

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Monday, April 2, 2007—10:00 a.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,
Last week
Close votes
Bills sink
Bills float.
Feelings high
Tempers flare
Some rejoice
Some despair.
Some amazed
Some confused
Many wonder
Few amused.
Help us, Lord
To forgive.
The Godly way
For all to live.
I pray in Jesus' name,
AMEN

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Assessment and Taxation: **HB 2434, HB 2529, HB 2548, HB 2590.**

Elections and Local Government: **HB 2464.**

Federal and State Affairs: **HB 2412; Sub HB 2562; HCR 5023.**

Public Health and Welfare: **Sub HB 2133; HB 2341.**

Ways and Means: **HB 2144, HB 2421.**

CHANGE OF REFERENCE

The President withdrew **HB 2014, HB 2093; S Sub for HB 2127** from the Committee on Ways and Means, and referred the bills to the calendar under the heading of General Orders.

MESSAGE FROM THE GOVERNOR

SB 54, SB 72; Sub SB 82; SB 118, SB 121, SB 162, SB 285, SB 326 approved on March 28, 2007.

REPORT ON ENROLLED BILLS

SR 1849, SR 1850, SR 1851, SR 1852, SR 1853, SR 1854, SR 1855, SR 1857 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 30, 2007.

SCR 1606, SCR 1611 reported correctly enrolled, properly signed and presented to the Secretary of State on March 30, 2007.

On motion of Senator D. Schmidt, the Senate recessed until 10:30 p.m.

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

CHANGE OF REFERENCE

The President withdrew **Sub HB 2133** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Ways and Means**.

The President withdrew **HB 2412** from the Committee on **Federal and State Affairs**, and referred the bill to the Committee on **Judiciary**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1856—

A RESOLUTION congratulating and commending the Moundridge High School debate team and coaches on becoming the 2007 3-2-1A Four Speaker Debate state champions.

WHEREAS, The Moundridge High School debate team is the 2007 Kansas State High School Activities Association class 3-2-1A four speaker debate state champions; and

WHEREAS, Members of the Moundridge High School debate team are Ben Schoen, Alex Stucky, Marike Stucky, Natalie Stucky, Sarah Pohl and Natasha Orpin; and

WHEREAS, The team was well-coached throughout the season by Head Coach Mark Stucky and Assistant Coaches Larry Temple and Gail Stucky; and

WHEREAS, On January 6, 2007, the team finished in sixth place in the tournament at Moundridge High School; and

WHEREAS, On January 13, 2007, the team won the regional tournament at Emporia High School in Emporia, Kansas; and

WHEREAS, On January 20, 2007, the team won the 3-2-1A state championship with ten wins and four losses at Blue Valley High School in Stilwell, Kansas; and

WHEREAS, Seniors Ben Schoen and Alex Stucky, arguing in the negative, finished with six wins and one loss; and

WHEREAS, Marike Stucky, Natalie Stucky, Sarah Pohl and Natasha Orpin, arguing in the affirmative, finished the season with four wins and three losses; and

WHEREAS, The Moundridge High School debate and forensics program was established in the 1940's by Edwin Stucky, who coached the team to 16 state debate championships, including a streak of eight in a row, and is father of current coach Mark Stucky; and

WHEREAS, Since 1992 the team has won eight more state championships, including a streak of five in a row, under the guidance of coach Mark Stucky; and

WHEREAS, Many community leaders in Moundridge were members of state championship debate teams including: Carl Krehbiel, former state representative and current owner of the Moundridge Telephone Company; Ty Kaufman, Moundridge attorney; Ruth Ritthaler, former Kansas Assistant Attorney General; and David Bradbury, president of Bradbury Corporation; and

WHEREAS, The Moundridge community is indebted to the high school debate program for the leaders it has produced; and

WHEREAS, The Moundridge High School debate and forensics program has enjoyed excellent support from the community; and

WHEREAS, The efforts of the 2007 team bring great credit upon themselves and their families, coaches and school, and are deserving of being applauded for their hard work and effort required to excel in this activity: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Moundridge High School debate team for winning the 3-2-1A state championship and for continuing a tradition of excellence in high school debate and that we congratulate and commend their coaches for the expert guidance they have given to this champion debate team; and

Be it further resolved: That the Secretary of the Senate provide nine enrolled copies of this resolution to Senator Jay Scott Emler for presentation to the team and coaches.

