

Journal of the Senate

FORTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, March 14, 2007—2:30 p.m.

The Senate was called to order by Vice President John Vratil.

The roll was called with forty senators present.

Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
Some folks do not realize
(and I think it is a pity)
When the Senate's not in session
They are meeting in committees
So today I want to Pray
For the members of Committees
Where it's necessary
To reach the nitty-gritty
I Pray for those in Agriculture
As they meet and Converse
As well as the Senators
Who are members of Commerce
Bless those in Utilities,
Assessment and Taxation
Also those in Public health
As well as Transportation
Watch over Ways and Means
And Judiciary,
Help them do the things
That are necessary
I Pray for Natural Resources
And Financial Institutions
Also those in Health Care,
Help them find solutions
Elections and Local Government
Also need our Prayers,
As well as Education
And Federal and State Affairs.
I Pray for all of them
In the name of Jesus Christ,
Amen

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 382, An act concerning sales taxation; relating to exemptions; state correctional institutions and privately constructed correctional institutions contracted for state use and ownership; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to Committee as indicated:

Ways and Means: **SB 381**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2264**.

Passage of **SB 111**, **SB 164**, **SB 190**, **SB 240**, **SB 356**.

Passage of **SB 249**, as amended.

The House concurs in Senate amendments to **HB 2021**.

The House concurs in Senate amendments to **HB 2208**.

The House concurs in Senate amendments to **HB 2220**.

The House accedes to the request of the Senate for a conference on **SB 52** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 192** and has appointed Representatives Faber, Knox and Svaty as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2264 was thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Bruce moved the Senate concur in house amendments to **SB 54**.

SB 54, An act concerning criminal procedure; relating to arrest warrants; amending K.S.A. 2006 Supp. 22-2303 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 72**.

SB 72, An act concerning mortuary arts; relating to funeral directors and licenses; amending K.S.A. 65-1713 and K.S.A. 2006 Supp. 65-1751 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Senate concurred.

Senator Bruce moved the Senate concur in house amendments to **SB 118**.

SB 118, An act concerning children and minors; relating to children in need of care; amending K.S.A. 2006 Supp. 38-2219 and 38-2249 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Senate concurred.

CONFIRMATION OF APPOINTMENTS

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

Senator D. Schmidt moved the following appointment be confirmed as recommended by the Standing Senate Committee:

By the Governor:

On the appointment to the:

State Board of Tax Appeals:

Bruce Larkin, term expires January 15, 2008.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The appointment was confirmed.

REMOVE FROM CONSENT CALENDAR

An objection having been made to **HB 2119** appearing on the Consent Calendar, the Vice President directed the bill be removed and placed on the calendar under the heading of General Orders.

FINAL ACTION ON CONSENT CALENDAR

HB 2109, HB 2161, HB 2216, HB 2232, HB 2385 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2109, An act concerning insurance; pertaining to risk-based capital requirements; amending K.S.A. 2006 Supp. 40-2c01 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2161, An act concerning counties; relating to enforcement of county codes and resolutions; amending K.S.A. 2006 Supp. 19-101d 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2216, An act concerning dentists and dental hygienists; relating to licensure; amending K.S.A. 65-1431 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2232, An act concerning crimes, criminal procedure and punishment; relating to costs in criminal cases; eliminating reimbursement of jury fees by the department of corrections; amending K.S.A. 22-3801 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2385, An act concerning retirement; relating to the Kansas public employees deferred compensation act; transferring certain powers, duties and functions thereunder to the board of trustees of the Kansas public employees retirement system; administration of deferred compensation plan; abolishing the administrative oversight committee on deferred compensation; amending K.S.A. 74-4909, 75-5528, 75-5529, 75-5529a and 75-5529b and K.S.A. 2006 Supp. 74-4911f, 75-5520a, 75-5521, 75-5523, 75-5524 and 75-5525 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 75-5529c.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 79, An act concerning the Kansas sports hall of fame; relating to the funding thereof; amending K.S.A. 2006 Supp. 79-4803 and 79-4804 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23, Nays 12, Present and Passing 5, Absent or Not Voting 0.

Yeas: Allen, Apple, Betts, Brungardt, Emler, Gilstrap, Hensley, Journey, Kelly, McGinn, Morris, Petersen, Pine, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Barnett, Barone, Brownlee, Bruce, Haley, Huelskamp, Lynn, Ostmeyer, Palmer, Pyle, Reitz, Steineger.

Present and Passing: Donovan, Francisco, Goodwin, Jordan, Lee.

The substitute bill passed.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote NO on **Sub SB 79**. The supporters of this measure are colleagues and friends and the goal is laudable. However, I believe other pressing issues such as securing funding for state employee raises, cost of living increases for retired state workers, deferred maintenance at our universities and health care for all Kansans should be addressed—JIM BARNETT

Senators Barone and Haley request the record to show they concur with the “Explanation of Vote” offered by Senator Barnett on **Sub SB 79**.

MR. VICE PRESIDENT: It is with great pleasure that I vote on **Sub SB 79** today. The Kansas Sports Hall of Fame has been in existence by statute for 45 years, but has never been funded. It is long past time that this state honor, educate and, most importantly, inspire the youth of this state to become good students, but more importantly good citizens of this great state. Mr. Vice President I vote “aye.”—JAY SCOTT EMLER

Senators Apple, Betts, Journey, McGinn, Schodorf, Teichman, Umbarger request the record to show they concur with the “Explanation of Vote” offered by Senator Emler on **Sub SB 79**.

MR. VICE PRESIDENT: I vote Aye on **Sub SB 79**. It is an investment in our children. It is an investment in our future. It is an investment in our State of Kansas. It is an investment

in our history. This nominal investment in this great institution is the least we can do.—
PHILLIP B. JOURNEY

Senator Schodorf requests the record to show she concurs with the “Explanation of Vote” offered by Senator Journey on **Sub SB 79**.

MR. VICE PRESIDENT: I fully support a Kansas Sports Hall of Fame and agree with those who say it should be an inspiration for children and an exciting attraction in Kansas. However, I am concerned that this bill furthers a government solution where there may be alternative solutions that could either reduce or eliminate the burden to the taxpayers. So while I fully support the concept of **Sub SB 79**, I cannot support this bill as proposed. I vote NO—JULIA LYNN

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Lynn on **Sub SB 79**.

SB 351, An act concerning the office of the state bank commissioner; relating to the office of administrative hearings; exception; amending K.S.A. 2006 Supp. 75-37,121 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

Sub SB 354, An act concerning alcohol and drug addiction treatment; relating to regulations of treatment and treatment facilities therefor; relating to community alcoholism and intoxication program fund; amending K.S.A. 59-29b46, 65-4001, 65-4006, 65-4007, 65-4011, 65-4012, 65-4013, 65-4014, 65-4023 and 65-4024 and K.S.A. 2006 Supp. 74-7336 and repealing the existing sections; also repealing K.S.A. 65-4002, 65-4020, 65-4022, 65-4056, 65-4601, 65-4602, 65-4603, 65-4604, 65-4605, 65-4606, 65-4607, 65-4608, 65-4609, 65-4610 and 65-4611, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The substitute bill passed, as amended.

SB 360, An act concerning the state certified and licensed real property appraisers act; amending K.S.A. 58-4105, 58-4107, 58-4112 and 58-4119 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SCR 1609, A Concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2007 regular session of the legislature, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

HB 2010. An act enacting the revised uniform anatomical gift act; amending K.S.A. 8-1328, 58-654, 59-3075 and 65-3219 and K.S.A. 2006 Supp. 8-243, 8-247, 8-1325 and 65-1728 and repealing the existing sections; also repealing K.S.A. 65-3209, 65-3210, 65-3211, 65-3212, 65-3213, 65-3214, 65-3215, 65-3216, 65-3217 and 65-3218, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The bill passed, as amended.

HB 2032. An act concerning municipally owned or operated electric or natural gas public utilities; concerning regulation by the state corporation commission; amending K.S.A. 66-1,174 and K.S.A. 2006 Supp. 66-104 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2034. An act concerning public utility recovery of security expenditures; amending K.S.A. 2006 Supp. 66-1233 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

Sub HB 2042. An act relating to vehicles; concerning drivers' licenses; relating to vehicle registration; amending K.S.A. 8-234 and K.S.A. 2006 Supp. 8-126 and 8-247 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed, as amended.

HB 2107. An act concerning insurance; relating to security deposits in financial institutions; amending K.S.A. 40-229a 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

Sub HB 2108. An act relating to insurance; concerning unfair trade practices; amending K.S.A. 40-2416 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed, as amended.

HB 2112, An act concerning insurance companies; relating to corporate seals; pertaining to merger authority; pertaining to the preparation and filing of certain reports; amending K.S.A. 40-218, 40-252, 40-309 and 40-1702 and K.S.A. 2006 Supp. 40-3213 and 75-1508 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2116, An act concerning certain rules and regulations of the commissioner of insurance; amending K.S.A. 40-2252 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2190, An act concerning the department of corrections; relating to discretion of the secretary of corrections to dismiss violations of conditional release; amending K.S.A. 2006 Supp. 75-5217 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 27, Nays 13, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barone, Betts, Brungardt, Donovan, Emler, Francisco, Goodwin, Haley, Hensley, Journey, Kelly, Lee, Lynn, Morris, Palmer, Pine, Reitz, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Barnett, Brownlee, Bruce, Gilstrap, Huelskamp, Jordan, McGinn, Ostmeyer, Petersen, Pyle, Schmidt D, Taddiken, Wagle.

