

Journal of the Senate

FIFTY-FIRST DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 27, 2008—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,

Today I am praying for the Raking Minority Members on the Standing Committees.

Senator Lee, Assessment and Taxation, Utilities, Education.

Senator Hensley, Interstate Cooperation.

Senator Kelly, Ways and Means.

Senator Steineger, Financial Institutions and Insurance.

Senator Barone, Commerce.

Senator Francisco, Agriculture, Natural Resources, Federal and State Affairs, Transportation.

Senator Betts, Elections and Local Government.

Senator Haley, Health Care Strategies, Public Health and Welfare.

Senator Goodwin, Judiciary.

Lord, give each of these Senators the wisdom and guidance to enhance the accomplishments by their committees.

I pray in the Name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION No. 1625—

By Senators Steineger, Barone, Brownlee, Morris, Palmer and D. Schmidt

A CONCURRENT RESOLUTION concerning endorsement of the participation of Taiwan in the World Health Organization.

WHEREAS, Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with todays greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwans population of 23,000,000 people is larger than that of three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwans achievements in the field of health are substantial, including achieving one of the highest life-expectancy levels in Asia, lowering maternal and infant mortality rates to a level comparable to those of western countries, eradicating such infectious diseases

as cholera, smallpox, the plague and polio, and providing hepatitis B vaccinations to children; and

WHEREAS, The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, In recent years, Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwans participation in appropriate international organizations: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature endorses Taiwans participation in the World Health Organization; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the Secretary of State of the United States, the United States Secretary of Health and Human Services and each member of the Kansas Congressional Delegation.

On emergency motion of Senator Steineger, **SCR 1625** was adopted unanimously by voice vote.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **SB 698**.

Ways and Means: **SB 699; Sub HB 2752**.

CHANGE OF REFERENCE

The President withdrew **HB 2106** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Financial Institutions and Insurance**.

The President withdrew **HB 2634** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Natural Resources**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Brungardt moved the Senate concur in house amendments to **H Sub for SB 226**.

H Sub for SB 226, An act concerning funerals; relating to the Kansas funeral privacy act; repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a.

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

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

The Senate concurred.

FINAL ACTION ON CONSENT CALENDAR

HB 2691 having appeared on the Consent Calendar for the required two full legislative days without objection from any member, were considered on final action.

HB 2691, An act relating to motor vehicles; providing for the issuance of gold star mother license plates; amending K.S.A. 2007 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

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

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

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub SB 458. An act enacting the Kansas illegal immigration enforcement and reform act: amending K.S.A. 21-3446, 21-3447, 21-4643, 22-4902 and 22-4906 and K.S.A. 2007 Supp. 38-2361, 60-4104, 75-451, 75-452, 75-453 and 76-731a and repealing the existing sections, was considered on final action.

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

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

EXPLANATION OF VOTE

MR. PRESIDENT: Yesterday and into the early hours of today, we debated one of the most pressing domestic issues facing our State and nation. Every American has a responsibility and duty to address this issue. Elected officials are held to an even higher standard. If we do not respect and obey our own laws and rules, we cannot expect illegal immigrants to respect or obey them.

Border security, whether real or virtual, is not enough. America has a recognizable work force shortage. We desperately need comprehensive immigration reform that includes a legal mechanism to supply those needed workers. We also need to hold all citizens and businesses responsible to obey federal and new State law, including policy that prevents the hiring of illegal immigrants.

The Kansas legislature is at risk for becoming an enabler if we pass weak, illegal immigration legislation that sends a clear message to those that ignore and break our laws that they are safe and welcome in Kansas.

The burden now rests upon the shoulders of the members of the conference committee to work with the House of Representatives to develop policy that reflects the needs and wishes of the people of Kansas. — JIM BARNETT

Senators Barone, Gilstrap, Huelskamp, Journey, Ostmeyer, Palmer, and Pyle request the record to show they concur with the “Explanation of Vote” offered by Senator Barnett on **SB 458**.

MR. PRESIDENT: I vote yes for **Sub for SB 458**. This bill rightly goes after those companies who have a pattern of hiring illegal workers but incents other businesses to do the right thing.

An important aspect of this bill is that it acknowledges the humanity of this people group. This bill provides penalties to those who would take advantage of them by coercing employment or by human trafficking.

As we passionately pursue resolution of the illegal worker problem we must not forget our history. One of the darkest eras was the time leading up to the civil rights movement. We must not repeat those mistakes with Hispanics. — KARIN BROWNLEE

Senators Allen, Betts, Goodwin, Hensley, Lee, Lynn, McGinn, Morris, Pine, D. Schmidt, V. Schmidt, Schodorf, Steineger, Teichman, Umbarger, Vratil and Wilson request the record to show they concur with the “Explanation of Vote” offered by Senator Brownlee on **SB 458**.

MR. PRESIDENT: Kansans demand a comprehensive approach to illegal immigration. They demand we deny public benefits to those illegally in our country. They demand an end to in-state tuition for illegal aliens. They demand an end to our catch-and-release approach to law enforcement. And they demand that businesses participate in a solution to this crisis.

In response to these citizen demands, **Senate Substitute for SB 458** does very little - but that is more than nothing. Unfortunately, some of our most rigorous proposals have

been eliminated - but at least the denial of illegal alien access to most tax dollars remains. Therefore, but with great reluctance, I vote AYE on what remains of our original comprehensive illegal immigration measure.

Kansans deserve better - much, much more must be done. — TIM HUELSKAMP

Senators Barnett, Journey, Ostmeier and Pyle request the record to show they concur with the "Explanation of Vote" offered by Senator Huelskamp on **S Sub for SB 458**.

MR. PRESIDENT: I vote Aye on **SB 458**. As an original co-sponsor I do so with some reluctance. I vote Aye for what the bill does rather than what it does not do. To deal with this difficult issue we must do more, the movement in policy is a step in the right direction. Just as we learned in the debate that there is no enforcement of the claw back provision of the In-State Tuition law, there will be little or no enforcement of this law. This bill may punish those who come to Kansas to work but it will do less to those who create the market and illegally offer them employment than the original Bill. The bills I originally drafted, **SB 124** and **SB 125** now included in **SB 458** will make Kansans safer; their effect will be blunted by policies of local government to not ask if the accused is lawfully in our State. As with any economic issue the most effective way to deal with it is to enact policies that reduce both demand and supply. While this bill has the potential to reduce supply it does little to have truly enforceable provisions that reduce demand. — PHILLIP B. JOURNEY

MR. PRESIDENT: The past two weeks under the dome have been some of the most challenging of my senate term. As you know, the Immigration Bill **SB 458** was amended in Senate Federal and State Committee. Needless to say, it was and remains a contentious and divisive issue. My office received many emotionally charged e-mails and phone calls, which caused me, my staff and my family great concern. I want you to know that as a state policy-maker, I approach each issue with rigorous engagement of all parties involved, open-ears and open-mind. I would hope that at the end of the day, we as Republicans can practice self-control with an aim to work through our differences. No meaningful legislation is ever achieved until we learn the art of understanding. That is what I have attempted to do over the past few weeks and will continue to do as this issue moves forward in conference committee and finally make my vote on the final bill. — JULIA LYNN

SB 676, An act concerning the environment; relating to non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; creating the non-fuel flammable or combustible liquid aboveground storage tank system fund, 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, Ostmeier, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

The bill passed, as amended.