On emergency motion of Senator Emler **SR 1856** was adopted unanimously.

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

SENATE RESOLUTION No. 1858—

A RESOLUTION congratulating and commending the Thomas More Prep-Marian boys basketball team on winning the 2007 Class 4A State Championship.

WHEREAS, On March 10, 2007, the Thomas More Prep-Marian boys basketball team, known as the “Monarchs,” became Class 4A State Champions; and

WHEREAS, Led by head coach Joe Hertel and assistant coach Chris Drees and anchored by a senior class consisting of nine members, the Monarchs never trailed in the Class 4A State Championship game against Fort Scott; and

WHEREAS, Members of the team include: Austin Budke, Greg Diehl, Andy Hammeke, Kyle Hammerschmidt, Drew Hertel, Nolan Hoffman, David Lang, Nolan McNeil, Trevor Ottley, Josh Post, Scot Stramel and Kyle Werth; and

WHEREAS, Four senior starters for the Monarchs received all-league first team selections, including: Point guard Greg Diehl; forward Kyle Hammerschmidt; guard Nolan Hoffman; and center Trevor Ottley. Senior starting forward Josh Post was named to the honorable mention team; and

WHEREAS, This was the second state championship for the Monarchs in four years, as they also won the 2003 Class 3A State Championship; and

WHEREAS, The Thomas More Prep-Marian boys basketball team finished the 2007 season with an impressive record of 24 wins and only 1 loss for the entire season: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Thomas More Prep-Marian boys basketball team for winning the 4A state championship and for completing such an impressive season.

Be it further resolved: That the Secretary of the Senate provide 14 enrolled copies of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1858** was adopted unanimously.

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

SENATE RESOLUTION No. 1859—

A RESOLUTION declaring the “Sod & Stubble Country Self-Guided Tour” as an official heritage tour.

WHEREAS, The “Sod & Stubble Country Self-Guided Tour” was dedicated in September 2006 in honor of the 70th Anniversary of the publication of *Sod & Stubble*; and

WHEREAS, *Sod & Stubble* is an internationally best-selling book written by John Ise and published in 1936 that details a real-life account of a pioneer family in Kansas; and

WHEREAS, The “Sod & Stubble Country Self-Guided Tour” is a 15-mile, 22-stop auto and bicycle tour located in Downs, Osborne County, Kansas that features 19 interpretive markers of sites and people made famous in *Sod & Stubble*; and

WHEREAS, The “Sod & Stubble Country Self-Guided Tour” honors the historical and cultural legacy of the *Sod & Stubble* saga and is an important historical site in the Great Plains of North America: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we declare the “Sod & Stubble Country Self-Guided Tour” to be an official heritage tour.

Be it further resolved: That the Secretary of the Senate provide an enrolled copy of this resolution to Senator Lee.

On emergency motion of Senator Lee **SR 1859** was adopted unanimously.

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

SENATE RESOLUTION No. 1860—

A RESOLUTION in support and observance of the annual Juneteenth National Freedom Day.