The bill passed.

HB 2193, An act concerning crimes, criminal procedure and punishment; relating to sentencing; amending K.S.A. 2006 Supp. 21-4603d 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2230, An act concerning the department of corrections; relating to program agreements between the secretary and inmates; amending K.S.A. 75-5210a 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2233, An act concerning the department of corrections; relating to prison-made goods; authorizing sales to state employees; amending K.S.A. 75-5275 and 75-5276 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2249, An act concerning real estate brokers and salespersons; relating to the use of contents of real estate sales validation questionnaires; amending K.S.A. 2006 Supp. 79-1437f 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2268, An act concerning consumer protection; relating to qualifications of persons conducting certain inspections for wood destroying insects, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

Sub HB 2278, An act concerning electric and natural gas public utilities; relating to financing of energy conservation equipment, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The substitute bill passed, as amended.

HB 2314, An act concerning licensure, examination and registration of certified public accountants; relating to the education requirements for admission to examination; amending K.S.A. 2006 Supp. 1-302a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Lynn, Ostmeyer, Pyle.

The bill passed, as amended.

HB 2360, An act concerning criminal procedure; relating to the arrest powers of federal law enforcement officers; amending K.S.A. 2006 Supp. 22-2411 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2368, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2373, An act concerning certificates of title; relating to liens on vehicles; amending K.S.A. 2006 Supp. 8-135 and repealing the existing section; also repealing K.S.A. 2006 Supp. 8-135e, 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp.

The bill passed, as amended.

HB 2374, An act relating to the department of revenue; concerning certain records of the division of vehicles; amending K.S.A. 2006 Supp. 74-2012 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1841—

By Senator Taddiken

A RESOLUTION congratulating and commending the Clay Center High School wrestling team.

WHEREAS, The Clay Center High School wrestling team won the 2007 Kansas State High School Activities Association Class 4A state wrestling championship. Clay Center ran away with the title by scoring 138.5 points, while Rose Hill took second place with 100 points. This is the third state championship for the Clay Center wrestling team since 2002; and

WHEREAS, The Clay Center team won the Regional Championship by scoring 297.5 points, a score of over 100 points more than the second place Royal Valley team. Clay Center was also crowned the league champions by going undefeated in the North Central Kansas League; and

WHEREAS, The State medalists from the Clay Center team were:

- 112 pounds - Logan Singular, fourth place;
- 119 pounds - Tyler Anderson, fifth place;
- 125 pounds - Chris Bowser, fifth place;
- 152 pounds - Blake Willmann, runner-up;

160 pounds - Kyle Allen, State Champion;
 171 pounds - Ben Davis, runner-up;
 189 pounds - Jameon Rush, third place;
 215 pounds - Matt James, runner-up; and

WHEREAS, Also participating and scoring valuable team points were Gage Huffman, 130 pounds; Brandon Komar, 135 pounds; Kyler Wallace, 140 pounds; Colby Lund, 145 pounds; and Travis Blackwood, 285 pounds; and

WHEREAS, The team had 13 wrestlers qualify for state, the most ever for a Clay Center wrestling team. The average GPA for the 13 state qualifiers is 3.35 on a 4.0 scale. The average GPA for the state medalists is 3.54 on a 4.0 scale; and

WHEREAS, The team was well-coached throughout the season by Head Coach Dennis Charbonneau and Assistant Coaches Benny Wallace, Brandon Pfizenmaier and Greg Pfizenmaier; and

WHEREAS, The team had the enthusiastic support of the school's administrators, the faculty, the students, the teams' parents, and many area citizens: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Clay Center High School wrestling team for winning the 2007 Kansas State High School Activities Association Class 4A state wrestling championship; and

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Mark Taddiken for presentation to the Clay Center wrestling team.

On emergency motion of Senator Taddiken **SR 1841** was adopted unanimously.

Senator Taddiken introduced and congratulated team members Logan Singular, Tyler Anderson, Chris Bowser, Gage Huffman, Brandon Komar, Kyler Wallace, Colby Lund, Blake Willmann, Kyle Allen, Ben Davis, Jameon Rush, Matt James and Travis Blackwood; Head Coach Dennis Charbonneau; Assistant Coaches Benny Wallace, Brandon Pfizenmaier and Greg Pfizenmaier.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2294** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **HB 2048** be amended on page 1, in line 24, following the period by inserting "This \$25,000 limitation shall be applicable for fiscal year 2008, and thereafter, subject to appropriations therefor.;" and the bill be passed as amended.

Committee on **Assessment and Taxation** recommends **SB 215** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 215," as follows:

"Substitute for SENATE BILL No. 215
 By Committee on Assessment and Taxation

"AN ACT concerning taxation; relating to homestead property tax refund act; amounts; filing requirements; income certification, renters; entitlement, limitations; amending K.S.A. 79-4509 and 79-4511 and K.S.A. 2006 Supp. 79-4502 and repealing the existing sections.;"

and the substitute bill be passed.

Also, **SB 331** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 331," as follows:

"Substitute for SENATE BILL No. 331
 By Committee on Assessment and Taxation

"AN ACT concerning historic preservation; providing for income tax credits; authority for development of historic partnership sites; mortgage registration fee; amending K.S.A. 79-3102 and K.S.A. 2006 Supp. 79-32,211 and repealing the existing sections.;"

and the substitute bill be passed.

Committee on **Commerce** begs leave to submit the following report:

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

By the Governor:

Secretary of Commerce: K.S.A. 74-5002a

David D. Kerr, serves at the pleasure of the Governor
Committee on **Education** recommends **HB 2014**, as amended by House Committee,
be passed.

Also, **Substitute for HB 2310**, as amended by House Committee of the Whole, be
amended on page 1, after line 42, by inserting the following:

“(d) Each year, the board of education shall survey the students within the district to
determine the effectiveness of the district’s plan to eliminate bullying. Information collected
pursuant to the survey shall include:

- (1) The age or grade-level and sex of the student;
- (2) whether or not the student was a victim of bullying or witnessed the bullying of another
student;
- (3) the type of bullying of which the student either was a victim or witness;
- (4) the age or grade-level and sex of the student who committed the bullying;
- (5) the number of times a student either was a victim of or witness to bullying; and
- (6) any other information requested by the state board of education or deemed necessary
by the board of education of the district.

The information collected pursuant to this section shall be reported to the Kansas
department of education in the manner and form required by the department. Information
submitted pursuant to this section shall be reported in a manner that does not reveal the
identity of any child.”;

And by relettering the remaining subsection accordingly;

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

“(f) The requirements of this section shall be implemented by school districts on or before
January 1, 2008.”;

Also on page 2, by striking all in lines 3 through 31;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking “directing”; by striking all in line 11; in line
12, by striking all before the period and inserting “relating to bullying”; and the substitute
bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2019** be amended
on page 1, by striking all in lines 13 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 32 and inserting the following:

“Section 1. K.S.A. 2006 Supp. 25-1122 is hereby amended to read as follows: 25-1122.

(a) Any registered voter may file with the county election officer where such person is a
resident, or where such person is authorized by law to vote as a former precinct resident,
an application for an advance voting ballot. The signed application shall be transmitted only
to the county election officer by personal delivery, mail, facsimile or as otherwise provided
by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in
person, ~~and such voter is a first-time voter,~~ such voter shall provide a form of valid
identification such as a current and valid Kansas driver’s license, nondriver’s identification
card, utility bill, bank statement, paycheck, government check or other government
document containing the voter’s current name and address as indicated on the registration
book. ~~Such voter shall not be required to provide identification if such voter has previously
provided current and valid identification in the county where registered.~~ *to the election
officer: (1) The voter’s name; (2) if required, the voter’s address; (3) the voter’s signature on
the registration book; and (4) a current and valid form of identification listed in subsection
(i) of K.S.A. 25-2908 and amendments thereto. A current and valid form of identification
listed in subsection (i) of K.S.A. 25-2908, and amendments thereto, shall be presented in
addition to any other form of identification required pursuant to this section. A signature
may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by
placing the signature on the document the person intends the signature to be binding. A
signature may be made by another person at the voter’s direction if the signature reflects
such voter’s intention.*

*The election officer shall compare the voter’s signature on the registration book with the
signature on the photographic identification provided by the voter. If the election official is*

satisfied as to the identity of the voter, the election official shall provide to the voter an advance voting ballot. If the photographic identification does not contain the signature of the voter, an additional form of identification that provides the voter's signature shall be required from the voter. The additional form of identification shall comply with the provisions of subsection (i) of K.S.A. 25-2908 and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, ~~and such voter is a first-time voter~~, such voter shall provide on the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or the last four digits of the voter's social security number, or shall provide with the application a copy of the voter's current and valid Kansas driver's license, nondriver's identification card, ~~utility bill, bank statement, paycheck, government check~~ or other government document containing the voter's current name and address as indicated on the registration book. ~~Such voter shall not be required to provide identification if such voter has previously provided current and valid identification in the county where registered.~~

(d) If a ~~first-time~~ voter is unable or refuses to provide current and valid identification, or if the name and address do not match the voter's name and address on the registration book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (c) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(1) For the primary election occurring on the first Tuesday in August in even-numbered years, between April 1 of such year and the last business day of the week preceding such primary election.

