

Journal of the Senate

FIFTY-SIXTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, April 3, 2008—9:00 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
President Morris introduced as guest chaplain, Monsignor Mike Mullen, St. Patrick's Catholic Church, Kansas City, Kansas, who delivered the invocation:

Heavenly Father,

Our Father in Heaven, we thank you for the opportunity to meet as Senators, serving the People of the State of Kansas. We are grateful for the gifts of leadership and wisdom you have bestowed upon us. As we begin our session today we ask your Holy Spirit to guide all we say and do. May our actions foster the common good of all the People of our State. May our deliberations take into account the needs of all, especially the poorest among us. May our decisions always affirm the dignity of human life from conception to natural death. May we protect and encourage the welfare of all our citizens and people, those whose families define the history of our State, and those more newly arrived to Kansas. May we treasure all expressions of life, rural, urban, and suburban, and strive in all we do for a greater unity in the hearts of the men, women and youth of this State at the Heart of America.

Today we welcome among us the seventh grade students from St. Patrick's School, Kansas City, Kansas, and student leaders from other communities and counties. May their experience here encourage them to seek to serve their brothers and sisters in public life. We pray this day, Lord, for peace at home and overseas. Bless all who sacrifice their lives for freedom and hope in our world. God, Our Father, watch over the families of these legislators and their Staff. May the risen life of our Son, Jesus, enable us to reach to the stars, and to build Your Kingdom of truth, love and commitment, this we pray through Christ our Lord. Amen.

The Pledge of Allegiance was led by President Stephen Morris.

GUESTS

Senator Gilstrap rose on a Point of Personal Privilege to introduce seventh grade students from St. Patrick's School and their teacher, who were visiting in the Capitol.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Assessment and Taxation: **Sub HB 2694; HB 2928.**

Financial Institutions & Insurance: **Sub HB 2601.**

MESSAGE FROM THE GOVERNOR

SB 226 approved on April 3, 2008.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5015, HCR 5032, HCR 5037, HCR 5039.**

Adoption of **SCR 1616**, as amended.

The House accedes to the request of the Senate for a conference on **SB 417** and has appointed Representatives Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 570** and has appointed Representatives C. Holmes, Olson and Keuthner as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 586** and has appointed Representatives C. Holmes, Olson and Keuthner as conferees on the part of the House.

The House concurs in Senate amendments to **HB 2660** and requests the Senate to return the bill.

The House concurs in Senate amendments to **HB 2897** and requests the Senate to return the bill.

The House adopts the conference committee report on **Sub SB 491**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5015, HCR 5032, HCR 5037, HCR 5039 were thereupon introduced and read by title.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as a members of the Conference Committee on **SB 21** to replace Senators Umbarger, Emler and Kelly.

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as a members of the Conference Committee on **SB 23** to replace Senators Scholdorf, Vratil and Lee

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1854—

A RESOLUTION congratulating and commending the 2008 McPherson High School girls' basketball team.

WHEREAS, On March 8, 2008, the McPherson High School girls' basketball team, known as the "Bullpups," defeated Bishop Carroll with a score of 61 to 53 to win the Class 5A state championship title and are also the 2008 AVCTL Division II undefeated league champions; and

WHEREAS, The victory marked the 7th girls basketball Class 5A championship title in school history, with other championships in 1981, 1982, 1997, 1998, 1999 and 2005; and

WHEREAS, The victory also marked the 13th consecutive state tournament that the McPherson High School girls' basketball team has competed in; and

WHEREAS, The championship team members include seniors Jordi James, Jill Nowak and Kaitlin Reed, who are co-captains of the team; seniors Lacey Carlson, Allie Houghton and Staci Regier; juniors Shelby Horton and Kelsie Sorenson; sophomores Katie Bomberger, Ashley Seely and Nikki Wentling; and freshmen Casyn Buchman and Leigh Loving; and

WHEREAS, The team was guided to victory by head coach Chris Strathman, assistant coaches Tim Ellet, Rick Reed and Annie Sorenson and managers Chris Bell, Brent Gipson and Lauren McClenton: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the McPherson High School girls' basketball team for winning the 2008 Class 5A state championship and for continuing a tradition of excellence in girls basketball; further, that we congratulate and commend their coaches and managers for the expert guidance they have given to this champion basketball team; and

Be it further resolved: That the Secretary of the Senate is directed to provide 21 enrolled copies of this resolution to Senator Jay Scott Emler for presentation to the team, coaches and managers.

