

Journal of the Senate

FORTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 15, 2007—2:30 p.m.

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

Heavenly Father,

I am grateful for the clear teaching in the Bible that God and civil government are closely related. The Psalmist said, "Blessed is the nation whose God is the Lord." (Psalm 33:12) The apostle Paul in his letter to the Romans said, "...there is no authority except that which God has established. The authorities that exist have been established by God." (Romans 13:1b)

This position was also supported by our Founding Fathers. Thomas Jefferson in 1798 wrote at the occasion of the *Kentucky Resolution*, "No power over the freedom of religion is delegated to the United States by the Constitution."

In Jefferson's letter to the Danbury Baptists he assured the Baptists that the government's hands were tied from interfering with, or in any way controlling, the affairs or decisions of the churches in America.

As President, Jefferson signed bills which appropriated financial support for Chaplains in Congress and the armed services. He also declared religion is "Deemed in other countries incompatible with good government and yet proved by our experience to be its best support."

Many other Founders, including Washington, John Adams, Benjamin Franklin, Patrick Henry are on record as attributing the success of the Revolution and the drawing up of the Constitution and Bill of Rights to You, O God.

I am so thankful that because of the stands taken by the Founders and other government authorities through the years, and upheld by the Kansas Senate Presidents, I have been permitted to serve as Senate Chaplain for these twenty-six years.

And I thank God in the Name of Jesus,

AMEN

Quotations taken from *America's God and Country Encyclopedia of Quotations*,
by William J. Federer

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were introduced and read by title:

SB 383, An act concerning property taxation; relating to exemptions; amending K.S.A. 2006 Supp. 79-201z and repealing the existing section, by Committee on Ways and Means.

SENATE CONCURRENT RESOLUTION No. 1611—

By Senators McGinn, Teichman, Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp,

Jordan, Journey, Kelly, Lee, Lynn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle, Wilson and Wysong

A CONCURRENT RESOLUTION urging the United States Secretary of Agriculture to permit the use of land in the conservation reserve enhancement program for agricultural purposes.

WHEREAS, The United States department of agriculture administers conservation reserve enhancement programs (CREP) as joint state-federal programs; and

WHEREAS, The State of Kansas desires to participate in the CREP to reduce water withdrawal demands on the high plains aquifer, improve water quality, protect public water supplies and enhance wildlife habitat; and

WHEREAS, Ethanol production through both grain and cellulosic matter has caused changes in how we use agricultural commodities; and

WHEREAS, Water preservation is vital to the sustainability and the livelihood of future generations of our rural agricultural communities; and

WHEREAS, Allowing the agricultural practice of dryland farming of land in the CREP will benefit the Kansas economy: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That we urge the United States Secretary of Agriculture to permit the use of land in the CREP for agriculture purposes such as planting of agricultural commodities including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this concurrent resolution to the United States Secretary of Agriculture and each member of the Kansas Congressional delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committee as indicated:

Assessment and Taxation: **SB 382; HB 2264.**

MESSAGE FROM THE GOVERNOR

SB 13, SB 51, SB 53, SB 57 approved on March 15, 2007.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2491, HB 2526, HB 2530, HB 2535, HB 2539.**

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2491, HB 2526, HB 2530, HB 2535, HB 2539 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Huelskamp the Senate nonconcurrent in the House amendments to **SB 249** and requested a conference committee be appointed.

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

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **SB 83.**

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **SB 83.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 83**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 4, in line 19, by striking “: (i)”; in line 20, by striking all after the comma; by striking all in line 21; in line 22, by striking all before “any” and inserting “: (i) In”; in line 24, by striking “or (iii)” and inserting “(ii)”; in line 28, before the period, by inserting “ or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with subsection (c) of K.S.A. 44-711, and amendments thereto”;

On page 21, in line 24, by striking “The” and inserting: “(1) Except as provided further, the”; in line 30, by striking “The”; by striking all in lines 31 and 32; in line 33, by striking all before “No”; in line 35, by striking “(1)” and inserting “(A)”; in line 36, by striking “(2)” and inserting “(B)”; in line 38, by striking “(3)” and inserting “(C)”; in line 43, after the period, by inserting:

“(2) The waiting week requirement of paragraph (1) shall not apply to new claims, filed on or after July 1, 2007, by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act (29 U.S.C. 2101 through 2109), as amended. The secretary shall adopt rules and regulations to administer the provisions of this paragraph.

