

# Journal of the Senate

SIXTY-FIRST DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Friday, April 27, 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,

We are familiar here with the amendment process. But it seems to me that Your Ten Commandments have been amended in practice, if not intentionally. . . .

Thou shalt have no other gods before Me unless thou find one who does not demand so much.

Thou shalt not make unto thee any graven image unless thou find it difficult to worship without one.

Thou shalt not take the Name of the Lord thy God in vain except in profanity. Remember the Sabbath Day to keep it busy.

Honor thy father and thy mother until you are eighteen.

Thou shalt not kill the endangered species, but people are fair game.

Thou shalt not commit adultery unless it's just an affair.

Thou shalt not steal unless the victim has too much to keep.

Thou shalt not bear false witness without making it sound true.

Thou shalt not covet unless thy neighbor flaunts it.

Forgive us, Lord, for amending laws which were never intended to be amended.

I pray in the Name of Jesus Christ,

AMEN

## PRESENTATION OF PETITIONS

The following petition was presented, read and filed:

**SP 5**, by Senator Anthony Hensley: A petition urging Governor Sebelius and members of the Kansas Legislature to work together to provide full funding for community services utilized by Kansans with developmental disabilities, signed by Carol House and 30,000 other Kansans who believe that a major priority of our state must be to assure that these vital services will always be available.

## POINT OF PERSONAL PRIVILEGE

Senator Reitz rose on a Point of Personal Privilege to introduce his wife Virginia. The Senator and his wife will be celebrating 50 years of marriage in June. Senators honored the couple with a standing ovation.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 394**, An act concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section, by Committee on Ways and Means.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The President referred **SB 394** to the Committee of the Whole.

#### MESSAGE FROM THE HOUSE

Announcing the House nonconcur to senate amendments to **Senate Substitute for HB 2542** and has appointed Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

#### ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2542**.

The President appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

#### ACTION ON VETO MESSAGE

Announcing a Message from the House having been received on Thursday, April 26, 2007, announcing the House of Representatives has reconsidered the veto by the Governor on **HB 2528** and determined that such bill pass notwithstanding the Governor's veto, President Morris announced the time has arrived for reconsideration.

Senator Journey moved that notwithstanding the Governor's veto, **HB 2528** be passed.

**HB 2528**, An act concerning firearms; amending K.S.A. 59-2979 and 59-29b79 and K.S.A. 2006 Supp. 12-16,124, 75-7c04, 75-7c10, 75-7c11, 75-7c17 and 75-7c25 and repealing the existing sections.

On roll call, the vote was: Yeas 30, Nays 10, Present and Passing 0, Absent or Not Voting 0.

Yeas: Apple, Barnett, Barone, Brownlee, Bruce, Donovan, Emler, Gilstrap, Haley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Wagle, Wilson.

Nays: Allen, Betts, Brungardt, Francisco, Goodwin, Hensley, Reitz, Schmidt V, Vratil, Wysong.

A two-thirds constitutional majority having voted in favor of overriding the Governor's veto, the motion prevailed and the bill passed.

#### ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2004, HB 2005, HB 2019**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2004**, 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 4, following line 8, by inserting the following:

"New Sec. 3. Sections 3 through 5, and amendments thereto, shall be known and may be cited as the Kansas film production tax credit act.

New Sec. 4. (a) For all taxable years commencing after December 31, 2006, a credit against the tax imposed by the Kansas income tax act shall be allowed for direct production expenditures made by an eligible film production company. Such credit shall be in an amount equal to 30% of direct production expenditures made in Kansas that are directly

attributable to the production of a film in Kansas and that have been awarded by the department of revenue. The tax credit shall be deducted from the eligible film production company's income tax liability for the taxable year in which the expenditures are made by the eligible film production company. If the amount of the film production tax credit allowed exceeds the film production company's income tax liability for the taxable year, the taxpayer may carry over the amount thereof that exceeds such tax liability for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the year in which the costs are incurred. If the eligible film production company is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability entity, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the member of such limited liability entity in the same manner as such shareholder, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability entity.

(b) A long-form narrative film production for which the film production tax credit is claimed shall contain an acknowledgment that the production was filmed in Kansas.

(c) To be eligible for the film production tax credit, a film production company shall submit to the department of commerce information required by the department to demonstrate conformity with the requirements of this act. Information supplied shall include expected direct production expenditures to be made in Kansas with respect to the film production for which the film production company is seeking the film production tax credit. The department of commerce may reserve a tax credit amount based upon the expected direct production expenditures. The department of commerce shall determine the eligibility of the company and shall certify this information to the department of revenue in a manner and at times the department of commerce and department of revenue shall agree upon.

(d) To receive a film production tax credit, a film production company shall apply to the department of revenue on forms and in the manner the department may prescribe. The application shall include a certification of the amount of direct production expenditures made in Kansas with respect to the film production for which the film production company is seeking the film production tax credit. The department of revenue may award a film production tax credit based on the application submitted and the amount of tax credit reserved by the department of commerce. Upon approval of the application and the awarding of the tax credit the department of revenue shall certify to the film production company and the department of commerce the amount of the tax credit awarded.

(e) The secretary of commerce and the secretary of revenue are hereby authorized to adopt rules and regulations to implement and administer the provisions of this act.

New Sec. 5. As used in sections 3 through 5, and amendments thereto:

(a) "Direct production expenditure" means an expenditure incurred in the state of Kansas in the production of a Kansas film including:

(1) Payment of wages, fringe benefits or fees for talent, management or labor to a person who is a Kansas resident for purposes of the Kansas income tax act;

(2) payment to a personal services corporation for the services of a performing artist, if:

(A) The personal services corporation is subject to taxation under the provisions of the Kansas income tax act; or

(B) the performing artist receiving payment from the personal services corporation pays Kansas income tax; and

(3) any of the following provided by a vendor:

(A) The story and scenario to be used for a film;

(B) set construction and operations, wardrobe, accessories and related services;

(C) photography, sound synchronization, lighting and related services;

(D) editing and related services;

(E) rental of facilities and equipment;

(F) leasing of vehicles;

(G) food or lodging;

(H) airfare if purchased through a Kansas-based travel agency or travel company;  
 (I) insurance coverage and bonding if purchased through a Kansas-based insurance agent; and

(J) other direct costs of producing a film in accordance with generally accepted entertainment industry practice.

(b) "Eligible film production company" means a film production company that has received certification from the department of commerce.

(c) "Film" means any film, video, commercial or television production, as approved by the department of commerce, that is 30 minutes or less in length with an expected in-state expenditure budget in excess of \$50,000, or that is over 30 minutes in length with an expected in-state expenditure budget in excess of \$100,000. Film shall not include the following:

- (1) News or current events programming;
- (2) talk show;
- (3) production produced primarily for industrial, corporate or institutional purposes, and for internal use;
- (4) sports event or sports programming;
- (5) gala presentation or awards programming;
- (6) infomercial or any production that directly solicits funds;
- (7) political advertisement; or
- (8) production that is considered obscene.

(d) "Film production company" means a person that produces one or more films.  
 New Sec. 6. (a) No tax credits authorized by sections 3 through 5, and amendments thereto, shall be allowed for any tax year commencing on or after January 1, 2013.

(b) The total amount of tax credits which may be allowed under sections 3 through 5, and amendments thereto, shall not exceed \$2,000,000 per tax year.

Sec. 7. K.S.A. 2006 Supp. 74-8132 is hereby amended to read as follows: 74-8132. As used in this act:

(a) "Angel investor" and "investor" mean an accredited ~~individual~~ investor *who is a natural person or an owner of a permitted entity investor, who is of high net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act, and who seeks high returns through private investments in start-up companies and may seek active involvement in business, such as consulting and mentoring the entrepreneur. For the purposes of this act, a person who serves as an executive, officer, employee, vendor or independent contractor of the business in which an otherwise qualified cash investment is made is not an angel investor and such person shall not qualify for the issuance of tax credits for such investment;*

(b) "Bioscience business" means what is reflected in K.S.A. 2006 Supp. 74-99b83, and amendments thereto;

~~(c)~~ (c) "cash investment" means money or money equivalent in consideration for qualified securities;

~~(d)~~ (d) "KTEC" means the Kansas technology enterprise corporation, a public instrumentality created pursuant to K.S.A. 74-8101, and amendments thereto;

~~(e)~~ (e) "Kansas business" means any business owned by an individual, any partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, that does business primarily in Kansas or does substantially all of such businesses' production in Kansas;

(f) "owner" means any natural person who is, directly or indirectly, a partner, stockholder or member in a permitted entity investor;

(g) "permitted entity investor" means (A) any general partnership, limited partnership, corporation that has in effect a valid election to be taxed as an S corporation under the United States internal revenue code, or a limited liability company that has elected to be taxed as a partnership under the United States internal revenue code and (B) that was established and is operated for the sole purpose of making investments in other entities;

~~(h)~~ (h) "qualified Kansas business" means the Kansas businesses that are approved and certified as qualified Kansas businesses as provided in K.S.A. 2006 Supp. 74-8134, and amendments thereto; and

(f) (i) “qualified securities” means a cash investment through any one or more forms of financial assistance as provided in this subsection that have been approved in form and substance by KTEC. Such forms of financial assistance are: (1) Any form of equity, such as: (A) A general or limited, partnership interest; (B) common stock; (C) preferred stock, with or without voting rights, without regard to seniority position, and whether or not convertible into common stock; or (D) any form of subordinate or convertible debt, or both, with warrants or other means of equity conversion attached; or

(2) a debt instrument, such as a note or debenture that is secured or unsecured, subordinated to the general creditors of the debtor and requires no payments of principal, other than principal payments required to be made out of any future profits of the debtor, for at least a seven-year period after commencement of such debt instrument’s term.

Sec. 8. K.S.A. 2006 Supp. 74-8133 is hereby amended to read as follows: 74-8133. (a) A credit against the tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated on the Kansas taxable income of an angel investor and against the tax imposed by K.S.A. 40-252, and amendments thereto, shall be allowed for a cash investment in the qualified securities of a qualified Kansas business. The credit shall be in a total amount equal to 50% of such investors’ cash investment in any qualified Kansas business, subject to the limitations set forth in subsection (b). This tax credit may be used in its entirety in the taxable year in which the cash investment is made except that no tax credit shall be allowed in a year prior to January 1, 2005. If the amount by which that portion of the credit allowed by this section exceeds the investors’ liability in any one taxable year, beginning in the year 2005, the remaining portion of the credit may be carried forward until the total amount of the credit is used. *If the investor is a permitted entity investor, the credit provided by this section shall be claimed by the owners of the permitted entity investor in proportion to their ownership share of the permitted entity investor.*

(b) ~~The secretary of revenue shall not allow tax credits that are attributable to an individual investor of more than \$50,000 of cash investments in the qualified securities of a single Kansas business or for cash investments in the qualified securities of more than five Kansas businesses each year of more than \$50,000 for a single Kansas business or a total of \$250,000 in tax credits for a single year per investor who is a natural person or owner of a permitted entity investor. No tax credits authorized by this act shall be allowed for any cash investments in qualified securities for any year after the year 2016. The cumulative aggregate amount of the tax credits allowed by the secretary of revenue, pursuant to this act, shall not exceed \$20,000,000. The total amount of tax credits which may be allowed under this section shall not exceed \$2,000,000 per tax year \$4,000,000 during the tax year 2007 and \$6,000,000 for tax year 2008 and each tax year thereafter. The balance of unissued tax credits may be carried over for issuance in future years until 2016.~~

(c) A cash investment in a qualified security shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined in accordance with the provisions of the internal revenue code.

(d) No investor shall claim a credit under this section for cash investments in Kansas venture capital, inc. No Kansas venture capital company shall qualify for the tax credit for an investment in a fund created by articles 81, 82, 83 or 84 of chapter 74 of the Kansas Statutes Annotated.

(e) ~~Any investor that is not subject to taxation who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated and that for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may be transferred to an investor any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by this investor the transferee as a credit against the investor’s transferee’s Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this~~

section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation.

(f) The reasonable costs of the administration of this act, the review of applications for certification as qualified Kansas businesses and the issuance of tax credits authorized by this act shall be reimbursed through fees paid by the qualified Kansas businesses and the investors or the transferees of investors, according to a reasonable fee schedule adopted by the corporation.

Sec. 9. K.S.A. 2006 Supp. 74-8134 is hereby amended to read as follows: 74-8134. (a) Before an angel investor may be entitled to receive tax credits, as authorized by this act, such investor must have made a cash investment in a qualified security of a qualified Kansas business. This business must have been approved by KTEC as a qualified Kansas business prior to the date on which the cash investment was made. To be designated as a qualified Kansas business, a business must make application to KTEC in accordance with the provisions of this section.

(b) Such application to KTEC shall be in form and substance as required by KTEC, but shall include at least the following:

(1) The name of the business and certified copies of the organizational documents of the business;

(2) a business plan, including a description of the business and the management, product, market and financial plan of business;

(3) a statement of the business innovative and proprietary technology, product or service;

(4) a statement of the potential economic impact of the enterprise, including the number, location and types of jobs expected to be created;

(5) a description of the qualified securities to be issued, the consideration to be paid for the qualified securities, the amount of any tax credits requested and the earliest year in which the tax credits may be redeemed;

(6) a statement of the amount, timing and projected use of the proceeds to be raised from the proposed sale of qualified securities; and

(7) such other information as KTEC may request, such as the names, addresses and taxpayer identification numbers of all investors who may qualify for the tax credit. Such list of investors who may qualify for the tax credits shall be amended as new qualified securities are sold or as any information on the list shall change.

(c) No business shall be designated as a qualified Kansas business unless such business meets all of the following criteria:

(1) The business must not have had annual gross revenues of more than \$5,000,000 in the most recent tax year of the business;

(2) ~~the business~~ *businesses that are not bioscience businesses* must have been in operation for less than five years; *bioscience businesses must have been in operation for less than 10 years;*

(3) *all else equal, first consideration will be given to animal health companies.*

~~(4)~~ (4) the business must not have ownership interests including, but not limited to, common or preferred shares of stock that can be traded by the public via a stock exchange, electronic exchange, bulletin board or other public market place on or before the date that a qualifying investment is made;

~~(5)~~ (5) the business must not be engaged primarily in any one or more of the following enterprises: (A) Any service provider set forth in K.S.A. 17-2707, and amendments thereto; (B) the business of banking, savings and loan or lending institutions, credit or finance, or financial brokerage or investments; (C) the provision of professional services, such as legal, accounting or engineering services; (D) governmental, charitable, religious or trade organizations; (E) the ownership, development, brokerage, sales or leasing of real estate; (F) insurance; (G) construction or construction management or contracting; (H) business consulting or brokerage; (I) any business engaged primarily as a passive business, having irregular or noncontinuous operations, or deriving substantially all of the income of the business from passive investments that generate interest, dividends, royalties, or capital gains, or any business arrangements the effect of which is to immunize an investor from risk of loss; (J) any Kansas certified capital formation company; ~~and~~ (K) any activity that is

in violation of the law; and (L) *any business raising money primarily to purchase real estate, land or fixtures; and*

~~(5)~~ (6) the business must satisfy all other requirements of this act.

