

Journal of the Senate

TWENTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, February 20, 2008—2:30 p.m.

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

Heavenly Father,
Should legislators always vote
For what their constituents desire?
Or are there times when they should vote
What their consciences inspire?

This is one of the oldest dilemmas
In political history.
Philosopher Edmund Burke
Tried to solve this mystery.

He said the will of constituents
Should be given “great weight”,
But they should always consult
What their “enlightened consciences” state.

But there’s another place to go
For wisdom that will last:
To make a wise decision
For each vote they have to cast.

You may not be specific, Lord;
You may not speak out loud,
But when they seek Your will
They’ll be wiser than the crowd.

I pray in the Name of Jesus Christ,
AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

POINT OF PERSONAL PRIVILEGE

Senator Betts rose on a Point of Personal Privilege to introduce leaders and participants of the Circle of Friends Program at Maize High School. Nearly, 1,000 volunteers work with this program. Introduced were: Val Wall, Coordinator, Michelle Nichols, Thea Harroald, Marti Johnson, Clayton Whitson, Caron Carlile, Rebecca Gobel, Kore Lippoldt, Krysten Mattocks, Emma Craig, Pat Leon, Scarlett Tully, Joanna Kilgore and Karen Bainter. Many youth participants of this program were also seated in the galleries. The Senators honored those present with a standing ovation.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

SB 645, An act concerning insurance; pertaining to insurance contracts with health care providers; prohibiting certain types of provisions; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Federal and State Affairs: **SB 639**.

Financial Institutions & Insurance: **SB 644; HB 2689**.

Judiciary: **SB 640; SCR 1619**.

Natural Resources: **SB 641**.

Public Health and Welfare: **SB 643**.

Ways and Means: **SB 642**.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2315; Substitute HB 2545; HB 2659, HB 2663, HB 2665, HB 2708, HB 2748**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2315; Substitute HB 2545; HB 2659, HB 2663, HB 2665, HB 2708, HB 2748 were thereupon introduced and read by title.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Emler the Senate nonconcurred in the House amendments to **H Sub for SB 327** and requested a conference committee be appointed.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 46, An act concerning crimes and punishment; relating to firearms; amending K.S.A. 21-4205 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 397, An act concerning alcoholic beverages; relating to the consumption thereof; amending K.S.A. 21-3610, 41-346 and 41-2615 and K.S.A. 2007 Supp. 41-719, 41-2905 and 41-2906 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 457, An act concerning municipalities and taxing subdivisions; amending K.S.A. 2007 Supp. 79-2926, 79-2929a and 79-2930 and repealing the existing sections, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

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

The bill passed, as amended.

SB 460, An act concerning townships; amending K.S.A. 75-1122, 80-1101, 80-1101a, 80-1102a, 80-1103, 80-1104, 80-1109, 80-1110 and 80-1111 and K.S.A. 2007 Supp. 80-120 and 80-1117 and repealing the existing sections; also repealing K.S.A. 80-1106, 80-1107, 80-1108, 80-1301, 80-1302, 80-1303, 80-1304 and 80-1305, was considered on final action.

On roll call, the vote was: Yeas 35, Nays 5, 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, Kelly, Lee, Lynn, McGinn, Morris, Palmer, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Journey, Ostmeyer, Petersen, Pyle, Taddiken.

The bill passed, as amended.

SB 464, An act concerning insurance; relating to waiving certain requirements regarding reinsurance agreements when an insurance company ceases to do business; amending K.S.A. 2007 Supp. 40-5201 and 40-5210 and repealing the existing sections, was considered on final action.

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

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

Nays: Journey.

The bill passed.

SB 481, An act relating to controlled substances; substances included in schedule I; amending K.S.A. 65-4105 and repealing the existing section, was considered on final action.

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

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

The bill passed.

SB 486, An act concerning appointments to certain offices; amending K.S.A. 17-2233, 48-203, 48-208, 65-2878, 65-34a02, 74-2113, 74-2613, 74-5002a, 74-8703, 74-8805, 74-9804, 75-1510, 75-2535, 75-4315a, 75-5105 and 75-5117 and K.S.A. 2007 Supp. 32-801, 45-221, 46-2601, 74-560, 75-711, 75-712, 75-1304, 75-2701, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5903, 75-6301, 75-7304 and 75-7402 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

Sub SB 491, An act concerning scheduled substance and drug of concern; enacting the prescription monitoring program act; creating the prescription monitoring program advisory committee, methamphetamine precursor scheduling task force and veterinary prescription monitoring program task force, was considered on final action.