(3) A claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period.”;

On page 23, in line 16, after “employer”, by inserting “who is not eligible for a rate contribution”; in line 17, by striking “those” and inserting “such”;

On page 30, in line 12, by striking “years” and inserting “year”; also in line 12, by striking “2008” and inserting “subsequent rate years”; in line 24, after “2008” by inserting “and subsequent rate years”; in line 26, by striking “, 2008” and inserting “of the applicable year”; in line 27, after “effective” by inserting “for any rate year”; in line 28, after “1.2” by inserting “as of the computation date of that year’s rates”;

On page 33, by striking all in line 43;

By striking all on pages 34 through 37;

On page 38, by striking all in lines 1 through 12; in line 13, by striking “5.” and inserting “4.”; in line 15, by striking “6.” and inserting “5.”; also in line 15, by striking “and 44-757”; in line 16, by striking “are” and inserting “is”; in line 17, by striking “7.” and inserting “6.”;

On page 1, in the title, in line 14, by striking “, 44-710a and 44-757” and inserting “and 44-710a”;

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

STEVEN R. BRUNK

MIKE KIEGERL

LOUISE E. RUIZ

Conferees on part of House

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

Conferees on part of Senate

Senator Brownlee moved the Senate adopt the Conference Committee Report on **SB 83**.

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 Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote Aye in support of **SB 83**. I know that this has been a difficult process. I want to thank the Commerce Committee co-chairs, the Senators from Johnson County, Senators Brownlee and Jordan. I also want to thank the ranking minority member from Crawford County, Senator Barone. Today we vote for a bill for our state. A bill not just for one organization, one interest group, one political party or any one member of our government but for every employer and every employee, a new law for every family and all of our great state.—PHIL JOURNEY

Senators Lynn and Petersen requests the record to show they concur with the "Explanation of Vote" offered by Senator Journey on **SB 83**.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **SB 314**, as amended by Senate Committee, be passed.

Also, **SB 327** be amended on page 1, in line 16, by striking all after "means"; by striking all in lines 17 and 18; in line 19, by striking all before the semicolon and inserting "the same as provided in K.S.A. 55-443, and amendments thereto"; in line 37, by striking "2007" and inserting "2008";

On page 2, by striking all in lines 13 through 43;

On page 3, by striking all in lines 1 through 9; in line 10, by striking all before "percent" and inserting "(A) Nine";

And by redesignating paragraphs (iii) through (xviii) as (B) through (Q);

On page 5, in line 5, by striking "2007" and inserting "2008"; by striking all in lines 22 and 23; in line 24, by striking "(B) three" and inserting "(A) Two";

And by redesignating paragraphs (C) through (R) as paragraphs (B) through (Q);

Also on page 5, in line 26, by striking "five" and inserting "four"; in line 28, by striking "six" and inserting "five"; in line 32, by striking "nine" and inserting "eight"; in line 36, by striking "twelve" and inserting "eleven"; and the bill be passed as amended.