(d) Notwithstanding the requirements of subsection (c), a business may be considered as a qualified Kansas business under the provisions of this act if such business falls within a standard industrial classification code.

(e) The portions of documents and other materials submitted to KTEC that contain trade secrets shall be kept confidential and shall be maintained in a secured environment by the president of KTEC. For the purposes of this act, such portions of documents and other materials means any customer lists, any formula, compound, production data or compilation of information certain individuals within a commercial concern using such portions of documents and other material means to fabricate, produce or compound an article of trade, or, any service having commercial value, which gives the user an opportunity to obtain a business advantage over competitors who do not know or use such service.

(f) A qualified Kansas business shall have the burden of proof to demonstrate to KTEC the qualifications of the business under this section and shall have the obligation to notify KTEC in a timely manner of any changes in the qualifications of the business or in the eligibility of investors to claim a tax credit for cash investment in a qualified security.

Sec. 10. K.S.A. 2006 Supp. 74-8135 is hereby amended to read as follows: 74-8135. (a) The designation of a business as a qualified Kansas business shall be made by KTEC, and such designation must be renewed annually. A business shall be so designated if KTEC determines, based upon the application submitted by the business and any additional investigation the staff of KTEC shall make, that the following criteria have been or shall be satisfied:

(1) The business has a reasonable chance of success;

~~(2) the ability of investors in the business to receive tax credits for cash investments in qualified securities of the business is necessary, because funding otherwise available for the business is not available on commercially reasonable terms;~~

~~(3) the business has the reasonable potential to create measurable employment within the state;~~

~~(4)~~ (3) the business has an innovative and proprietary technology, product and service;

~~(5)~~ (4) the existing owners of the business and other founders have made or are committed to make a substantial financial and time commitment to the business;

~~(6)~~ (5) the securities to be issued and purchased are qualified securities; and

~~(7)~~ (6) binding commitments have been made by the business to KTEC for adequate reporting of financial data, including a requirement for an annual report, or, if required by the board of directors of KTEC, an annual audit of the financial and operational records of the business, the right of access to the financial records of the business and the right of KTEC to record and publish normal and customary data and information related to the issuance of tax credits that are not otherwise determined to be trade or business secrets.

(b) *In addition to reports by the businesses to KTEC and its board of directors, KTEC will also provide an annual report, on or before February 1, to the governor, to the senate committee on commerce, the house committee on economic development and tourism and the joint committee on economic development and any successor committees thereto, on the marketing and use of the angel investor tax credits. This report will include the following: The amount of tax credits used in the previous fiscal year including what percentage was claimed by individuals and what percentage was claimed by investment firms; the types of businesses that benefited from the tax credits; and any aggregate job creation or capital investment in Kansas that resulted from the use of the tax credits for a period of five years beginning from the date on which the tax credits were awarded. In addition, the annual report will provide information regarding what businesses which derived benefit from the tax credits remained in Kansas and what businesses ceased business, what businesses were purchased and what businesses may have moved out-of-state and why.”;*

And by renumbering the remaining sections accordingly;

Also on page 4, in line 9, by striking “is” and inserting “74-8132, 74-8133, 74-8134 and 74-8135 are”;

On page 1, in the title, in line 12, after the semicolon by inserting “establishing the Kansas film production tax credit act; concerning the Kansas angel investor tax credit act;”; in line 13, after “74-50,154” by inserting “, 74-8132, 74-8133, 74-8134 and 74-8135”;

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

NICK JORDAN  
KARIN BROWNLEE  
JIM BARONE  
*Conferees on part of Senate*

LANA GORDON  
TERRIE HUNTINGTON  
VALDENIA C. WINN  
*Conferees on part of House*

Senator Jordan moved the Senate adopt the Conference Committee Report on **HB 2004**.

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 2005**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

NICK JORDAN  
JIM BARONE  
*Conferees on part of Senate*

LANA GORDON  
VALDENIA C. WINN  
TERRIE HUNTINGTON  
*Conferees on part of House*

On motion of Senator Jordan, the Senate adopted the conference committee report on **SB 2005**, and requested a new conference committee be appointed.

The President appointed Senators Jordan, Brownlee and Barone as a second Conference Committee on the part of the Senate on **HB 2005**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2019**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

TIM HUELSKAMP  
ROGER REITZ  
*Conferees on part of Senate*

MICHAEL B. BURGESS  
TED POWERS  
*Conferees on part of House*

On motion of Senator Huelskamp, the Senate adopted the conference committee report on **HB 2019**, and requested a new conference committee be appointed.



The President appointed Senators Huelskamp, Reitz and Francisco as a second Conference Committee on the part of the Senate on **HB 2019**.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Kelly and Morris introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1879—

A RESOLUTION congratulating and commending Stacy Wade for being the Elementary Division winner of the 2007 Igniting Creative Energy Challenge.

WHEREAS, Stacy Nicole Wade, daughter of Ken and Lori Wade of Silver Lake, Kansas, is a 5th grader at Silver Lake Grade School; and

WHEREAS, With the help of her father Ken, Stacy has spent the last 5 years learning how to break down metal objects into recyclables, how to recycle plastics and has made mulch from leaves and other yard trash. The money Stacy receives from selling the metals is used to help build her college fund and the mulch she makes is shared with her neighbors in Silver Lake; and

WHEREAS, A few years ago, Stacy began keeping a fully photo-illustrated journal showing her recycling process and progress. In September 2006, Kansas State Treasurer Lynn Jenkins awarded Stacy with a \$2,500 check from Learning Quest. The award, from a contest called “Reuse, Recycle and Reduce” provided Stacy with a welcome addition to her college fund. Stacy was one of 20 finalists for the award and was the youngest winner in the group; and

WHEREAS, On March 30, 2007, Johnson Controls named Stacy the Elementary Division winner of the 2007 national Igniting Creative Energy Challenge. The Creative Energy Challenge is sponsored by Phillips Lighting Company and the United States Energy Association and is administered by the National Energy Foundation. The Competition challenged students from K-12 to express their ideas on energy conservation and the environment using their choice of media, from science projects to Web sites; and

WHEREAS, As her submission to the contest, Stacy created a scrapbook titled “Recipes for Recycling” in which she chronicled her efforts to recycle metal and mulch to save the environment and earn money for college. For being selected as the Elementary Division winner, Stacy received a hosted trip to Hawaii and will go to Washington, D.C. in June to share her Challenge entry with government and energy leaders. Stacy will also receive a prize package from the Phillips Lighting Company which, additionally, will donate a HeartStart Defibrillator to Silver Lake Grade School. Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Stacy for being named the Elementary Division winner of the 2007 national Igniting Creative Energy Challenge. We recognize how vital it is to engage our youngest citizens in the efforts to reclaim, preserve and protect our precious natural resources. Therefore, we express our deep gratitude to Stacy and we applaud her commitment to the environment. We encourage her continued participation in recycling and wish her every success and happiness in the future; and

*Be it further resolved:* That the Secretary of the Senate provide five enrolled copies of this resolution to the Wade family by mailing them to: Stacy Wade and Family, 204 Center Dr., Silver Lake, KS 66539.

On emergency motion of Senator Kelly **SR 1879** was adopted unanimously.

Honored with a standing ovation, Stacy was congratulated for her achievements and was commended for her commitment to the environment.

Accompanying Stacy were her parents Ken and Lori Wade. Also present was Rick Justis, who is with Johnson Controls.

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

SENATE RESOLUTION No. 1880—

A RESOLUTION congratulating and commending Lynn Felts as the winner of the 2007 National Secondary Art Educator of the Year Award.

WHEREAS, Lynn Felts, a secondary art teacher in the Winfield Unified School District

#465, was selected to receive the 2007 National Secondary Art Educator of the Year Award; and

WHEREAS, Lynn Felts started her elementary art teaching career in 1977. In the fall of 1986, Lynn became the secondary art teacher in Winfield and continues to work in that position today; and

WHEREAS, Lynn Felts has also served as an adjunct faculty member of Southwestern College and St. John's College, both in Winfield. Lynn has also served as an adjunct faculty member at Wichita State University; and

WHEREAS, Throughout her teaching career, Lynn has held many offices with the Kansas Art Education Association (KAEA) including 10 years as the organization's Commercial Liaison, six years as state President for the KAEA, Chairperson for two state conferences held in Winfield in 1990 and 1997, has served as National Art Education Association (NAEA) Director for the Western Region and was also appointed as NAEA Director-Elect for that same region. In addition to the offices she has held, Lynn has also had numerous articles published, including "The Importance of Drawing in Art Education" in 2002 and "Why Art Education is Basic to the Education of Kansas Students" in 2006; and

WHEREAS, Lynn has been recognized for her excellence numerous times. In 1998-1999 she was awarded the KAEA Outstanding Secondary Art Educator, in 2006 she was awarded NAEA Outstanding Secondary Art Educator for the Western Region, and in 2007 she has been selected by the NAEA as National Secondary Art Educator of the Year: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Lynn Felts for demonstrating excellence in her profession and devotion to the children of Kansas; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to Lynn Felts, 9 Starlite Court, Winfield, Kansas 67156 and Marvin Estes, Superintendent of Winfield USD 465, Winfield High School Administration, 1923 East 13th Avenue, Winfield, Kansas 67156.

On emergency motion of Senator Goodwin **SR 1880** was adopted unanimously.

Lynn was congratulated and honored with a standing ovation.

Accompanying Lynn were Marvin Estes, Martha Fitzwater, Landon Schmitt, Carley Brock, Rebbecca Hoover, Brent Turner and Zachary Mapel.

Senators Barnett, Allen, Apple, 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, D. Schmidt, V. Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson and Wysong introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1881—

A RESOLUTION congratulating and commending Karla Finnell for her years of dedicated service to the people of Kansas as Executive Director of the Kansas Association for the Medically Underserved.

WHEREAS, Karla Finnell, Executive Director of the Kansas Association for the Medically Underserved (KAMU) since 2003, will be leaving her post this summer; and

WHEREAS, KAMU represents more than 30 Kansas primary care safety net clinics, which serve the uninsured and underinsured regardless of their ability to pay. The clinics provided care to more than 127,000 people last year; and

WHEREAS, In Kansas, an estimated 300,000 people are uninsured. Primary care safety net clinics serve more than 127,000 Kansans of which approximately 63% of the people served by KAMU's member clinics are uninsured, while 93% of them live at or near the poverty level (with an income at 200% of the federal poverty level or below); and

WHEREAS, Under Karla Finnell's leadership, KAMU has expanded access to high quality, comprehensive care for underserved people across the state. Karla increased the association's focus on advocacy, clinical quality and community development to impact the lives of more than 127,000 Kansans last year. Perhaps the most visible outcome of her tenure

is the increase of state funding and private support for the primary care safety net clinics, which has enabled the clinics to make major expansions in their programs and services; and

WHEREAS, During Karla's tenure, KAMU offered increased training and technical assistance to the clinics as they grew their services. This resulted not only in an increase in the number of patients seen every year, but in the comprehensiveness of the care they received. This growth and capacity building have also focused on performance-based delivery, promoting accountability. The most dramatic growth has come in an area that is often overlooked for the underserved: Oral health services. Dental services at the Kansas clinics have quadrupled since 2003 and the clinics are now pursuing a strategic plan for dental hubs to make oral health care available to even more Kansans who lack access. Medication assistance programs have also grown rapidly. One-hundred percent of the state's eligible health centers and FQHC Look-Alikes now provide access to 340 prescriptions and all KAMU members have expanded their use of manufacturers' access to prescription drugs; and

WHEREAS, With Karla's leadership, KAMU spearheaded regulator and policy changes on issues that affect safety net clinics, such as Medicaid reimbursement and scope of practice. These changes will allow clinics to provide more than one type of visit per day, such as oral health and medical services, and recover more of the cost for serving Medicaid patients. Access to comprehensive preventive services and preservation of grant dollars for vulnerable Kansans without insurance coverage will also be greatly improved. This year, KAMU also proposed a capital loan guarantee to help clinics expand and remodel. This bill passed as part of Senate Bill No. 11; and

WHEREAS, Karla also guided KAMU's role in workforce development. Though caring for the underserved is tremendously rewarding work, clinics often find it difficult to recruit professional staff. KAMU has forged partnerships with universities, dental schools and other organizations to build the workforce for safety net clinics. In collaboration with the University of Kansas, KAMU developed a web-based certificate program in health center management to develop leadership and management skills for primary care safety net clinics, recognizing that strong leaders are key to ensuring that clinics are good stewards of public resources. KAMU also hosts a program for volunteers through a state AmeriCorps program. Under Karla's leadership, the program has developed clear goals and a number of volunteers have now committed to careers in primary health care for underserved populations. In addition, the dental school at the University of Missouri Kansas City will soon be placing dental students in safety net clinics to promote the pursuit of careers in underserved areas: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Karla Finnell for her years of service as Executive Director of the Kansas Association for the Medically Underserved and for her dedication to the people of Kansas; and

*Be it further resolved:* That the Secretary of the Senate provide enrolled copies of this resolution to Karla Finnell and Senator Barnett.

On emergency motion of Senator Barnett **SR 1881** was adopted unanimously.

Karla was commended for her years of service as Executive Director of the Kansas Association for the Medically Underserved and was honored with a standing ovation.

Lougene Marsh was also in attendance to honor Karla.

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

SENATE RESOLUTION No. 1882—

A RESOLUTION proclaiming and celebrating the 150th anniversary of the city of De Soto.