SB 677, An act relating to drivers' licenses and other state issued identification cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 16, Nays 24, Present and Passing 0, Absent or Not Voting 0.

Yeas: Allen, Barnett, Brungardt, Emler, Francisco, Goodwin, Kelly, Lynn, Morris, Reitz, Schmidt D, Schmidt V, Teichman, Umbarger, Vratil, Wysong.

Nays: Apple, Barone, Betts, Brownlee, Bruce, Donovan, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Lee, McGinn, Ostmeier, Palmer, Petersen, Pine, Pyle, Schodorf, Steineger, Taddiken, Wagle, Wilson.

A constitutional majority having failed to vote in favor of the bill, **SB 677** did not pass.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 677** authorizes the "Photo First" program and creates the photo fee fund for the secure enhanced Real ID Act as federally mandated. This is an important first step in securing Kansas citizens against those who traffic in false ID's. Photos of ap-

plicants are taken first and immediately recorded electronically systemwide therefore preventing those attempting to secure false ID from “shopping” driver’s license bureaus in their attempt to secure false ID. For these reasons, Mr. President, I vote ‘eye.’ — JULIA LYNN

SB 692, An act establishing the joint committee on energy and environmental policy, 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.

S Sub for HB 2119, An act regulating traffic; concerning micro utility trucks and golf carts; relating to the regulation thereof; amending K.S.A. 8-2401 and K.S.A. 2007 Supp. 8-126, 8-128, 8-197, 8-1486, 8-1493 and 8-2118 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 8-15,105, was considered on final action.

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

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

The substitute bill passed, as amended.

Sub HB 2505, An act concerning title insurance; pertaining to unearned premium reserves; amending K.S.A. 40-234c and repealing the existing section, was considered on final action.

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

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

The substitute bill passed.

Sub HB 2545, An act concerning controlled substances; relating to possession thereof; amending K.S.A. 65-4162 and repealing the existing section, was considered on final action.

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

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

The substitute bill passed.

S Sub for HB 2559, An act relating to motor vehicles; concerning driver’s licenses; relating to certain age requirements; providing certain limitations; providing penalties; amending K.S.A. 8-235d, 8-239, 8-297 and 8-2,147 and K.S.A. 2007 Supp. 8-237, 8-240 and 72-89c02 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 34, Nays 6, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Huelskamp, Ostmeyer, Palmer, Pyle, Taddiken, Wagle.

The substitute bill passed, as amended.

HB 2570, An act concerning adoptions; relating to persons authorized to make assessments; amending K.S.A. 2007 Supp. 59-2132 and repealing the existing section, 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, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Reitz.

The bill passed.

HB 2637, An act concerning utilities; relating to telecommunications; relating to pricing flexibility and the lifeline service program; concerning the citizens' utility ratepayer board contracting for professional services; relating to the underground utility damage prevention act; amending K.S.A. 66-1802, 66-1804, 66-1805, 66-1806 and 66-2006 and K.S.A. 2007 Supp. 66-2005 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, Journey, Kelly, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Lee.

The bill passed, as amended.

HB 2644, An act concerning conservators and guardians; relating to the appointment thereof; amending K.S.A. 59-3051, 59-3056, 59-3058, 59-3061, 59-3062, 59-3068 and 59-3069 and K.S.A. 2007 Supp. 59-3059, 59-3060 and 59-3083 and repealing the existing sections, was considered on final action.

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

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

Nays: Huelskamp, Pine, Pyle.

The bill passed.

HB 2688, An act concerning insurance; relating to the property and casualty actuarial opinion letter law, 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, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Palmer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Pyle.

The bill passed.

Sub HB 2725, An act relating to vehicle protection products; providing exemption from insurance laws, was considered on final action.

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

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

The substitute bill passed as amended.

HB 2734, An act concerning school districts; relating to school finance; amending K.S.A. 2007 Supp. 72-6407, 72-6445a and 72-6455 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2758, An act concerning schools; relating to the powers and duties thereto; amending K.S.A. 72-3603 and K.S.A. 2007 Supp. 72-8256 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2780, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3412a, 21-4310, 21-4619 and 22-3716 and K.S.A. 2007 Supp. 28-176, 75-5210 and 75-5220 and repealing the existing sections, was considered on final action.

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

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

The bill passed, as amended.

HB 2805, An act concerning telecommunications; establishing the Kansas emergency communications preservation act, was considered on final action.

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

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

The bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1840—

A RESOLUTION congratulating and commending Amanda Steiner for being named Ms. Wheelchair Kansas 2008.

WHEREAS, Amanda Steiner was crowned Ms. Wheelchair Kansas on Sunday, March 9, 2008 at the culmination of the three-day event in Topeka. As Ms. Wheelchair Kansas, Amanda Steiner will serve as a role model and spokesperson for people with disabilities by appearing at public events and meetings throughout the state including the Lawrence St. Patrick's Day Parade and today's Independent Living Day at the Capitol; and

WHEREAS, 2008 was the fourth year in which the Ms. Wheelchair Kansas contest was held; and

WHEREAS, The contest seeks to empower participants through enhanced self-awareness and confidence, to educate the public and to advocate for people with disabilities; and

WHEREAS, Amanda Steiner will advance to the national Ms. Wheelchair America 2008 Program to be held July 21 - 27, in Rockville, Maryland. She is currently raising funds to pay for her trip; and

WHEREAS, Amanda graduated from the University of Kansas in December 2007, has applied to law schools and is also considering a master's program in industrial organizational psychology; and

WHEREAS, Amanda grew up in Marion, Kansas, and now lives in Lawrence. Her parents are Perry and Barb Steiner; she has a brother Eric, and a sister Victoria. Her proud grandparents are Gene and Beryl Steiner and grandmother Hazel Hoffner. Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Amanda Steiner for being named Ms. Wheelchair Kansas 2008 and exhibiting all the strength and character that serve to make her a wonderful role model, not only for people with disabilities and those who are wheelchair mobile, but to all Kansans. The members of the Kansas Senate are happy to share in the pride of her family and friends; and

Be it further resolved: That the Secretary of the Senate provide two enrolled copies of this resolution to Senator Morris for presentation to Amanda and her family.

On emergency motion of Senator V. Schmidt **SR 1840** was adopted unanimously.

Senator V. Schmidt congratulated Amanda for being named Ms. Wheelchair Kansas 2008 and Senators honored her with a standing ovation. She was accompanied by members of her family.

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

SENATE RESOLUTION No. 1841—

A RESOLUTION congratulating and commending the 2008 Hayden High School boys' basketball team and Coach Ted Schuler for winning the 2008 boys' Class 4A State Basketball Championship and for a 25-1 season.