(2) For the general election occurring on the Tuesday succeeding the first Monday in November in even-numbered years, between 90 days prior to such election and the last business day of the week preceding such general election.

(3) For the primary election held five weeks preceding the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such primary election.

(4) For the general election occurring on the first Tuesday in April, between January 1 of the year of such election and the last business day of the week preceding such general election.

(5) For question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election.

(6) For question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the last business day of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the county election officer shall determine the final date for mailing of advance voting ballots, but such date shall not be more than three business days before such election.

(7) For any special election of officers, at such time as is specified by the secretary of state.

(8) For the presidential preference primary, between January 1 of the year in which such primary is held and the last business day of the week preceding such primary election.

The county election officer of any county may receive applications prior to the time specified in this subsection (e) and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(f) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer shall be filed on the Tuesday next preceding the election and on each subsequent

business day until no later than 12:00 noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

~~In any county having a population exceeding 250,000,~~ The county election officer may designate places other than the central county election office as satellite advance voting sites. At any satellite advance voting site, a registered voter may obtain an application for advance voting ballots, such ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(g) Any person having a permanent disability or an illness which has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information which establishes the voter's right to permanent advance voting status.

(h) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which such persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Such names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of such applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make such inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by such officer stating such person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(i) If a person on the permanent advance voting list fails to vote in two consecutive general elections held on the Tuesday succeeding the first Monday in November of each even-numbered year, the county election officer may mail a notice to such voter. Such notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(j) ~~For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and who has re-registered.~~

~~(k) The secretary of state may adopt rules and regulations defining valid forms of identification.~~

(k) The following persons are exempt from the identification requirements of this section:

- (1) *Persons 65 years of age or older;*
- (2) *persons with a temporary or permanent physical disability;*
- (3) *members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;*
- (4) *members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;*
- (5) *the spouse or dependent of a member referred to in paragraph (3) or (4) who, by reason of the active duty or service of the member, is absent from the county on election day; and*
- (6) *persons currently residing outside the United States who are eligible to vote in Kansas.*

Sec. 2. K.S.A. 2006 Supp. 25-1123 is hereby amended to read as follows: 25-1123. (a) When an application for an advance voting ballot has been filed in accordance with K.S.A. 25-1122, and amendments thereto, the county election officer shall transmit to the voter applying therefor one each of the appropriate ballots. Except as provided by subsection (b), the county election officer shall transmit the advance voting ballots to the voter at one of the following addresses as specified by the voter on such application: (1) The voter's residential address or mailing address as indicated on the registration list; (2) the voter's temporary residential address; or (3) a medical care facility as defined in K.S.A. 65-425, and amendments thereto, psychiatric hospital, hospice or adult care home where the voter resides. No advance voting ballot shall be transmitted by the county election officer by any means prior to the 20th day before the election for which an application for an advance voting ballot has been received by such county election officer. If the advance voting ballot is transmitted by mail, such ballot shall be transmitted with printed instructions prescribed by the secretary of state and a ballot envelope bearing upon the outside a printed form as described in K.S.A. 25-1120, and amendments thereto, and the same number as the number of the ballot. If the advance voting ballot is transmitted to the applicant in person in the office of the county election officer or at a satellite advance voting site, such advance voting ballot and printed instructions shall be transmitted in an advance voting ballot envelope bearing upon the outside a printed form as described in K.S.A. 25-1120, and amendments thereto, and the same number as the number of the ballot unless the voter elects to deposit the advance voting ballot into a locked ballot box without an envelope. All ballots shall be transmitted to the advance voting voter not more than 20 days before the election but within two business days of the receipt of such voter's application by the election officer or the commencement of such 20-day period. In primary elections required to be conducted on a partisan basis, the election officer shall deliver to such voter the ballot of the political party of the applicant.

(b) The restrictions in subsection (a) relating to where a county election officer may transmit an advance voting ballot shall not apply to an advance voting ballot requested pursuant to an application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language.

(c) The county election officer shall compare the driver's license number, nondriver's identification card number, ~~social security number or copy of other valid identification provided by a first-time voter to the voter registration list verified by the division of motor vehicles in accordance with federal law or other government document containing the voter's current name and address as indicated on the registration book.~~ If no identification information was provided by the ~~first-time~~ voter, or if such information does not match the information on the voter registration list, the county election officer shall not transmit an advance voting ballot.

- (d) *The following persons are exempt from the identification requirements of this section:*
 - (1) *Persons 65 years of age or older;*
 - (2) *persons with a temporary or permanent physical disability;*
 - (3) *members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;*
 - (4) *members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;*

(5) *the spouse or dependent of a member referred to in paragraph (3) or (4) who, by reason of the active duty or service of the member, is absent from the county on election day; and*

(6) *persons currently residing outside the United States who are eligible to vote in Kansas.*

Sec. 3. K.S.A. 2006 Supp. 25-2309 is hereby amended to read as follows: 25-2309. (a) Any person may apply in person, by mail, through a voter registration agency, or by other delivery to a county election officer to be registered. Such application shall be made on: (1) A form approved by the secretary of state, which shall be provided by a county election officer or chief state election official upon request in person, by telephone or in writing; or (2) the mail voter registration application prescribed by the federal election commission. Such application shall be signed by the applicant under penalty of perjury and shall contain the original signature of the applicant or the computerized, electronic or digitized transmitted signature of the applicant. A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(b) Applications made under this section shall give voter eligibility requirements and such information as is necessary to identify the applicant and to determine the qualifications of the applicant as an elector and the facts authorizing such person to be registered, including, but not limited to, the following data:

- (1) Name;
- (2) place of residence, including specific address or location, and mailing address if the residence address is not a permissible postal address;
- (3) date of birth;
- (4) sex;
- (5) the last four digits of the person's social security number or the person's full driver's license or nondriver's identification card number;
- (6) telephone number, if available;
- (7) naturalization data (if applicable);
- (8) if applicant has previously registered or voted elsewhere, residence at time of last registration or voting;
- (9) when present residence established;
- (10) name under which applicant last registered or voted, if different from present name;
- (11) an attestation that the applicant meets each eligibility requirement;
- (12) a statement that the penalty for submission of a false voter registration application is a maximum presumptive sentence of 17 months in prison;
- (13) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes;
- (14) a statement that if an applicant does register to vote, the office to which a voter registration application is submitted will remain confidential and will be used only for voter registration purposes;
- (15) boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States, together with the question "Are you a citizen of the United States of America?";
- (16) boxes for the applicant to check to indicate whether or not the applicant will be 18 years of age or older on election day, together with the question "Will you be 18 years of age on or before election day?";
- (17) in reference to paragraphs (15) and (16) the statement "If you checked 'no' in response to either of these questions, do not complete this form.";
- (18) a statement that the applicant may be required to provide identification when voting; and
- (19) political party affiliation declaration, if any. An applicant's failure to make a declaration will result in the applicant being registered as an unaffiliated voter.

If the application discloses any previous registration in any other county or state, as indicated by paragraph (8) or (10), or otherwise, the county election officer shall upon the registration of the applicant, give notice to the election official of the place of former

registration, notifying such official of applicant's present residence and registration, and authorizing cancellation of such former registration.

(c) Any person who applies for registration through a voter registration agency shall be provided with, in addition to the application under subsection (b), a form which includes:

(1) The question "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(2) a statement that if the applicant declines to register to vote, this decision will remain confidential and be used only for voter registration purposes;

(3) a statement that if the applicant does register to vote, information regarding the office to which the application was submitted will remain confidential and be used only for voter registration purposes; and

(4) if the agency provides public assistance, (i) the statement "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(ii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote, together with the statement "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iii) the statement "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(iv) the statement "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with the Kansas Secretary of State."

(d) If any person, in writing, declines to register to vote, the voter registration agency shall maintain the form prescribed by subsection (c).

(e) A voter registration agency shall transmit the completed registration application to the county election officer not later than five days after the date of acceptance. Upon receipt of an application for registration, the county election officer shall send, by nonforwardable mail, a notice of disposition of the application to the applicant at the postal delivery address shown on the application. If a notice of disposition is returned as undeliverable, a confirmation mailing prescribed by K.S.A. 25-2316c, and amendments thereto, shall occur.

(f) If an application is received while registration is closed, such application shall be considered to have been received on the next following day during which registration is open.

(g) A person who completes an application for voter registration shall be considered a registered voter when the county election officer adds the applicant's name to the county voter registration list.

(h) Any registered voter whose residence address is not a permissible postal delivery address shall designate a postal address for registration records. When a county election officer has reason to believe that a voter's registration residence is not a permissible postal delivery address, the county election officer shall attempt to determine a proper mailing address for the voter.

(i) Any registered voter may request that such person's residence address be concealed from public inspection on the voter registration list and on the original voter registration application form. Such request shall be made in writing to the county election officer, and shall specify a clearly unwarranted invasion of personal privacy or a threat to the voter's safety. Upon receipt of such a request, the county election officer shall take appropriate steps to ensure that such person's residence address is not publicly disclosed. Nothing in this subsection shall be construed as requiring or authorizing the secretary of state to include on the voter registration application form a space or other provision on the form that would allow the applicant to request that such applicant's residence address be concealed from public inspection.