WHEREAS, The City of De Soto was laid out in the spring of 1857 and was named for the Spanish explorer, Hernando de Soto, and The De Soto Town Company was organized on October 3, 1857; and

WHEREAS, The land, part of the Louisiana Purchase, cost the U.S. three cents an acre, and was given to John Possum, a Shawnee Indian. In 1858, John and Hattie Possum sold the first tract of that land, 80 acres, to John F. Legate, S. Todd and Stratton and Williams at the rate of \$15 per acre, for a total sale of \$1,200. The next sale was 80 acres to the De Soto Town Company in July of 1861 for \$1,176; and

WHEREAS, Major James B. Abbott is also remembered as one of the town's pioneer landowners and the builder of Abbott Hall, located at 83rd Street and Peoria. Today, Abbott Hall is the town museum; and

WHEREAS, De Soto became a city of the third class in 1902 in Johnson County. That same year, the first telephone line was installed in De Soto, and was used for medical and doctor services until 1904, when the De Soto Mutual Telephone Company was formed; and

WHEREAS, River ferries were used until the first bridge was built over the Kansas (Kaw) River in 1903; and

WHEREAS, The voters approved the building of a high school in 1918, graduating the first class in 1920; and

WHEREAS, With construction of the Sunflower Ordnance Works, an army ammunition plant, De Soto boomed in the early 1940's with people coming from all over the United States to work at the plant. Over the years, the community has steadily grown and new residential, commercial and industrial development have brought new residents and employers to the once agricultural-based community; and

WHEREAS, De Soto residents take part in annual events such as the De Soto Day's Festival and the Fourth of July celebration; and

WHEREAS, In May, 2006, in response to a taxpayer bond issue, the city of De Soto opened the De Soto Aquatic Center, a state of the art aquatic center, which joins acres of city and county parks, walking trails, tennis, basketball and volleyball courts to generate an abundance of year-round activities for De Soto residents; and

WHEREAS, De Soto's housing market is among the most affordable in Johnson County with an average home value 20% below the county average: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we do hereby proclaim the year 2007 as the city of De Soto's sesquicentennial year; we celebrate the rich legacy, progress and achievements of the city; and we honor those who helped shape the direction and future of the community; and

*Be it further resolved:* That the Secretary of the Senate provide 6 enrolled copies of this resolution to Senator Lynn.

On emergency motion of Senator Lynn **SR 1882** was adopted unanimously.

Representing the City of DeSoto were: Mayor Dave Anderson, Superintendent Dr. Sharon Zoellner, Lana McPherson, Jon Kobler and Jill Wilkes.

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

SENATE RESOLUTION No. 1883—

A RESOLUTION congratulating and commending the Kansas recipient of the 2006 Milken Family Foundation National Educator Award.

WHEREAS, Karla Reed, a Title I reading teacher at Moonlight Elementary School, Gardner Edgerton USD 231, has been selected as the 2006 Kansas recipient of the Milken Family Foundation National Educator Award. She will receive an unrestricted award of \$25,000 plus recognition by her community, school and peers; and

WHEREAS, The Milken National Educator Awards program was established by the Milken Family Foundation in 1985. The first Awards were presented in 1987; and

WHEREAS, The Milken Family Foundation National Educator Awards program provides public recognition and financial rewards to elementary and secondary school teachers, principals and other education professionals who are furthering excellence in education. By honoring outstanding educators, the program strives to attract, retain and motivate talented people to the challenge and adventure of teaching; and

WHEREAS, The Milken National Educator Awards are announced each fall at surprise notifications held in all-school assemblies. Foundation representatives and the chief state school officer make the announcements. This year 48 states and the District of Columbia participated in the program. By publicizing these awards our communities are reminded of the crucial, positive impact of educators. Furthermore, it is hoped these awards will attract the attention of those who might consider teaching as a rewarding career choice: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend Karla Reed upon her selection as the 2006 Kansas recipient of the Milken Family Foundation National Educator Award; and

*Be it further resolved:* That the Secretary of the Senate provide an enrolled copy of this resolution to the Commissioner of Education for forwarding to the 2006 Milken Educator.

On emergency motion of Senator Brownlee **SR 1883** was adopted unanimously.

Karla Reed was a guest and was honored with a standing ovation for her selection as the 2006 Kansas recipient of the Milken Family Foundation National Educator Award.

Senators Barone and Hensley introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1884—

A RESOLUTION congratulating and commending “The Bankers and Snookers” team for becoming the National Champions of the American Poolplayers Association 2006 National 8 Ball Open Pool Tournament.

WHEREAS, The American Poolplayers Association, the world’s largest pool league, held its National 8 Ball Open Pool Tournament in Las Vegas, Nevada on August 18-26, 2006 at the Riviera Hotel and Casino; and

WHEREAS, Some 37,000 teams compete for a chance to play in the national tournament; and

WHEREAS, The Topeka team, “The Bankers and Snookers”, was among 686 teams from the United States and Canada that participated in the 2006 tournament; and

WHEREAS, “The Bankers and Snookers” brought home a \$25,000 prize and a three foot high trophy after defeating teams from Tennessee, New York, Florida, Maryland, Iowa, Texas, Oklahoma, Louisiana and others; and

WHEREAS, The team has been recognized in national and international publications for their feat; and

WHEREAS, “The Bankers and Snookers” team members are Jimmy Hayes (Captain), Charlie Snow, Heather Barnes, Leon Sylvester, Hank Burch, Chris Root and Eugene Edison; and

WHEREAS, The efforts of this team bring great credit upon themselves, the City of Topeka and the State of Kansas and are deserving of recognition: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That we congratulate and commend “The Bankers and Snookers” poolplaying team for being the 2006 National 8 Ball Open Pool Tournament champions; and

*Be it further resolved:* That the Secretary of the Senate provide seven enrolled copies of this resolution to Senators Barone and Hensley for presentation to the team.

On emergency motion of Senator Barone **SR 1884** was adopted unanimously.

Members representing the team were Jimmy Hayes, Charlie Snow, Heather Barnes, Leon Sylvester, Hank Burch and Chris Root. They were congratulated for their National Honor.

#### **REPORT ON ENGROSSED BILLS**

**H Sub for SB 11, H Sub for SB 31** reported correctly engrossed April 26, 2007.

Also, **SB 52, SB 324** correctly re-engrossed April 26, 2007.

#### **ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **Sub for S Sub for HB 2237.**

#### **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 Emler in the chair.

On motion of Senator Emler the following report was adopted:

Recommended **Sub for S Sub for HB 2237** be amended by adoption of the committee report recommending a substitute bill, be amended by motion of Senator Francisco on page 1, in line 32, following “system” by inserting “and other infrastructure”;

On page 2, in line 29, by striking all following “that”; by striking all in lines 30 and 31; in line 32, by striking all preceding the period and inserting “projects financed under the program comply with nationally recognized codes and life safety inspections under K.S.A. 31-132 et seq., and amendments thereto”; also in line 32, by striking “revisions” and inserting “reviews”;

On page 3, in line 43, following “systems” by inserting “and other infrastructure”;

On page 7, in line 6, by striking all following “that”; by striking all in lines 7 and 8; in line 9, by striking all preceding the period and inserting “projects financed under the program comply with nationally recognized codes and life safety inspections under K.S.A. 31-132 et seq., and amendments thereto”; also in line 9, by striking “revisions” and inserting “reviews”;

On page 10, in line 5, following “building” by inserting “and infrastructure”; in line 6, by striking “deferred maintenance needs” and inserting “condition of”; also in line 6, following “buildings” by inserting “and infrastructure”; in line 8, by striking “needs” and inserting “deficiencies”; also in line 8, by striking “such needs” and inserting “correcting such deficiencies”

Senator Huelskamp further amended the bill on page 1, by striking all in lines 36 and 37 and inserting in lieu thereof the following:

“(2) “Infrastructure improvement project” shall not mean:

- (A) New construction of buildings;
- (B) maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility that does not directly support the delivery of academic pursuits; or
- (C) maintenance, repair, reconstruction or rehabilitation of the residence of the president or chancellor of a state educational institution.”

Senator Huelskamp further amended the bill on page 4, by striking all in lines 4 and 5 and inserting in lieu thereof the following:

“(2) “Infrastructure improvement project” shall not mean:

- (A) New construction of buildings;
- (B) maintenance, repair, reconstruction or rehabilitation of any building used as an athletic facility that does not directly support the delivery of academic pursuits; or
- (C) maintenance, repair, reconstruction or rehabilitation of the residence of the president or chancellor of a state educational institution.” and **Sub for S Sub for HB 2237** be passed as amended.

The following amendments to **Sub for S Sub for HB 2237** were rejected.

Senator Barone moved to amend **Sub for S Sub for HB 2237** on page 2, in line 42, by striking “revenue” and inserting “demand”;

On page 3, after line 27, by inserting the following:

“(d) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.”

Senator Steineger moved to amend the bill on page 3, in line 13, by striking “and on”; in line 14, by striking all before the comma; in line 15, by subtracting \$5,000,000 from the dollar amount and by adjusting the dollar amount in line 15 accordingly; following line 18, by inserting the following:

“(3) Subject to the provisions of subsection (b), on July 1, 2010, or as soon thereafter as sufficient moneys are available, \$20,000,000 shall be transferred by the director of accounts and reports from the state general fund or from any special revenue fund to the state educational institution long-term infrastructure maintenance fund established by section 3, and amendments thereto.

(4) Subject to the provisions of subsection (b), on July 1, 2011, or as soon thereafter as sufficient moneys are available, \$15,000,000 shall be transferred by the director of accounts and reports from the state general fund or from any special revenue fund to the state educational institution long-term infrastructure maintenance fund established by section 3, and amendments thereto.

(5) Subject to the provisions of subsection (b), on July 1, 2012, or as soon thereafter as sufficient moneys are available, \$10,000,000 shall be transferred by the director of accounts

and reports from the state general fund or from any special revenue fund to the state educational institution long-term infrastructure maintenance fund established by section 3, and amendments thereto.

(6) Subject to the provisions of subsection (b), on July 1, 2013, or as soon thereafter as sufficient moneys are available, \$5,000,000 shall be transferred by the director of accounts and reports from the state general fund or from any special revenue fund to the state educational institution long-term infrastructure maintenance fund established by section 3, and amendments thereto.”;

On page 14, in line 14, by subtracting \$5,000,000 from the dollar amount and by adjusting the dollar amount in line 14 accordingly;

On page 16, in line 10, by striking “In no event shall the” and inserting “The”; in line 12, after “college” by inserting “shall not”; also in line 12, by striking “2008” and inserting “2007”; also in line 12, by striking “in no”; in line 13, by striking “event shall”; in line 14, by striking “exceed”; in line 15, by striking “\$200,000”; also in line 15, after “thereafter” by inserting “shall be increased from the 2007 limit provided in this subsection by \$100,000 per tax year, except that the total amount of such tax credit shall not exceed \$600,000 for tax year 2012 and all tax years thereafter”; in line 17, by striking “In no event shall the” and inserting “The”; in line 18, after “institutions” by inserting “shall not”; in line 19, by striking “2008” and inserting “2007”; also in line 19, by striking “\$6,200,000” and inserting “the total amount of credits allowed under this section for taxpayers who contribute to state educational institutions”; in line 20, after “thereafter” by inserting “shall be increased from the 2007 limit provided in this subsection by \$3,100,000 per tax year, except that the total amount of such tax credit shall not exceed \$18,600,000 for tax year 2012 and all tax years thereafter”;

On page 1, in the title, in line 13, by striking “and June 30, 2012” and inserting “June 30, 2012, June 30, 2013, and June 30, 2014”

Senator Huelskamp moved to amend the bill on page 1, in line 35, before the period, by inserting “which is specified on the state board’s state university deferred maintenance pared-down mission critical project list dated January, 2007”; in line 37, before the period, by inserting “and shall not include any project not specified on the state board’s state university deferred maintenance pared-down mission critical project list dated January, 2007”

Senator Huelskamp further moved to amend the bill on page 9, following line 11, by inserting:

“(d) The state board shall advise and consult with the joint committee on information technology established by K.S.A. 46-2101, and amendments thereto, regarding each technology upgrade project that has been approved by the state board. No grant shall be awarded to finance any technology upgrade project unless the state board first has advised and consulted with the joint committee on information technology.”;

And by relettering the remaining subsections accordingly

#### FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a ¾ constitutional majority, and **Sub for S Sub for HB 2237** was advanced to Final Action and roll call.

**Sub for S Sub for HB 2237**, An act concerning the infrastructure needs of postsecondary educational institutions and the financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; income tax credits for certain contributions; amending K.S.A. 76-719, as amended by section 11 of chapter 132 of the 2006 Session Laws of Kansas, and 76-753 and K.S.A. 2006 Supp. 75-4209, and repealing the existing sections.

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

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

Nays: Huelskamp, Lynn, Palmer, Pyle.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: this is a historic vote. The bipartisan commitment we are making today will bring our college and university campuses up to 21st century standards. It will further integrate our diverse and multi-faceted statewide system of higher education. It will meet our state's ongoing obligation to our system of higher education, to our students, to our economy and to our future. This is a smart use of taxpayer resources that leverages, over five years, \$145 million in State General Fund money into \$544 million in funds available for bricks-and-mortar repairs. That's a 4-to-1 return. I'm proud to support it.—DEREK SCHMIDT

Senators Allen, Barone, Betts, Bruce, Goodwin, Haley, Hensley, Journey, Kelly, Lee, McGinn, Morris, Pine, Reitz, V. Schmidt, Schodorf, Teichman, Umbarger and Vratil request the record to show they concur with the "Explanation of Vote" offered by Senator D. Schmidt on **Sub for S Sub for HB 2237**.

**MESSAGE FROM THE HOUSE**

Announcing passage of **HB 2597**.

Also, passage of **SB 215**, as amended by **House Sub for Sub SB 215**.

On motion of Senator D. Schmidt, the Senate recessed until 4:30 p.m.

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AFTERNOON SESSION

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

**MESSAGE FROM THE HOUSE**

Announcing the House adopts the conference committee report on **House Substitute for SB 14**.

The House adopts the conference committee report on **SB 30**.

The House adopts the conference committee report on **House Substitute for SB 35**.

The House adopts the conference committee report on **SB 68**.

The House adopts the conference committee report on **SB 138**.

The House adopts the conference committee report on **SB 166**.

The House adopts the conference committee report on **SB 204**.

The House adopts the conference committee report on **SB 351**.

The House not adopts the conference committee report on **SB 23**, requests a conference and appoints Representatives Aurand, Spalding and Storm as second conferees on the part of the House.

The House not adopts the conference committee report on **HB 2360**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as second conferees on the part of the House.

The House adopts the Conference Committee Report to agree to disagree on **HB 2005** and has appointed Representatives Gordon, Huntington and Winn as second conferees on the part of the House.

On motion of Senator D. Schmidt, the Senate recessed until 5:30 p.m.

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EVENING SESSION

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



**MESSAGE FROM THE HOUSE**

Announcing the House nonconcur in Senate amendments to **Substitute for Senate Substitute for HB 2237**, requests a conference and has appointed Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

**ORIGINAL MOTION**

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **Sub for S Sub for HB 2237**.