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

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee,

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

EXPLANATION OF VOTE

MR. PRESIDENT: Passage of **Sub SB 491** will represent a major step for the State of Kansas to deal with the issue of prescription drug abuse. This represents one of the most common types of illicit drug use in our state and involves both our youth and adult populations.

Unfortunately, tax payer dollars are often used to obtain prescription narcotics that are subsequently sold on the street. This legislation will help end that illegal and unhealthy cycle.

The hard work that led to the successful compromises involved in **Sub SB 491** will strike a balance between the need for health care providers to prescribe appropriate pain medications while allowing pharmacies and law enforcement to identify those that abuse drugs and the system.

Senator Vicki Schmidt should be commended for shepherding this legislation through the Kansas Senate. The art of compromise and passion for developing good public policy is well represented in this legislation. — JAMES BARNETT

Senators Journey and Lynn request the record to show they concur with the “Explanation of Vote” offered by Senator Barnett on **Sub SB 491**.

SB 511, An act relating to health care; concerning the study on bariatric surgery for the morbidly obese and its effect on medical expenses and health care insurance, was considered on final action.

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

Yeas: 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, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Pyle, Steineger.

The bill passed, as amended.

SB 514, An act concerning the emergency medical services board; relating to rules and regulations; variances; amending K.S.A. 65-6111 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 519, An act concerning mail ballot elections; pertaining to mailing of ballots to inactive voters in local question submitted elections conducted by mail ballot; amending K.S.A. 25-433 and repealing the existing section, was considered on final action.

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

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

The bill passed, as amended.

SB 529, An act concerning vaccinations; relating to educational awareness of infectious disease vaccines, was considered on final action.

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

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

The bill passed, as amended.

SB 548, An act relating to the department of health and environment; a school-based influenza vaccination pilot program; providing for a study, was considered on final action.

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

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

The bill passed.

SB 561, An act concerning life insurance; pertaining to coverage limits on creditor/debtor group life insurance; amending K.S.A. 2007 Supp. 40-433 and repealing the existing section, was considered on final action.

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

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

The bill passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 557** be amended on page 6, after line 17, by inserting:

“(d) A plant registered by the department of agriculture pursuant to article 7 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or licensed or registered by the department of agriculture pursuant to article 6a of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall not be required to obtain a separate license pursuant to this section.

Sec. 8. K.S.A. 2007 Supp. 65-6a30 is hereby amended to read as follows: 65-6a30. (a) There shall be established by the secretary of agriculture a meat and poultry inspection program to enforce the provisions of the Kansas meat and poultry inspection act. The program shall be under the supervision of the secretary of agriculture and the secretary shall appoint such personnel as may be necessary for the proper administration of the Kansas meat and poultry inspection act.

(b) The secretary of agriculture shall make provision for the examination and inspection of all livestock, domestic rabbits and poultry, as provided for under the Kansas meat and poultry inspection act, and of all carcasses and parts thereof, of all meats and meat food products thereof, of all poultry and poultry products thereof and of the sanitary conditions of all establishments in which such carcasses, parts of carcasses and products are prepared. Authorized representatives of the secretary shall refuse to stamp, mark, tag or label any carcass or any part thereof or any meat food product therefrom which is prepared in any establishment until the carcass or part thereof or meat food product has actually been inspected and found to be not adulterated.

(c) The authorized representatives of the secretary shall perform such other duties as are provided by this act and by the rules and regulations adopted by the secretary of agriculture.

(d) The secretary of agriculture shall adopt and amend from time to time such rules and regulations as are necessary for the efficient execution of the provisions of this act. *On and after January 1, 2009, the secretary shall not promulgate or enforce any such rules and regulations that are more stringent, restrictive or expansive than required by federal law or any rule and regulation adopted by the United States department of agriculture. If the secretary determines that a more stringent, restrictive or expansive rule and regulation is*

necessary, the secretary may implement the rule and regulation only after approval by an act of the legislature.

(e) All inspections and examinations made under this act shall be made in the manner described in the rules and regulations adopted by the secretary of agriculture and shall not be inconsistent with the provisions of this act.”;

And by renumbering the remaining sections accordingly;

On page 9, in line 35, by striking “procedures” and inserting “procedure”; in line 43, after “65-688,” by inserting “65-6a30,”;

In the title, in line 10, after “65-688,” by inserting “65-6a30,”; and the bill be passed as amended.