WHEREAS, For more than 137 years, Juneteenth National Freedom Day continues to be the most recognized African-American holiday observance in the United States. Also known as “Emancipation Day,” “Emancipation Celebration,” “Freedom Day,” “Jun-Jun,” “Juneteenth Independence Day” and “Juneteenth.” Juneteenth National Freedom Day commemorates the survival, due to God-given strength and determination, of African Americans who were first brought to this country stacked in the bottom of slave ships in a month long journey across the Atlantic Ocean’s “Middle Passage”; and

WHEREAS, Approximately eleven and one-half million African Americans survived the voyage to the New World—the number that died is likely greater—only to be subjected to whipping, castration, branding and rape, and to have their families torn apart and forced into slavery for more than 200 years after arrival in the United States; and

WHEREAS, Juneteenth commemorates the day freedom was proclaimed to all slaves in the South by Union General Gordon Granger, in Galveston, Texas, on June 19, 1865, which was more than two and a half years after the signing of the Emancipation Proclamation by President Abraham Lincoln; and

WHEREAS, For the first time, in over 130 years of the annual celebration, Juneteenth has finally been officially recognized as Juneteenth Independence Day in America by the President and Congress of the United States. This reality is particularly underscored by the fact that it was in the 1st session of the 105th Congress in 1997, via the bipartisan cooperation of the former Congresswoman Barbara Rose-Collins (D-Michigan), former Senator Carol Mosely-Braun (D-Illinois), Congressman J.C. Watts (R-Oklahoma), former House Speaker Newt Gingrich (R-Georgia), Senate Majority Leader Trent Lott (R-Mississippi) and Senate Minority Leader Tom Daschle (D-South Dakota), that Senate Joint Resolution 11 and House Joint Resolution 56 were successfully shepherded through both houses of Congress in a successful effort to officially recognize Juneteenth as the Independence Day Observance of Americans of African descent; and

WHEREAS, Americans of all colors, creeds, cultures, religions and countries-of-origin, share in a common love of and respect for freedom, as well as a determination to protect their right to freedom through democratic institutions, by which the tenets of freedom are guaranteed and protected. The 19th of June or Juneteenth Independence Day, along with the 4th of July, completes the “cycle of freedom” for America’s Independence Day observances. “Until All are Free, None are Free” is an oft repeated maxim that can be used to highlight the significance of the end of the era of slavery in the United States; and

WHEREAS, The National Juneteenth Observance Foundation is sponsoring the premier celebration, concert, worship services and campaign to commemorate “America’s 2nd Independence Day Observance,” the 19th of June, as one which completes the cycle of America’s 18th century Independence Movement, which was initiated by the July 4, 1776 Declaration of Independence, and to recognize this country’s movement towards “One America,” advanced by a sincere dialogue, realization of what Juneteenth historically means to all Americans, and the promotion of racial healing, restoration and justice; and

WHEREAS, Kansas, ever since its acceptance into the Union as a free state, has played a significant role in African-American history. John Brown, perhaps the most notorious abolitionist in history, moved to Kansas in 1855 to retaliate against proslavery actions in Lawrence and aided in securing Kansas for Free-Soil settlers. The township of Nicodemus, founded in 1877 during the Reconstruction Period, is the only remaining western town established by African Americans. Langston Hughes, poet and writer, grew up in Lawrence. Gordon Parks, the renowned African-American photographer, writer, director and actor, was born and raised in Fort Scott. Hattie McDaniel, the Academy Award-winning actress

who played the role of Mammy in *Gone With the Wind*, was born in Wichita. The landmark Supreme Court decision in *Brown v. Board of Education*, which declared that separate educational facilities are inherently unequal, arose from opposition to the segregated school system in Topeka. The first lunch counter sit-in took place in 1958 at the Dockum Building in Wichita. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the National Juneteenth Holiday Campaign and encourage participation by all citizens in observance of Juneteenth National Freedom Day; and

Be it further resolved: That the Secretary of the Senate provide three enrolled copies of this resolution to Senator Donald Betts.

On emergency motion of Senator Betts **SR 1860** was adopted unanimously.

REPORT ON ENROLLED BILLS

SB 105, SB 106, SB 179, SB 183, SB 255, SB 308, Sub SB 354; SB 360 reported correctly enrolled, properly signed and presented to the Governor on April 2, 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 Wysong in the chair.

On emergency motion of Senator D. Schmidt, **HB 2014** was advanced on the calendar under the heading of General Orders to the first order of business.