The President appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

**ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **H Sub for SB 14; SB 30; H Sub for SB 35; SB 68, SB 138, SB 166, SB 204, H Sub for Sub SB 215; SB 351; HB 2113, HB 2128.**

**CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

Senator Allen moved the Senate concur in house amendments to **H Sub for Sub SB 215**.

**H Sub for Sub SB 215**, An act concerning taxation; relating to franchise tax, threshold; amending K.S.A. 2006 Supp. 79-5401, as amended by section 1 of 2007 House Bill No. 2264, and repealing the existing section.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

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

Present and Passing: Journey.

Absent or Not Voting: Palmer.

The Senate concurred.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 14**, 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 as House Substitute for Senate Bill No. 14, as follows:

On page 1, in line 14, by striking "Subject" and inserting "On and after July 1, 2007, subject";

On page 2, in line 40, preceding "K.S.A." by inserting "On and after July 1, 2007,";

On page 3, in line 14, by striking "21-3404" and inserting "21-3504"; in line 21, preceding "K.S.A." by inserting "On and after July 1, 2007,";

On page 5, in line 1, preceding "K.S.A." by inserting "On and after July 1, 2007,";

On page 13, following line 39, by inserting the following:

"Sec. 5. On and after July 1, 2007, K.S.A. 75-5268 is hereby amended to read as follows: 75-5268. (1) Any inmate who is allowed to participate in such paid employment or in such job training or paid employment for which a subsistence allowance is paid in connection with such job training shall pay over to the secretary or the designated representative of the secretary all moneys received from such paid employment or job training except that, pursuant to rules and regulations adopted by the secretary of corrections, the inmate shall retain a stipulated reasonable amount of the money as the secretary or the designated representative of the secretary deems necessary for expenses connected with the employment or job training. The balance of the moneys paid to the secretary or the designated representative of the secretary shall be disbursed for the following purposes:

(a) A designated minimum amount of that money paid to the secretary shall be returned to the state general fund or to the political subdivision, federal government or community-

based center for such inmate's food and lodging or, if the inmate is participating in a private industry program other than work release, the minimum amount collected shall be deposited to the correctional industries fund;

(b) transportation to and from the place of employment at the rate allowed in K.S.A. 75-3203 and amendments thereto;

(c) if any of the dependents of the inmate are receiving public assistance, a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be forwarded to the court which ordered support for the dependent or, if there is no order, to the secretary of social and rehabilitation services;

(d) a reasonable percentage of the inmate's net pay after deduction of the above expenses shall be disbursed for the payment, either in full or ratable, of the inmate's obligations if such obligations relate to the care and support of the defendant's immediate family and have been reduced to judgment;

(e) after deduction of the above amounts, payment of a reasonable amount for costs assessed to the inmate pursuant to the code of civil procedure;

(f) to the clerk of the district court in which the crime occurred, payment of a reasonable amount pursuant to an order ~~of restitution~~ *for all costs, fines, fees and restitution assessed. Such payment shall be distributed in the following order of priority: Restitution, costs, fines and fees;*

(g) payment of a reasonable amount into a savings account for disbursement to the inmate upon release from custody;

(h) after deduction of the above amounts, a reasonable percentage of the inmate's net pay shall be disbursed for the payment, either in full or ratable, of the inmate's other obligations acknowledged by the inmate in writing, as authorized by the secretary; and

(i) the balance, if any, shall be credited to the inmate's account and shall be made available to the inmate in such manner and for such purposes as are authorized by the secretary.”;

And by renumbering the remaining sections accordingly;

Also on page 13, in line 40, preceding “K.S.A.” by inserting “On and after July 1, 2007.”;

On page 14, in line 10, preceding “K.S.A.” by inserting “On and after July 1, 2007.”;

On page 16, following line 9, by inserting the following:

“New Sec. 8. (a) There is hereby created the Kansas criminal code recodification commission.

(b) The commission shall re-codify the Kansas criminal code by:

(1) Reviewing the American law institute model penal code, the criminal codes of other states, and other criminal law study resources, and making recommendations concerning proposed modifications, amendments and additions to the code.

(2) Analyzing and reviewing all criminal statutes and making recommendations for legislation that would ensure that the sentences are appropriate and proportionate to other sentences imposed for criminal offenses, with particular emphasis on the sentencing guidelines grid for drug crimes.

(3) Reviewing and determining the severity of the Kansas sentencing policies in relation to other states and review possible adjustments which may relieve or eliminate prison capacity issues in Kansas.

(4) Studying and making recommendations concerning the statutory definitions of crimes and criminal penalties and evaluate whether certain criminal conduct may be combined into one criminal statute, thus alleviating any potential problems of having two statutes prohibiting the same criminal conduct.

(5) Studying and making revisions to clarify the code to facilitate just and expedient resolution of criminal prosecutions and resolve or prevent statutory conflicts.

(c) The commission shall be made up of the following members:

(1) One legislator who is a member of the senate judiciary committee shall be appointed by the president of the senate;

(2) one legislator who is a member of the senate judiciary committee shall be appointed by the minority leader of the senate;

(3) one legislator who is a member of the house of representatives judiciary committee shall be appointed by the speaker of the house of representatives;

- (4) one legislator who is a member of the house of representatives judiciary committee shall be appointed by the minority leader of the house of representatives;
  - (5) one member of the judicial branch appointed by the chief justice of the supreme court;
  - (6) one member of the law enforcement community appointed by the attorney general;
  - (7) one defense attorney or public defender appointed by the governor;
  - (8) one county attorney or district attorney appointed by the Kansas county and district attorney association;
  - (9) a professor of law from the university of Kansas school of law and a professor from Washburn university school of law appointed by the deans of such schools;
  - (10) two members of the Kansas judicial council criminal law advisory committee appointed by the criminal law advisory committee;
  - (11) one district court judge appointed by the Kansas district judges association;
  - (12) a member of the Kansas sentencing commission appointed by the Kansas sentencing commission;
  - (13) the attorney general or the attorney general's designee; and
  - (14) the secretary of corrections or the secretary's designee.
- (d) The members of the commission shall elect officers from among its members necessary to discharge its duties.
- (e) Each member of the commission shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the commission shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on commission activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees, except that the legislative members shall receive compensation as provided in K.S.A. 75-3212, and amendments thereto.
- (f) The commission shall have the authority to:
- (1) Organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties;
  - (2) accept grants, gifts and other appropriation of funds;
  - (3) hire and employ staff persons; and
  - (4) contract for the services of persons, organizations and agencies necessary for the discharge of the commission's duties.
- (g) The commission shall work with the department of corrections and the Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.
- (h) The commission shall prepare and submit an interim report to the legislature on or before February 1, 2008 and February 1, 2009. A final report and recommendations shall be submitted to the legislature on or before January 11, 2010.
- (i) The staff of the office of the revisor of statutes and legislative research department shall provide such assistance as may be requested by the commission and to the extent authorized by the legislative coordinating council.
- (j) The provisions of this section shall expire on July 1, 2010.;

And by renumbering the remaining sections accordingly;

Also on page 16, in line 10, preceding "K.S.A." by inserting "On and after July 1, 2007,,"; also in line 10, preceding "75-5293" by inserting "75-5268,,"; in line 13, by striking "statute book" and inserting "Kansas register"

In the title, in line 9, by striking "corrections" and inserting "the department of corrections and the criminal code recodification commission"; preceding "75-5293" by inserting "75-5268,,";

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

MICHAEL O'NEAL  
 JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
 TERRY BRUCE  
 GRETA GOODWIN  
*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **H Sub for SB 14**.

Senator Journey made a substitute motion to not adopt the Conference Committee Report and a new conference committee be appointed. The motion failed.

On roll call, the vote was: Yeas 14, Nays 25, Present and Passing 0, Absent or Not Voting 1.

Yeas: Betts, Brownlee, Bruce, Brungardt, Emler, Francisco, Goodwin, Haley, Hensley, Lee, Pine, Schmidt V, Teichman, Vratil.

Nays: Allen, Apple, Barnett, Barone, Donovan, Gilstrap, Huelskamp, Jordan, Journey, Kelly, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pyle, Reitz, Schmidt D, Schodorf, Steiner, Taddiken, Umbarger, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was not adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 14**.

I realize that we are faced with a difficult budget and demands that out number resources. SB 14 deals with prison over crowding in the worst possible way. It allows for early release of violent offenders.

We must manage our resources first with the intent to keep Kansas families as safe as possible.

The Senate is rushing to pass a bill that has not in its current form had a committee hearing in the Senate. Alternatives are available that are sound public policy based on research and evidence not the economics of the state budget.—PHIL JOURNEY

Senator Lynn requests the record to show she concurs with the "Explanation of Vote" offered by Senator Journey on **SB 14**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 30**, 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 1, by striking all in lines 29 through 43;

By striking all on pages 2 through 10 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 41-2623 is hereby amended to read as follows: 41-2623.

(a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9), (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) ~~On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act~~ *Any person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act may be issued any or all of the following: (1) Class B club license; (2) drinking establishment license; and (3) caterer's license.*

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

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) 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) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) No farm winery or winery outlet shall:

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

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

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

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

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

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

Sec. 3. K.S.A. 2006 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407 and amendments thereto shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; or

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary.

(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 a 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 a 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 distributor, retailer, 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 a beneficial interest in a manufacturer, retailer, 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 a 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 a 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.

Sec. 5. K.S.A. 41-312 and K.S.A. 2006 Supp. 41-104, 41-308a, 41-311 and 41-2623 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all in lines 16 through 26 and inserting “AN ACT concerning alcoholic liquors; amending K.S.A. 2006 Supp. 41-104, 41-308a, 41-311 and 41-2623 and repealing the existing sections; also repealing K.S.A. 41-312.”;

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

ARLEN H. SIEGFREID  
STEVE HUEBERT  
MICHAEL J. PETERSON  
*Conferees on part of House*

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

Senator Brungardt moved the Senate adopt the Conference Committee Report on **SB 30**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

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

Present and Passing: Journey.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 35**, 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 as House Substitute for Senate Bill No. 35, as follows:

On page 18, after line 29, by inserting the following:

“Sec. 7. K.S.A. 8-1560c is hereby amended to read as follows: 8-1560c. (a) *Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by*

*not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.*

(b) Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

Sec. 8. K.S.A. 8-1560d is hereby amended to read as follows: 8-1560d. ~~(a)~~ Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 70 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, ~~shall not be a part of the public record and or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall~~ not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 19, in line 12, by striking the colon; in line 13, by striking all preceding “not”; in line 19, by striking “; or”; by striking all in lines 20 through 28; in line 29, by striking all preceding the period; in line 36, by striking the colon; in line 37, by striking all preceding “not”; in line 42, by striking “paragraph” and inserting “subsection”;

On page 20, in line 6, by striking “; or”; by striking all in lines 7 through 21; in line 22, by striking all before the period; in line 27, after “(f)” by inserting “(1)”; in line 28, by striking the colon; in line 29, by striking all preceding “not”;

On page 21, in line 1, by striking all following “imprisonment” by striking all in lines 2 through 16; in line 17, by striking all preceding the period; preceding line 18, by inserting the following:

“(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.”;

Also on page 21, in line 21, following “(g)” by inserting “(1)”; in line 22, by striking the colon; in line 23, by striking all preceding “not”; in line 31, by striking “; or”; by striking all in lines 32 through 42; in line 43, by striking all preceding the period; following line 43, by inserting the following:

“(2) The court may order that the term of imprisonment imposed pursuant to paragraph (1) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections

determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.”;

On page 22, in line 27, by striking “for each child in the vehicle at the time of the offense”;

On page 26, by striking all in lines 34 through 43;

By striking all on pages 27 and 28;

On page 29, by striking all in line 1; preceding line 2, by inserting the following:

“Sec. 10. K.S.A. 2006 Supp. 21-4704 is hereby amended to read as follows: 21-4704.

(a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 30
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	28 26 25	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	7 6 5

LEGEND
Presumptive Probation
Presumptive Fine
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, *except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.*

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is

available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.”;

And by renumbering the remaining sections accordingly;

Also, on page 29, in line 2, by striking “and 8-1020” and inserting “, 8-1020, 8-1560c and 8-1560d”; in line 3, by striking “, 21-4502 and 74-7336” and inserting “and 21-4704”;

On page 1, in the title, in line 11, before “amending” by inserting “relating to certain violations of maximum speed limits.”; also in line 11, by striking “and 8-1020” and inserting “, 8-1020, 8-1560c and 8-1560d”; in line 12, by striking all following “8-1567”; in line 13, by striking “7336” and inserting “and 21-4704”;

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

MICHAEL O’NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **H Sub for SB 35**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Scho-dorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.  
Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amend-ments to **SB 68**, 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 amendments, as follows:

On page 2, in line 17, after “services” by inserting “or in the custody of the commissioner of juvenile justice”;

On page 4, by striking all in lines 30 through 43;

On page 5, by striking all in lines 1 and 2 and inserting:

“(n) “Juvenile detention facility” has the meaning ascribed thereto by 72-8187, and amendments thereto.”;

Also on page 5, after line 37, by inserting:

“(v) “Psychiatric residential treatment facility” has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.”;

Also on page 5, in line 39, before “The” by inserting “(a)”;

On page 6, in line 13, by striking “(a)” and inserting “(1)”; in line 18, by striking “(b)” and inserting “(2)”; also in line 18, by striking “(a)” and inserting “(1)”; after line 19, by inserting:

“(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.";

Also on page 6, by striking all in lines 20 through 43;

By striking all of page 7;

On page 8, by striking all in lines 1 through 24 and inserting in lieu thereof the following:

"Sec. 3. K.S.A. 2006 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a)

(1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

— (A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the 2001-02 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

— (B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

— (C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

— (D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable

to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

—(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval:

—(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_,  
\_\_\_\_\_ County, Kansas:

RESOLUTION

Be It Resolved that:

—The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed \_\_\_\_\_ years in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

—This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

—All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the

resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

—(3)— The provisions of this subsection are subject to the provisions of subsections (b) and (c):

—(b) (1)— The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

—(2)— No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district, or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

—(3) (A)— Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option

budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

~~—(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.~~

~~—(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.~~

~~—(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.~~

~~—(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.~~

~~—(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.~~

~~—(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-0435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option~~

budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

—(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

—(9) As used in this subsection:

—(A) “Authorized to increase a local option budget” means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2)(A), has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the authority of the board to increase a local option budget was approved.

—(B) “State prescribed percentage” means 30% for school year 2006-2007 and 31% for school year 2007-2008 and each school year thereafter.