Also, **SB 584** be amended on page 1, in line 17, by striking “July” and inserting “October”; in line 21, by striking “July” and inserting “October”; in line 25, by striking “July” and inserting “October”; in line 29, by striking “July” and inserting “October”; in line 31, by striking “July” and inserting “October”; in line 36, by striking “July” and inserting “October”;

On page 2, in line 10, by striking “July” and inserting “October”; in line 15, by striking “July” and inserting “October”; in line 21, by striking “July” and inserting “October”; in line 42, by striking “July” and inserting “October”;

On page 3, in line 7, by striking “July” and inserting “October”; in line 8, by striking “July” and inserting “October”; in line 17, by striking “July” and inserting “October”; in line 23, before “On” by inserting “(a)”; also in line 23, after the comma by inserting “and prior to July 1, 2008,”; in line 27, by striking “July” and inserting “October”; after line 28, by inserting the following:

“(b) On and after July 1, 2008, and prior to October 1, 2008, the secretary of health and environment shall not make any expenditures for the fiscal year ending June 30, 2009, from funds or accounts appropriated or reappropriated for the department of health and environment relating to the powers, duties and functions transferred by this act on October 1, 2008, without prior approval of the secretary of agriculture.”;

Also on page 3, in line 29, by striking “July” and inserting “October”;

On page 4, in line 43, by striking “July” and inserting “October”;

On page 5, in line 42, by striking “July” and inserting “October”;

On page 7, in line 17, by striking “July” and inserting “October”;

On page 9, in line 24, by striking “July” and inserting “October”;

On page 10, in line 14, by striking “July” and inserting “October”;

On page 11, in line 12, by striking “July” and inserting “October”;

On page 12, in line 24, by striking “July” and inserting “October”;

On page 13, in line 16, by striking “July” and inserting “October”; in line 28, by striking “July” and inserting “October”; and the bill be passed as amended.

Committee on **Education** recommends **SB 404** be amended on page 4, in line 19, before “means” by inserting “or “pupil” ”; by striking all in lines 29 through 43;

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 10 and inserting:

“Sec. 3. K.S.A. 2007 Supp. 72-9712 is hereby amended to read as follows: 72-9712. (a)

The state board of regents shall adopt any rules and regulations necessary for the administration of the provisions of this act and, subject to appropriations therefore, shall:

(1) Provide for establishment and operation of the Kansas academy of mathematics and science program by a postsecondary educational institution designated by the board;

(2) establish guidelines and procedures for operation of KAMS and for selection of academically talented pupils who apply for admission to KAMS;

(3) prescribe the curriculum of KAMS, including coursework in mathematics through calculus II, chemistry, biology, physics, computer science, English and history. The course of study for KAMS pupils shall be subject to the approval of the state board of education and shall be designed to meet both the high school graduation requirements and the requirements for an associate of arts or an associate of science degree. The state assessment scores of ~~students~~ *academically talented pupils* in KAMS shall be included in the state assessment scores of the school district which ~~the student~~ *such pupil* last attended but nothing herein shall preclude the use of such assessments by KAMS. *Solely for the purpose*

of admission to KAMS, an academically talented pupil shall not be required to comply with the requirements of K.S.A. 76-717, and amendments thereto.

(4) Nothing herein shall be construed to require the admittance to KAMS of a gifted ~~student~~ *pupil* or the inclusion of KAMS admittance as a part of a ~~student's~~ *gifted pupil's* IEP. Admittance to KAMS shall be determined solely pursuant to rules and regulations of the state board of regents.

(5) Establish ~~fees for students~~ *tuition and fees for academically talented pupils* attending the KAMS program. ~~Such fees~~ *For academically talented pupils who are enrolled in a Kansas school district, such tuition and fees, other than those fees which are regularly charged to high school pupils, shall be paid by the school district where the student such pupil is enrolled but shall not exceed the base state aid per pupil. All academically talented pupils shall be responsible for the payment of any fees regularly charged to other pupils enrolled in high school. Tuition and fees charged to pupils who are not enrolled in a Kansas school district may exceed the amount of base state aid per pupil. Academically talented pupils who are not enrolled in a Kansas school district shall be responsible for the payment of all tuition and fees.*

(b) The guidelines and procedures for the operation of KAMS shall address:

(1) Selection and admission of academically talented pupils on the basis of mathematics or science career interests, standardized tests scores, transcripts, teacher evaluations, essays, family commitment, personal interviews and other such factors as the board identifies;

(2) selection of faculty and faculty qualifications;

(3) research, laboratory and field trip activities;

(4) extracurricular activities;

(5) college and career counseling services;

(6) college credit to be awarded;

(7) preparation and utilization of manuals to be provided to high school counselors for use in advising academically talented pupils;

(8) computers and software needed;

(9) ways and means of encouraging and facilitating parental involvement in KAMS; and

(10) manner and method of publicizing KAMS and acquainting academically talented pupils and their parents with the benefits to be gained by attending KAMS.