On emergency motion of Senator D. Schmidt, **HB 2093** was advanced on the calendar under the heading of General Orders to the first order of business.

On emergency motion of Senator D. Schmidt, **S Sub for HB 2127** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Wysong the following report was adopted:

Recommended **SB 387; HB 2535** be passed.

The committee report on **HB 2127** recommending a **S Sub for HB 2127** be adopted, and the substitute bill be passed.

The committee report on **Sub HB 2457** recommending a **S Sub for Sub HB 2457** be adopted, and the substitute bill be passed.

The committee report on **HB 2556** recommending a **S Sub for HB 2556** be adopted, and the substitute bill be passed.

SCR 1612 be amended by motion of Senator Huelskamp on page 1, in line 31, after "units" by inserting ", including Ford County, Kansas, Gray County, Kansas and Haskell County, Kansas," and **SCR 1612** be adopted as amended.

HB 2014 be amended by motion of Senator Teichman as amended by House Committee, on page 1, in line 17, by striking "eight" and inserting "nine"; after line 22, by inserting the following:

"(3) one member shall be a trustee of a community college which provides technical education;"

By renumbering paragraphs (3) through (8) as paragraphs (4) through (9);

On page 2, in line 7, by striking "four or more" and inserting "five or more voting"; also in line 7, by striking "Four" and inserting "Five"

Senator Vratil amended **HB 2014** as amended by Senate Committee of the Whole on motion of Senator Teichman, by striking all of the amendment by Senator Teichman and inserting, on page 1, in line 17, by striking "eight" and inserting "10"; after line 22, by inserting the following:

"(3) one member shall be a trustee of a community college which provides technical education;"

By renumbering paragraphs (3) through (8) as paragraphs (4) through (9); Also on page 1, in line 29, by striking "one member" and inserting "two members"; also in line 29, before the semicolon, by inserting ". One of the members appointed by the governor shall be a resident of Douglas, Johnson, Leavenworth or Wyandotte county";

On page 2, in line 7, by striking “four or more” and inserting “six or more voting”; also in line 7, by striking “Four” and inserting “Six”, and **HB 2014** be passed as amended.

HB 2093 be amended by adoption of the committee amendments, be further amended by motion of Senator Taddiken as amended by Senate Committee, on page 9, in line 21, preceding “The” by inserting “(a)”; in line 38, by striking “(a)” and inserting “(1)”; in line 43, by striking “(b)” and inserting “(2)”; also in line 43, by striking “(a)” and inserting “(1)”;

On page 10, following line 1, by inserting the following:

“(b) If the state board determines that as a result of the occurrence of a disaster in the school district, pupils in the school district are unable to participate in the state assessments, the nonproficient pupil weighting of the school district shall be equal to the nonproficient pupil weighting of the district in the preceding school year.

As used in this subsection, “disaster” means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause, including but not limited to fire, flood, earthquake, tornado, wind, storm, drought, epidemics, air contamination, blight, drought, infestation or explosion.” and **HB 2093** be passed as further amended.

Sub SB 391 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Emler on page 3, after line 28, by inserting the following sections:

“Sec. 3. K.S.A. 12-105a is hereby amended to read as follows: 12-105a. As used in this act and the act of which this section is amendatory, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the context shall otherwise require:

(a) “Municipality” means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, *city, county or district hospital*, drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

(b) “Governing body” means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college, board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

(c) “Claim” means the document relating to and stating an amount owing to the claimant by a municipality for material or service furnished to the municipality, or some action taken by or for the municipality and for which the municipality may or may not be responsible in a liquidated or an unliquidated amount. A claim is liquidated when the amount due or to become due is made certain by agreement of the parties or is fixed by law.

(d) “Warrant” means an instrument ordering the treasurer of a municipality to pay out of a designated fund a specified sum to a named person or party who or which has filed a claim against the municipality.