WHEREAS, The Hayden High School boys' basketball team won the 2008 Kansas State High School Activities Association Class 4A State Basketball Championship at Salina on March 8, 2008, the school's seventh state championship overall, the most state titles by any school in Class 4A; and

WHEREAS, The team's average margin of victory was an amazing 22 points per game over the six-game road to the state championship; and

WHEREAS, The Hayden High School Wildcats basketball team finished the season with a record of 25 wins and 1 loss. This was the team's first 20-win season and Centennial League Co-Championship since 1991; and

WHEREAS, Jeff Reid was named to the 2008 All-State first team by the Topeka Capital-Journal and the Wichita Eagle; he was also named to the Class 4A, Centennial League and All-City first teams, as well as the Centennial League and All-City Player of the Year. Steve Feighny was named to the Class 4A first team, Centennial League second team and All-City first team. TJ McGreevy was named Class 4A honorable mention, Centennial League third team and All-City second team. Zack Hanks was named Centennial League and All-City honorable mention; and Christian Rabe was named All-City honorable mention; and

WHEREAS, The team was guided by first-year Coach Ted Schuler who was named City of Topeka Coach of the Year and Centennial League Co-Coach of the Year; and

WHEREAS, The members of this championship team were Seniors Steve Feighny, Zack Hanks, Daniel Leirz, Cody Martinek and Brian Walker; Juniors Jake Dodds, Sam Hund, TJ McGreevy, Christian Rabe and Jeff Reid; and Freshmen Kyle Beck and Kurt Walker. The head coach was Ted Schuler; the assistant coaches were Doug Hutchinson, Ryan West, Adam Head and Dylan Channel; and

WHEREAS, The continued strength of the Hayden High School boys' basketball team brings great credit upon themselves and their families, coaches and school and is deserving of being applauded for their hard work and effort required to excel in this sport: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Hayden High School boys' basketball team for winning the 2008 Kansas High School Activities Association Class 4A State Championship, for achieving a 25-1 season and for

continuing a tradition of excellence in boys basketball; further, that we congratulate and commend their coaches for the expert guidance they have given to this championship basketball team; and

Be it further resolved: That the Secretary of the Senate provide 20 enrolled copies of this resolution to Senator Laura Kelly for presentation to the team and coaches.

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

Team members and their coaches were recognized and honored with a standing ovation.

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

SENATE RESOLUTION No. 1842—

A RESOLUTION congratulating and commending the Highland Park High School boys' basketball team and Coach Ken Darting for winning the 2008 boys' Class 5A State Basketball Championship and for a 24-1 season.

WHEREAS, The Highland Park High School boys' basketball team won the 2008 Kansas State High School Activities Association Class 5A State Basketball Championship with a 64-39 victory over Wichita Bishop Carroll High School in the state championship game at Topeka on March 8, 2008; and

WHEREAS, The Highland Park High School Scots basketball team finished the season with a record of 24 wins and 1 loss and, after their 2007 undefeated season, have won back-to-back state championships with a two-year record of 49 wins and 1 loss; and

WHEREAS, For the 2007-2008 season, the team set and accomplished the following team goals: Leavenworth Invitational Tournament Champions; Topeka Invitational Tournament Champions; Centennial League Co-Champions; 5A Sub-State Tournament Champions; and 5A State Champions; and

WHEREAS, Rico Richardson was named to the 2008 All-State first team, the first sophomore to be so named since 1996 by the Topeka Capital-Journal and All-State second team by the Wichita Eagle, and he was also named to the Class 5A, Centennial League and All-City first teams; Adrian Herrera was named to the All-State second team, Class 5A first team, Centennial League second team and All-City first team; Ty Modupe was named to the All-State third team, Class 5A first team, Centennial League and All-City second team; DeVonte Grant was named All-City honorable mention; and Patrick Inyard was named All-City honorable mention; and

WHEREAS, In seven seasons at Highland Park, Coach Ken Darting has led the Scots to six state tournament appearances and five state championship games, placing runner-up two times and winning the state championship three times. Coach Darting has also been named All-State, Centennial League and All-City Coach of the Year numerous times including 2008 All-State Coach of the Year by the Wichita Eagle and Centennial League Co-Coach of the Year; and

WHEREAS, The members of this championship team were V.R. Barber, Michael Copeland, DeMarco Ewing, Canon Fields, DeVonte Grant, Adrian Herrera, Patrick Inyard, Ty Modupe, Spencer Moore, Desmond Ogles, Willie Ramsdell, Rico Richardson and Joseph Wakefield. The head coach was Ken Darting; the assistant coaches were Jim Bauersfeld, Mike Calhoun, Aaron Terry and Raphael Posey; and team managers were Justin Burkhardt, TaSean Lockett and Precious Parham; and

WHEREAS, The team received statewide recognition for their athletic abilities and fine sportsmanship. The success of this team was due to their unselfish teamwork, competitive spirit and smothering defense. The team also had the enthusiastic support of the school's administrators, teachers and staff, fellow students, parents and the entire Highland Park community: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Highland Park High School boys' basketball team and Coach Ken Darting be congratulated and commended for winning the 2008 Kansas High School Activities Association Class 5A State Basketball Championship and for a 24-1 season; and

Be it further resolved: That the Secretary of the Senate provide 25 enrolled copies of this resolution to Dale Cushinberry, Principal, Highland Park High School, 2424 S.E. California Avenue, Topeka, KS 66605-1797.

On emergency motion of Senator Hensley **SR 1842** was adopted unanimously. Team members and their coaches were recognized and honored with a standing ovation.

Senators Steineger, Barone, Brownlee, Morris, Palmer and D. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1843—

A RESOLUTION supporting a United States-Taiwan free trade agreement.

WHEREAS, Kansas and Taiwan share a long and mutually beneficial trade relationship; and

WHEREAS, The Kansas agricultural industry has benefitted greatly over the last 20 years from the sale of wheat, corn and beef into Taiwan; and

WHEREAS, The market potential for Kansas products into the Greater China Economic Area through Taiwan is positive; and

WHEREAS, The United States and Taiwan enjoy one of the most important economic and strategic international relationships that exists today; and

WHEREAS, Together, the United States and Taiwan promote a shared belief in freedom, democracy and market principles; and

WHEREAS, The level of mutual investment between the United States and Taiwan is quite high; and

WHEREAS, Streamlined foreign investment procedures developed under a United States-Taiwan free trade agreement would lead to further investment by firms in both the United States and Taiwan and would create new business opportunities and new jobs; and

WHEREAS, A United States-Taiwan free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications and new cooperative ventures; and

WHEREAS, A United States-Taiwan free trade agreement would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's democracy and serve the broader interests of the United States in the Asia-Pacific region: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we support the negotiations of a United States-Taiwan free trade agreement; and

Be it further resolved: That the Secretary of the Senate be directed to send an enrolled copy of this resolution to the President of the United States, the United States Secretary of State, the United States Secretary of Commerce, the United States Trade Representative and to each member of the Kansas Congressional Delegation.

On emergency motion of Senator Steineger **SR 1843** was adopted unanimously.

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 Brungardt in the Chair.

SB 655 be amended by adoption of the committee amendments, and the bills be passed as amended.