(c) The procedure for selecting academically talented pupils for admission to KAMS shall provide for admission of 20 ~~students~~ *academically talented pupils* selected on a congressional district basis with no more than five pupils from each of the four congressional districts and 20 other *academically talented* pupils selected on a statewide basis. *If there are fewer than five academically talented pupils who apply for admission to KAMS from any one of the four congressional districts, academically talented pupils applying from the other Kansas congressional districts may be substituted therefore, but congressional district balance shall be maintained to the extent possible.* The board of regents shall have the authority to expand the number of ~~students~~ *but any such expansion academically talented pupils and to authorize admission of nonresident academically talented pupils and international academically talented pupils as well as additional Kansas residents. Any such expansion of the number of Kansas residents* shall maintain the same proportions as provided above for congressional districts and selections on a statewide basis. *At least two-thirds of the total number of academically talented pupils enrolled in KAMS shall be Kansas residents.* The selection criteria and programs for KAMS may include advance placement courses offered over the KAN-ED network for pupils in grades 9 through 12.

(d) The board shall have authority to aid regent institutions in developing short-term summer academies and shall include in its budget request funds for operating such academies. The governor shall include funding therefor in the governor's budget report. Such summer academies may be residential or use the KAN-ED system.”;

Also on page 6, in line 12, by striking all after “72-9713.”; by striking all in lines 13 and 14; in line 15, by striking all before “If”; in line 16, by striking “students” and inserting “academically talented pupils”;

In the title, in line 10, by striking “students” and inserting “pupils”; and the bill be passed as amended.

Also, **SB 492** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43 and inserting new material to read as follows:

“Section 1. K.S.A. 2007 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of ~~any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619 and amendments thereto.~~

- (1) *Rape, as defined in K.S.A. 21-3502, and amendments thereto;*
- (2) *indecent liberties with a child, as defined in K.S.A. 21-3503, and amendments thereto;*
- (3) *aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, and amendments thereto;*
- (4) *criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto;*
- (5) *aggravated criminal sodomy, as defined in K.S.A. 21-3506, and amendments thereto;*
- (6) *indecent solicitation of a child, as defined in K.S.A. 21-3510, and amendments thereto;*
- (7) *aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, and amendments thereto;*
- (8) *sexual exploitation of a child, as defined in K.S.A. 21-3516, and amendments thereto;*
- (9) *aggravated incest, as defined in K.S.A. 21-3603, and amendments thereto;*
- (10) *endangering a child, as defined in K.S.A. 21-3608, and amendments thereto;*
- (11) *abuse of a child, as defined in K.S.A. 21-3609, and amendments thereto;*
- (12) *capital murder, as defined in K.S.A. 21-3439, and amendments thereto;*
- (13) *murder in the first degree, as defined in K.S.A. 21-3401, and amendments thereto;*
- (14) *murder in the second degree, as defined in K.S.A. 21-3402, and amendments thereto;*
- (15) *voluntary manslaughter, as defined in K.S.A. 21-3403, and amendments thereto;*
- (16) *involuntary manslaughter, as defined in K.S.A. 21-3404, and amendments thereto;*
- (17) *involuntary manslaughter while driving under the influence of alcohol or drugs, as defined in K.S.A. 21-3442, and amendments thereto;*
- (18) *sexual battery, as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed;*
- (19) *aggravated sexual battery, as defined in K.S.A. 21-3518, and amendments thereto;*
- (20) *attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;*
- (21) *conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection;*
- (22) *an act in another state or by the federal government that is comparable to any act described in this subsection; or*
- (23) *an offense in effect at any time prior to the effective date of this act that is comparable to an offense as provided in this subsection.*

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a license to or renew the license of any person who *has been convicted of, or has entered into a criminal diversion agreement after having been charged with:*

- (1) ~~Has been convicted of a felony under the uniform controlled substances act;~~ (2) ~~has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student;~~ (3) ~~has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student;~~ (4) ~~has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto;~~ (5) ~~has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated;~~ (6) ~~has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;~~ (7) ~~has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto;~~ (8) ~~has been convicted in another state or by the federal government of an act similar to any act described in this subsection;~~ or (9) ~~has~~

~~entered into a criminal diversion agreement after having been charged with any offense described in this subsection:~~