—(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

—(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

—(2) Subject to the limitation imposed under provision (3), and subsection (c) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

—(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

—(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will not be necessary to adopt a local option budget in the

ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district. The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

—(c) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. Such resolution shall specify how the moneys will be expended and shall be published in the manner provided by this section. The election shall be called and held in the manner provided by this section.

(a) As used in this section:

(1) “State prescribed percentage” means 31% of state financial aid of the district in the current school year.

(2) “Authorized to adopt a local option budget” means that a district has adopted a resolution under this section, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(b) In each school year, the board of any district may adopt a local option budget which does not exceed the state prescribed percentage.

(c) Subject to the limitation of subsection (b), in each school year, the board of any district may adopt, by resolution, a local option budget in an amount not to exceed:

(1) (A) The amount which the board was authorized to adopt in accordance with the provisions of this section in effect prior to its amendment by this act; plus

(B) the amount which the board was authorized to adopt pursuant to any resolution currently in effect; plus

(C) the amount which the board was authorized to adopt pursuant to K.S.A. 72-6444, and amendments thereto, if applicable to the district; or

(2) the state-wide average for the preceding school year as determined by the state board pursuant to subsection (j).

Except as provided by subsection (e), the adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. Such resolution shall be effective upon adoption and shall require no other procedure, authorization or approval.

(d) If the board of a district desires to increase its local option budget authority above the amount authorized under subsection (c) or if the board was not authorized to adopt a local option budget in 2006-2007, the board may adopt, by resolution, such budget in an amount not to exceed the state prescribed percentage. The adoption of a resolution pursuant to this subsection shall require a majority vote of the members of the board. The resolution shall be published at least once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_,

\_\_\_\_\_ County, Kansas.

#### RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year in an amount not to exceed \_\_\_\_\_% of the amount of state financial aid. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors

of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, County, Kansas, on the day of \_\_\_\_\_,

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled as is appropriate. If a sufficient petition is not filed, the board may adopt a local option budget. If a sufficient petition is filed, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto. If the board fails to notify the county election officer within 30 days after a sufficient petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(e) Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto.

(f) Unless specifically stated otherwise in the resolution, the authority to adopt a local option budget shall be continuous and permanent. The board of any district which is authorized to adopt a local option budget may choose not to adopt such a budget or may adopt a budget in an amount less than the amount authorized. If the board of any district whose authority to adopt a local option budget is not continuous and permanent refrains from adopting a local option budget, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget.

(g) The board of any district may initiate procedures to renew or increase the authority to adopt a local option budget at any time during a school year after the tax levied pursuant to K.S.A. 72-6435, and amendments thereto, is certified to the county clerk under any existing authorization.

(h) The board of any district that is authorized to adopt a local option budget prior to the effective date of this act under a resolution which authorized the adoption of such budget in accordance with the provisions of this section in effect prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(i) Any resolution adopted pursuant to this section may revoke or repeal any resolution previously adopted by the board. If the resolution does not revoke or repeal previously adopted resolutions, all resolutions which are in effect shall expire on the same date. The maximum amount of the local option budget of a school district under all resolutions in effect shall not exceed the state prescribed percentage in any school year.

(j) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under paragraph (3) and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial

aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) (A) Except as provided in paragraph (B), any unexpended budget remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be maintained in such fund.

(B) If the district received supplemental general state aid in the school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the unexpended budget remaining by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district or remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(k) Each year the state board of education shall determine the statewide average percentage of local option budgets legally adopted by school districts for the preceding school year.

New Sec. 4. (a) As used in this section:

(1) "Bullying" means: (A) Any intentional gesture or any intentional written, verbal or physical act or threat that is sufficiently severe, persistent or pervasive that it creates an intimidating, threatening or abusive educational environment for a student or staff member that a reasonable person, under the circumstances, knows or should know will have the effect of:

- (i) Harming a student or staff member, whether physically or mentally;
- (ii) damaging a student's or staff member's property;
- (iii) placing a student or staff member in reasonable fear of harm to the student or staff member; or
- (iv) placing a student or staff member in reasonable fear of damage to the student's or staff member's property; or

(B) any other form of intimidation or harassment prohibited by the board of education of the school district in policies concerning bullying adopted pursuant to this section or subsection (e) of K.S.A. 72-8205, and amendments thereto.

(2) "School vehicle" means any school bus, school van, other school vehicle and private vehicle used to transport students or staff members to and from school or any school-sponsored activity or event.

(b) The board of education of each school district shall adopt a policy to prohibit bullying on school property, in a school vehicle or at a school-sponsored activity or event.

(c) The board of education of each school district shall adopt and implement a plan to address bullying on school property, in a school vehicle or at a school-sponsored activity or event. Such plan shall include provisions for the training and education for staff members and students.

(d) The board of education of each school district may adopt additional policies relating to bullying pursuant to subsection (e) of K.S.A. 72-8205, and amendments thereto.

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

New Sec. 5. (a) Upon request of a school district, the state board shall assist in the development of a grade appropriate curriculum for character development programs which may be offered to students in the school district. Nothing in this subsection shall be construed as requiring the state board to develop a new curriculum or a new character development program.

(b) As used in this section:

(1) "Character development program" means a program which is secular in nature and which stresses character qualities.



(2) "Character qualities" means positive character qualities which include, but is not limited to, honesty, responsibility, attentiveness, patience, kindness, respect, self-control, tolerance, cooperation, initiative, patriotism and citizenship.

(3) "State board" means the state board of education.

Sec. 6. On and after July 1, 2007, K.S.A. 2006 Supp. 72-6407, as amended by section 1 of 2007 Senate Bill No. 95, is hereby repealed.

Sec. 7. K.S.A. 2006 Supp. 72-6407, 72-6433 and 72-6454 are hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 12 through 15; following line 15, by inserting:

"AN ACT concerning school districts; relating to the powers and duties thereof; relating to school finance; amending K.S.A. 2006 Supp. 72-6407, 72-6433 and 72-6454 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 72-6407, as amended by section 1 of 2007 Senate Bill No. 95.";

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

RAY MERRICK  
DEENA HORST  
SUE STORM  
*Conferees on part of House*

JEAN KURTIS SCHODORF  
JOHN VRATIL  
JANIS K. LEE  
*Conferees on part of Senate*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 68**.

On roll call, the vote was: Yeas 36, Nays 2, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Huelskamp, Pyle.

Present and Passing: Journey.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 138**, 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 2, in line 18, before the first "the", by inserting "four members, which shall consist of one member appointed by the chief administrative officer of the capper foundation easter seals located in Topeka, Kansas."; in line 20, by striking "persons' designees" and inserting "secretary's or commissioner's designee";

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

BRENDA LANDWEHR  
JOE PATTON  
GERALDINE FLAHARTY  
*Conferees on part of House*

JEAN KURTIS SCHODORF  
JOHN VRATIL  
JANIS K. LEE  
*Conferees on part of Senate*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 138**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 166**, 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 1, following line 16, by inserting:

“Section 1. K.S.A. 17-1311a is hereby amended to read as follows: 17-1311a. (a) Misuse of the permanent maintenance fund or any money belonging thereto is using, lending or permitting another to use, moneys in the fund in a manner not authorized by law, by a custodian or other person having charge or control of such fund or moneys by virtue of his position.

(b) Misuse of the permanent maintenance fund is a ~~class D~~ *severity level 7, nonperson felony*.”;

And by renumbering the remaining sections accordingly:

On page 2, following line 30, by inserting:

“Sec. 3. K.S.A. 2006 Supp. 21-3610c is hereby amended to read as follows: 21-3610c.

(a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is intentionally permitting a person’s residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person’s child or ward, in a manner that results in the possession or consumption therein of alcoholic liquor or cereal malt beverages by ~~persons under the age of 18~~ *a minor*.

(b) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class A person misdemeanor, for which the minimum fine is \$1,000. If the court sentences the offender to perform community or public service work as a condition of probation, as described in subsection (c)(10) of K.S.A. 21-4610, and amendments thereto, the court shall consider ordering the offender to serve the community or public service at an alcohol treatment facility.

(c) As used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto, ~~except for the purposes of this section, “minor” means a person under the age of 18.~~

(d) This section shall be a part of and supplemental to the Kansas criminal code.”;

And by renumbering the remaining sections accordingly:

On page 5, in line 25, after “(f)” by inserting “(1)”; in line 26, by striking all after the comma; by striking all in lines 27 through 29; in line 30, by striking all before “or”; in line 38, after the period by inserting the following:

“(2) When a new felony is committed while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(3)";

Also on page 5, in line 41, after the comma by inserting "or similar provisions of the laws of another jurisdiction,";

On page 10, after line 38, by inserting the following:

"Sec. 6. K.S.A. 2006 Supp. 22-2411 is hereby amended to read as follows: 22-2411.

(a) A federal law enforcement officer who enters this state may arrest a person, without a warrant, when in the judgment of the federal law enforcement officer a person:

(1) Asserts physical force or uses forcible compulsion likely to cause death or great bodily harm to any person; or

(2) is committing an inherently dangerous felony as defined in K.S.A. 21-3436, and amendments thereto.

(b) To provide assistance to law enforcement officers, a federal law enforcement officer shall have the same authority as a law enforcement officer where:

(1) The federal law enforcement officer is rendering assistance at the request of any law enforcement officer; or

(2) the federal law enforcement officer is effecting an arrest or providing assistance as part of a bona fide task force or joint investigation in which law enforcement officers are participating.

(c) Any lawful actions pursuant to this section shall be deemed to be within the scope of the federal law enforcement officer's employment.

(d) As used in this section:

(1) "Federal law enforcement officer" means a person employed by the United States government and assigned to the federal bureau of investigation who is empowered to effect an arrest with or without a warrant for violation of the United States code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer.

(2) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 21-3110, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

~~(f) The provisions of this section shall expire on July 1, 2007.~~

Sec. 7. K.S.A. 2006 Supp. 38-2304 is hereby amended to read as follows: 38-2304. (a) Except as provided in K.S.A. 2006 Supp. 38-2347, and amendments thereto, proceedings concerning a juvenile shall be governed by the provisions of this code.

(b) The district court shall have original jurisdiction to receive and determine proceedings under this code.

(c) When a complaint is filed under this code, the juvenile shall be presumed to be subject to this code, unless the contrary is proved.

(d) Once jurisdiction is acquired by the district court over an alleged juvenile offender, except as otherwise provided in subsection (e), jurisdiction shall continue until one of the following occurs:

(1) The complaint is dismissed;

(2) the juvenile is adjudicated not guilty at trial;

(3) the juvenile, after being adjudicated guilty and sentenced:

(i) Successfully completes the term of probation or order of assignment to community corrections;

(ii) is discharged by the commissioner pursuant to K.S.A. 2006 Supp. 38-2376, and amendments thereto; or

(iii) reaches the juveniles 21st birthday and no exceptions apply that extend jurisdiction beyond age 21; ~~or~~

(4) the court terminates jurisdiction; or

(5) *the offender is convicted of a new felony while the offender is incarcerated in a juvenile correctional facility pursuant to K.S.A. 38-1671 prior to its repeal or K.S.A. 2006 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony.*

(e) Once jurisdiction is acquired by the district court over an alleged juvenile offender, it shall continue beyond the juvenile offender's 21st birthday but no later than the juvenile offender's 23rd birthday if either or both of the following conditions apply:

(1) The juvenile offender is sentenced pursuant to K.S.A. 2006 Supp. 38-2369, and amendments thereto, and the term of the sentence including successful completion of aftercare extends beyond the juvenile offender's 21st birthday; or

(2) the juvenile offender is sentenced pursuant to an extended jurisdiction juvenile prosecution and continues to successfully serve the sentence imposed pursuant to the revised Kansas juvenile justice code.

(f) Termination of jurisdiction pursuant to this section shall have no effect on the juvenile offender's continuing responsibility to pay restitution ordered.

(g) (1) If a juvenile offender, at the time of sentencing, is in an out of home placement in the custody of the secretary of social and rehabilitation services under the Kansas code for care of children, the sentencing court may order the continued placement of the juvenile offender as a child in need of care unless the offender was adjudicated for a felony or a second or subsequent misdemeanor. If the adjudication was for a felony or a second or subsequent misdemeanor, the continued placement cannot be ordered unless the court finds there are compelling circumstances which, in the best interest of the juvenile offender, require that the placement should be continued. In considering whether compelling circumstances exist, the court shall consider the reports and recommendations of the foster placement, the contract provider, the secretary of social and rehabilitation services, the presentence investigation and all other relevant factors. If the foster placement refuses to continue the juvenile in the foster placement the court shall not order continued placement as a child in need of care.

(2) If a placement with the secretary of social and rehabilitation services is continued after sentencing, the secretary shall not be responsible for any costs of sanctions imposed under this code.

(3) If the juvenile offender is placed in the custody of the juvenile justice authority, the secretary of social and rehabilitation services shall not be responsible for furnishing services ordered in the child in need of care proceeding during the time of the placement pursuant to the revised Kansas juvenile justice code. Nothing in this subsection shall preclude the juvenile offender from accessing other services provided by the department of social and rehabilitation services or any other state agency if the juvenile offender is otherwise eligible for the services.

Sec. 8. K.S.A. 2006 Supp. 38-2376 is hereby amended to read as follows: 38-2376. (a) When a juvenile offender has reached the age of 23 years, *has been convicted as an adult while serving a term of incarceration at a juvenile correctional facility*, or has completed the prescribed terms of incarceration at a juvenile correctional facility, together with any conditional release following the program, the juvenile shall be discharged by the commissioner from any further obligation under the commitment unless the juvenile was sentenced pursuant to an extended jurisdiction juvenile prosecution upon court order and the commissioner transfers the juvenile to the custody of the secretary of corrections. The discharge shall operate as a full and complete release from any obligations imposed on the juvenile offender arising from the offense for which the juvenile offender was committed.

(b) At least 45 days prior to the discharge of the juvenile offender, the juvenile justice authority shall notify the court and the county or district attorney of the county where the offender was adjudicated a juvenile offender of the pending discharge of such juvenile offender, the offense would have constituted a class A, B or C felony before July 1, 1993, or an off-grid crime, a nondrug crime ranked at severity level 1, 2, 3, 4 or 5 or a drug crime ranked at severity level 1, 2 or 3, on or after July 1, 1993, if committed by an adult. The county or district attorney shall give written notice at least 30 days prior to the discharge of the juvenile offender pursuant to K.S.A. 2006 Supp. 38-2379, and amendments thereto.