(j) No application for voter registration shall be made available for public inspection or copying unless the information required by paragraph (5) of subsection (b) has been removed or otherwise rendered unreadable.

(k) If an applicant fails to answer the question prescribed in paragraph (15) of subsection (b), the county election officer shall send the application to the applicant at the postal delivery address given on the application, by nonforwardable mail, with a notice of incompleteness. The notice shall specify a period of time during which the applicant may complete the application in accordance with K.S.A. 25-2311, and amendments thereto, and be eligible to vote in the next election.

(1) Applications made under this section by any individual who registers to vote in this state for the first time on or after July 1, 2007, must be accompanied by documentary proof of citizenship in the United States of America. In the case of a voter making an application by mail, the voter must enclose a copy of a document proving such voter's citizenship in the United States of America with such voter's application. Once a voter has provided valid proof of citizenship, such voter shall not be required to provide proof of citizenship again unless the voter re-registers because such voter moved to another state and subsequently returns to this state or is removed from the Kansas voter registration lists. Any of the following documents shall be sufficient to establish that the applicant is a citizen of the United States of America:

- (1) A United States passport;*
- (2) a birth certificate indicating that the applicant was born in the United States of America; or*
- (3) a document issued by the federal government indicating that the applicant is a naturalized U.S. citizen.*

Sec. 4. K.S.A. 2006 Supp. 25-2908 is hereby amended to read as follows: 25-2908. (a) Each polling place shall use either: (1) A registration book and a poll book, as defined in K.S.A. 25-2507(a) and K.S.A. 25-2507(b)(1), and amendments thereto; or (2) a registration book, as defined in K.S.A. 25-2507(b)(2), and amendments thereto. The county election officer shall determine which books are used in each county, and which book voters shall sign.

(b) A person desiring to vote shall provide to the election board: (1) the voter's name; (2) if required, the voter's address; ~~and~~ (3) the voter's signature on the registration or poll book; *and (4) a current and valid form of identification listed in subsection (i). A current and valid form of identification listed in subsection (i) shall be presented in addition to any other form of identification required pursuant to this section.* A signature may be made by mark, initials, typewriter, print, stamp, symbol or any other manner if by placing the signature on the document the person intends the signature to be binding. A signature may be made by another person at the voter's direction if the signature reflects such voter's intention.

(c) A member of the election board shall:

- (1) Announce the voter's name in a loud and distinct tone of voice, and, if the name is in the registration books, the member of the election board having the registration record shall repeat the name;
 - (2) request the voter's signature on the registration or poll book;
 - (3) provide the required signature at the request of and on behalf of any voter who is unable to personally affix a signature by reason of temporary illness or disability, or lack of proficiency in reading the English language;
 - ~~(4) if the voter is a first-time voter as described in subsection (b) of this section, request valid identification from the voter unless such voter has previously submitted current and valid identification in the county where registered; verify whether the photographic identification provided by the voter bears a signature. If the member of the election board is satisfied as to the identity of the voter, the member of the election board shall place such member's initials in the space provided and allow the voter to vote. If the photographic identification does not contain the signature of the voter, an additional form of identification that provides the voter's signature shall be required from the voter;~~
 - (5) give the voter one ballot, on the upper right-hand corner of which shall be written the number corresponding to the voter's number in the registration book or poll book; and
 - (6) mark the voter's name in the registration book and party affiliation list.
- (d) A ~~first-time~~ voter shall provide to the election board a form of valid identification such as a current and valid Kansas driver's license, nondriver's identification card, utility bill, bank statement, paycheck, government check or other government document unless such voter

has previously submitted current and valid identification in the county where registered. The document provided in accordance with this section shall contain the voter's current name and address as indicated on the registration book or poll book.

(e) If a ~~first-time~~ voter is unable or refuses to provide current and valid identification at the polling place, or if the name and address do not match the voter's name and address on the registration book or poll book, the voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto. The voter shall provide a valid form of identification as defined in subsection (d) of this section to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(f) If the name of any person desiring to vote at an election is not in the registration books, an election board member shall print the name and address of the person appearing to vote in the registration book or poll book. The person appearing to vote shall add such person's signature to the registration book or poll book beside such person's printed name, as listed in the registration book or poll book, and the election board judge shall challenge such person's vote pursuant to K.S.A. 25-414, and amendments thereto. During the pendency of a challenge other voters shall be given ballots and be permitted to vote.

(g) A voter who has received an advance voting ballot may vote a provisional ballot on election day at the precinct polling place where the voter resides. If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election.

~~(h) For the purposes of this section, "first-time voter" means a registered voter who has not previously voted in any election in the county in which the voter desires to vote. First-time voter includes a person whose name was removed from the county registration list in accordance with K.S.A. 25-2316c, and amendments thereto, and has re-registered.~~

~~(h)~~ (h) The secretary of state may adopt rules and regulations defining valid forms of identification.

(i) (1) *The following forms of identification shall be considered current and valid if such form of identification contains the name and photograph of the applicant and an expiration date which has not expired:*

- (A) A Kansas driver's license;
- (B) a Kansas identification card issued by the Kansas department of revenue;
- (C) a United States passport;
- (D) an employee badge or identification;
- (E) a debit or credit card;
- (F) a military identification;
- (G) a student identification; or
- (H) a public assistance identification.

(2) *If the voter fails to furnish the identification required by this subsection, the voter shall be allowed to vote a provisional ballot. The canvassing board shall determine the validity of the ballot pursuant to K.S.A. 25-3002 and amendments thereto.*

(j) *The following persons are exempt from the identification requirements of this section:*

- (1) *Persons 65 years of age or older;*
- (2) *persons with a temporary or permanent physical disability;*
- (3) *members of the uniformed service on active duty who, by reason of such active duty, are absent from the county on election day;*
- (4) *members of the merchant marine who, by reason of service in the merchant marine, are absent from the county on election day;*
- (5) *the spouse or dependent of a member referred to in paragraph (3) or (4) who, by reason of the active duty or service of the member, is absent from the county on election day; and*
- (6) *persons currently residing outside the United States who are eligible to vote in Kansas.*

Sec. 5. K.S.A. 2006 Supp. 25-3002 is hereby amended to read as follows: 25-3002. (a) The rules prescribed in this section shall apply to:

- (1) The original canvass by election boards.
- (2) Intermediate and final canvasses by county boards of canvassers.
- (3) Final canvass by the state board of canvassers.
- (4) All election contests.
- (5) All other officers canvassing or having a part in the canvass of any election.

(b) Rules for canvassers:

(1) No ballot, or any portion thereof, shall be invalidated by any technical error unless it is impossible to determine the voter's intention. Determination of the voter's intention shall rest in the discretion of the board canvassing in the case of a canvass and in the election court in the case of an election contest.

(2) The occurrences listed in this subpart (2) shall not invalidate the whole ballot but shall invalidate that portion, and that portion only, in which the occurrence appears. The votes on such portion of the ballot shall not be counted for any candidate listed or written in such portion, but the remainder of the votes in other portions of the ballot shall be counted. The occurrences to which this subpart (2) shall apply are:

(A) Whenever a voting mark shall be made in the square *or oval* at the left of the name of more than one candidate for the same office, except when the ballot instructs that more than one candidate is to be voted.

(B) Whenever a voting mark is placed in the square *or oval* at the left of a space where no candidate is listed.

(3) When a registered voter has cast a provisional ballot intended for a precinct other than the precinct in which the voter resides but located within the same county, the canvassers shall count the votes for those offices or issues which are identical in both precincts. The canvassers shall not count the votes for those offices or issues which differ from the offices or issues appearing on the ballot used in the precinct in which the voter resides.

(4) A write-in vote for those candidates for the offices of governor and lieutenant governor shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

- (A) Both candidates' names are written on the ballot; or
- (B) only the name of the candidate for governor is written on the ballot.

(5) A write-in vote for those candidates for the offices of president and vice-president shall not be counted unless the pair of candidates have filed an affidavit of candidacy pursuant to K.S.A. 25-305 and amendments thereto, and:

- (A) Both candidates' names are written on the ballot; or
- (B) only the name of the candidate for president is written on the ballot.

(6) A write-in vote for candidates for state offices elected on a statewide basis other than offices subject to paragraph (4) shall not be counted unless the candidate has filed an affidavit of candidacy pursuant to K.S.A. 25-305, and amendments thereto.

(7) Any advance voting or mail ballot whose envelope containing the voter's written declaration is unsigned, shall be wholly void and no vote thereon shall be counted.

(8) No ballot cast by a ~~first-time voter as defined by K.S.A. 25-1122, and amendments thereto, or K.S.A. 25-2908, and amendments thereto,~~ voter shall be counted if the voter fails to provide valid identification.

Sec. 6. K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2309, 25-2908 and 25-3002 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking “amending”; in line 10, by striking all preceding the period and inserting “pertaining to presentation of photographic identification at time of voting; amending K.S.A. 2006 Supp. 25-1122, 25-1123, 25-2309, 25-2908 and 25-3002 and repealing the existing sections”; and the bill be passed as amended.