On emergency motion of Senator Emler **SR 1854** was adopted unanimously.

Senator Emler introduced the team, coaches and managers and Senators joined him in recognizing them with a standing ovation.

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

SENATE RESOLUTION No. 1855—

A RESOLUTION congratulating and commending Coach Shane Cordell of Little River High School.

WHEREAS, Coach Cordell coaches the girls' basketball team at Little River High School. When the Little River High School girls' basketball team won their game on February 1, 2008, it marked Cordell's 500th win as coach for their team. His overall record that day was 500 wins and 183 loses; and

WHEREAS, For 28 years, the girls' basketball team at Little River High School has had the privilege of having Coach Cordell. During that time, he has won four straight state championships from 1995-1998. During the course of the 1996-97 season, Little River defeated the 2A, 4A and 5A state champions; and

WHEREAS, Coach Cordell has set a state record with 91 consecutive wins, including a title in the Mid-America Classic; and

WHEREAS, The roots of Coach Cordell's coaching influence trace back to his time as a student at Little River. Coach Cordell graduated from Little River High School in 1973. As a basketball player he was exposed to coaches who preached a heavy emphasis on man-to-man defense — a practice that Coach Cordell follows today; and

WHEREAS, Coach Cordell's record earned the respect of his players. He, in turn, teaches his players how to play fundamental basketball. As a result, those players believe that "those fundamentals paid off, not only as a team, but also individually": Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend Coach Shane Cordell for his winning record, his excellent coaching, and his dedication to helping students; and

Be it further resolved: That the Secretary of the Senate provide 10 enrolled copies of this resolution to Senator Jay Scott Emler for presentation to Coach Shane Cordell and his family.

On emergency motion of Senator Emler **SR 1855** 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 Donovan in the Chair.

On motion of Senator Donovan the following report was adopted:

HB 2620 be amended by adoption of the committee amendments, and be further amended by motion of Senator V. Schmidt, on page 3, following line 41, by inserting the following:

"New Sec. 5. (a) The board of nursing may require an original applicant for licensure as a professional nurse, practical nurse or mental health technician to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or other jurisdictions. The board of nursing is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The board of nursing may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of any applicant and in the official determination of character and fitness of the applicant for any licensure to practice professional or practical nursing or mental health technology in this state.

(b) Local and state law enforcement officers and agencies shall assist the board of nursing in taking and processing of fingerprints of applicants to practice professional or practical nursing or mental health technology in this state and shall release all records of adult convictions and nonconvictions and adult convictions or adjudications of another state or country to the board of nursing.

(c) The board shall fix a fee for fingerprinting of applicants or licensees, or both, as may be required by the board in an amount necessary to reimburse the board for the cost of the fingerprinting. Fees collected under this subsection shall be deposited in the criminal background and fingerprinting fund.

(d) There is hereby created in the state treasury the criminal background and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history background checks for the board of nursing. The fund shall be administered by the board of nursing. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.”;

And by renumbering the remaining sections accordingly;

In the title, in line 14, following “concerning” by inserting “health care; relating to regulatory authority of”; also in line 14, following “arts” by inserting “and the board of nursing”; and **HB 2620** be passed as further amended.

The committee report on **HB 2133**, recommending a **Senate Sub HB 2133** be adopted, and the substitute bill be passed.

The committee report on **HB 2421**, recommending a **Senate Sub HB 2421** be adopted, and the substitute bill be passed.

The committee report on **HB 2919**, recommending a **Senate Sub HB 2919** be adopted, and the substitute bill be passed.

The committee report on **HB 2827**, recommending a **Senate Sub HB 2827** be adopted, and the substitute bill be amended by motion of Senator Wilson, on page 19, in line 40, by striking “subsection” and inserting “subsections (c) and”;

S Sub for HB 2827 be further amended by motion of Senator Barone, on page 12, in line 37, by striking all following “shall”; by striking all in line 38; in line 39, by striking all preceding the period and inserting “retain such employee’s classification status under the Kansas civil service act”, and **S Sub HB 2827** be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for Sub HB 2133**; **S Sub for HB 2421**; **HB 2620**; **S Sub for HB 2827**; **S Sub for HB 2919** were advanced to Final Action and roll call.