Committee on **Commerce** recommends **HB 2169**, as amended by House Committee, be amended on page 2, following line 4, by inserting the following:

"(t) 'Federal entity' means the government of the United States of America or any bureau, department, instrumentality or other agency of the federal government.";

Also on page 2, in line 22, by striking all following "agency" "; in line 23, by striking all preceding the period and inserting "means any office, department, board, commission, bureau, division, public corporation, agency or instrumentality of this state"; in line 37, by striking all following "may"; by striking all in line 38; in line 39, by striking all preceding "solicit"; in line 42, preceding "and" by inserting "by advertising for proposals and qualifications in a newspaper of general circulation or the Kansas register, and by sending requests for proposals to at least three vendors";

On page 4, in line 1, by striking "the"; in line 2, by striking all preceding "individual"; in line 3, by striking all following "act"; in line 4, by striking "act"; in line 6, by striking all following "may"; by striking all in lines 7 and 8; in line 9, by striking all preceding "utilize"; in line 10, by striking "to convene a" and inserting "by the"; in line 42, by striking all following the period; by striking all in line 43;

On page 5, by striking all in lines 1 and 2; in line 3, following "commission" by inserting "; or its designee,"; in line 5, by striking "energy" and inserting "facility"; in line 9, following "commission" by inserting "; or its designee,"; in line 12, following "commission" by inserting "; or its designee,"; by striking all in lines 16 through 26; in line 29, following "measures" by inserting "; as defined in K.S.A. 75-37,125, and amendments thereto,"; following line 36, by inserting the following:

"(b) The energy conservation measures, as defined in K.S.A. 75-37,125, and amendments thereto, for political subdivisions or state agencies are hereby authorized to be financed by the Kansas development finance authority pursuant to subsection (a) of K.S.A. 74-8905, and amendments thereto. The energy conservation measures for state facilities which are initiated by state agencies under K.S.A. 75-37,125, and amendments thereto, are hereby

approved for such state agencies for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto. The total costs of energy conservation measures for state facilities initiated by state agencies under K.S.A. 75-37,125, and amendments thereto, for any fiscal year, exclusive of financing costs, shall not exceed the amounts approved for such energy conservation measures by the state corporation commission.”;

And by relettering the remaining subsections accordingly;

On page 6, following line 2, by inserting the following:

“(e) Any political subdivision, state agency or federal entity is authorized to contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority for an energy conservation measure, as defined in K.S.A. 75-37,125, and amendments thereto, in order to facilitate the financing thereof or to provide security for the repayment of bonds authorized under this section.”; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **HB 2081** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 5 and inserting the following:

“Section 1. K.S.A. 25-4153a is hereby amended to read as follows: 25-4153a. (a) No registered lobbyist, political committee or person, other than an individual, shall make a contribution after January 1 of each year and prior to adjournment sine die of the regular session of the legislature or at any other time in which the legislature is in session to a:

- (1) Legislator;
- (2) candidate for membership in the legislature;
- (3) state officer elected on a statewide basis;
- (4) candidate for state officer elected on a statewide basis;
- (5) candidate committee of persons described in paragraphs (1) through (4); or
- (6) political committee established by a state committee of any political party and designated as a recognized political committee for the senate or house of representatives.

(b) No legislator, officer, candidate or committee described in paragraphs (1) through (6) of subsection (a) shall accept or *knowingly* solicit any contribution as defined by K.S.A. 25-4143, and amendments thereto, from any registered lobbyist, political committee or person, other than an individual, during such period of time described in subsection (a).

Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word “advertisement” or the abbreviation “adv.” in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; ~~or~~

(C) *telephoning or causing to be contacted by any telephonic means including, but not limited to, any device using a voice over internet protocol or wireless telephone, any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is preceded by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization*

and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(D) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection ~~(C)~~ (D) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 6, by striking “2006 Supp. 12-1926 is” and inserting “25-4153a and 25-4156 are”;

On page 1, in the title, in line 9, by striking all after “concerning”; by striking all in line 10; in line 11, by striking all before the period and inserting “elections; pertaining to certain contributions; pertaining to certain political telephone calls; amending K.S.A. 25-4153a and 25-4156 and repealing the existing sections”; and the bill be passed as amended.