SB 673 be amended by motion of Senator Umbarger, on page 1, in line 16, by striking "year" and inserting "years"; also in line 16, after "2009," by inserting "June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, "; in line 28, by striking "year ending June 30, 2009" and inserting "year or years specified"; by striking all in lines 29 and 30 and by inserting the following:

"Postsecondary education operating grant
For the fiscal year ending June 30, 2009..... \$20,083,836";

Also on page 1, after line 40, by inserting the following:
"Kansas academy for math and science

For the fiscal year ending June 30, 2009..... \$295,000
For the fiscal year ending June 30, 2010..... \$713,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2009, is hereby reappropriated for fiscal year 2010.

For the fiscal year ending June 30, 2011..... \$754,000
Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.
 For the fiscal year ending June 30, 2012..... \$792,000
Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.
 For the fiscal year ending June 30, 2013..... \$835,000
Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013.
 For the fiscal year ending June 30, 2014..... \$938,000
Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014. Any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.”;

In the title, in line 9, by striking “year” and inserting “years”; in line 10, after “2009,” by inserting “June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015,” and **SB 673** be passed as amended.

SB 652 be amended by adoption of the committee amendments and be further amended by motion of V. Schmidt, on page 26, following line 33, by inserting the following:

“*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the restricted fees fund and general fees fund to the West campus architecture classroom/shop fund for the renovation project for the West campus architecture classroom/shop: *Provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the West campus architecture classroom/shop fund to the restricted fees fund: *And provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the West campus architecture classroom/shop fund to the general fees fund.”

Also on page 26, in lines 34, 37, 38 and 40 by striking “Swissman” and inserting “Smisson”;

On page 27, in line 1, by striking “Swissman” and inserting “Smisson”;

On page 30, following line 20, by inserting the following:

“(m) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2009 (1) to raze the garage at the sunflower research farm in Johnson county; and (2) to raze building no. 342.”, and **SB 652** be passed as further amended.

A motion by Senator Steineger to amend **SB 652** failed and the following amendment was rejected: on Page 49 by deleting lines 13-20 and delay until Omnibus.

SB 658 be amended by adoption of the committee amendments, and be further amended by motion of Senator Taddiken, on page 59, by striking all in lines 23 through 27;

And by relettering the remaining subsections accordingly;

SB 658 be further amended by motion of Senator Vratil, on page 134, in line 36, by striking all after “2009,”; by striking all in lines 37 through 43;

On page 135, in line 1, by striking “tort claims act. Within” and inserting “and within”;

SB 658 be further amended by motion of Senator Umbarger, on page 195, in line 35, by subtracting 1.00 from the number in the line and adjusting the number in line 35 accordingly;

SB 658 be further amended by motion of Senator Umbarger, on page 113, in line 35, by striking “\$6,511,929” and inserting “\$6,027,353”;

On page 216, after line 22, by inserting the following:

“State housing trust fund”;

SB 658 be further amended by motion of Senator Barone, on page 211, in line 36, by striking “revenue” and inserting “demand”;

On page 212, in line 5, by striking "revenue" and inserting "demand";
 On page 213, in line 16, by striking "revenue" and inserting "demand";
 On page 214, by striking all in lines 11 through 43;
 And by renumbering the remaining sections accordingly;
 On page 215, in line 33, by striking "revenue" and inserting "demand";
 On page 216, in line 13, by striking "79-"; in line 14, by striking "2959";
 In the title, in line 17, by striking "79-2959,"; and **SB 658** be passed as further amended.
 A motion by Senator Steineger to amend **SB 658** failed and the following amendment was rejected: on page 110 by striking lines 13-19.

A motion by Senator Huelskamp to amend **SB 658** failed and the following amendment was rejected: on page 2, following line 15, by inserting the following:

"(c) In addition to the other purposes for which expenditures may be made by the legislative research department from the moneys appropriated from the state general fund or from any special revenue fund for the legislative research department for fiscal year 2008, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the legislative research department from moneys appropriated from the state general fund or from any special revenue fund for the legislative research department for fiscal year 2008, on or before April 18, 2008, prior to the consideration of any appropriation act in the Senate committee on ways and means or the House committee on appropriations, to identify in the governor's budget proposals and any appropriation acts of the 2008 regular session of the legislature for fiscal year 2008 and fiscal year 2009 funding for every program that is not authorized in the Kansas Statutes Annotated. Such information shall be delivered to each legislator on the Senate committee on ways and means or the House committee on appropriations on or before April 18, 2008."

A motion by Senator Steineger to amend **SB 658** was withdrawn.

A motion by Senator Brownlee to amend **SB 658** was withdrawn.

The committee rose and reported progress. (See Committee of the Whole Afternoon Session).

On motion of Senator D. Schmidt, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

POINT OF PERSONAL PRIVILEGE

Senators Haley and Betts rose on Point of Personal Privilege to introduce representatives of the Delta Sigma Theta Sorority, Inc., a service organization comprised predominately of African-American women, founded in 1913, who were recognized by the Senate with a standing ovation.

MESSAGE FROM THE GOVERNOR

SB 433, SB 434, SB 526, SB 579, SB 614 approved on March 27, 2008.

MESSAGE FROM THE HOUSE

Announcing passage of **HB 2744, HB 2818, HB 2920, HB 2926.**

Passage of **SB 438, SB 536.**

Also, passage of **SB 32, as amended by House Substitute for SB 32; SB 404, as amended; SB 411, as amended; SB 414, as amended by House Substitute for SB 414; SB 430, as amended; SB 470, as amended; SB 476, as amended; SB 477, as amended; SB 481, as amended; SB 545, as amended; SB 555, as amended; SB 558, as amended; SB 580, as amended, SB 584, as amended.**

The House nonconcurrs in Senate amendments to **Substitute HB 2018**, requests a conference and appoints Representatives Owens, Wilk and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2434**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2529**, requests a conference and appoints Representatives Owens, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute HB 2541**, requests a conference and appoints Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

The House nonconcur in Senate amendments to **Substitute HB 2562**, requests a conference and appoints Representatives Myers, Goico and Ruff as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2590**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2642**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2643**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2700**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2707**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2750**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **HB 2892**, requests a conference and appoints Representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **House Substitute for SB 81** and has appointed Representatives Landwehr, Colyer and Flaharty as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 449** and has appointed Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2744, HB 2818, HB 2920, HB 2926 were thereupon introduced and read by title.

ORIGINAL MOTION

Having voted on the prevailing side in Final Action on Thursday, March 27, 2008, Senator McGinn moved the Senate reconsider its adverse action on **SB 677**. Senator McGinn made a motion to return **SB 677** to Final Action and on motion of Senator D. Schmidt **SB 677** was placed at the top of the Calendar under the heading of General Orders. The motion carried.

REPORTS OF STANDING COMMITTEES

Committee on **Natural Resources** recommends **HB 2634**, as amended by House Committee of the Whole, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2634," as follows:

"SENATE Substitute for HOUSE BILL No. 2634

By Committee on Natural Resources

"AN ACT concerning the environment; relating to non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; creating the non-fuel flammable or combustible liquid aboveground storage tank system fund."; and the substitute bill be passed.