S Sub for Sub HB 2133, An act concerning surplus property of the state; amending K.S.A. 2007 Supp. 75-6606 and repealing the existing section.

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 2421, An act concerning tort claims; expanding the definition of employee; amending K.S.A. 2007 Supp. 75-6102 and repealing the existing section.

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.

HB 2620, An act concerning health care; relating to regulatory authority of the state board of healing arts and the board of nursing; relating to non-disciplinary resolution; fingerprinting and criminal history record checks; licensure; website; amending K.S.A. 65-2836 and 65-2878 and K.S.A. 2007 Supp. 65-2837 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, as amended.

S Sub for HB 2827, An act concerning tourism; creating the Kansas tourism corporation and providing for the powers and duties thereof; transferring the powers and duties of the division of travel and tourism development to the Kansas tourism corporation; providing for tourism development and funding; amending K.S.A. 73-2103 and K.S.A. 2007 Supp. 73-2402, 73-2404, 74-5005 and 79-3620 and repealing the existing sections; also repealing K.S.A. 74-5032, 74-5032a and 74-5090 and K.S.A. 2007 Supp. 74-5089, 74-5091, 74-9001, 74-9002, 74-9003, 74-9004 and 74-9005.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 1, Absent or Not Voting 0.

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

Nays: Goodwin, Haley, Hensley, Huelskamp, Kelly, Lee, Pyle.

Present and Passing: Francisco.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. PRESIDENT: I vote no on **Senate Substitute for House Bill 2827**. This bill creates the Kansas Tourism Corporation.

The fiscal note on this bill indicates that the Kansas Department of Revenue estimates that it will result in a decrease in revenues to the state general fund as follows:

For fiscal year 2009, a decrease of \$2.3 million; fiscal year 2010 a decrease of \$4.5 million; fiscal year 2011 a decrease of \$6.3 million; fiscal year 2012 a decrease of \$8.1 million; and in fiscal year 2013 a decrease of \$9.0 million.

We cannot afford the creation of this new independent government agency. This bill is ill-advised and misguided. — ANTHONY HENSLEY

Senator Haley requests the record to show he concurs with the “Explanation of Vote” offered by Senator Hensley on **S Sub for HB 2827**.

S Sub for HB 2919, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections.

On roll call, the vote was: Yeas 33, Nays 7, Present and Passing 0, Absent or Not Voting 0.

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

Nays: Betts, Francisco, Hensley, Kelly, Schodorf, Steineger, Wysong.

The substitute bill passed.

EXPLANATION OF VOTE

MR. PRESIDENT: Until we, as a state, develop a comprehensive energy plan, we will continue to pass piecemeal legislation in order to try to over-ride a veto and will guarantee higher rates for rate payers. I would like to request that the President of the Senate appoint

a task force to develop a state-wide comprehensive energy plan, and request the President to appoint the Senator from Sedgwick, Senator McGinn, to serve as chair, who has extensive knowledge in energy and energy regulations. — JEAN SCHODORF

Senators Betts and Steineger request the record to show they concur with the "Explanation of Vote" offered by Senator Schodorf.

On motion of Senator D. Schmidt, the Senate recessed until 3:30 p.m.

AFTERNOON-EVENING SESSION

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

MESSAGE FROM THE HOUSE

Announcing the House nonconcurs in Senate amendments to **Senate Substitute for HB 2006**, requests a conference and appoints Representatives Gordon, Huntington and Winn as conferees on the part of the House.

The House nonconcurs in Senate amendments to **Senate Substitute for HB 2412**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcurs in Senate amendments to **HB 2620**, requests a conference and appoints Representatives O'Neal, Kinzer and Pauls as conferees on the part of the House.

The House announces the appointment of Representatives Siegfried, Huebert and Peterson to replace Representatives Gordon, Huntington and Winn as conferees on **Substitute for Substitute SB 316**.

The House announces the appointment of Representative Colloton to replace Representative Goico as conferee on **Substitute for Substitute SB 316**.