Also, **Substitute for HB 2129** be amended on page 1, in line 15, after “(a)” by inserting “(1)”; in line 23, by striking “(b)” and inserting “(2)”; in line 33, by striking “(c)” and inserting “(3)”; in line 42, by striking “(d)” and inserting “(4)”;;

On page 2, in line 9, before “Corrupt” by inserting “(b)”; preceding line 10, by inserting the following:

“(c) (1) Whenever any vendor or other person provides any of the services defined in subsection (a), such vendor or other person shall keep and maintain records showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.

(2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor.

(d) For the purposes of this section, the term “expressly advocate the nomination, election or defeat of a candidate” shall have the meaning ascribed to it in K.S.A. 25-4143 and amendments thereto.

“Sec. 2. K.S.A. 25-4156 is hereby amended to read as follows: 25-4156. (a) (1) Whenever any person sells space in any newspaper, magazine or other periodical to a candidate or to a candidate committee, party committee or political committee, the charge made for the use of such space shall not exceed the charges made for comparable use of such space for other purposes.

(2) Intentionally charging an excessive amount for political advertising is a class A misdemeanor.

(b) (1) Corrupt political advertising of a state or local office is:

(A) Publishing or causing to be published in a newspaper or other periodical any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the word “advertisement” or the abbreviation “adv.” in a separate line together with the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor;

(B) broadcasting or causing to be broadcast by any radio or television station any paid matter which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by a statement which states: “Paid for” or “Sponsored by” followed by the name of the sponsoring organization and the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor; or

(C) publishing or causing to be published any brochure, flier or other political fact sheet which expressly advocates the nomination, election or defeat of a clearly identified candidate for a state or local office, unless such matter is followed by the name of the chairperson or treasurer of the political or other organization sponsoring the same or the name of the individual who is responsible therefor.

The provisions of this subsection (C) requiring the disclosure of the name of an individual shall not apply to individuals making expenditures in an aggregate amount of less than \$2,500 within a calendar year.

(2) Corrupt political advertising of a state or local office is a class C misdemeanor.

(c) If any provision of this section or application thereof to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this section which can be given effect without the invalid application or provision, and to this end the provisions of this section are declared to be severable.

(d) (1) Whenever any vendor or other person provides any of the services defined in subsection (b), such vendor or other person shall keep and maintain a record showing the name and address of the person who purchased or requested such services and the amount paid for such services. The records required by this subsection shall be kept for a period of one year after the date upon which payment was received for such services.

(2) Failure to keep and maintain the records required by this subsection is a class C misdemeanor.

New Sec. 3. Advance voting suppression is knowingly, with intent to impede, obstruct or influence the election process: (a) Destroying or altering another person's advance voting ballot applied for, or completed, by a registered voter, unless such registered voter consents in writing to such destruction or alteration;

(b) obstructing the delivery of an advance voting ballot to a voter or a completed advance voting ballot to the county election officer;

(c) failing to deliver any such advance voting ballot to the appropriate county election officer within two business days or before the close of polls on election day, whichever first occurs;

(d) delivering an advance voting ballot to or causing the delivery of an advance voting ballot to any place other than the county election office;

(e) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot; or

(f) opening an advance voting ballot envelope sealed by the voter or examining or disclosing the contents of such voter's advance voting ballot except as required to fulfill official duties as otherwise prescribed by law.

(g) Delivering an advance voting ballot to the United States mail, with first-class postage attached, at least five calendar days prior to election day for delivery to the county election officer shall not be a violation of this section.

(h) As used in this section:

(1) "Undue influence" means coercion, compulsion or restraint as to diminish the voter's free agency, and by overcoming the power of resistance, obliges or causes such voter to adopt the will of another; and

(2) "deliver" means hand-deliver, mail or otherwise transmit an advance voting ballot.

Advance voting suppression is a severity level 9, nonperson felony.