Also, **HB 2080**, as amended by House Committee, be amended on page 1, by striking all in line 19; in line 20, by striking “(4)” and inserting “(3)”; in line 22, by striking “(5)” and inserting “(4)”;;

On page 2, in line 12, after the semicolon, by inserting “and”; by striking all in lines 13 through 15; in line 16, by striking “(7)” and inserting “(6)”; and the bill be passed as amended.

HB 2128 be amended on page 2, by striking all in line 33 inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 25-4308 is hereby amended to read as follows: 25-4308. (a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

- (1) The facts do not support the grounds for recall as stated in the application;
- (2) the application is not substantially in the required form;
- (3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of the termination of the term of office of the state officer sought to be recalled;
- (4) the person named in the application is not a state officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer’s current term of office; or
- (7) the application does not conform to any other requirement of this act.

(b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the secretary of state’s decision.

Sec. 3. K.S.A. 2006 Supp. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candidates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, *the officer sought to be recalled* and the recall committee of such determination. Such determination shall include whether:

- (1) The facts do not support the grounds for recall as stated in the petition for recall;
- (2) the petition is not substantially in the required form;
- (3) the petition was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;
- (4) the person named in the petition is not a local officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer’s current term of office; or
- (7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the county or district attorney's decision.

Sec. 4. K.S.A. 2006 Supp. 25-3601, 25-4308 and 25-4322 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking “elections; concerning”; in line 10, following “25-3601” and inserting “, 25-4308 and 25-4322”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

HB 2267, as amended by House Committee of the Whole, be amended on page 1, in line 29, by striking “except that no city may annex”; by striking all in line 30; in line 31, by striking all before the period and inserting: “, except that no city may annex land owned by a county which has primary use as a county-owned airport, or other aviation related activity or which has primary use as a county-owned zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county”; and the bill be passed as amended.

HB 2280 be amended on page 1, in line 15, following “water” by inserting “, stormwater”; in line 16, by striking “subsection (2) of”; in line 42, by striking “subsection (2) of”;

On page 2, in line 32, by striking all following “proposed”; in line 33, by striking all preceding “street” where it appears for the second time; by striking all in line 41 and inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 12-6a01 is hereby amended to read as follows: 12-6a01. For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) “Improvement” means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) “To improve” means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) “Acquire” means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means, *including improvements authorized to be constructed under this act*, and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) “Cost” means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers, *any necessary reserves* and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) “Consultant” means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) “Improvement district” means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) "Street" means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) "Newspaper" means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) "Asbestos" means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonitegrunerite), anthophyllite, tremolite and actinolite.

(j) "Asbestos-containing material" means any material or product which contains more than 1% asbestos.

(k) "Asbestos control project" means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal or encapsulation of asbestos-containing material;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(l) "Lead control project" means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

- (1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;
- (2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;
- (3) conducting inspections, reinspections and periodic surveillance of buildings;
- (4) performing response actions;
- (5) developing, implementing and updating operations and maintenance programs and management plans; and
- (6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) "Lead hazard" means any condition which causes exposure to lead that would result in adverse human health effects.

(n) "*Bonds*" means *general obligation bonds or special obligation bonds*.

Sec. 3. K.S.A. 12-6a02 is hereby amended to read as follows: 12-6a02. As a complete alternative to all other methods provided by law, the governing body of any city is hereby authorized to make, or cause to be made, municipal works or improvements which confer a special benefit upon property within a definable area of the city and may levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvement for special benefits conferred upon such property by any such municipal work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include the following without limitation because of enumeration:

(a) Acquisition of (1) property or interest in property when necessary for any of the purposes authorized by this act and (2) any improvement authorized to be constructed under this act.

(b) To open, widen and extend streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

(c) To improve main and lateral storm water drains and sanitary sewer systems and appurtenances thereto.

(d) To improve street lights and street lighting systems.

(e) To improve waterworks systems owned by the city and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.

(f) To improve parks, playgrounds and recreational facilities.

(g) To improve any street or other facility by landscaping, planting of trees, shrubs and other perennial plants.

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels.

(j) To improve retaining walls and area walls on public ways or land abutting thereon.

(k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

(l) Asbestos control projects and lead control projects.

Sec. 4. K.S.A. 12-6a14 is hereby amended to read as follows: 12-6a14. The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the city at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in K.S.A. 12-6a10, and amendments thereto, shall be paid from assessments so collected.

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the city at large and not payable from available general funds, or other general improvement funds available to the governing body for such purpose, shall be paid by the issuance and sale of bonds of the city as provided by law.

(d) During the progress of any improvement the governing body may issue temporary notes of the city as provided by law or may issue special obligation temporary notes of the city to pay such costs, and upon completion of the work, bonds of the city shall be issued and sold as provided hereinbefore.

(e) The costs of more than one improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

(f) The amount of any such general obligation bonds outstanding at any one time shall not exceed the bonded debt limitations of such city under the provisions of any law applicable thereto.

(g) Any city may also issue special obligation bonds to refund any bonds and repay any temporary notes previously issued under this act.

Sec. 5. K.S.A. 12-6a02, 12-6a14 and 12-6a19 and K.S.A. 2006 Supp. 12-6a01 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 2, in line 43, by striking “statute book” and inserting “Kansas register”;

In the title, in line 10, by striking “12-6a19” and inserting “12-6a02, 12-6a14 and 12-6a19 and K.S.A. 2006 Supp. 12-6a01”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **Substitute for HB 2067**; and **HB 2270**, as amended by House Committee, be passed.

Also, **HB 2068**, as amended by House Committee, be amended on page 2, in line 5, by striking “and”; in line 11, before the period by inserting “; and

(5) appoint law enforcement officers to serve under the command of the adjutant general”;

Also on page 2, in line 17, by striking all after “as”; by striking all in lines 18 through 26; in line 27, by striking all before the period and inserting “law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through K.S.A. 74-5623 and amendments thereto”; in line 28, by striking “security” and inserting “law enforcement”; in line 32, by striking “security officer shall” and inserting “law enforcement officer may”; in line 35, before the period by inserting “or may book such arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the adjutant general, unless a memorandum of agreement with the local law enforcement agency specifies otherwise”; in line 36, after “officers” by inserting “or law enforcement officers”; in line 37, after “(4)” by inserting “or (b)(5), as applicable.”;

On page 3, in line 27, by striking “security” and inserting “law enforcement”;

On page 4, after line 32, by inserting the following:

“Sec. 4. K.S.A. 2006 Supp. 22-2401a is hereby amended to read as follows: 22-2401a. (1) Law enforcement officers employed by consolidated county law enforcement agencies or departments and sheriffs and their deputies may exercise their powers as law enforcement officers:

(a) Anywhere within their county; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(2) Law enforcement officers employed by any city may exercise their powers as law enforcement officers:

(a) Anywhere within the city limits of the city employing them and outside of such city when on property owned or under the control of such city; and

(b) in any other place when a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person.

(3) (a) Law enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe employing such tribal law enforcement officer, subject to the following:

(i) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has entered into a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages assessed in state or federal court and arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section. Such insurance policy shall be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage and shall carry an endorsement to provide coverage for mutual aid assistance. Such insurance policy shall be subject to verification by the attorney general. Such insurance policy shall include an endorsement providing that the insurer may not invoke tribal sovereign immunity up to the limits of the policy set forth herein.

(ii) The provisions of subsection (3)(a) shall be applicable only if such Native American Indian Tribe has filed with the county clerk a map clearly showing the boundaries of the Tribe’s reservation as defined in this section.

(b) If a claim is brought against any tribal law enforcement agency or officer for acts committed by such agency or officer while acting pursuant to this section, such claim shall be subject to disposition as if the tribe was the state pursuant to the Kansas tort claims act, provided that such act shall not govern the tribe’s purchase of insurance. The tribe shall waive its sovereign immunity solely to the extent necessary to permit recovery under the liability insurance, but not to exceed the policy limits.

(c) Nothing in this subsection (3) shall be construed to prohibit any agreement between any state, county or city law enforcement agency and any Native American Indian Tribe.

(d) Nothing in this subsection (3) shall be construed to affect the provision of law enforcement services outside the exterior boundaries of reservations so as to affect in any

way the criteria by which the United States department of the interior makes a determination regarding placement of land into trust.

(e) Neither the state nor any political subdivision of the state shall be liable for any act or failure to act by any tribal law enforcement officer.

(4) University police officers employed by the chief executive officer of any state educational institution or municipal university may exercise their powers as university police officers anywhere:

(a) On property owned or operated by the state educational institution or municipal university, by a board of trustees of the state educational institution, an endowment association, an athletic association, a fraternity, sorority or other student group associated with the state educational institution or municipal university;

(b) on the streets, property and highways immediately adjacent to the campus of the state educational institution or municipal university;

(c) within the city where such property as described in this subsection is located, as necessary to protect the health, safety and welfare of students and faculty of the state educational institution or municipal university, with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the chief executive officer of the state educational institution or municipal university involved before such agreement may take effect; and

(d) additionally, when there is reason to believe that a violation of a state law, a county resolution, or a city ordinance has occurred on property described in subsection (4)(a) or (b), such officers with appropriate notification of, and coordination with, local law enforcement agencies or departments, may investigate and arrest persons for such a violation anywhere within the city where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. University police officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located. University police officers at the university of Kansas medical center may provide emergency transportation of medical supplies and transplant organs.