ACTION ON VETO MESSAGE

A Veto Message having been received and read, President Morris announced the time had come for consideration of **H Sub for SB 327**.

Senator Emler moved that notwithstanding the Governor's veto **H Sub for SB 327** be passed.

H Sub for SB 327, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a and 66-1,184 and repealing the existing sections.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Betts, Francisco, Hensley, Kelly, Schodorf, Steineger, Wysong.

Absent or Not Voting: Palmer.

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

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Bruce moved the Senate concur in house amendments to **SB 46**.

SB 46, An act concerning crimes and punishment; amending K.S.A. 21-4201 and 21-4205 and repealing the existing sections.

On roll call, the vote was: Yeas 28, Nays 9, Present and Passing 2, Absent or Not Voting 1.

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

Nays: Allen, Francisco, Goodwin, Hensley, Kelly, Reitz, Schmidt V, Vratil, Wysong.
 Present and Passing: Brungardt, Lee.
 Absent or Not Voting: Palmer.
 The Senate concurred.

Senator Huelskamp moved the Senate concur in house amendments to **H Sub for SB 389**.

H Sub for SB 389, An act concerning abortion; providing civil remedies, including injunctive relief; amending K.S.A. 65-445, 65-2836, 65-6703, 65-6704, 65-6705 and 65-6709 and K.S.A. 2007 Supp. 38-2223 and repealing the existing sections; also repealing K.S.A. 65-6713.

On roll call, the vote was: Yeas 25, Nays 13, Present and Passing 1, Absent or Not Voting 1.

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

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

Present and Passing: Teichman.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Umbarger moved the Senate concur in house amendments to **SB 417**.

SB 417, An act concerning rural housing; creating the housing development grant program; exempting certain cities and counties from certain requirements for rural housing incentive district financing; amending K.S.A. 12-5246 and K.S.A. 2007 Supp. 12-5242 and repealing the existing sections.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Brownlee, Haley, Huelskamp, Ostmeyer, Pyle.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Teichman moved the Senate concur in house amendments to **SB 521**.

SB 521, An act concerning motor vehicle registrations; relating to notice of security interest; amending K.S.A. 8-145a and K.S.A. 2007 8-135 and repealing the existing sections.

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

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

Absent or Not Voting: Palmer.

The Senate concurred.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 491**, submits the following report:

The House recedes from its Committee of the Whole amendments;

The Senate accedes to the House Committee amendments to the bill;

And your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 7, in line 1, by striking "pharmacists'" and inserting "pharmacists";

On page 8, after line 1, by inserting the following:

“New Sec. 16. (a) No later than July 1, 2009, each pharmacy shall establish a continuous quality improvement (CQI) program. The purpose of the CQI program shall be to assess errors that occur in the pharmacy in dispensing or furnishing prescription medications so that the pharmacy may take appropriate action to prevent a recurrence.

(b) Reports, memoranda, proceedings, findings and other records generated as part of a pharmacy's CQI program shall be considered confidential and privileged peer review documents and not subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in any civil or administrative action other than an administrative proceeding initiated by the board of pharmacy. Nothing in this section shall be construed to prohibit a patient from accessing such patient's own prescription records. Nothing in this section shall affect the discoverability of any record not solely generated for or maintained as a part of a pharmacy's CQI program.

(c) No person in attendance at any meeting being conducted as part of a CQI program shall be compelled to testify in any civil, criminal or administrative action, other than an administrative proceeding initiated by the board of pharmacy as to any discussions or decisions which occurred as part of the CQI program.

(d) All reports and records generated as part of a pharmacy's CQI program shall be available for inspection by the board of pharmacy within a time period established by the board in rules and regulations.

(e) In conducting a disciplinary proceeding in which admission of any matters that are confidential and privileged under subsection (b) are proposed, the board of pharmacy shall hold the hearing in closed session when any report, record or testimony is disclosed. Unless otherwise provided by law, the board of pharmacy in conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of such privileged matters are proposed. In closing a portion of a hearing as provided in this subsection, the presiding officer may exclude any person from the hearing except members of the board, the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel.