(e) “Check” means an ordinary check drawn on a depository bank of a municipality by the treasurer of such municipality and payable to the holder of a warrant or warrants issued by the municipality.

(f) “Warrant check” means a combination of warrant and check. It is a negotiable instrument which orders a depository bank to pay to the order of the payee therein named. A warrant check authorizes the bank upon which drawn to charge the municipality’s account with the amount stated therein.

(g) For the purposes of this act the term “audit” shall be construed to mean to examine and render an opinion as to allowance or rejection in whole or in part.

Sec. 4. K.S.A. 12-105a is hereby repealed.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 11, before the period, by inserting “; amending K.S.A. 12-105a and repealing the existing section” and **Sub SB 391** be passed as amended.

S Sub for HB 2531 be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator V. Schmidt on page 15, after line 2, by inserting the following:

“Sec. 5. K.S.A. 2006 Supp. 65-1635a is hereby amended to read as follows: 65-1635a. (a) A pharmacist or a *pharmacy student or intern who is working under the direct supervision and control of a pharmacist* may administer vaccine to a person 18 years of age or older pursuant to a vaccination protocol if the pharmacist, *pharmacy student or intern* has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine. A pharmacist or *pharmacy student or intern* who successfully completes such a course of study and training shall maintain proof of completion and, upon request, provide a copy of such proof to the board.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist or *pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the vaccinee’s primary-care provider by electronic facsimile or mail. If the vaccinee does not have a primary care provider, then the administering pharmacist or *pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the person licensed to practice medicine and surgery by the state board of healing arts who has entered into the vaccination protocol with the pharmacist. The immunization will also be reported to appropriate county or state immunization registries.

(c) A pharmacist, *pharmacy student or intern* may not delegate to any person the authority granted under this act to administer a vaccine.

(d) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.”;

And by renumbering the remaining sections accordingly;

On page 22, in line 9, before “and” by inserting “, 65-1635a”;

On page 1, in the title, in line 11, after “65-1626” by inserting “, 65-1635a”; and **S Sub for HB 2531** be passed as amended.

On motion of Senator D. Schmidt, the Senate recessed until 4:00 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE HOUSE

Announcing the House accedes to the request of the Senate for a conference on **SB 8** and has appointed Representatives Hayzlett, Peck and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 9** and has appointed Representatives Hayzlett, Peck and Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 14** 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 **House Substitute for SB 31** 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 34** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 55** 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 68** and has appointed Representatives Aurand, Horst and Storm as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 88** 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 **House Substitute for SB 103** 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 112** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 114** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 115** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 144** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 166** 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 **SCR 1603** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 178** and has appointed Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 188** and has appointed Representatives Faber, Knox and Svaty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 198** and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 201** and has appointed Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 202** and has appointed Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 204** 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 **Substitute SB 208** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 239** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 271** and has appointed Representatives Shultz, Brown and Dillmore as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 324** 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 333** and has appointed Representatives Brunk, Kiegerl and Ruiz as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 351** 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 362** and has appointed Representatives Carlson, Yoder and Flaharty as conferees on the part of the House.

Announcing the House nonconcur in Senate amendments to **HB 2005**, requests a conference and has appointed Representatives Gordon, Huntington and Winn as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2019**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2062**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2080**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2123**, requests a conference and has appointed Representatives Aurand, Horst and Storm as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2128**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **Substitute HB 2129**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2264**, requests a conference and has appointed Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2332**, requests a conference and has appointed Representatives Burgess, Powers and Sawyer as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2363**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2483**, requests a conference and has appointed Representatives Landwehr, Mast and Flaharty as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2359**, requests a conference and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2526**, requests a conference and has appointed Representatives C. Holmes, Olson and Flora as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2504**, requests a conference and has appointed Representatives Merrick, Dahl and McKinney as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2033** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2038** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2169** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2240** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2528**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Schodorf moved the Senate concur in house amendments to **SB 129**.