Committee on **Transportation** recommends **HB 2704** be passed.

On motion of Senator D. Schmidt, the Senate recessed until 6:30 p.m.

EVENING SESSION

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

COMMITTEE OF THE WHOLE

The Senate returned to the Committee of the Whole for consideration of bills under the heading of General Orders with Senator Brungardt in the Chair.

On motion of Senator Brungardt the report for the morning and the following afternoon sessions were adopted:

Recommended **HB 2825** be passed.

SB 656; HB 2307, HB 2617, HB 2727, HB 2746, HB 2845, HB 2858, HB 2908 be amended by adoption of the committee amendments, and the bills be passed as amended.

HB 2783 be amended by motion of Senator Allen, on page 1, by striking all in line 41 and inserting the following:

“New Sec. 2. (a) As used in this section: (1) “Clinical trial” means the controlled clinical testing in human subjects of investigational new drugs, items, devices, services, treatments, diagnostics or comparisons of approved drugs, items, devices, services, treatments or diagnostics, to assess the safety, efficacy, benefits, costs, adverse reactions or outcomes, or both, of such drugs, items, devices, services, treatments or diagnostics;

(2) “cooperative group” means a formal network of facilities that collaborate on research projects and have an established peer review program, including, but not limited to, the national cancer institute clinical cooperative group and the national cancer institute community clinical oncology program;

(3) “individual” means a member, subscriber, insured or certificate holder or a covered dependent policy holder, subscriber, insured or certificate holder; and

(4) (A) “patient care service” means medically necessary drugs, devices, items, services, treatments or diagnostics that are provided to an individual enrolled in a clinical trial, if such drugs, items, devices, services, treatments or diagnostics would otherwise be covered under the individual’s health plan or insurance contract, if the individual was not enrolled in a clinical trial. Such drugs, items, devices, services, treatments or diagnostics shall include the following:

- (i) Health care services typically provided absent a clinical trial;
- (ii) health care services required for the clinically appropriate monitoring of the investigational drug, item, device, service, treatment or diagnostic;
- (iii) health care services provided for the prevention of complications arising from the provision of the investigational drug, item, device, service, treatment or diagnostic; and
- (iv) health care services needed for the reasonable and necessary care arising from the provision of the investigational drug, item, device, service, treatment or diagnostic, including the diagnosis or treatment of the complications.

(B) “Patient care service” does not include the following:

- (i) The cost of an investigational drug or device;
- (ii) non-health care services, including, but not limited to, travel, housing, companion expenses and other nonclinical expenses that a patient may be subjected to as a result of the treatment being provided for purposes of the clinical trial;
- (iii) services associated with managing the research associated with the clinical trial; and
- (iv) services that would not be covered under the patient’s policy, plan, agreement or contract for noninvestigational treatments.

(b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the state shall provide coverage for patient care services provided to an individual in a cancer clinical trial that is a prevention, screening, early detection, treatment and survivorship study for cancer for a pilot or feasibility trial or a phase I, phase II, phase III or phase IV clinical trial; and has been peer reviewed and is approved by the national institutes of health, a qualified nongovernmental research entity identified in guidelines issued by the national institutes of health cooperative group, the federal food and drug

administration in the form of an investigational new drug application, the United States department of defense or veterans affairs or a qualified institutional review board registered with the federal office for human research protections.

(c) Coverage under this section shall be subject to all other terms and conditions of the policy, contract, agreement, plan or certificate of insurance, including, but not limited to, provisions requiring the use of participating providers and provisions related to utilization review. Payment to health care providers under this section shall be subject to the terms and conditions of the applicable agreement between the provider and the member, including, but not limited to, provisions relating to utilization review, audits and the financial liability of covered persons.

(d) Each such policy, contract, agreement, plan or certificate of insurance shall provide written notice, as currently required, to all enrollees, insureds and subscribers regarding the coverage required by the provisions of this section.

(e) No such policy, contract, agreement, plan or certificate of insurance shall deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under terms of the policy, contract, agreement, plan or certificate, solely for the purpose of avoiding the requirements of this section.

(f) The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227, and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers' compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(g) Copayments and deductibles applied to services delivered in a clinical trial shall be the same as those applied to the same services if they were not delivered in a clinical trial.

(h) The provision of services when required by this section shall not, in itself, give rise to liability on the part of the health care service plan.

(i) Nothing in this section shall be construed to prohibit a plan, policy, agreement or contract from restricting the coverage required under subsection (b) to participating hospitals and physicians in Kansas.

(j) The provisions of this section shall be applicable to the Kansas state employees health care benefits program and municipal funded pools.

(k) The provisions of K.S.A. 40-2249a, and amendments thereto, shall not apply to the provisions of this section.

(l) The provisions of this section shall not apply to a policy, plan or contract paid for under title XVIII or title XIX of the federal social security act.

(m) The provisions of this act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within the state on or after January 1, 2009, and to all policies, contracts, agreements, plans or certificates of insurance in effect before January 1, 2009, upon renewal or amendment, on or after January 1, 2009.

Sec. 3. K.S.A. 2007 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2007 Supp. 40-2,105a ~~and~~, 40-2,105b *and section 2*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 4. K.S.A. 2007 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104,

40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 et seq., 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2007 Supp. 40-2,105a ~~and~~, 40-2,105b *and* section 2, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 5. (a) (1) There is hereby created a clinical trials coverage advisory committee which shall assess the economic impact of the health insurance coverage required by this act for patient care costs in clinical trials. In order to assess the costs and benefits of insurance coverage for patient care costs incurred in clinical trials, the advisory committee may request and collect from insurers aggregate clinical and financial data related to coverage for services provided pursuant to this act.

(2) The clinical trials coverage advisory committee shall be attached to the insurance department. The insurance department shall provide staff and administrative support required by the advisory committee.

(b) The advisory committee shall consist of nine members appointed by the commissioner of insurance as follows:

(1) Four persons, two of whom shall be medical directors of health insurers, selected from nominations made by the Kansas association of health plans;

(2) one person representing the university of Kansas school of medicine nominated by the dean of such school;

(3) one licensed physician who has experience in cancer treatment and clinical trials nominated by the Kansas medical society;

(4) one person representing hospitals nominated by the Kansas hospital association;

(5) one person representing the general public appointed by the commissioner of insurance; and

(6) the commissioner of insurance or the commissioner's designee.

(c) Each appointment to the clinical trials coverage advisory committee shall be for a term of three years.

(d) The insurance commissioner or the commissioner's designee shall serve as chairperson of the clinical trials coverage advisory committee.

(e) The clinical trials coverage advisory committee shall prepare a report of its findings and any recommendations for changes to this act to the chairs of the house committee on insurance and financial institutions and the senate financial institutions and insurance committee on or before January 1, 2011.