(5) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson or Sedgwick county may exercise their powers as law enforcement officers in any area within the respective county when executing a valid arrest warrant or search warrant, to the extent necessary to execute such warrants.

(6) In addition to the areas where university police officers may exercise their powers pursuant to subsection (4), university police officers may exercise the powers of law enforcement officers in any area outside their normal jurisdiction when a request for assistance has been made by law enforcement officers from the area for which assistance is requested.

(7) In addition to the areas where law enforcement officers may exercise their powers pursuant to subsection (2), law enforcement officers of any jurisdiction within Johnson county may exercise their powers as law enforcement officers in any adjoining city within Johnson county when any crime, including a traffic infraction, has been or is being committed by a person in view of the law enforcement officer. A law enforcement officer shall be considered to be exercising such officer's powers pursuant to subsection (2), when such officer is responding to the scene of a crime, even if such officer exits the city limits of the city employing the officer and further reenters the city limits of the city employing the officer to respond to such scene.

(8) Campus police officers employed by a community college or school district may exercise the power and authority of law enforcement officers anywhere:

(a) On property owned, occupied or operated by the school district or community college or at the site of a function sponsored by the school district or community college;

(b) on the streets, property and highways immediately adjacent to and coterminous with property described in subsection (8)(a);

(c) within the city or county where property described in subsection (8)(a) is located, as necessary to protect the health, safety and welfare of students and faculty of the school district or community college, with appropriate agreement by local law enforcement agencies. Such agreements shall include provisions, defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Before any agreement entered into pursuant to this section shall take effect, it shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the board of education or board of trustees involved;

(d) with appropriate notification of and coordination with local law enforcement agencies, within the city or county where property described in subsection (8)(a) or (8)(b) is located, when there is reason to believe that a violation of a state law, county resolution or city ordinance has occurred on such property, as necessary to investigate and arrest persons for such a violation;

(e) when in fresh pursuit of a person; and

(f) when transporting persons in custody to an appropriate facility, wherever it may be located.

(9) *TAG law enforcement officers employed by the adjutant general may exercise their powers as police officers anywhere:*

(a) *On property owned or under the control of the Kansas national guard or any component under the command of the adjutant general;*

(b) *on the streets, property and highways immediately adjacent to property owned or under the control of the Kansas national guard; within the city or county where such property as described in subsection (9)(a) or (b) is located, as necessary to protect such property; or to protect the health, safety and welfare of members of the national guard, reserve or employees of the United States department of defense, the United States department of homeland security or any branch of the United States military with appropriate agreement by the local law enforcement agencies. Such agreements shall include provisions defining the geographical scope of the jurisdiction conferred, circumstances requiring the extended jurisdiction, scope of law enforcement powers and duration of the agreement. Any agreement entered into pursuant to this provision shall be approved by the governing body of the city or county, or both, having jurisdiction where such property is located, and the adjutant general before such agreement may take effect. In addition, when there is reason to believe that a violation of a state law, a county resolution or a city ordinance has occurred on property described in subsection (9)(a) or (b), after providing appropriate notification to, and coordination with, local law enforcement agencies or departments, such officers may investigate and arrest persons for such a violation anywhere within the city or county where such property, streets and highways are located. Such officers also may exercise such powers in any other place when in fresh pursuit of a person. TAG law enforcement officers shall also have authority to transport persons in custody to an appropriate facility, wherever it may be located.*

(10) As used in this section:

(a) "Law enforcement officer" means: (1) Any law enforcement officer as defined in K.S.A. 22-2202, and amendments thereto; or (2) any tribal law enforcement officer who is employed by a Native American Indian Tribe and has completed successfully the initial and any subsequent law enforcement training required under the Kansas law enforcement training act.

(b) "University police officer" means a police officer employed by the chief executive officer of: (1) Any state educational institution under the control and supervision of the state board of regents; or (2) a municipal university.

(c) "Campus police officer" means a school security officer designated as a campus police officer pursuant to K.S.A. 72-8222, and amendments thereto.

(d) "Fresh pursuit" means pursuit, without unnecessary delay, of a person who has committed a crime, or who is reasonably suspected of having committed a crime.

(e) "Native American Indian Tribe" means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska.

(f) "Reservation" means:

(i) With respect to the Iowa Tribe of Kansas and Nebraska, the reservation established by treaties with the United States concluded May 17, 1854, and March 6, 1861;

(ii) with respect to the Kickapoo Nation, the reservation established by treaty with the United States concluded June 28, 1862;

(iii) with respect to the Prairie Band Potawatomi Nation in Kansas, the reservation established by treaties with the United States concluded June 5, 1846, November 15, 1861, and February 27, 1867; and

(iv) with respect to the Sac and Fox Nation of Missouri in Kansas and Nebraska: (A) the reservation established by treaties with the United States concluded May 18, 1854, and March 6, 1861, and by acts of Congress of June 10, 1872 (17 Stat. 391), and August 15, 1876 (19 Stat. 208), and (B) the premises of the gaming facility established pursuant to the gaming compact entered into between such nation and the state of Kansas, and the surrounding parcel of land held in trust which lies adjacent to and east of U.S. Highway 75 and adjacent to and north of Kansas Highway 20, as identified in such compact.

(g) "TAG law enforcement officer" means a police officer employed by the adjutant general pursuant to K.S.A. 48-204 and amendments thereto.

~~(10)~~ (11) The provisions of subsection (3) and subsections (9)(a)(2), (9)(d) and (9)(e) shall expire on July 1, 2009.;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 33, after "Supp." by inserting "22-2401a and";

On page 1, in the title, in line 12, after "Supp." by inserting "22-2401a and"; and the bill be passed as amended.

HB 2140, as amended by House Committee of the Whole, be amended on page 3, by striking all in lines 7 through 43;

On page 4, by striking all in lines 1, 2 and 3;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 16, by striking all after "subdivisions"; by striking all in line 17; in line 18, by striking all before the period; and the bill be passed as amended.

HB 2202 be amended on page 2, after line 37, by inserting the following:

"Sec. 2. K.S.A. 2006 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine in a quantity not exceeding 100,000 gallons per year and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

(6) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

(7) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

~~(7)~~ (8) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2006 Supp. 41-348, and amendments thereto.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed three winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee; and

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (e) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(e) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(f) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(g) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(h) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

(i) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 3. K.S.A. 41-312 is hereby amended to read as follows: 41-312. No person holding a manufacturer's or distributor's license shall be permitted to receive any retailer's, microbrewery or farm winery license. No person holding a retailer's, microbrewery or farm winery license shall be permitted to receive any manufacturer's or distributor's license or another retailer's, ~~microbrewery~~ or farm winery license.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 38, before "K.S.A." by inserting "K.S.A. 41-312 and"; also in line 38, by striking "41-2623 is" and inserting "41-308a and 41-2623 are";

On page 1, in the title, in line 10, after "ing" by inserting "K.S.A. 41-312 and"; also in line 10, after "Supp." by inserting "41-308a and"; also in line 10, by striking "section" and inserting "sections"; and the bill be passed as amended.

HB 2390, as amended by House Committee of the Whole, be amended on page 3, in line 43, by striking "and";

On page 4, in line 7, before the period by inserting "; and

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands";

On page 9, by striking all in lines 7 through 18; in line 21, by striking the period; in line 22, by striking "plus" and inserting ", upon";

On page 16, in line 31, by striking "or iden-"; in line 32, by striking "tification card"; in line 37, by striking "or iden-"; in line 38, by striking "tification card"; in line 39, by striking "or identification card"; in line 41, by striking "or identification card";

On page 28, by striking all in lines 41 through 43;

By striking all on page 29;

On page 30, by striking all in lines 1 through 15;

And by renumbering the remaining sections accordingly;

Also on page 30, in line 24, by striking "8-260,";

On page 1, in the title, in line 17, by striking "8-"; in line 18, by striking "260,"; and the bill be passed as amended.

Committee on **Financial Institutions and Insurance** recommends **HB 2114**, **HB 2115** be passed.

Committee on **Public Health and Welfare** recommends **HB 2214**, as amended by House Committee, be amended on page 1, in line 21, after the period by inserting "The board shall have authority to issue sedation permits to administer sedation and general anaesthetics."; in line 43, by striking "for sedation"; also in line 43, by striking "or for un-";

On page 2, by striking all in line 1;

On page 5, in line 2, by striking "or sedation permit holder"; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2306** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Also, **SB 325** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 325," as follows:

"Substitute for SENATE BILL No. 325

By Committee on Utilities

"AN ACT concerning natural gas; relating to gas gathering activities; amending K.S.A. 55-1,101 and K.S.A. 2006 Supp. 66-105a and repealing the existing sections.";

and the substitute bill be passed.

REPORT ON ENGROSSED BILLS

SB 136, **SB 321**, **SB 333** reported correctly engrossed March 7, 2007.

SB 351; **Sub SB 354**; **SB 360** reported correctly engrossed March 14, 2007.

REPORT ON ENROLLED BILLS

SR 1836, **SR 1837**, **SR 1838**, **SR 1839**, **SR 1840** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 14, 2007.

COMMITTEE OF THE WHOLE

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

On motion of Senator Donovan the following report was adopted:

Recommended **SB 362**; **HB 2293** be passed.

The Committee recommend **SB 329** be passed.