Sec. 9. K.S.A. 47-604 is hereby amended to read as follows: 47-604. Any person who knowingly and intentionally violates, disregards or evades, or attempts to violate, disregard or evade any order establishing or regulating a quarantine issued pursuant to article 6 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, upon a ~~first conviction~~ shall be guilty of a class A misdemeanor. On a second or subsequent conviction of a violation of this section, such person shall be guilty of a ~~class D~~ severity level 7 nonperson felony.

Sec. 10. K.S.A. 65-28,107 is hereby amended to read as follows: 65-28,107. (a) An attending physician who refuses to comply with the declaration of a qualified patient pursuant to this act shall effect the transfer of the qualified patient to another physician. Failure of an attending physician to comply with the declaration of a qualified patient and to effect the transfer of the qualified patient shall constitute unprofessional conduct as defined in K.S.A. 65-2837, *and amendments thereto*.

(b) Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration of another without such declarant's consent or who falsifies or forges a revocation of the declaration of another shall be guilty of a class *A person* misdemeanor.

(c) Any person who falsifies or forges the declaration of another, or willfully conceals or withholds personal knowledge of the revocation of a declaration, with the intent to cause a withholding or withdrawal of life-sustaining procedures contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-sustaining procedures to be withheld or withdrawn and death to be hastened, shall be guilty of a ~~class E~~ *severity level 7 person* felony.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 39, after “4.” by inserting “K.S.A. 17-1311a, 47-604, 65-28,107, 66-276 and 75-7b19 and”; also in line 39, before “21-4603d” by inserting “21-3610c.”; also in line 39, by striking “and 21-4643” and inserting “, 21-4643, 22-2411, 38-2304 and 38-2376”; after line 40, by inserting the following:

“Sec. 12. On July 1, 2007, K.S.A. 2006 Supp. 21-4603d, as amended by section 1 of 2007 House Bill No. 2193, is hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 13, after “amending” by inserting “K.S.A. 17-1311a, 47-604 and 65-28,107 and”; also in line 13, after the comma by inserting “21-3610c.”; also in line 13, by striking “and 21-4643” and inserting “, 21-4643, 22-2411, 38-2304 and 38-2376”; in line 14, before the period by inserting “; also repealing K.S.A. 66-276 and 75-7b19 and K.S.A. 2006 Supp. 21-4603d, as amended by section 1 of 2007 House Bill No. 2193”;

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

MICHAEL O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 166**.  
On roll call, the vote was: Yeas 26, Nays 13, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Hensley, Huelskamp, Jordan, Lee, Morris, Ostmeyer, Pyle, Schmidt D, Schmidt V, Schodorf, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Betts, Francisco, Haley, Journey, Kelly, Lynn, McGinn, Petersen, Pine, Reitz, Steiner, Taddiken, Teichman.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I vote NO on **SB 166** not only for the reasons of the other senator whose remarks I have joined but also because it is imprudent to remove the sunset to allow federal law enforcement officers to enforce Kansas law. They lack the training to competently do so. While some on joint task forces do good work and those few federal officers are competently trained. This bill does not limit the authority of those who do not participate in the joint-law-enforcement-task-forces, and have not had that training. While there are many provisions in this bill I would support if offered separately such as the well drafted

corrections in current law closing loopholes for sentencing adult sex offenders. The civil liberties of the citizens of Kansas are not to be traded for anything or the Legislative Process corrupted.—PHIL JOURNEY

Senators Betts, Francisco, Haley, Kelly, Lynn, Petersen, Pine, Taddiken and Teichman request the record to show they concur with the “Explanation of Vote” offered by Senator Journey on **SB 166**.

MR. PRESIDENT: I must vote No on **SB 166**. I am concerned that this bill might allow a child as young as 14 to be incarcerated for up to 40 years, with no chance of parole.

No matter how tough on crime our constituents want us to be, few or any of mine would like to see society give up on a child so young.

I hope that this bill fails. Should it pass, I would ask that the provision specific to the sentencing of children to a “hard 40” be re-considered by the legislature next session.—LAURA KELLY

Senators Francisco, Journey, Lynn, Pine and Teichman request the record to show they concur with the “Explanation of Vote” offered by Senator Kelly on **SB 166**.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 204**, 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 2, in line 15, by striking “or (7)” and inserting “, (7) or (11)”; in line 17, by striking “or (7)” and inserting “,(7) or (11)”; in line 21, by striking “or”; in line 23, by striking the period and inserting “; or

(11) any person who has been convicted of: (A) Unlawful manufacture or attempting such of any controlled substance as defined by K.S.A. 65-4159, and amendments thereto, unless the court makes a finding on the record that the manufacturing or attempting to manufacture such controlled substance was for such person’s personal use;

(B) possession of ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance as defined by K.S.A. 65-7006, and amendments thereto, unless the court makes a finding on the record that the possession of such product was intended to be used to manufacture a controlled substance for such person’s personal use; or

(C) K.S.A. 65-4161, and amendments thereto.”;

On page 8, by striking all in lines 4 through 43;

By striking all on page 9;

On page 10, by striking all in lines 1 through 18;

And by renumbering the remaining sections accordingly;

On page 13, by striking all in lines 39 through 43;

On page 14, by striking all in lines 1 through 34;

And by renumbering the remaining sections accordingly;

Also on page 14, in line 35, by striking “22-4905.”; in line 36, by striking the comma where it appears the first time, and inserting “and”; also in line 36, by striking “and 22-4909”;

On page 1, in the title, in line 18, by striking “22-4905.”; also in line 18, by striking the last comma and inserting “and”; in line 19, by striking “and 22-4909”;

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

MICHAEL O’NEAL

LANCE KINZER

JANICE L. PAULS

*Conferees on part of House*

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 204**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 351**, submits the following report:

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

On page 3, in line 1, by striking all after "(i)"; by striking all in lines 2 through 6; in line 7, by striking "(i)";

On page 4, after line 23, by inserting the following:

"(5) Effective July 1, 2009, any full-time presiding officer in agencies specified in subsection (h)(5) which conduct hearings pursuant to the Kansas administrative procedure act, except those exempted pursuant to K.S.A. 77-551, and amendments thereto, and support personnel for such presiding officers, shall be transferred to and shall become employees of the office of administrative hearings. Such personnel shall retain all rights under the state personnel system and retirement benefits under the laws of this state which had accrued to or vested in such personnel prior to the effective date of this section. Such person's services shall be deemed to have been continuous. All transfers of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder. This section shall not affect any matter pending before an administrative hearing officer at the time of the effective date of the transfer, and such matter shall proceed as though no transfer of employment occurred.";

On page 1, in the title, in line 10, by striking all following "concerning"; in line 11, by striking "to"; also in line 11, by striking "exception;"

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

MICHAEL O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 351**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2005**, 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, following line 12 by inserting the following:

“(p) “Museum facility” means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.”;

And by redesignating the remaining subsections accordingly;

Also on page 5, in line 21, by striking “13” and inserting “14”; following line 41 by inserting “(17) museum facility;

(18) major motorsports complex.”;

And by redesignating the remaining paragraphs accordingly;

On page 6, in line 8, by striking “9” and inserting “10”; in line 12, by striking “17” and inserting “19”;

On page 7, in line 11, by striking the period and inserting “; or

(4) is a major motorsports complex, as defined in subsection (k), and amendments thereto.”;

Also on page 7, in line 18, after the period by inserting “A STAR bond project district includes a redevelopment district, as defined in K.S.A. 12-1770a, and amendments thereto, created prior to the effective date of this act for the Wichita Waterwalk project in Wichita, Kansas, provided, the city creating such redevelopment district submits an application for approval for STAR bond financing to the secretary on or before July 31, 2007, and receives a final letter of determination from the secretary approving or disapproving the request for STAR bond financing on or before November 1, 2007.”;

On page 8, in line 35, by striking “9” and inserting “10”;

On page 9, in line 3, by striking “9” and inserting “10”; in line 23, by striking “9” and inserting “10”; in line 26, by striking all after “(h)”;

by striking all in lines 27 through 33 and inserting “The secretary shall not approve any application for STAR bond project financing which is submitted by a city or county more than one year after the STAR bond project district in which the STAR bond project is located has been established.”;

On page 10, in line 11, by striking “(b)” and inserting “(f)(2) of section 7, and amendments thereto”;

by striking all in lines 12 through 18;

And by redesignating the remaining subsections accordingly;

On page 12, in line 34, by striking “9” and inserting “10”; in line 38, by striking “9” and inserting “10”;

On page 17, in line 7, by striking “9” and inserting “10”; following line 15, by inserting the following:

“New Sec. 9. (a) Any city or county which has received approval for a STAR bond project may request STAR bond issuance authority to issue additional STAR bonds in an amount in excess of the amount previously approved by the secretary. Any city or county requesting such additional STAR bond issuance authority shall make application for approval to the secretary. Such application shall include all information required to be submitted to the secretary for initial approval of a STAR bond project, including, but not limited to, a feasibility study as required by section 7, and amendments thereto.

(b) The secretary shall review all of the information submitted by the city or county in the request for additional STAR bond issuance authority and determine whether to approve a request, and, if approved, issue an approval letter for additional STAR bond issuance authority based upon the requirements within this act and rules and regulations developed by the secretary.

(c) The secretary may approve such additional STAR bond issuance authority in an amount not to exceed 50% of the total costs of the addition or expansion to the STAR bond project for which the additional STAR bond issuance authority is sought, including all project



costs and any other costs related to the project addition or expansion. The proceeds of such additional STAR bond financing may only be used to pay for incurred project costs of such addition or expansion.”;

And by renumbering the remaining sections accordingly;

On page 19, following line 20 by inserting the following:

“(b) (1) Subject to the provisions of paragraph (2) of this subsection, any city shall have the power to issue full faith and credit tax increment bonds to finance the undertaking, establishment or redevelopment of any major motorsports complex, as defined in subsection (k) of section 3, and amendments thereto. Such full faith and credit tax increment bonds shall be made payable, both as to principal and interest: (A) From the revenue sources identified in paragraph (1) of subsection (a) or by any combination of these sources; and (B) subject to the provisions of paragraph (2) of this subsection, from a pledge of the city’s full faith and credit to use its ad valorem taxing authority for repayment thereof in the event all other authorized sources of revenue are not sufficient.

(2) Except as provided in paragraph (3) of this subsection, before the governing body of any city proposes to issue full faith and credit tax increment bonds as authorized by this subsection, the feasibility study required by subsection (b) of section 7, and amendments thereto, shall demonstrate that the benefits derived from the project will exceed the cost and that the income therefrom will be sufficient to pay the costs of the project. No full faith and credit tax increment bonds shall be issued unless the governing body states in the resolution required by subsection (e) of section 7, and amendments thereto, that it may issue such bonds to finance the proposed STAR bond project. The governing body may issue the bonds unless within 60 days following the conclusion of the public hearing on the proposed STAR bond project plan a protest petition signed by 3% of the qualified voters of the city is filed with the city clerk in accordance with the provisions of K.S.A. 25-3601, et seq., and amendments thereto. If a sufficient petition is filed, no full faith and credit tax increment bonds shall be issued until the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds in accordance with this section. No such election shall be held in the event the board of county commissioners or the board of education determines, as provided in section 6, and amendments thereto, that the proposed STAR bond project district will have an adverse effect on the county or school district.

(3) As an alternative to paragraph (2) of this subsection, any city which adopts a STAR bond project plan for a major motorsports complex, but does not state its intent to issue full faith and credit tax increment bonds in the resolution required by subsection (e) of section 7, and amendments thereto, and has not acquired property in the STAR bond project area may issue full faith and credit tax increment bonds if the governing body of the city adopts a resolution stating its intent to issue the bonds and the issuance of the bonds is approved by a majority of the voters voting at an election thereon. Such election shall be called and held in the manner provided by the general bond law. The failure of the voters to approve the issuance of full faith and credit tax increment bonds shall not prevent the city from issuing special obligation bonds pursuant to paragraph (1) of subsection (a). Any project plan adopted by a city prior to the effective date of this act in accordance with K.S.A. 12-1772, and amendments thereto, shall not be invalidated by any requirements of this act.

(4) During the progress of any major motorsports complex project in which the project costs will be financed, in whole or in part, with the proceeds of full faith and credit tax increment bonds, the city may issue temporary notes in the manner provided in K.S.A. 10-123, and amendments thereto, to pay the project costs for the major motorsports complex project. Such temporary notes shall not be issued and the city shall not acquire property in the STAR bond project area until the requirements of paragraph (2) or (3) of this subsection, whichever is applicable, have been met.

(5) Full faith and credit tax increment bonds issued under this subsection shall be general obligations of the city and are declared to be negotiable instruments. Such bonds shall be issued in accordance with the general bond law. All such bonds and all income or interest therefrom shall be exempt from all state taxes except inheritance taxes. The amount of the

full faith and credit tax increment bonds issued and outstanding which exceeds 3% of the assessed valuation of the city shall be within the bonded debt limit applicable to such city.