The board of pharmacy shall make the portions of the administrative record in which such privileged matters are disclosed subject to a protective order prohibiting further disclosure. Such privileged matters shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall be required to testify at a subsequent civil, criminal or administrative hearing regarding the privileged matters, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing.

The board of pharmacy may review any matters that are confidential and privileged under subsection (b) in conducting a disciplinary proceeding but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in an open meeting of the board of pharmacy. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, record or report.

(f) The board may establish by rules and regulations requirements regarding the functions and record keeping of a pharmacy CQI program.

(g) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 17. K.S.A. 65-1657 is hereby amended to read as follows: 65-1657. (a) No non-resident pharmacy shall ship, mail or deliver, in any manner, prescription drugs to a patient in this state unless registered under this section as a nonresident pharmacy. Applications for a nonresident pharmacy registration under this section shall be made on a form furnished by the board. A nonresident pharmacy registration shall be granted for a period of one year upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the registration fee established under K.S.A. 65-1645, and amendments thereto, for a pharmacy registration. A nonresident pharmacy registration shall be renewed annually on forms provided by the board, upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the renewal

fee established under K.S.A. 65-1645, and amendments thereto, for the renewal of a pharmacy registration.

(b) As conditions for the granting of a registration and for the renewal of a registration for a nonresident pharmacy, the nonresident pharmacy shall comply with the following:

(1) Provide information to the board to indicate the person or persons applying for the registration, the location of the pharmacy from which the prescription drugs will be dispensed, the names and titles of all principal owners and corporate officers, if any, and the names of all pharmacists dispensing prescription drugs to residents of Kansas;

(2) be registered and in good standing in the state in which such pharmacy is located;

(3) maintain, in readily retrievable form, records of prescription drugs dispensed to Kansas patients;

(4) supply upon request, all information needed by the board to carry out the board's responsibilities under this section and rules and regulations adopted pursuant to this section;

(5) maintain pharmacy hours that permit the timely dispensing of drugs to Kansas patients and provide reasonable access for the patients to consult with a licensed pharmacist about such patients' medications;

(6) provide toll-free telephone communication consultation between a Kansas patient and a pharmacist at the pharmacy who has access to the patient's records, and ensure that the telephone number(s) will be placed upon the label affixed to each prescription drug container dispensed in Kansas; and

(7) provide to the board such other information as the board may reasonably request to administer the provisions of this section.

(c) *When any nonresident pharmacy fails to supply requested information to the board or fails to respond to proper inquiry of the board, after receiving notice by certified mail, the board may assess a civil fine in accordance with the provisions in K.S.A. 65-1658, and amendments thereto.*

~~(c)~~ (d) Each nonresident pharmacy shall comply with the following unless compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located:

(1) All statutory and regulatory requirements of Kansas for controlled substances, including those that are different from federal law;

(2) labeling of all prescriptions dispensed, to include but not be limited to identification of the product and quantity dispensed;

(3) all the statutory and regulatory requirements of Kansas for dispensing prescriptions in accordance with the quantities indicated by the prescriber; and

(4) the Kansas law regarding the maintenance and use of the patient medication profile record system.

~~(c)~~ (e) In addition to subsection ~~(c)~~ (d) requirements, each nonresident pharmacy shall comply with all the statutory and regulatory requirements of Kansas regarding drug product selection laws whether or not such compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located, except that compliance which constitutes only a minor conflict with specific laws or rules and regulations of the state in which the pharmacy is located would not be required under this subsection.

~~(c)~~ (f) Each nonresident pharmacy shall develop and provide the board with a policy and procedure manual that sets forth:

(1) Normal delivery protocols and times;

(2) the procedure to be followed if the patient's medication is not available at the nonresident pharmacy, or if delivery will be delayed beyond the normal delivery time;

(3) the procedure to be followed upon receipt of a prescription for an acute illness, which policy shall include a procedure for delivery of the medication to the patient from the nonresident pharmacy at the earliest possible time, or an alternative that assures the patient the opportunity to obtain the medication at the earliest possible time; and

(4) the procedure to be followed when the nonresident pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mailed prescription drugs become available.