A motion by Senator Barone to amend **SB 329** failed and the following amendment was rejected: On page 1, following line 36, by inserting the following:

“The provisions of this subsection shall not apply unless the board of education of each school district adopts a resolution which approves the method of computation of the assessed valuation of the district as provided under this section.”

The committee report on **SB 20** recommending a **Sub SB 20** be adopted, and the substitute bill be passed.

A motion by Senator Vratil to amend **Sub SB 20** failed and the following amendment was rejected: On page 4, after line 31, by inserting the following:

“(d) If a water district as defined in K.S.A. 19-3501, and amendments thereto: (1) Maintains an in-house utility locate department with at least three full-time staff responsible for locating underground utilities, (2) provides utility location service 24 hours per day, seven days per week in response to emergency locate requests, (3) maintains written procedures for the location of underground facilities consistent with K.S.A. 66-1806, and amendments thereto, and (4) has contact information for the facility locate department published and readily available to excavators, the notification center established pursuant to K.S.A. 66-1805, and amendments thereto, shall create a special membership for such water district. The notification center shall fix a fee for such annual special membership in an amount not to exceed \$2,500.”;

And by relettering the remaining subsections accordingly

The committee report on **SB 334** recommending a **Sub SB 334** be adopted, and the substitute bill be passed.

SCR 1610 be adopted.

SB 371; HB 2487 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 319 be amended by adoption of the committee amendments, and the bill be passed as amended.

The following amendments offered to **SB 319** were rejected.

Senator Haley moved to amend the bill on page 2, line 8, by striking all of line 8 and through “purposes.” on line 9.

Senator Haley further moved to amend the bill as amended by Senate Committee, on page 2, after line 3, by inserting the following:

“(d) This section shall apply in any county having a population of at least 450,000.”

Senator Haley further moved to amend the bill as amended by Senate Committee, on page 1, in line 28, before the second comma, by inserting “and persons filing a notification of interest under section 4, and amendments thereto”;

On page 2, in line 13, before the second comma, by inserting “and a person filing a notification of interest under section 4, and amendments thereto”;

On page 4, after line 21, by inserting the following:

“New Sec. 4. (a) Any successor or successors of a decedent, who are entitled by will or by intestate succession to such decedent’s real property may file a notification of interest in title in the office of the register of deeds in the county where such real property is located. Such notification shall state:

- (1) The decedent’s name and the date of death;
- (2) the address and legal description of such real property owned by the decedent;
- (3) the name and current address of the successor or successors filing the notification;
- (4) the relationship between the decedent and the successor or successors filing the notification; and
- (5) that the successor or successors filing the notification of interest in title is filing a claim to be the vested owner of such real property.

(b) A certified copy of the decedent’s death certificate shall be attached to such form.”;

And by renumbering the remaining sections accordingly

HB 2004 be amended by motion of Senator D. Schmidt on page 2, preceding line 29, by inserting the following:

“(c) (1) On December 31, 2007, June 30, 2008, and each June 30 thereafter, each regional foundation shall transfer 5% of funds raised in the previous fiscal year from the marketing

of the rural business tax credits to be credited to the enterprise facilitation fund created in section 2, and amendments thereto.

(2) The secretary of commerce may adopt rules and regulations for the disbursement of regional foundation funds to the enterprise facilitation fund.”;

And by relettering the remaining subsections accordingly;

Also on page 2, in line 29, by striking “promul-”; in line 30, by striking “gate” and inserting “adopt”; in line 39, by striking “promulgated” and inserting “adopted”;

On page 3, preceding line 21, by inserting the following:

“New Sec. 2. (a) There is hereby established in the state treasury the enterprise facilitation fund which shall be administered by the secretary of commerce. Expenditures from the fund shall be for the purpose of supporting enterprise facilitation projects within the state. All expenditures from the enterprise facilitation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the designee of the secretary.

(b) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the enterprise facilitation fund interest earnings based on:

(1) The average daily balance of moneys in the enterprise facilitation fund for the preceding month; and

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

(c) The secretary of commerce may adopt rules and regulations to facilitate disbursement of enterprise facilitation funds to enterprise facilitation projects according to the provisions of this section.”;

And by renumbering the remaining sections accordingly;

In the title, in line 10, preceding “amending” by inserting “regarding regional foundation funds; establishing the enterprise facilitation fund;” and **HB 2004** be passed as amended.

SB 123 be amended by adoption of the committee amendments, be further amended by motion of Senator Lee as amended by Senate Committee, on page 1, in line 19, after “Barton” by inserting “, Hodgeman, Ness”; in line 21, by striking all after “of” and inserting “a”; in line 30, by striking all after “the”; in line 31, by striking “corridor” and inserting “CREP”; in line 40, after the period, by inserting: “CREP acres may include the Arkansas river corridor or acres within existing or proposed groundwater use control areas as designated by the chief engineer of the division of water resources.”;

In the title, in line 10, by striking all after “of”; in line 11, by striking all before “conservation” and inserting “a”

Senator Ostmeyer further amended **SB 123** as amended by Senate Committee of the Whole, in the amendment inserted on motion of Senator Lee, on page 1, in line 19, by striking “, Ness”

Senator Huelskamp further amended **SB 123** as amended by Senate Committee, on page 2, in line 16, by striking “and”; following line 16, by inserting the following:

“(5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to the CREP; and”;

Also on page 2, in line 17, by striking “(5)” and inserting “(6)” and **SB 123** be passed as further amended.

SB 335 be amended by adoption of the committee amendments.

Senator D. Schmidt moved to amend the bill as amended by Senate Committee, on page 6, after line 30, by inserting the following:

“Sec. 3. (a) As used in this section, “state sponsor of terror” means the government of any country designated by the United States department of state, pursuant to the arms export control act, the export administration act or the foreign assistance act, as a state sponsor of terrorism.

(b) The executive director of the Kansas public employees retirement system shall compile a report of actions necessary to divest from any company, organization or other entity that invests in, provides financial support to or does business with a state sponsor of terror.

(c) The report required by this section shall include an analysis of the fiscal effect of such divestment upon the Kansas public employees retirement system and shall be submitted to the president of the senate, the speaker of the house of representatives and the joint committee on pensions, investments and benefits not later than January 15, 2008.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 15, after “procedures” by inserting “; state sponsor of terror, divestment report”

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

On roll call, the vote was: Yeas 25, Nays 9, Present and Passing 6, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Donovan, Gilstrap, Goodwin, Jordan, Journey, Lee, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Umbarger, Vratil, Wagle, Wilson.

Nays: Brungardt, Emler, Haley, Huelskamp, Lynn, Ostmeier, Pyle, Steineger, Teichman. Present and Passing: Barone, Betts, Francisco, Hensley, Kelly, Wysong.

The motion carried and the amendment was adopted.

The Committee recommended **SB 335** be passed as further amended.

HB 2111 be amended by adoption of the committee amendments, be further amended by motion of Senator D. Schmidt as amended by Senate Committee, on page 1, after line 26, by inserting the following:

“Sec. 2. K.S.A. 79-3102 is hereby amended to read as follows: 79-3102. (a) Before any mortgage of real property, or renewal or extension of such a mortgage, is received and filed for record, there shall be paid to the register of deeds of the county in which such property or any part thereof is situated a registration fee of .26% of the principal debt or obligation which is secured by such mortgage. In the event the mortgage states that an amount less than the entire principal debt or obligation will be secured thereby, the registration fee shall be paid on such lesser amount.

(b) As used herein, “principal debt or obligation” shall not include any finance charges or interest.

(c) In any case where interest has been precomputed, the register of deeds may require the person filing the mortgage to state the amount of the debt or obligation owed before computation of interest.

(d) No registration fee whatsoever shall be paid, collected or required for or on: (1) Any mortgage or other instrument given solely for the purpose of correcting or perfecting a previously recorded mortgage or other instrument; (2) any mortgage or other instrument given for the purpose of providing additional security for the same indebtedness, where the registration fee herein provided for has been paid on the original mortgage or instrument; (3) any mortgage or other instrument upon that portion of the consideration stated in the mortgage tendered for filing which is verified by affidavit to be principal indebtedness covered or included in a previously recorded mortgage or other instrument with the same lender or their assigns upon which the registration fee herein provided for has been paid, *unless the previously recorded mortgage or other instrument was released prior to the register of deed's receipt of the subsequent mortgage or other instrument*; (4) any lien, indenture, mortgage, bond or other instrument or encumbrance nor for the note or other promise to pay thereby secured, all as may be assigned, continued, transferred, reissued or otherwise changed by reason of, incident to or having to do with the migration to this state of any corporation, by merger or consolidation with a domestic corporation as survivor, or by other means, where the original secured transaction, for which the registration fee has once been paid, is thereby continued or otherwise acknowledged or validated; (5) any mortgage or other instrument given in the form of an affidavit of equitable interest solely for the purpose of providing notification by the purchaser of real property of the purchaser's interest therein; (6) any mortgage in which a certified development corporation certified by the United States small business administration participates pursuant to its community economic development program; (7) any mortgage or other instrument given for the sole purpose of changing the trustee; or (8) any mortgage for which the registration fee is otherwise not required by law.