Sec. 4. K.S.A. 25-1121 is hereby amended to read as follows: 25-1121. It shall be the duty of the secretary of state to prescribe the general forms of advance voting ballots to be used in all primary and general elections and the form of the printed instructions to voters containing a statement of all the requirements of this act, *and any other written forms or statements required by this act*, to enable voters to comply with ~~such~~ *the* requirements of this act. Such prescribed forms shall be transmitted to the county election officers 35 days before each primary and general election.

Sec. 5. K.S.A. 2006 Supp. 25-1124 is hereby amended to read as follows: 25-1124. (a) Upon receipt of the advance voting ballot, the voter shall cast such voter's vote as follows: The voter shall make a cross or check mark in the square or parentheses opposite the name of each candidate or question for whom the voter desires to vote. The voter shall make no other mark, and shall allow no other person to make any mark, upon such ballot. If the

advance voting ballot was transmitted by mail, the voter personally shall place the ballot in the ballot envelope bearing the same number as the ballot and seal the envelope. The voter shall complete the form on the ballot envelope and shall sign the same. Except as provided by K.S.A. 25-2908, and amendments thereto, the ballot envelope shall be mailed or otherwise transmitted to the county election officer. If the advance voting ballot was transmitted to the voter in person in the office of the county election officer or at a satellite advance voting site, the voter may deposit such ballot into a locked ballot box without an envelope.

(b) Any ~~sick, physically disabled or illiterate~~ voter who *has a temporary illness or disability or who is not proficient in reading the English language* and is unable to apply for or mark or transmit an advance voting ballot, may request assistance by a person who has signed a statement required by subsection (d) in applying for or marking an advance voting ballot.

(c) ~~Any voted ballot may be transmitted to the county election officer by the voter or by another person upon request of the voter. Any such voted ballot shall be transmitted to the county election officer before the close of the polls on election day.~~

~~(d) The county election officer shall allow a person to assist a sick, physically disabled or illiterate voter who has a temporary illness or disability or who is not proficient in reading the English language in applying for or marking an application or advance voting ballot, provided a written statement is signed by the person who renders assistance to the sick, physically disabled or illiterate voter who has a temporary illness or disability or who is not proficient in reading the English language and submitted to the county election officer with the application or ballot. The statement shall be on a form prescribed by the secretary of state and shall contain a statement from the person providing assistance that the person has not exercised undue influence on the voting decision of the sick, physically disabled or illiterate voter who has a temporary illness or disability or who is not proficient in reading the English language and that the person providing assistance has completed the application or marked the ballot as instructed by the sick, physically disabled or illiterate voter.~~

~~(e) (d) Any person assisting a sick, physically disabled or illiterate voter who has a temporary illness or disability or who is not proficient in reading the English language in applying for or marking an advance voting ballot who knowingly and willfully fails to sign and submit the statement required by this section or who exercises undue influence on the voting decision of such voter shall be guilty of a severity level 9 nonperson felony.~~

Sec. 6. K.S.A. 2006 Supp. 25-1128 is hereby amended to read as follows: 25-1128. (a) No voter shall mark or transmit to the county election officer more than one advance voting ballot, or set of one of each kind of ballot, if the voter is entitled to vote more than one such ballot at a particular election.

(b) Except as provided in K.S.A. 25-1124, and amendments thereto, no person shall interfere with or delay the transmission of any advance voting ballot application from a voter to the county election officer, nor shall any person mail, fax or otherwise cause the application to be sent to a place other than the county election office. Any person or group engaged in the distribution of advance voting ballot applications shall mail, fax or otherwise deliver any application signed by a voter to the county election office within two days after such application is signed by the applicant.

~~(c) Except as otherwise provided by law, no person other than the voter, shall mark, sign or transmit to the county election officer any advance voting ballot or advance voting ballot envelope. Except as otherwise provided by law, no person other than the voter shall sign an application for an advance voting ballot.~~

(d) No person, unless authorized by K.S.A. 25-1122 or K.S.A. 25-1124, and amendments thereto, shall intercept, interfere with, or delay the transmission of advance voting ballots from the county election officer to the voter.