SB 129. An act concerning schools; relating to certain school safety violations; amending K.S.A. 72-89c01 and 72-89c02 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 Ostmeyer moved the Senate concur in house amendments to **H Sub for SB 144.**

H Sub for SB 144. An act concerning veterans; relating to veterans claims assistance program and service grant program; providing for a performance audit; amending K.S.A. 2006 Supp. 73-1234 and repealing the existing section.

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

Yeas: Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Steineger, Wagle.

Nays: Allen, Apple, Betts, Brungardt, Francisco, Goodwin, Kelly, Lee, Reitz, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wilson, Wysong.

The Senate concurred.

Senator Barnett moved the Senate concur in house amendments to **SB 201.**

SB 201. An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 2006 Supp. 65-516 and repealing the existing section; also repealing K.S.A. 2006 Supp. 65-516a.

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 284.**

SB 284. An act concerning the radiologic technologists practice act; amending K.S.A. 2006 Supp. 65-7305 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 65-7306.

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 Brungardt moved the Senate concur in house amendments to **SB 368.**

SB 368. An act concerning professional corporations; relating to audiologists and speech-pathologists; amending K.S.A. 2006 Supp. 17-2707 and 17-2710 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.

On motion of Senator Schodorf the Senate nonconcurrent in the House amendments to **SB 138** and requested a conference committee be appointed.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2032**, submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as originally printed, as follows:

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

“New Sec. 4. (a) The state corporation commission shall require all electric public utilities doing business in Kansas to deliver energy education and conservation promotion programs that are consistent with energy conservation education programs and goals developed by the Kansas energy office of the state corporation commission. The Kansas energy office of the state corporation commission, through contracts between the commission and municipalities and electric cooperative utilities, may administer such program for municipal electric utilities and electric cooperative utilities.

(b) The Kansas energy office of the state corporation commission and the Kansas energy council, with consultation from electric public utilities, municipal electric utilities and electric cooperative utilities, shall annually submit a written report to the senate committee on utilities and the house committee on energy and utilities, on or before the beginning of the regular session of the legislature beginning in 2009 on the performance measures and goal outcomes of the energy education and energy conservation promotion programs prescribed by this section.

(c) Nothing in this section shall be construed to prohibit an electric public utility, municipal electric utility or electric cooperative utility from developing additional energy efficiency and conservation services.

(d) The regulated utilities shall be expected to pursue cost recovery for design, development, implementation, promotion, ongoing expenses and evaluation costs of these programs through the normal rate-making process.

(e) The Kansas energy office of the state corporation commission is hereby authorized to enter into contracts with the state electric cooperative association or the state municipal utility association, or both, or with a not-for-profit or educational entity, to develop energy education and energy conservation promotion programs that are consistent with statewide goals developed for such programs.”;

And by renumbering the remaining sections accordingly:

On page 1, in the title, in line 9, after “concerning” by inserting “the state corporation commission; relating to”; in line 10, by striking all after the semicolon; in line 11, by striking “mission;” and inserting “relating to providing energy conservation information to consumers by certain electric utilities;”;

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

JAY SCOTT EMLER
PAT APPLE
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
MARGARET E. LONG
Conferees on part of House

Senator Emler moved the Senate adopt the Conference Committee Report on **HB 2032**.

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

Yeas: Apple, Emler, Francisco, Goodwin, Hensley, Kelly, Lee, Morris, Teichman.

Nays: Allen, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Gilstrap, Haley, Huelskamp, Jordan, Journey, Lynn, McGinn, Ostmeyer, Palmer, Petersen, Pine,

Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Umbarger, Vratil, Wagle, Wilson, Wysong.

The Conference Committee report was not adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2035**, submits the following report:

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

On page 1, in line 38, by striking the colon; by striking all of line 39; in line 40, by striking “(2)”;

On page 2, in line 13, following “Transactions” by inserting “involving regulated scrap metal, except for catalytic converters,”; in line 14, by striking “\$25.00” and inserting “\$50.00”; following line 14, by inserting “(2) transactions involving only catalytic converters for which the total sale price is \$30.00 or less,”;

And by redesignating the remaining paragraphs accordingly;

Also on page 2, in line 32, following “person” by inserting “intentionally”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
ANNIE KUETHER
Conferees on part of House

Senator Vratil moved the Senate adopt the Conference Committee Report on **S Sub for Sub HB 2035**.