Sec. 6. K.S.A. 40-202 and K.S.A. 2007 Supp. 40-2,103 and 40-19c09 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, after the semicolon by inserting “relating to coverage for patient care services in a cancer clinical trial;” also in line 10, by striking all after “40-202”; in line 11, by striking “all before the period” and inserting “and K.S.A. 2007 Supp. 40-2,103 and 40-19c09 and repealing the existing sections”;

HB 2783 be further amended by motion of Senator V. Schmidt, on page 1, by striking all in line 35;

And by relettering the remaining subsections accordingly; and **HB 2783** be passed as amended.

Sub SB 662 be amended by motion of Senator Morris, on page 33, in line 42, by striking “employees continue” and inserting “employee continues”;

On page 35, by striking all in lines 32 and 33; in line 34, by striking “(g)” and inserting “(f)”;

in line 39, by striking “(h)” and inserting “(g)”, and **Sub SB 662** be passed as amended.

A motion by Senator V. Schmidt to amend **Sub SB 662** failed and the following amendment was rejected: on page 47, after line 22, by inserting the following:

“New Sec. 25. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971, and amendments thereto, on or after the effective date of this act, the Kansas lottery shall affiliate with the Kansas police and firemen’s retirement system established under the provisions of K.S.A. 74-4951 et seq., and amendments thereto, pursuant to the provisions of this act for membership in the system of law enforcement officers appointed by the executive director of the Kansas lottery and designated with law enforcement powers pursuant to K.S.A. 74-8714, and amendments thereto, and who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto, and who are employed in a position which such certification is required. For purposes of such affiliation for membership in the system of such members, the Kansas lottery shall be considered a new participating employer. The Kansas lottery shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954, and amendments thereto, to be effective on July 1, next following application. The Kansas lottery shall affiliate for membership in the system of such law enforcement officers for participating service credit.

(2) The Kansas lottery shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system based on an actuarial valuation of the cost of such affiliation and the employer contributions of the Kansas lottery shall be as provided in subsection (1) of K.S.A. 74-4967, and amendments thereto.

(b) (1) Each such law enforcement officer employed by the Kansas lottery on the date of affiliation, may become a member of the Kansas police and firemen’s retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas lottery as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas lottery as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such law enforcement officer who is on an authorized leave of absence or is in the military service on the entry date of the Kansas lottery as provided in this section may become a member of the Kansas police and firemen’s retirement system on the first day of the first payroll period of such member, coinciding with such member’s return to active employment and payroll of the Kansas lottery, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Each such law enforcement officer who is employed by the Kansas lottery on or after the entry date of the Kansas lottery into the Kansas police and firemen’s retirement system as provided in this section shall become a member of the Kansas police and firemen’s retirement system on the first day of such employment.

(d) If the Kansas lottery affiliates as provided in this act and each such law enforcement officer who elects to become a member as provided in this act, the Kansas lottery and each such law enforcement officer shall be subject to the provisions of K.S.A. 74-4951 et seq., and amendments thereto, as applicable.

(e) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer’s obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of “credited service” as used in K.S.A. 74-4951 et seq., and amendments thereto, but shall include only participating service with the person’s participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and firemen’s retirement system.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 13, after the semicolon, where it appears the second time, by inserting "affiliation in Kansas police and firemen's retirement system by the Kansas lottery, membership of certain law enforcement officers;"

S Sub for HB 2916 be amended by motion of Senator Umbarger, on page 1, in the title, in line 11, by striking "8-243" and inserting "8-1,146";

S Sub for HB 2916 be further amended by Senator V. Schmidt, on page 13, after line 32, by inserting the following:

"Sec. 21. K.S.A. 2007 Supp. 75-5603 is hereby amended to read as follows: 75-5603. There is hereby established within and as a part of the department of health and environment a division of health, the head of which shall be the director of the division of health. Under the supervision of the secretary of health and environment, the director of the division of health shall administer the division of health. The director shall be a physician, hold a valid license to practice medicine and surgery, and have experience and educational training in the field of public health. The secretary of health and environment shall appoint the director of the division of health. ~~Each person appointed shall serve for a term of four years from and after the date of such appointment, and thereafter who shall serve~~ at the pleasure of the secretary. The director shall be in the unclassified service and shall receive an annual salary fixed by the secretary and approved by the governor.

Sec. 22. K.S.A. 2007 Supp. 75-5603 is hereby repealed.;"

And by renumbering the remaining sections accordingly;

On page 1, in line 9, after "to" by inserting "appointments,;" in line 14, after "75-3111a" by inserting ", 75-5603"; and **S Sub for HB 2916** be passed as amended.

S Sub for HB 2923 be amended by motion of Senator Ostmeier, on page 1, by striking all in lines 15 through 20;

S Sub for HB 2923 be further amended by motion of Senator Umbarger, on page 1, in the title, in line 11, by striking "8-243" and inserting "8-1,146"; and **S Sub for HB 2923** be passed as further amended.

SB 677 be amended by adoption of the committee amendments, and be further amended by motion of Senator Allen, on page 1, in line 35, by striking "\$12" and inserting "\$8"; and **SB 677** be passed as further amended.

HB 2772 be amended by adoption of the committee amendments and be further amended by motion of Senator Barnett, on page 1, following line 16, by inserting:

"New Section 1. (a) This section shall be known and may be cited as the radon awareness law.

(b) As used in the radon awareness law:

(1) Words and phrases used in this section have the meanings ascribed thereto in section 3, and amendments thereto.

(2) "Residential real property" means any interest in residential real property which is improved with not less than one nor more than four residential dwelling units.

(c) On and after July 1, 2009, each contract for the sale of residential real property shall contain the following language in bold font:

"Every buyer of residential real property is notified that the property may present exposure to dangerous concentrations of indoor radon gas that may place occupants at risk of developing radon-induced lung cancer. Radon, a class-A human carcinogen, is the leading cause of lung cancer in non-smokers and the second leading cause overall. Kansas law requires sellers to disclose any information known to the seller that shows elevated concentrations of radon gas in residential real property. The Kansas department of health and environment recommends all home-buyers have an indoor radon test performed prior to purchasing or taking occupancy of residential real property. All testing for radon should be conducted by a certified radon measurement technician. Elevated radon concentrations can be easily reduced by a certified radon mitigation technician."

(d) The seller of residential real property shall disclose any information known to the seller which shows elevated concentrations of radon in such property and shall provide the buyer with all available records and reports pertaining to elevated radon concentrations in such property. The buyer and seller of residential real property shall acknowledge that the information required to be disclosed pursuant to this subsection has been so disclosed in the contract for sale of such property.

(e) The provisions of this subsection shall not apply to:

(1) Transfers pursuant to court order including, but not limited to, transfers ordered by a probate court in administration of an estate, transfers between spouses resulting from a judgment of dissolution of marriage or legal separation, transfers pursuant to an order of possession, transfers by a trustee in bankruptcy, transfers by eminent domain or transfers resulting from a decree for specific performance;

(2) transfers from a mortgagor to a mortgagee by deed in lieu of foreclosure or consent judgment, transfer by judicial deed issued pursuant to a foreclosure sale to the successful bidder or the assignee of a certificate of sale, transfer by a collateral assignment of a beneficial interest of a land trust or transfer by a mortgagee or a successor in interest to the mortgagee's secured position or a beneficiary under a deed in trust who has acquired the real property by deed in lieu of foreclosure, consent judgment or judicial deed issued pursuant to a foreclosure sale;

(3) transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship or trust;

(4) transfers from one co-owner to one or more other co-owners;

(5) transfers pursuant to estate or intestate succession;

(6) transfers made to a spouse, or to a person or persons in the lineal line of consanguinity of one or more of the sellers;

(7) transfers from an entity that has taken title to residential real property from a seller for the purpose of assisting in the relocation of the seller, so long as the entity makes available to all prospective buyers a copy of the disclosure form furnished to the entity by the seller; or

(8) transfers of an unimproved lot or parcel of residential real property.