(e) No person shall willfully and falsely affirm, declare or subscribe to any material fact in an affirmation form for an advance voting ballot, or set of advance voting ballots if the voter is entitled to vote more than one kind of advance voting ballot at a particular election, or in a declaration form on an advance voting ballot envelope.

~~(f) Nothing in this section shall be construed to prohibit any person from mailing, carrying or otherwise conveying advance voting ballots or sets of advance voting ballots to the county election officer upon request of advance voting voters. A voter may return such voter's~~

advance voting ballot to the county election officer by personal delivery or by mail. Upon written designation by the voter, a person other than the voter may return the advance voting ballot by personal delivery or mail. Any such person designated by the voter shall sign a statement that such person has not exercised undue influence on the voting decisions of the voter and agrees to deliver the ballot as directed by the voter. Any person designated by a voter to deliver such voter's advance voting ballot shall mail or deliver the ballot and the designation and statement required by this section to the county election office. Such delivery shall occur within two business days after receiving the ballot from the voter but not later than the close of polls on election day.

(g) Violation of any provision of this section is a ~~class C misdemeanor~~ level 9 nonperson felony.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 10, by striking “25-2407 is” and inserting: “25-1121, 25-2407 and 25-4156 and K.S.A. 2006 Supp. 25-1124 and 25-1128 are”;

On page 1, in the title, in line 9, by striking “certain crimes” and inserting “corrupt political advertising; relating to advance voting”; in line 10, by striking “25-2407” and inserting: “25-1121, 25-2407 and 25-4156 and K.S.A. 2006 Supp. 25-1124 and 25-1128”; also in line 10, by striking “section” and inserting “sections”; and the substitute bill be passed as amended.

HB 2217 be amended on page 1, after line 25, by inserting the following:

“Sec. 2. K.S.A. 12-3010 is hereby amended to read as follows: 12-3010. The provisions of any standard or model code or ordinance, state regulation or statute or portions thereof incorporated in an ordinance by reference shall be as much a part of the ordinance as if the same had been set out in full therein when the ordinance shall have been passed by the governing body of the city and published in the manner provided by law, and any section, article, chapter, part or portion not incorporated shall be clearly and specifically described and declared to be omitted and any provisions changing or adding to the incorporated provisions shall be stated in full and published as a part of the ordinance: ~~Provided, That instead.~~ *Instead of incorporating with omissions, the incorporating ordinance may designate specifically the sections, articles, chapters, parts or portions of the standard or model code or ordinance, state regulation or statute that are incorporated.* ~~Provided further, That no.~~ *No* such ordinance shall be deemed to have incorporated therein any standard or model code or ordinance or state regulation unless the same shall be clearly described in the ordinance by name or title, the name or title of the agency, organization, or group or state officer, board or agency which prepared, compiled, published or promulgated the same, the year or edition of the work or other sufficiently identifying description, and statutes or portions thereof shall be identified by appropriate reference to Session Laws, ~~General Statutes or Supplements~~ *Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.* ~~Provided further, That not less than three (3) copies.~~ *At least one copy* of any such standard or model code or ordinance or state regulation shall be marked or stamped “official copy as incorporated by Ordinance No. _____,” with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours: ~~Provided further, That the.~~ *The* police department, police judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of any such standard or model code or ordinance or state regulation similarly marked as may be deemed expedient.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 26, by striking “12-3304 is” and inserting “12-3010 and 12-3304 are”;

Also on page 1, in the title, in line 9, by striking “counties” and inserting “certain municipalities”; also in line 9, after “codes” by inserting “by cities and counties”; in line 10, after “K.S.A.” by inserting “12-3010 and”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Federal and State Affairs** 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:

Chief of Staff, Kansas Air National Guard: K.S.A. 48-208

Colonel Deborah S. Rose, serves at the pleasure of the Governor

Also, **HB 2295** be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2295," as follows:

"SENATE Substitute for HOUSE BILL No. 2295

By Committee on Federal and State Affairs

"AN ACT concerning real estate brokers and salespersons; relating to the effect of criminal convictions on the issuance, renewal or revocation of licenses; amending K.S.A. 58-3043 and 58-3050 and K.S.A. 2006 Supp. 58-3039 and 58-3063 and repealing the existing sections.";

and the substitute bill be passed.