(e) The register of deeds shall receive no additional fees or salary by reason of the receipt of fees as herein provided. After the payment of the registration fees as aforesaid the mortgage and the note thereby secured shall not otherwise be taxable.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 27, before “K.S.A.” by inserting “K.S.A. 79-3102 and”; also in line 27, by striking “is” and inserting “are”;

Also on page 1, in the title, in line 13, by striking “amending” and inserting “relating to mortgage registration fees; amending K.S.A. 79-3102 and”; in line 14, by striking “section” and inserting “sections” and **HB 2111** be passed as further amended.

HB 2185 be amended by adoption of the committee amendments, be further amended by motion of Senator Schodorf as amended by Senate Committee, on page 7, in line 25, before “Persons” by inserting “(1)”;

On page 8, after line 3, by inserting the following:

“(2) The provisions of this subsection shall be applicable to any person enrolling at a state educational institution from and after July 1, 2006. Any person who (A) qualifies as a resident of the state of Kansas for fee purposes under the provisions of this subsection, (B) attended a state educational institution during academic year 2006-2007 and (C) paid fees as if such person was not a resident of the state of Kansas, may apply to such state educational institution to be reimbursed in an amount equal to the difference between the amount the person paid in fees and the amount the person would have paid if such person had been treated as a resident of the state of Kansas. Such reimbursement shall be paid by the state educational institution at which such person was enrolled during academic year 2006-2007.”;

Also on page 8, in line 4, before “The” by inserting “(3)”;

also in line 4, by striking “paragraph” and inserting “subsection” and **HB 2185** be passed as further amended.
S Sub for Sub HB 2035 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Taddiken on page 1, in line 28, after “parts” by inserting “, pipes” and **S Sub for Sub HB 2035** be passed as amended.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Barone moved the Senate concur in house amendments to **SB 83**.

SB 83, An act concerning the employment security law; relating to contribution rates; eligibility for benefits; amending K.S.A. 2006 Supp. 44-703, 44-705, 44-710a and 44-757 and repealing the existing sections.

On roll call, the vote was: Yeas 17, Nays 23, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, Lee, Petersen, Schodorf, Steineger, Umbarger, Vratil, Wysong.

Nays: Apple, Barnett, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, Lynn, McGinn, Morris, Ostmeyer, Palmer, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Wagle, Wilson.

The motion to concur failed and **SB 83** remains in conference.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **Sub SB 20; SB 123, SB 319, SB 329; Sub SB 334; SB 335; SB 362, SB 371; SCR 1610; HB 2004; S Sub for Sub HB 2035; HB 2111, HB 2185, HB 2293, HB 2487** were advanced to Final Action and roll call.

Sub SB 20, An act concerning the Kansas underground utility damage prevention act; amending K.S.A. 66-1802, 66-1804, 66-1805 and 66-1806 and repealing the existing sections.

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

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson, Wysong.

Nays: Allen, Huelskamp, Lynn, Pyle, Vratil.

The substitute bill passed.

SB 123, An act concerning water; providing for establishment of a conservation reserve enhancement program.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Ostmeyer, Pyle.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote aye on **SB 123**, because I believe the amendments agreed to in committee represent a compromise that limits the economic loss which could have resulted had the amendments not been adopted.

However, I still have serious concerns about the impact that could occur if USDA does not allow continued agricultural production on lands enrolled in the CREP program. If this bill becomes law, the state water agencies need to vigorously urge USDA to allow continued production on CREP acres.—TERRY BRUCE

Senators Petersen, Pine, Teichman and Umbarger request the record to show they concur with the "Explanation of Vote" offered by Senator Bruce on **SB 123**.

MR. VICE PRESIDENT: The estimates our staggering - the proposal in **SB 123** will cost our region of the state more than \$258 million in economic loss over the next 15 years. Unlike the claims by others, we actually offered a provision that would have permitted continued agricultural production as a condition of implementing this program - but it was rejected.

This permission would have severely ameliorated the dangerous impact of taking 100,000 acres out of agricultural production. Without these acres, the burgeoning ethanol industry in western Kansas, sourced by both grains and biomass, may be in jeopardy - as will the thousands of businesses, schools, and families who depend on a thriving rural, agricultural economy.

This program will limit further the opportunity for dozens and dozens of promising young farmers, prevent the implementation of promising new agricultural production techniques on these acres, and continue the depopulation of rural Kansas. I am disappointed in the action of the Senate today - but I trust my colleagues recognize that this \$200 million program may do little to solve the problems they hope to resolve.—TIM HUELSKAMP

Senator Ostmeyer requests the record to show he concurs with the "Explanation of Vote" offered by Senator Huelskamp on **SB 123**.

MR. VICE PRESIDENT: Today is an historic day for Kansas because this body had the opportunity to engage in a conversation and debate over an issue that is so critical to our state. Years from now, we will look back to this date and see what kind of difference we made to preserve the water for future generations in rural Kansas. We all know the Ogallala is being depleted and at the current extraction rate one day will be very limited in its uses and affect the communities in southwest Kansas. We would be irresponsible to turn our back on our rural communities by denying them the opportunity to choose what is right for them. We have passed bills on this floor to financially help with the metro regions of Kansas. Today, we gave the opportunity to help our rural neighbors by allowing them the choice to make their own business decision and allow \$155 M of federal money to flow into the region.

This is just one step in trying to prevent the rapid depletion of the Ogallala and is better than the alternative, which is regulation without compensation.—CAROLYN MCGINN

Senators Betts, Journey, Lee, Morris, Umbarger and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator McGinn on **SB 123**.

SB 319, An act concerning counties; relating to foreclosure and sale of real estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 1, Absent or Not Voting 0.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Kelly, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Haley, Huelskamp, Journey, Lynn, Pyle.

Present and Passing: Lee.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: I vote "No" on **SB 319**.

Although no one in this Chamber is more concerned about unoccupied, residential real estate than I...it needs to be made *very* clear to the powers-that-be (who continue to attempt to undermine the Kansas Legislature's intent to prohibit eminent domain) that at least one of us has not fallen for their devious trickery. Let the record reflect, Mr. Vice President, that I believe that declaring an "economic development purpose" to be a "*public* purpose" has the potential of dangerously undermining the law we enacted just last year; **SB 323**.

Further, by not clarifying who any "party having or *claiming* an interest in such real estate" actually *is*, practically *anyone* can open a court challenge to unoccupied real estate sold for delinquent taxes or improved by a municipality or county. And any building unoccupied for only one year without any maintenance is an "*abandoned*" property...? This bill is ripe with mischief. It is ludicrous. Again I vote "No".—DAVID HALEY

SB 329, An act concerning certain school districts; relating to the assessed valuation of certain property therein; amending K.S.A. 2006 Supp. 72-6624 and repealing the existing section; also repealing K.S.A. 2006 Supp. 72-6624a.

On roll call, the vote was: Yeas 27, Nays 10, Present and Passing 3, Absent or Not Voting 0.

Yeas: Allen, Apple, Betts, Bruce, Brungardt, Emler, Gilstrap, Goodwin, Haley, Hensley, Journey, Kelly, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

Nays: Barnett, Brownlee, Donovan, Huelskamp, Jordan, Lynn, Ostmeyer, Palmer, Pyle, Wagle.

Present and Passing: Barone, Francisco, Lee.

The bill passed.

Sub SB 334, An act concerning the investments in major projects and comprehensive training act; relating to limitations on amounts credited to program funds for major project investments; amending K.S.A. 2006 Supp. 74-50,107 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The substitute bill passed.

SB 335, An act concerning the Kansas public employees retirement system; relating to investment standards; prohibited investments; divestment, conditions and procedures; state sponsor of terror, divestment report.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 362, An act concerning retirement and pensions; enacting the Kansas public employees retirement system act of 2009; providing terms, conditions and requirements

related thereto for certain new members; benefit enhancements for existing members; amending K.S.A. 74-4911 and 74-4917 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

SB 371, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; purchase of participating service credit; service as law enforcement personnel at mission administered by united nations; disability benefits for certain members; amending K.S.A. 74-4960 and repealing the existing section.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The bill passed, as amended.

SCR 1610, A Concurrent Resolution recognizing March 10th as Harriet Tubman Day.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The resolution was adopted.

HB 2004, An act concerning economic development; extending the rural business development tax credit; regarding regional foundation funds; establishing the enterprise facilitation fund; amending K.S.A. 2006 Supp. 74-50,154 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

S Sub for Sub HB 2035, An act concerning scrap metal dealers; relating to the regulation thereof.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

The substitute bill passed, as amended.

HB 2111, An act relating to mortgages of real property; concerning disclosure real estate loan amount; relating to mortgage registration fees; amending K.S.A. 79-3102 and K.S.A. 2006 Supp. 58-2344 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2185, An act concerning colleges and universities; relating to fees and tuition; concerning the medical student loan act; establishing the nurse educator service scholarship program; amending K.S.A. 76-382 and K.S.A. 2006 Supp. 76-729 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 76-729a.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

HB 2293, An act concerning licensure, examination and registration of certified public accountants; relating to the board of accountancy; amending K.S.A. 1-302b, 1-308, 1-310, 1-311, 1-312, 1-316, 1-318, 1-319, 1-321 and 1-501 and K.S.A. 2006 Supp. 1-304 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed.

HB 2487, An act concerning fertilizers; relating to regulation of ammonium nitrate dealers; amending K.S.A. 2006 Supp. 2-1201 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: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, March 15, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