New Sec. 2. Sections 3 through 12, and amendments thereto, shall be known and may be cited as the radon certification law.

New Sec. 3. As used in the radon certification law:

(a) "Mitigate" means to repair or alter a building or design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere.

(b) "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, state, political subdivision or agency of a state or political subdivision or any legal successor or representative thereof.

(c) "Radon (Rn)" means the naturally occurring, colorless, odorless, radioactive gaseous element formed by radioactive decay, including radon-222, radon-220 (thoron), radon decay products and radon progeny or as defined by rules and regulations adopted by the secretary.

(d) "Secretary" means the secretary of the department of health and environment.

(e) "Measurement" or "test" means the: (1) Examination of a building, soil or air for the presence of radon, including taking air or soil samples; or (2) diagnosis of the cause of radon contamination.

New Sec. 4. (a) The secretary shall establish a certification program for persons performing radon tests or mitigation in the state.

(b) The secretary shall adopt rules and regulations necessary to administer and implement the provisions of the radon certification law. Such rules and regulations shall be adopted no later than April 1, 2009.

(c) Within the limitations of appropriation acts, the secretary may employ personnel necessary to carry out the provisions of the radon certification law and rules and regulations adopted thereunder.

(d) The secretary may enter into agreements with public or private agencies for the implementation of the radon certification law.

(e) After notice and hearing in accordance with the Kansas administrative procedure act, the secretary may deny, suspend or revoke a certification issued under the radon certification law for a violation of any provision of such law or any rule and regulation adopted thereunder.

New Sec. 5. (a) The secretary may fix and impose fees for the initial certification, and annual renewal of such certification, of persons required to be certified under the radon certification law. The secretary also may fix fees for the late submission of applications for renewal of certifications, application fees for training courses and fees for returned or in-

sufficient-fund checks. Fees shall be fixed by the secretary by adoption of rules and regulations. Moneys derived from fees shall be expended solely for the administration and implementation of the radon certification law. The secretary shall remit all moneys received from such fees 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 and credit it to the radiation control operations fee fund established by K.S.A. 48-1625, and amendments thereto.

(b) If the owner of a radon measurement business also is a certified radon measurement technician for that business, the radon measurement technician fee for such owner shall be waived. If the owner of a radon mitigation business also is a certified radon mitigation technician for that business, the radon mitigation technician fee for such owner shall be waived.

New Sec. 6. (a) A person may not perform radon measurements or represent or advertise that such person may perform radon measurements unless such person has been certified as a radon measurement technician by the department.

(b) Any person desiring to be certified as a radon measurement technician shall submit an application on a form prescribed by the department along with the non-refundable application fee.

(c) A radon measurement technician shall comply with the requirements of the radon certification law and any rules and regulations adopted thereunder.

(d) (1) Except as provided by this section, no person shall be certified as a radon measurement technician unless within one year prior to the date of the submission of an application for certification, such person shall have completed successfully a training course and passed an examination on radon measurement, approved by the department.

(2) Applicants who are certified by either the national environmental health association or the national radon safety board on July 1, 2008, and who have been performing the duties of a radon measurement technician for at least one year prior to July 1, 2008, and who have completed an approved training course and passed an examination on radon measurement at any time prior to July 1, 2008, shall be deemed to have met the requirements of paragraph (1).

(e) The provisions of this section shall not apply to: (1) A person performing radon measurements on a building owned by such person or where such person resides; or (2) a person performing radon measurements without remuneration.

New Sec. 7. (a) A person may not perform radon mitigation or represent or advertise that such person may perform radon mitigation unless such person has been certified as a radon mitigation technician by the department.

(b) Any person desiring to be certified as a radon mitigation technician shall submit an application on a form prescribed by the department along with the non-refundable application fee.

(c) A radon mitigation technician shall comply with the requirements of the radon certification law and any rules and regulations adopted thereunder.

(d) (1) Except as provided by this section, no person shall be certified as a radon mitigation technician unless within one year prior to the date of the submission of an application for certification, such person shall have completed successfully a training course and passed an examination on radon mitigation approved by the department.

(2) Applicants who are certified by either the national environmental health association or the national radon safety board on July 1, 2008, and who have been performing the duties of a radon mitigation technician for at least one year prior to July 1, 2008, and who have completed an approved training course and passed an examination on radon mitigation at any time prior to July 1, 2008, shall be deemed to have met the requirements of paragraph (1).

(e) The provisions of this section shall not apply to: (1) A person performing radon mitigation on a building owned by such person or where such person resides; or (2) a person performing radon mitigation without remuneration.

New Sec. 8. (a) A person may not operate a radon measurement business or represent or advertise that such person is a radon measurement business unless such person has been certified as a radon measurement business by the department.

(b) Any person desiring to be certified as a radon measurement business shall submit an application on a form prescribed by the department along with the non-refundable application fee.

(c) A radon measurement business shall comply with the radon certification law and any rules and regulations adopted thereunder. A certified radon measurement technician shall own, be employed by or be retained as a consultant by a radon measurement business when such business is performing radon measurements. All radon testing, including the initial placement and final retrieval of all measurement devices and post-mitigation testing, shall be performed by a radon measurement technician.

New Sec. 9. (a) A person may not operate a radon mitigation business or represent or advertise that such person is a radon mitigation business unless such person has been certified as a radon mitigation business by the department.

(b) Any person desiring to be certified as a radon mitigation business shall submit an application on a form prescribed by the department along with the non-refundable application fee.

(c) A radon mitigation business shall comply with the radon certification law and any rules and regulations adopted thereunder. A certified radon mitigation technician shall own, be employed by or be retained as a consultant by a radon mitigation business when such business is performing radon mitigation. A radon mitigation business shall ensure that radon mitigation system installations are performed under the supervision of a radon mitigation technician.

New Sec. 10. (a) A person may not perform laboratory analysis or represent or advertise that it may perform laboratory analysis of radon measurement devices or samples unless such person has been certified as an approved radon measurement laboratory by the department.

(b) Any person desiring to be certified as an approved radon measurement laboratory shall submit an application on a form prescribed by the department along with the non-refundable application fee.

(c) A radon measurement laboratory shall comply with the requirements of the radon certification law and any rules and regulations adopted thereunder. A person shall not be certified as an approved radon measurement laboratory unless such person has obtained a laboratory certification from the national environmental health association, the national radon safety board or a national proficiency-testing program approved by the department.

(d) A designation as an approved radon measurement laboratory shall not be transferable.