SB 368 be amended on page 2, in line 5, before the period by inserting "; and

(27) a licensed speech-pathologist";

Also on page 2, after line 26, by inserting the following:

"Sec. 2. K.S.A. 2006 Supp. 17-2710 is hereby amended to read as follows: 17-2710. A professional corporation may be organized only for the purpose of rendering one type of professional service and service ancillary thereto and shall not engage in any other business, except that a single professional corporation may be organized to and render professional services under any two or more of the types set forth in items (2), (6), (13) and (17) of subsection (b) of K.S.A. 17-2707, and amendments thereto; under any two or more of the types set forth in items (4), (5), (7), (8), (9), (11), (12), (14), (15), (16), (18), (20), (22) ~~or (23), (23), (26) or (27)~~ of subsection (b) of K.S.A. 17-2707, and amendments thereto; under any two or more of the types set forth in items (8), (9), (18), (24) and (25) of subsection (b) of K.S.A. 17-2707, and amendments thereto; or under the types set forth in items (16) and (25) of subsection (b) of K.S.A. 17-2707, and amendments thereto, but shall be deemed to have the following purposes, whether or not authorized by its article of incorporation:

(a) To purchase, receive, lease, or otherwise acquire, own, hold, improve, use and otherwise deal in and with, real or personal property, or any interest therein, wherever situated;

(b) to purchase, receive, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of, and otherwise use and deal in and with, shares of other interests in, or obligations of, other domestic or foreign corporations, associations, partnerships or individuals, insurance or annuities in any form, or direct or indirect obligations of the United States or of any other government, state, territory, governmental district or municipality or of any instrumentality thereof;

(c) to pay pensions and establish pension plans, profit-sharing plans, stock bonus plans, stock option plans and other incentive plans for any or all of its directors, officers and employees;

(d) to do all things necessary or incidental to the practice of the profession which the professional corporation is authorized to practice.";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 27, by striking "is" and inserting "and 17-2710 are";

On page 1, in the title, in line 10, after "17-2707" by inserting "and 17-2710"; in line 11, by striking "section;" and inserting "sections"; and the bill be passed as amended.

Committee on **Natural Resources** recommends **SB 15**, as amended by Senate Committee, be amended on page 3, before the period by inserting "except for second and third class cities"; and the bill be passed as amended.

Committee on **Public Health and Welfare** 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:

State Long-term Care Ombudsman: K.S.A. 2006 Supp. 75-7304

Gilbert Cruz, term expires January 15, 2011

Committee on **Utilities** recommends **HB 2485**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2485," as follows:

"SENATE Substitute for HOUSE BILL No. 2485

By Committee on Utilities

"AN ACT relating to oil and gas; concerning fees for application of intent to drill a well; relating to the Kansas petroleum education and marketing act; amending K.S.A. 55-151 and K.S.A. 2006 Supp. 55-1626, 55-1631 and 55-1632 and repealing the existing sections.";

and the substitute bill be passed.

Also, **HB 2033**, as amended by House Committee, be amended on page 1, in line 35, by striking all before "converts";

On page 2, in line 3, by striking all after "resources"; by striking all in line 4; in line 5, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

SB 118 reported correctly engrossed March 14, 2007.

SB 54, SB 72 reported correctly engrossed March 15, 2007.

On motion of Senator D. Schmidt the Senate adjourned until 8:00 a.m., Friday, March 16, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