(6) Any city issuing full faith and credit tax increment bonds under the provisions of this subsection may refund all or part of such issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.”;

And by redesignating the remaining subsections accordingly;

On page 20, in line 7, by striking “9” and inserting “10”;

On page 21, in line 8, by striking “(b)” and inserting “(f)”;

in line 17, by striking “or bioscience development project plan”;

in line 24, before the period by inserting “; however, eminent domain may be used only as authorized by K.S.A. 26-501b, and amendments thereto”;

also in line 24, by striking all after the period; by striking all in lines 25 through 40;

On page 22, in line 3, by striking “13” and inserting “14”;

in line 5, by striking “this act” and inserting “K.S.A. 26-501, et seq., and amendments thereto,”;

in line 8, after “property” by inserting “acquired pursuant to this section that is”;

in line 12, after “property” by inserting “acquired pursuant to this section that is”;

in line 13, after “leased” by inserting “in accordance with the STAR bond project plan”;

On page 23, in line 39, by striking “9” and inserting “10”;

On page 24, in line 8, by striking “9” and inserting “10”;

in line 10, by striking “9” and inserting “10”;

On page 25, in line 2, by striking “9” and inserting “10”;

on page 27, in line 2, by striking “9” and inserting “10”;

in line 11, by striking “9” and inserting “10”;

On page 28, by striking all in lines 9 through 14;

And by renumbering the remaining sections accordingly;

On page 31, in line 11, by striking “jobs and”;

in line 13, by striking “state and region” and inserting “jurisdiction in which the project is located”;

On page 33, after line 12, by inserting the following:

“(M) major multi-sport athletic complex;

(N) museum facility.”;

And by redesignating the remaining subparagraphs accordingly;

Also on page 33, in line 15, by striking “and” as it appears the second time; in line 31, after “include” by inserting a colon; also in line 31, by striking the second colon; in line 42, after “to” by inserting “developers,”;

in line 43, after “the” by inserting “developers or any other”;

On page 34, in line 1, after “in” by inserting “or located in”;

in line 7, by striking “and”;

in line 9, by striking the period and inserting a semicolon; also following line 9, by inserting the following:

(vii) any personal property, as defined in K.S.A. 79-102, and amendments thereto; and

(viii) travel, entertainment and hospitality.”;

On page 35, in line 13, by striking “major”;

in line 14, by striking all before “and” as it appears the second time and inserting “redevelopment district”;

in line 26, by striking all after “means”;

by striking all in lines 27 through 30 and inserting “an athletic complex that is utilized for the training of athletes, the practice of athletic teams, the playing of athletic games or the hosting of events. Such project may include playing fields, parking lots and other developments including grandstands, suites and viewing areas, concessions, souvenir facilities, catering facilities, visitor centers, signage and temporary hospitality facilities, but excluding hotels, motels, restaurants and retail facilities, not directly related to or necessary to the operation of such facility.”;

On page 37, following line 19 by inserting the following:

“(pp) “Museum facility” means a separate newly-constructed museum building and facilities directly related and necessary to the operation thereof, including gift shops and restaurant facilities, but excluding hotels, motels, restaurants and retail facilities not directly related to or necessary to the operation of such facility. The museum facility shall be owned by the state, a city, county, other political subdivision of the state or a non-profit corporation, shall be managed by the state, a city, county, other political subdivision of the state or a

non-profit corporation and may not be leased to any developer and shall not be located within any retail or commercial building.”;

Also on page 37, in line 42, by striking “(b)” and inserting “(c)”;

On page 44, by striking all in lines 19 through 32;

On page 49, in line 37, after “bonds” by inserting “or full faith and credit tax increment bonds”;

On page 51, following line 21, by inserting the following:

“New Sec. 29. Any city that created a redevelopment district or a bioscience development district prior to the effective date of this act may by ordinance elect to have the provisions of this act applicable to such redevelopment district or bioscience development district.”;

By striking all in lines 22 through 43;

By striking all on pages 52 through 102;

On page 103, by striking all in lines 1 and 2;

And by renumbering the remaining sections accordingly;

On page 104, by striking all in lines 16 through 43;

By striking all on pages 105 through 109;

On page 110, by striking all in lines 1 through 22;

And by renumbering the remaining sections accordingly;

Also on page 110, by striking all in lines 23 through 39 and inserting the following:

“Sec. 33. K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1771d, 12-1773, 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1774, 12-1774a, 12-1780b, 12-1780c, 12-1780d, 12-1780e, 12-1780f, 74-99c04, 74-99c08 and 74-99c10 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 14, by striking all after the semicolon; in line 15, by striking all before “establishing”; also in line 15, by striking all after the second semicolon; by striking all in lines 16 through 38, and inserting “amending K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1771b, 12-1773, 12-1774, 12-1774a, 74-99c04, 74-99c08 and 74-99c10 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas, 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e and 12-1780f.”;

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

NICK JORDAN

JIM BARONE

*Conferees on part of Senate*

LANA GORDON

VALDENIA C. WINN

TERRIE HUNTINGTON

*Conferees on part of House*

Senator Jordan moved the Senate adopt the Conference Committee Report on **HB 2005**.

On roll call, the vote was: Yeas 27, Nays 5, Present and Passing 7, Absent or Not Voting

1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Bruce, Brungardt, Donovan, Gilstrap, Hensley, Jordan, Journey, Kelly, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Goodwin, Huelskamp, Lee, Ostmeyer, Pyle.

Present and Passing: Brownlee, Emler, Francisco, Haley, Lynn, Steineger, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### EXPLANATION OF VOTE

MR. PRESIDENT: I pass on **HB 2005**. STAR bonds are a good economic development tool but we have allowed the provisions of this bill to be too generous for projects backed with sales tax dollars. The request by Wichita for special consideration because they failed

to complete their STAR bond application for the past three years should have been declined.—KARIN BROWNLEE

MR. PRESIDENT: I pass on **HB 2005** because I believe I may have a conflict of interest.—DAVID WYSONG

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2113**, 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 2, by striking all in lines 15 through 43;
- By striking all on pages 3 and 4;
- On page 5, by striking all in lines 1 through 40;
- And by renumbering the remaining sections accordingly;
- Also on page 5, in line 41, by striking “and K.S.A. 2006 Supp. 75-37,121 are” and inserting “is”;
- On page 1, in the title, in line 13, by striking “and K.S.A. 2006 Supp. 75-37,121”; in line 14, by striking “sections” and inserting “section”;

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

RUTH TEICHMAN  
DAVID WYSONG  
CHRIS STEINEGER  
*Conferees on part of Senate*

CLARK SHULTZ  
ANTHONY R. BROWN  
NILE DILLMORE  
*Conferees on part of House*

Senator Teichman moved the Senate adopt the Conference Committee Report on **HB 2113**.

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

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, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2128**, 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 amendments, as follows:

- On page 1, by striking all in lines 15 through 43;
- By striking all on pages 2 through 4 and inserting:  
“Section 1. K.S.A. 2006 Supp. 25-213 is hereby amended to read as follows: 25-213. At all national and state primary elections, the national and state offices as specified for each in this section shall be printed upon the official primary election ballot for national and state offices and the county and township offices as specified for each in this section shall be printed upon the official primary election ballot for county and township offices. The official primary election ballots shall have the following heading:

**OFFICIAL PRIMARY ELECTION BALLOT**

\_\_\_\_\_ Party

To vote for a person whose name is printed on the ballot make a cross or check mark in the square at the left of the person's name. To vote for a person whose name is not printed on the ballot, write the person's name in the blank space, if any is provided, and make a cross or check mark in the square to the left.

The words national and state or the words county and township shall appear on the line preceding the part of the form shown above.

The form shown shall be followed by the names of the persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections, and for the national and state offices in the following order: United States senator, United States representative from \_\_\_\_\_ district, governor and lieutenant governor, secretary of state, attorney general, state treasurer, commissioner of insurance, senator \_\_\_\_\_ district, representative \_\_\_\_\_ district, district judge \_\_\_\_\_ district, district magistrate judge \_\_\_\_\_ district, district attorney \_\_\_\_\_ judicial district, and member state board of education \_\_\_\_\_ district. For county and township offices the form shall be followed by the names of persons for whom nomination petitions or declarations have been filed according to law for political parties having primary elections in the following order: commissioner \_\_\_\_\_ district, county clerk, treasurer, register of deeds, county attorney, sheriff, township trustee, township treasurer, township clerk. When any office is not to be elected, it shall be omitted from the ballot. Other offices to be elected but not listed, shall be inserted in the proper places. For each office there shall be a statement of the number to vote for.

To the left of each name there shall be printed a square. Official primary election ballots may be printed in one or more columns. The names certified by the secretary of state or county election officer shall be printed on official primary election ballots and no others. In case there are no nomination petitions or declarations on file for any particular office, the title to the office shall be printed on the ballot followed by a blank line with a square, and such title, followed by a blank line, may be printed in the list of candidates published in the official paper. No blank line shall be printed following any office where there are nomination petitions or declarations on file for the office except following the offices of precinct committeeman and precinct committeewoman. Except as otherwise provided in this section, no person's name shall be printed more than once on either the official primary election ballot for national and state offices or the official primary election ballot for county and township offices. No name that is printed on the official primary election ballot as a candidate of a political party shall be printed or written in as a candidate for any office on the official primary election ballot of any other political party. If a person is a candidate for the unexpired term for an office, the person's name may be printed on the same ballot as a candidate for the next regular term for such office. The name of any candidate on the ballot may be printed on the same ballot as such candidate and also as a candidate for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for national and state offices shall be printed or written in elsewhere on such ballot or on the official primary election ballot for county and township offices except for precinct committeeman or committeewoman. No name that is printed on the official primary election ballot for county and township offices shall be printed or written in on the official primary election ballot for national and state offices or elsewhere on such county and township ballot except for precinct committeeman or committeewoman.

No person shall be elected to the office of precinct committeeman or precinct committeewoman where no nomination petitions or declarations have been filed, unless the person receives at least five write-in votes. As a result of a primary election, no person shall receive the nomination and no person's name shall be printed on the official general election ballot when no nomination petitions or declarations were filed, unless the person receives votes equal in number to not less than ~~10%~~ 5% of the electors who voted for the office of secretary of state at the last preceding general election for such office *total of the current voter registration designated* in the state, county or district in which the office is sought, *as compiled by the office of the secretary of state*, except that a candidate for township office may receive the nomination and have such person's name printed on the ballot where no nom-

ination petitions or declarations have been filed if such candidate receives three or more write-in votes. No such person shall be required to obtain more than 5,000 votes.

Sec. 2. K.S.A. 25-3005a is hereby amended to read as follows: 25-3005a. (a) As used in this act "authorized poll agent" means any one of the following persons:

- (1) Chairperson of county party committee;
- (2) chairpersons of committees concerned with question submitted elections;
- (3) chairperson of state party committee;
- (4) any candidate;
- (5) any precinct committeeman or precinct committeewoman;
- (6) any write-in candidate who has filed an affidavit of write-in pursuant to K.S.A. 25-305, and amendments thereto;
- (7) any person appointed as provided in this section by any of the persons specified in this subsection.

(b) Every person appointed to be an authorized poll agent under authority of this act shall be so appointed in writing by the person making such appointment. Such written appointment *shall be filed with the county election office by hand delivery, express delivery service, facsimile transmission or any electronic method authorized by the secretary of state and a copy of such appointment shall be carried by the authorized poll agent at all times such person is acting as such agent and shall be displayed upon demand of any member of any election board or any other election officer. Each authorized poll agent shall wear a badge clearly identifying the wearer as an authorized poll agent. The badge shall contain the word "observer" in 32-point or larger type. The badge shall be issued by the county election officer.* Every appointment of an authorized poll agent shall be made in such form as is approved by the secretary of state. The number of authorized poll agents in each voting place at any one time appointed by any of the following shall be limited to the number indicated:

- (1) State and county chairpersons, one;
- (2) candidates, not to exceed one each;
- (3) precinct committeemen and committeewomen, one each;
- (4) the chairperson of each committee or organization concerned with any election on a question submitted, one each;
- (5) write-in candidates who have filed an affidavit or write-in pursuant to K.S.A. 25-305, and amendments thereto, one each.

(c) When any candidate or any precinct committeeman or precinct committeewoman is acting as an authorized poll agent, such person shall carry identification which shall be supplied by the county election officer. Such identification shall indicate the authority by which such person is an authorized poll agent, and the same shall be in such form as is approved by the secretary of state. Whenever an authorized poll agent is required to carry identification under the provisions of this subsection such agent shall display the same upon demand of any member of any election board or any other election officer.

(d) *Each person appointed to be an authorized poll agent shall:*

- (1) *Be a registered Kansas voter;*
- (2) *a member of any candidate's immediate family; or*
- (3) *be a person under 18 years of age but at least 14 years of age who meets all other requirements for qualification of an elector except that of age.*

~~(e)~~ (e) The provisions of this section shall apply to all elections.

(f) *Violations of this section shall be a class C nonperson misdemeanor.*

Sec. 3. K.S.A. 25-2407 is hereby amended to read as follows: 25-2407. Corrupt political advertising is:

(a) (1) Publishing or causing to be published in a newspaper or other periodical any paid matter which ~~is designed or tends to aid, injure or defeat any candidate for nomination or election to public office~~ *expressly advocates the nomination, election or defeat of any candidate*, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or

~~(2)~~ (2) broadcasting or causing to be broadcast by any radio or television station any paid matter which ~~is designed or tends to aid, injure or defeat any candidate for nomination~~

~~or election to public office expressly advocates the nomination, election or defeat of any candidate, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the 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 person who is responsible therefor; or~~

~~(3) publishing or causing to be published in a newspaper or other periodical any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by the word "advertisement" or the abbreviation "adv." in a separate line together with the name of the chairman of the political or other organization inserting the same or the name of the person who is responsible therefor; or~~

~~(4) broadcasting or causing to be broadcast by any radio or television station any paid matter which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, unless such matter is followed by a statement that the preceding was an advertisement together with the name of the chairman of the 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 person who is responsible therefor; or~~

~~(5) publishing or causing to be published any brochure, flier or other political fact sheet which is intended to influence the vote of any person or persons for or against any question submitted for a proposition to amend the constitution or to authorize the issuance of bonds or any other question submitted at an election, 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.~~

~~(b) Corrupt political advertising is a class C misdemeanor.~~

~~(c) 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. 4. 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 a statement which states: "Paid for" or "Sponsored by" 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.

New Sec. 5. Advance voting suppression is knowingly, with intent to impede, obstruct or exert undue influence on 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) exercising undue influence upon an advance voter in applying for, delivering or marking an advance voting ballot; or

(e) 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.

(f) 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.

(g) 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. 6. K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas Register.;

In the title, by striking all in lines 10 through 12 and inserting:  
"AN ACT concerning elections; amending K.S.A. 25-2407, 25-3005a and 25-4156 and K.S.A. 2006 Supp. 25-213 and repealing the existing sections.;"

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

TIM HUELSKAMP  
ROGER P. REITZ  
MARCI FRANCISCO  
*Conferees on part of Senate*

MICHAEL B. BURGESS  
TED POWERS  
TOM SAWYER  
*Conferees on part of House*

Senator Huelskamp moved the Senate adopt the Conference Committee Report on **HB 2128**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### **ORIGINAL MOTION**

Having voted on the prevailing side, Senator D. Schmidt moved the Senate reconsider its action on **H Sub for Sub SB 14** and a new conference committee be appointed.

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

#### **ORIGINAL MOTION**

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2310, HB 2360; S Sub for Sub for HB 2451; HB 2597.**

#### **ORIGINAL MOTION**

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **HB 2360.**

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

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The President referred **HB 2597** to the Committee of the Whole.