- ~~(1) A felony under the uniform controlled substances act;~~
- ~~(2) a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or a battery, as described in K.S.A. 21-3412, and amendments thereto, or domestic battery, as described in K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student;~~
- ~~(3) a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or sexual battery, as described in K.S.A. 21-3517, and amendments thereto, if the victim is a minor or student;~~
- ~~(4) any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);~~
- ~~(5) a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated;~~
- ~~(6) promoting obscenity, as described in K.S.A. 21-4301, and amendments thereto, promoting obscenity to minors, as described in K.S.A. 21-4301a, and amendments thereto, or promoting to minors obscenity harmful to minors, as described in K.S.A. 21-4301c, and amendments thereto;~~
- ~~(7) driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is punishable as a felony;~~
- ~~(8) attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;~~
- ~~(9) conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection; or~~
- ~~(10) an act in another state or by the federal government that is comparable to any act described in this subsection.~~

(c) The state board of education may issue a license to or renew the license of a person who has been convicted of committing an offense or act described in subsection (b) or who has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a certificate:

- (1) The nature and seriousness of the offense or act;
 - (2) the conduct of the person subsequent to commission of the offense or act;
 - (3) the time elapsed since the commission of the offense or act;
 - (4) the age of the person at the time of the offense or act;
 - (5) whether the offense or act was an isolated or recurring incident; and
 - (6) discharge from probation, pardon or expungement.
- (d) Before any license is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a license by reason of the state board's compliance, in good faith, with the provisions of this section.”;

And the bill be passed as amended.

SB 507 be amended on page 1, in line 33, before the semicolon, by inserting “and at least one of which shall be a member of the board of education of a school district”;

On page 3, by striking all in lines 20 through 23;
 And by relettering the remaining subsections accordingly; and the bill be passed as amended.

Committee on **Elections and Local Government** recommends **SB 518** be passed.

Committee on **Judiciary** recommends **SB 517** be passed.

Also, **SB 414** be amended on page 1, in line 17, by striking “three-year” and inserting “five-year”;

On page 3, in line 30, by striking all following the period; by striking all in lines 31 through 33;

On page 4, by striking all in lines 32 through 40;

And by renumbering the remaining sections accordingly;

On page 6, in line 30, by striking “three-year” and inserting “five-year”; in line 36, by striking “three-year” and inserting “five-year”; in line 41, by striking “three-year” and inserting “five-year”;

On page 7, in line 2, by striking “three” and inserting “five”; in line 9, by striking “three-year” and inserting “five-year”; in line 28, by striking “three” and inserting “five”; and the bill be passed as amended.

SB 536 be amended on page 1, in line 32, by striking “or”; in line 34, by striking the period and inserting “; or

(7) voluntary treatment services for alcohol or drug abuse.”;

Also on page 1, in line 38, by striking “(6)” and inserting “(7)”;

And the bill be passed as amended.

Committee on **Ways and Means** recommends **SB 534** be amended on page 9, in line 34, by striking all after “Sec. 6.”; by striking all in line 35; in line 36, by striking “fee” and inserting “There is hereby appropriated the following amount from the state general”;

On page 10, after line 14, by inserting the following:

“(c) There is hereby appropriated for the state board of regents from the following special revenue fund for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2012, all moneys now or hereafter lawfully credited to and available to such fund, except that expenditures other than refunds authorized by law shall not exceed the following:

Special tuition reimbursement fund No limit

Provided, That all expenditures from the special tuition reimbursement fund shall be to reimburse an accredited institution under the jurisdiction of the state board of regents for the payment of required books, fees and tuition for attendance at such institution for not more than eight semesters or until the claimant has received a bachelor’s degree, whichever occurs first: *Provided further*, That the state board of regents, upon receipt of evidence of the payment of such books, fees and tuition, shall transfer the amount of such payments from the special tuition reimbursement fund to the appropriate fund of the institution such claimant has attended to reimburse the institution: *And provided further*, That prior to the first payment authorized by this subsection, the director of accounts and reports shall obtain a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding the subject matter of this claim from Brittany Jordan: *And provided further*, That on June 30, 2012, any unencumbered balance in the special tuition reimbursement fund is hereby lapsed.

(d) On the effective date of this act, the director of accounts and reports shall transfer \$23,320 from the state general fund to the special tuition reimbursement fund which is hereby created in the state treasury.”;

On page 1, in the title, in line 9, after “making” by inserting “and concerning”; in line 10, after “tions” by inserting “for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011 and June 30, 2012, for state agencies”; and the bill be passed as amended.

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 Wagle in the Chair.

On motion of Senator Wagle the following report was adopted:

SB 418, SB 454, SB 489, SB 526 be amended by adoption of the committee amendments and the bills be passed as amended.

SB 471 be amended by adoption of the committee amendments and be further amended by motion of Senator Lee as amended by Senate Committee, on page 1, in lines 40 and 41, by striking "\$32,000" and inserting "\$45,000", and the bill be passed as further amended.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, February 21, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