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.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2202**, submits the following report:

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

On page 5, by striking all in lines 11 through 17;

And by renumbering the remaining sections accordingly;

On page 6, by striking all in lines 13 through 16 and inserting the following:

“(h) The serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

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

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

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

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

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

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

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

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

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

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

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

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

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

(14) who does not provide any data or information required by K.S.A. 2006 Supp. 41-311b, and amendments thereto.

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

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

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

(3) a person who has beneficial interest in ~~the manufacture, preparation or wholesaling of alcoholic beverages~~ *a manufacturer, distributor, farm winery or microbrewery licensed under this act;*

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

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

(6) a corporation; or

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

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

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

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

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

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

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

(6) *a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act.*

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

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

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

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

(4) *a person who has beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act.*

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

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

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

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

(3) ~~person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery~~ *a manufacturer or distributor licensed under this act or a person who currently has a beneficial interest in a farm winery;*

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

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

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

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

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2006 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

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

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

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

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

(5) is less than 21 years of age.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 17, by striking “K.S.A. 41-312 and”; in line 18, preceding “and” by inserting “, 41-311”; in line 20, by striking “statute book” and inserting “Kansas register”;

In the title, in line 13, by striking “K.S.A. 41-312 and”; also in line 13, following “41-308a” by inserting “, 41-311”;

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

PETE BRUNGARDT
ROGER P. REITZ
MARK S. GILSTRAP
Conferees on part of Senate

ARLEN H. SIEGFREID
STEVE HUEBERT
ANN E. MAH
Conferees on part of House

Senator Brungardt moved the Senate adopt the Conference Committee Report on **HB 2202**.

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 yes on **HB 2202**, which will allow charitable organizations to continue certain fund raising activities, that might have otherwise been curtailed in light of AG opinion 2007-3. This legislation will continue to permit organizations, such as Guadalupe Clinic in my community, to benefit from the generosity of the community which supports events that underwrite the charitable activities of this and many other qualified charities in Kansas.—LES DONOVAN

Senators Journey and Ostmeyer request the record to show they concur with the “Explanation of Vote” offered by Senator Donovan on **HB 2202**.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **HB 2005**.

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

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2019**.

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

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2062**.

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

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2080**.

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

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **HB 2123**.

The President appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2128**.

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

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **Sub HB 2129**.

The President appointed Senators Huelskamp, Pyle and Betts as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **S Sub for HB 2264**.

The President appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

On motion of Senator Huelskamp, the Senate acceded to the request of the House for a conference on **HB 2332**.

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

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2359**.

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

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2363**.

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

On motion of Senator Barnett, the Senate acceded to the request of the House for a conference on **HB 2483**.

The President appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2504**.

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

On motion of Senator McGinn, the Senate acceded to the request of the House for a conference on **HB 2526**.

The President appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the Conference Committee on **SB 112** to replace Senators Teichman, Wysong and Steineger.

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:

Kansas Health Policy Authority, Member:

Arneatha Martin, term expires March 15, 2011.

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.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1861—

A RESOLUTION congratulating and commending the Tribune High School boys' and girls' cross country teams and Coach Greg Cook.