#### **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 **HB 2310.**

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2310**, 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 1, by striking all in lines 19 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 14; preceding line 15, by inserting the following:

“New Section 1. (a) The legislative educational planning committee in collaboration with the 2010 commission shall study and make recommendations relating to early childhood education. The committee and commission shall:

(1) Develop a coordinated, comprehensive system for the delivery of early childhood education services;

(2) identify priorities for early childhood education services;

(3) identify barriers to service and gaps in service due to strict definition of boundaries between departments and agencies;

(4) facilitate interagency and interdepartmental cooperation toward the common goal of serving children;

(5) investigate and identify methodologies for the combining of funds across departmental boundaries to better serve children;

(6) propose actions needed to achieve coordination of funding and services across departmental lines;

(7) encourage and facilitate joint planning and coordination between the public and private sectors to better serve the needs of children;

(8) determine whether a centralized internet-based reporting system would provide a more efficient and effective system to comply with reporting requirements imposed by law;

(9) make recommendations relating to the design of a universal application form and single point of access for families in need of early childhood education services;

(10) evaluate and report on the performance and cost effectiveness of early childhood education services and make recommendations necessary to ensure that private entities and public agencies are accountable for the progress of children and that such services produce high quality opportunities for children;

(11) make recommendations to improve communication with local agencies which provide early childhood education services in order to keep such local agencies informed of the availability of state and federal moneys for early childhood education services and make recommendations to assist such local agencies in obtaining such state and federal moneys and the utilization of such moneys so as to avoid waste and abuse;

(12) conduct hearings to receive a wide variety of input from individuals and groups affected by and concerned with the quality, efficiency and cost of early childhood education services; and

(13) prepare a plan which recommends the establishment by January 1, 2009, of the office of early childhood education and the manner in which such office should be structured.

(b) For the purposes of conducting the study required by subsection (a), the commissioner of education, the secretary of the Kansas department of health and environment, the secretary of the state department of social and rehabilitation services and the executive director of the Kansas children's cabinet shall be ex officio members of the legislative educational planning committee and the 2010 commission.

(c) On or before December 31, 2007, the legislative educational planning committee shall submit a report of its activities to the governor and the legislature. Such report shall include the recommendations adopted by the committee and the 2010 commission and a copy of the plan adopted pursuant to paragraph (13) of subsection (a). The report shall include recommendations for changes in the law which are necessary to implement such recommendations and plan.

New Sec. 2. (a) On and after July 1, 2007, each person employed by the Kansas state school for the blind as a teacher or licensed personnel during a school year shall be paid compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the blind or, if no such teacher or licensed personnel is employed by such school district for the preceding school year, then such person employed by the Kansas state school for the blind shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year.

(b) As used in this section:

(1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.

(2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.

New Sec. 3. (a) On and after July 1, 2007, each person employed by the Kansas state school for the deaf as a teacher or licensed personnel during a school year, shall be paid compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher or licensed personnel employed by unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the deaf or, if no such teacher or licensed personnel is employed by such school district for the preceding school year, then such person employed by the Kansas state school for the deaf shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher or licensed personnel employed by

unified school district no. 233, Olathe, Kansas, as of September 1 of the preceding school year.

(b) As used in this section:

- (1) "Teacher" means a teacher as defined by K.S.A. 76-11a04, and amendments thereto.
- (2) "Licensed personnel" means a person who is required to hold a license and who is paid on the teacher salary schedule including, but not limited to, librarians, counselors and nurses.

Sec. 4. K.S.A. 2006 Supp. 72-6449 is hereby amended to read as follows: 72-6449. (a) As used in this section, "school district" or "district" means a school district authorized to make a levy under this section.

(b) The board of education of any district may levy a tax on the taxable tangible property within the district for the purpose of financing the costs incurred by the state that are attributable directly to assignment of the cost of living weighting to the enrollment of the district. There is hereby established in every school district a fund which shall be called the cost of living fund, which fund shall consist of all moneys deposited therein or transferred thereto in accordance with law. All moneys derived from a tax imposed pursuant to this section shall be credited to the cost of living fund. The proceeds from the tax levied by a district credited to the cost of living fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

(c) The state board of education shall determine whether a district may levy a tax under this section as follows:

- (1) Determine the statewide average appraised value of single family residences for the calendar year preceding the current school year;
- (2) multiply the amount determined under (1) by 1.25;
- (3) determine the average appraised value of single family residences in each school district for the calendar year preceding the current school year; and
- (4) (A) subtract the amount determined under (2) from the amount determined under (3). If the amount determined for the district under ~~(4)~~ *this paragraph* is a positive number and the district is authorized to adopt and has adopted a local option budget in an amount equal to the state prescribed percentage in the current school year *at least 31% of the state financial aid for the school district*, the district qualifies for assignment of cost of living weighting and may levy a tax on the taxable tangible property of the district for the purpose of financing the costs that are attributable directly to assignment of the cost of living weighting to enrollment of the district; *or*

*(B) As an alternative to the authority provided in paragraph (4)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to levy such tax at a rate necessary to generate revenue in the same amount generated in school year 2006-2007 if: (i) The amount determined under paragraph (4)(A) is a positive number; and (ii) the district continues to adopt a local option budget in an amount equal to the state prescribed percentage in effect in school year 2006-2007.*

(d) ~~Except as provided by subsection (c);~~ No tax may be levied under this section unless the board of education adopts a resolution authorizing such a tax levy and publishes the resolution at least once in a newspaper having general circulation in the district. Except as provided by subsection (e), the resolution shall be published in substantial compliance with the following form:

Unified School District No. \_\_\_\_\_  
\_\_\_\_\_ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to levy an ad valorem tax in an amount not to exceed the amount necessary to finance the costs attributable directly to the assignment of cost of living weighting to the enrollment of the district. The ad valorem tax authorized by this resolution may be levied unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school

district, is filed with the county election officer of the home county of the school district within 30 days after the publication of this resolution. If a petition is filed, the county election officer shall submit the question of whether the levy of such a tax shall be authorized in accordance with the provisions of this resolution to the electors of the school district at the next general election of the school district, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. \_\_\_\_\_, \_\_\_\_\_ County, Kansas, on the \_\_\_\_ day of \_\_\_\_\_, (year)\_\_\_\_\_.

\_\_\_\_\_  
Clerk of the board of education.

All of the blanks in the resolution shall be filled. If no petition as specified above is filed in accordance with the provisions of the resolution, the resolution authorizing the ad valorem tax levy shall become effective. If a petition is filed as provided in the resolution, the board may notify the county election officer to submit the question of whether such tax levy shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and of no force and effect and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If a majority of the votes cast in an election conducted pursuant to this provision are in favor of the resolution, such resolution shall be effective on the date of such election. If a majority of the votes cast are not in favor of the resolution, the resolution shall be deemed of no effect and no like resolution shall be adopted by the board within the nine months following such election.

~~(c) Any resolution adopted pursuant to this section for school year 2005-2006 shall not be subject to the provisions of subsection (d) relating to publication, protest or election.~~

Sec. 5. K.S.A. 2006 Supp. 72-6451 is hereby amended to read as follows: 72-6451. (a) As used in this section:

(1) "School district" or "district" means a school district which: (A) Has a declining enrollment; and (B) ~~for school year 2005-2006, has adopted a local option budget in an amount which equals at least 25%; or (C) for school year 2006-2007 and each school year thereafter, has adopted a local option budget in an amount which equals the state prescribed percentage at least 31% of the state financial aid for the school district~~ at the time the district applies to the state board of tax appeals for authority to make a levy pursuant to this section.

(2) "Declining enrollment" means an enrollment which has declined in amount from that of the preceding school year.

(b) (1) (A) A school district may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of declining enrollment weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the amount of revenues lost as a result of the declining enrollment of the district. Such amount shall not exceed 5% of the general fund budget of the district in the school year in which the district applies to the state board of tax appeals for authority to make a levy pursuant to this section.

*(B) As an alternative to the authority provided in paragraph (1)(A), if a district was authorized to make a levy pursuant to this section in school year 2006-2007, such district shall remain authorized to make a levy at a rate necessary to generate revenue in the same amount that was generated in school year 2007-2008 if the district adopts a local option budget in an amount equal to th state prescribed percentage in effect in school year 2006-2007.*

(2) The board of tax appeals shall certify to the state board the amount authorized to be produced by the levy of a tax under this section.

(3) The state board shall prescribe guidelines for the data that school districts shall include in cases before the state board of tax appeals pursuant to this section.

(c) A district may levy the tax authorized pursuant to this section for a period of time not to exceed two years unless authority to make such levy is renewed by the state board of tax appeals. The state board of tax appeals may renew the authority to make such levy for periods of time not to exceed two years.

(d) The state board shall provide to the state board of tax appeals such school data and information requested by the state board of tax appeals and any other information deemed necessary by the state board.

(e) There is hereby established in every district a fund which shall be called the declining enrollment fund. Such fund shall consist of all moneys deposited therein or transferred thereto according to law. The proceeds from the tax levied by a district under authority of this section shall be credited to the declining enrollment fund of the district. The proceeds from the tax levied by a district credited to the declining enrollment fund shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 6. K.S.A. 2006 Supp. 72-6449 and 72-6451 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 14, 15 and 16; following line 16, by inserting the following:

“AN ACT concerning school districts; relating to early childhood education services; relating to the state schools for the deaf and the blind; relating to school finance; amending K.S.A. 2006 Supp. 72-6449 and 72-6451 and repealing the existing sections.”;

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

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

CLAY AURAND

DEENA HORST

SUE STORM

*Conferees on part of House*

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2310**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2360**, 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 amendments, as follows:

On page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1, 2 and 3 and inserting the following:

“Section 1. K.S.A. 2006 Supp. 20-3129 is hereby amended to read as follows: 20-3129.

(a) Subject to the limitations contained in this section, the clerks of the district courts shall tax a library fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each county. Such library fee shall be not

less than \$2 nor more than \$10 in all cases commenced pursuant to chapter 60 of the Kansas Statutes Annotated and in all felony criminal cases and shall be not less than \$.50 nor more than \$7 in all other cases.

(b) *The clerks of the district courts in Sedgwick county and Johnson county may tax an additional fee in an amount determined by the trustees of the law library in each county for the benefit and account of the law library in each such county. Such additional library fee shall not be more than \$4 in all cases.*

(c) The trustee of the law library in each county may increase law library fees under this ~~subsection~~ section once per calendar year as of July 1. Changed law library fees shall be effective as of that date and when filed with the clerk of the supreme court. The trustees of the law library in each county shall file with the respective clerks the fees to be charged in that court.

~~(b)~~ (d) The fees provided for by subsection (a) shall be deducted from the docket fee. *The fees provided for by subsection (b) shall be in addition to the docket fees established by law.*

~~(c)~~ (e) In criminal cases where the case is dismissed by the state, the county shall be liable for the library fee. Where appeals from conviction in the municipal court are dismissed for want of prosecution, or by the defendant, the state or city shall collect the library fee. Upon failure of the state or city to do so within 90 days after the dismissal, the county from which the appeal is taken shall be liable therefor.

(f) *The additional library fee under subsection (b) shall be considered a docket fee for purposes of K.S.A. 60-2001 et seq., and amendments thereto.*

Sec. 2. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) *Except as provided further, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county, including acquiring and maintaining materials and technology that may, at the discretion of the board of trustees, be loaned to library users for use outside the premises of the library.* The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) The board of trustees of any law library established or governed under this act, and amendments thereto, in Johnson and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be

employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

Sec. 3. K.S.A. 20-3127 and K.S.A. 2006 Supp. 20-3129 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all after “concerning”; by striking all in line 11; in line 12, by striking “2411” and inserting “county law libraries; relating to fees; amending K.S.A. 20-3127 and K.S.A. 2006 Supp. 20-3129”; also in line 12, by striking “section” and inserting “sections”;

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

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL O'NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2360**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

#### REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **Substitute for HB 2451** be amended by substituting a new bill to be designated as “SENATE Substitute for Substitute for HOUSE BILL No. 2451,” as follows:

“SENATE Substitute for Substitute for HOUSE BILL No. 2451

By Committee on Judiciary

“AN ACT concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section.”;

and the substitute bill be passed.

#### MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **HB 2004**.

The House adopts the conference committee report on **Senate Substitute for HB 2145**.

The House adopts the conference committee report on **HB 2363**.

The House adopts the conference committee report on **Senate Substitute for Substitute HB 2457**.

The House adopts the conference committee report on **Senate Substitute for HB 2556**.

The House concurs in Senate amendments to **HB 2140** and requests the Senate to return the bill.

**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 Emler in the chair.

On emergency motion of Senator D. Schmidt, **S Sub for Sub HB 2451** 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 2597** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Emler the following report was adopted:

Recommended **HB 2597** be passed.

The committee report on **HB 2451** recommending a **S Sub for Sub for HB 2451** be adopted, and the substitute bill be passed.

**FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS**

On motion of Senator D. Schmidt an emergency was declared by a  $\frac{2}{3}$  constitutional majority, and **S Sub for Sub for HB 2451**, **HB 2597** were advanced to Final Action and roll call.

**S Sub for Sub for HB 2451**, An act concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section.

On roll call, the vote was: Yeas 34, Nays 4, Present and Passing 1, Absent or Not Voting 1.

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

Nays: Betts, Haley, Hensley, Journey.

Present and Passing: Kelly.

Absent or Not Voting: Palmer.

The substitute bill passed.

## EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **S Sub for Sub for HB 2451**.

As I did before when the bill was in its original form of **SB 55** Kansas consumers deserve the protection of the law from unconscionable and deceptive acts.

In 2008 we will see a stampede of other professions and industries seeking their own exemption. Only the Insurance industry is exempted because it is the duty of the Kansas insurance commissioner to protect consumers. When the private cause of action is eliminated who will protect Kansans?

The Board of Healing Arts is slow to prosecute complaints and does so in a forum without the light of public access. Complaints are confidential and it can take months for them to be resolved all the while Kansas patients will be subjected to deceptive or unconscionable acts causing indeterminable harm.

This act done near the end of the session abandons Kansans to the tender mercies of an industry seeking to protect those few deserving of prosecution to the fullest extent of the law.—PHIL JOURNEY

Senators Betts, Haley and Hensley request the record to show they concur with the "Explanation of Vote" offered by Senator Journey on **S Sub for Sub for HB 2451**.

MR. PRESIDENT: I pass on **S Sub for Sub for HB 2451**, as I did on its predecessor **SB 55**, simply because I have a conflict of interest.—LAURA KELLY

**HB 2597**, An act concerning municipally owned or operated electric or natural gas public utilities; concerning regulation by the state corporation commission; amending K.S.A. 66-1,174 and K.S.A. 2006 Supp. 66-104 and repealing the existing sections; also repealing K.S.A. 66-1,174, as amended by section 3 of 2007 House Bill No. 2032 and K.S.A. 2006 Supp. 66-104, as amended by section 2 of 2007 House Bill No. 2032 and sections 1, 4 and 5 of 2007 House Bill No. 2032.



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

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

Absent or Not Voting: Palmer.

The bill passed.

**ORIGINAL MOTION**

On motion of Senator Schodorf, the Senate acceded to the request of the House for a conference on **SB 23**.

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

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Monday, April 30, 2007.

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

PAT SAVILLE, *Secretary of the Senate*.