New Sec. 11. (a) Except as provided by subsection (d), any person who tests for radon in this state, analyzes radon testing devices used in this state or performs radon mitigation in this state shall make a report of such testing, analysis or mitigation to the secretary. Such report shall be made within 30 days of the performance of such testing, analysis or mitigation and shall include the address or location where the services were provided and the type and results of any tests, analysis or mitigation.

(b) All information obtained pursuant to this section shall be confidential and shall not be subject to disclosure under the open records act.

(c) The secretary may conduct research studies utilizing the data required to be reported by subsection (a). No report or publication shall include names or addresses of individuals.

(d) The provisions of this section shall not apply to a person performing tests or mitigation on a building owned by such person or where such person resides.

New Sec. 12. (a) Any person who willfully violates any provision of the radon certification law or any rules and regulations adopted thereunder is guilty of: (1) A class C nonperson misdemeanor, for a first offense; and (2) a class B nonperson misdemeanor, for a second and subsequent offense.

(b) In addition to any other penalty provided by law and after providing notice and a hearing in accordance with the Kansas administrative procedure act, the secretary may impose a fine in an amount not to exceed \$10,000 against any person who: (1) Violates any provision of the radon certification law and any rule and regulation adopted or order issued thereunder; (2) violates any term, condition or limitation of any certification issued under the radon certification law; or (3) commits any violation for which a certification may be revoked under the radon certification law or any rules and regulations adopted thereunder.

If any violation is a continuing one, each day of such violation shall constitute a separate violation for the purpose of computing the amount of the civil penalty. Any action by the secretary pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(c) On the request of the secretary, the attorney general is authorized to institute a civil action to collect any fine imposed pursuant to this section.

(d) All moneys collected from fines imposed under this section 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 general fund.

Sec. 13. K.S.A. 48-1625 is hereby amended to read as follows: 48-1625. (a) There is hereby created in the state treasury the radiation control operations fee fund to administer the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto. Such fund shall be administered by the secretary of health and environment in accordance with the provisions of this section.

(b) Revenue from the following sources shall be deposited in the state treasury and credited to the radiation control operations fee fund:

- (1) Fees collected for licenses and registrations, and renewals thereof, issued under the nuclear energy development and radiation control act;
- (2) reimbursement for administrative, inspection, radioactive material disposal, investigation and remedial action expenses;
- (3) excluding civil penalties, moneys paid pursuant to any agreement, stipulation or settlement;
- (4) grants, gifts, bequests or state appropriations for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto; ~~and~~
- (5) *fees collected pursuant to section 5, and amendments thereto; and*
- ~~(5)~~ (6) interest attributable to investment of moneys in the fund.

Moneys described in this subsection which are received by the secretary shall be remitted by the secretary 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 such fund.

The secretary of health and environment is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of K.S.A. 48-1601 through 48-1624, and amendments thereto.

(c) The secretary is authorized to use moneys from the radiation control operations fee fund to pay the cost of:

- (1) All activities related to licensing and registration, including but not limited to, development and issuance of licenses, registrations and renewals thereof, compliance monitoring, inspections, long term monitoring and enforcement actions and decontamination, decommissioning, reclamation or remedial actions;
- (2) design and review of radioactive waste disposal facilities;
- (3) review and witnessing of test and repair procedures;
- (4) investigation of violations, complaints, pollution and events affecting the environment or public health;
- (5) design and review of remedial action plans;
- (6) personnel training programs;
- (7) contracting for services needed to supplement the department's staff expertise in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto;
- (8) staff consultation needed to provide radiation protection services provided under this act;
- (9) mitigation of adverse environmental or public health impacts, including impounding sources of radiation;
- (10) emergency or long-term remedial activities;
- (11) administrative, technical and legal costs incurred by the secretary in administering the provisions of K.S.A. 48-1601 through 48-1624, and amendments thereto; ~~and~~
- (12) costs of program administration, including the state's share of any grant received from the federal government or from other sources, public or private; *and*

(13) *costs of administration of the radon certification law and the radon awareness law.*

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the radiation control operations fee fund interest earnings based on:

(1) The average daily balance of moneys in the radiation control operations fee fund for the preceding month; and

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

(e) All expenditures from this fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment for the purposes set forth in this section.

~~(f) Any appropriation of state general fund moneys for the fiscal year ending June 30, 2005, to pay costs described in subsection (c) shall be repaid to the state general fund from the radiation control operations fee fund. On and after July 1, 2005, as moneys are available, but not later than June 30, 2007, the director of accounts and reports shall transfer moneys from the radiation control operations fee fund to the state general fund to repay such moneys.~~

And by renumbering the remaining sections accordingly;

On page 7, in line 25, before "58-4102" by inserting "48-1625,";

In the title, in line 12, by striking all after "estate"; in line 13, by striking all before the semicolon and inserting "imposing conditions relating to the appraisal and sales thereof"; also in line 13, before "58-4102" by inserting "48-1625,"; and **HB 2772** be passed as further amended.

HB 2897 be amended by adoption of the committee amendments and be further amended by motion of Senator Huelskamp, on page 6, in line 4, after the period by inserting "Nothing in this subsection shall be construed to prohibit any commission from engaging in any action designed to market the respective commodity or products directly to a foreign government or political subdivision thereof.," and **HB 2897** be passed as further amended.

SR 1836 be adopted.

HB 2632 be passed over and retain a place on the calendar.

CHANGE OF REFERENCE

The President withdrew **HB 2006** from the Committee on **Judiciary**, and referred the bill to the Committee on **Commerce**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Teichman the Senate nonconcurred in the House amendments to **SB 521** and requested a conference committee be appointed.

The President appointed Senators Teichman, Wysong and Steineger as a conference committee on the part of the Senate.

ORIGINAL MOTION

On motion of Senator Allen , the Senate acceded to the request of the House for a conference on **Sub HB 2018**.

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

On motion of Senator Allen , the Senate acceded to the request of the House for a conference on **S Sub for HB 2434**.

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

On motion of Senator Allen , the Senate acceded to the request of the House for a conference on **S Sub for HB 2529**.

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

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for HB 2541**.

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

On motion of Senator Brungardt, the Senate acceded to the request of the House for a conference on **Sub HB 2562**.

The President appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

On motion of Senator Allen , the Senate acceded to the request of the House for a conference on **S Sub for HB 2590**.

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

On motion of Senator Vratil , the Senate acceded to the request of the House for a conference on **HB 2642**.

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

On motion of Senator Vratil , the Senate acceded to the request of the House for a conference on **HB 2643**.

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

On motion of Senator Vratil , the Senate acceded to the request of the House for a conference on **HB 2700**.

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

On motion of Senator Vratil , the Senate acceded to the request of the House for a conference on **HB 2707**.

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

On motion of Senator Allen , the Senate acceded to the request of the House for a conference on **HB 2750**.

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

On motion of Senator McGinn , the Senate acceded to the request of the House for a conference on **HB 2892**.

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

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 637** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 9:00 a.m., Friday, March 28, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks*.
PAT SAVILLE, *Secretary of the Senate*.