WHEREAS, The Tribune High School boys' and girls' cross country teams won the Class 1A State Championships at Wamego on Saturday, October 28, 2006; and

WHEREAS, The boys' team is comprised of: Seniors Brett Crittenden, Jacob Govert, Levi Houston, Brandon Lytle, Andrew Mishler and Brent Moritz; juniors Grant Bergner and Robert Mangold; sophomores Chip Schneider and Drew Zerr; and freshman Isaac Wilson; and

WHEREAS, The girls' team is comprised of: Seniors Lauren Moser, Autumn Preston and Shanon Robertson; sophomores Jasmine Dixon and Megan Shafer; and freshmen Kelli Crittenden and Madison Moser; and

WHEREAS, The girls' team finished first in every meet they participated in, including: Tribune, Leoti, Oakley, Johnson, Syracuse, Dighton, the Wheatland meet and the regional and the state meets; and

WHEREAS, The boys' team finished in first place in the following meets: Leoti, Oakley, Dighton, the Wheatland meet and the regional and the state meets. In addition, the boys' team finished in second place at Syracuse, and third place at Tribune and Johnson; and

WHEREAS, State Medalists and "All-State Award" winners for the girls' team include: Shanon Robertson - 1st, Kelli Crittenden - 2nd and Madison Moser - 6th. Other places that did not medal went to Jasmine Dixon - 22nd, Megan Shafer - 42nd, Lauren Moser - 48th and Autumn Preston - 60th; and

WHEREAS, State Medalists and "All-State Award" winners for the boys' team include: Levi Houston - 2nd, Andrew Mishler - 9th, Brent Moritz - 11th, Brett Crittenden - 14th, Isaac Wilson - 15th and Jake Govert - 20th. Other places that did not medal went to Brandon Peter - 22nd; and

WHEREAS, The Kansas Cross Country and Track and Field Coaches Association gives an "Academic All-State" award for student/athletes that are Juniors or Seniors, finish in the top 30 at State Cross County, and have an accumulative GPA of 3.75 or higher. Andrew Mishler, Brett Crittenden and Brandon Peter all received this award; and

WHEREAS, Coach Greg Cook was named "Class 1A Boys' Cross Country Coach of the Year" by the Kansas Cross Country and Track and Field Coaches Association: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Tribune High School boys' and girls' cross country teams and Coach Greg Cook on the completion of a successful season and for winning the Class 1A State Championships; and

Be it further resolved: That the Secretary of the Senate provide 3 enrolled copies of this resolution to Senator Ostmeyer.

On emergency motion of Senator Ostmeyer **SR 1861** was adopted unanimously.

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

SENATE RESOLUTION No. 1862—

A RESOLUTION congratulating and commending the Oakley High School girls basketball team on winning the 2A state championship.

WHEREAS, On March 10, 2007, the Oakley High School girls basketball team, known as the "Lady Plainsmen," defeated Minneapolis 48-29 for the 2A state championship in Manhattan; and

WHEREAS, Members of the Lady Plainsmen included seniors Megan Dennis, Lindsey Hubert and Callie Baalman; juniors Megan Baalman, Alicia Cooksey, Brea Teeter, Janel Racette and Kimber Weiser; sophomores Brandi Horton and Lindsay Hoff; and freshmen Bailey Hemmert and Kristen Kuhn; and

WHEREAS, In the first round they defeated Lyndon 59-48 with a 43.7% shooting record to Lyndon's 25.9% and a 76.5% record from the line; and

WHEREAS, In the semi-final round they defeated Osborn 52-46 with three players in double digits and Kimber Weiser leading with 19 points; and

WHEREAS, Along with their success on the court, members of the team have achieved success in the classroom with an average GPA of 3.58; and

WHEREAS, In addition to the athletes, the team was comprised of head coach Randall Rath; assistant coach Andy Starbuck; and student manager Marlee Rath; and

WHEREAS, The Lady Plainsmen finished the 2007 season with an impressive record of 23 wins and only 2 losses for the entire season: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Oakley High School girls basketball team for winning the 2A state championship and for completing such an impressive season.

Be it further resolved: That the Secretary of the Senate provide three enrolled copies of this resolution to Senator Ostmeyer for presentation to the team and coaches.

On emergency motion of Senator Ostmeyer **SR 1862** was adopted unanimously.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Tuesday, April 3, 2007.

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

PAT SAVILLE, *Secretary of the Senate.*

