 25, by striking "has" and inserting "or the person's parents have"; in line 26, preceding "will" by inserting "such person"

Senator Umbarger further amended the bill as amended by Senate Committee, on page 2, following line 38, by inserting:

"(d) Any individual who files an affidavit pursuant to subsection (b) which contains false information or fails to file an application to legalize such person's immigration status or begin the process for citizenship as required by subsection (b) shall not be deemed a resident of the state of Kansas for the purpose of tuition and fees."

Senator Schmidt amended the bill as amended by Senate Committee of the whole, by striking the 2nd amendment adopted on the motion of Senator Umbarger and inserting in lieu thereof, on page 2, following line 38:

"(d) Any individual who: (1) Files an affidavit which contains false information; (2) fails to file an application to legalize such person's immigration status within one year of becoming eligible; (3) fails to begin the process for citizenship within one year of becoming eligible; or (4) fails to maintain an active application for citizenship after filing therefor shall not be

deemed a resident of the state of Kansas for the purpose of tuition and fees. In addition, such individual shall be required to repay the difference between the amount of fees and tuition actually paid and the amount such person would have paid as a nonresident of the state of Kansas, plus interest at a rate not to exceed the maximum under K.S.A. 16-201, and amendments thereto, for the time such individual was enrolled as a resident pursuant to this section.”

Senator Taddiken moved to amend the bill as amended by Senate Committee, on page 2, in line 35, by striking “or”; in line 38, by striking the period and inserting “; or” preceding line 39, by inserting new material to read as follows:

“(3) has a parent, or parents, residing illegally in the United States.”

The motion failed and the amendment was rejected.

Senator Barnett moved to amend the bill as amended by Senate Committee, on page 2, following line 38, by inserting:

“Sec. 2. (a) As used in this section:

(1) “Postsecondary educational institution” has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto.

(2) “Individual” means any person who is not deemed to be a resident of the state of Kansas for the purpose of tuition and fees for attendance at a postsecondary educational institution but who currently resides, or has resided, in the state of Kansas or any person whose parent or guardian currently resides, or has resided, in the state of Kansas.

(b) The amount of tuition and fees required to be paid by an individual for attendance at a postsecondary educational institution shall be reduced as provided by this section.

(c) (1) The postsecondary educational institution shall determine the difference in the amount of tuition and fees paid by persons who are deemed to be residents and persons who are deemed to be nonresidents and the number of years, or part thereof, an individual or an individual’s parent or guardian was a resident of the state of Kansas.

(2) A credit of .05 for each year of residency shall be applied to the amount of tuition and fees required to be paid by such individual. Such credit shall not exceed the difference in the amounts determined under paragraph (1).

(d) The state board of regents shall adopt rules and regulations necessary for the implementation of this section.”;

By renumbering the remaining section accordingly

The motion failed and the amendment was rejected.

On motion to recommend **HB 2008** favorably for passage, a roll call vote was requested upon the showing of five hands.

On roll call, the vote was: Yeas 28, Nays 8, Present and Passing 4, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Betts, Brownlee, Brungardt, Buhler, Bunten, Downey, Gilstrap, Goodwin, Haley, Helgerson, Hensley, Jordan, Kerr, Lee, Morris, Oleen, Salmans, Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle.

Nays: Emler, Huelskamp, Jackson, Journey, Lyon, O’Connor, Pugh, Tyson.

Present and Passing: Clark, Corbin, Donovan, Taddiken.

The motion was adopted and the Committee recommended **HB 2008** be passed as further amended.

Sub SB 296 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Schmidt on page 5, in line 14, by striking all following “Any”; in line 15, by striking all preceding “person”; also in line 15, preceding “who” by inserting “or entity”; in line 23, by striking all following “Any”; in line 24, by striking “tion or”; also in line 24, preceding “who” by inserting “or entity”, and **Sub SB 296** be passed as amended.

SB 304, SB 479, SB 480; Sub HB 2145 be passed over and retain a place on the calendar.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Thursday, February 26, 2004.

HELEN MORELAND, CAROL PARRETT, BRENDA KLING, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