(g) Except in emergencies that constitute an immediate threat to the public health and require prompt action by the board, the board may file a complaint against any nonresident pharmacy that violates any provision of this section. This complaint shall be filed with the regulatory or licensing agency of the state in which the nonresident pharmacy is located. If the regulatory or licensing agency of the state in which the nonresident pharmacy is located fails to resolve the violation complained of within a reasonable time, not less than 180 days from the date that the complaint is filed, disciplinary proceedings may be initiated by the board. The board also may initiate disciplinary actions against a nonresident pharmacy if the regulatory or licensing agency of the state in which the nonresident pharmacy is located lacks or fails to exercise jurisdiction.

(h) The board shall adopt rules and regulations that make exceptions to the requirement of registration by a nonresident pharmacy when the out-of-state pharmacy supplies lawful refills to a patient from a prescription that was originally filled and delivered to a patient within the state in which the nonresident pharmacy is located, or when the prescriptions being mailed into the state of Kansas by a nonresident pharmacy occurs only in isolated transactions. In determining whether the prescriptions being mailed into the state of Kansas by a nonresident pharmacy are isolated transactions, the board shall consider whether the pharmacy has promoted its services in this state and whether the pharmacy has a contract with any employer or organization to provide pharmacy services to employees or other beneficiaries in this state.

(i) It is unlawful for any nonresident pharmacy which is not registered under this act to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions. A violation of this section is a class C misdemeanor.

(j) Upon request of the board, the attorney general may bring an action in a court of competent jurisdiction for injunctive relief to restrain a violation of the provisions of this section or any rules and regulations adopted by the board under authority of this section. The remedy provided under this subsection shall be in addition to any other remedy provided under this section or under the pharmacy act of the state of Kansas.

(k) The board may adopt rules and regulations as necessary and as are consistent with this section to carry out the provisions of this section.

(l) The executive secretary of the board shall remit all moneys received from fees under this section 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 manner specified under K.S.A. 74-1609, and amendments thereto.

(m) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 18. K.S.A. 65-1657 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking “scheduled substance and drug of concern” and inserting “the board of pharmacy; relating to continuous quality improvement programs and nonresident pharmacy”; in line 14, before the period, by inserting “; amending K.S.A. 65-1657 and repealing the existing section”;

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

BRENDA LANDWEHR
PEGGY MAST
GERALDINE FLAHERTY
Conferees on part of House

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

Senator Barnett moved the Senate adopt the Conference Committee Report on **Sub SB 491**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to Substitute for **HB 2018**, submits the following report:

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

On page 2, in line 17, after "orders" by inserting "issued after June 30, 2008,";

On page 3, in line 39, after "Kansas" by inserting "unless, after having exercised due diligence, the governor is unable to find a qualified replacement within 90 days after any vacancy on the court occurs";

On page 11, in line 29, by striking all after the period; in line 30, by striking all before "The";

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

BARBARA P. ALLEN

LES DONOVAN

JANIS K. LEE

Conferees on part of Senate

THOMAS C. OWENS

KENNY A. WILK

THOMAS G. HOLLAND, II

Conferees on part of House

Senator D. Schmidt moved the Senate adopt the Conference Committee Report on **Sub HB 2018**.

On roll call, the vote was: Yeas 34, Nays 5, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Huelskamp, Journey, Lynn, Ostmeyer, Pyle.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2097**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2097, as follows:

On page 1, by striking all in lines 14 through 23 and inserting the following:

"Section 1. (a) At the beginning of a school year, school boards shall provide information on immunizations applicable to school age children to parents and guardians of students in grades six through 12. The information on immunizations shall include:

- (1) A list of sources for additional information; and
- (2) related standards issued by the national centers for disease control and prevention.

(b) The department of health and environment shall provide assistance, if requested by a school board, and information on immunizations applicable to school age children to school boards for the purposes of this section, and shall not charge the school board for such assistance or information.

(c) For purposes of this section, "school board" means the board of education of a school district and the governing authority of any nonpublic school.";

Also on page 1, in line 40, after the semicolon by inserting "and"; in line 42, by striking "; and" and inserting a period; by striking all in line 43;

On page 2, by striking all in line 1; after line 10, by inserting:

"Sec. 3. Every maternity center and medical care facility licensed by the department of health and environment to operate in the state shall adopt written policies and inform parents regarding their options for disposition or taking of fetal remains in an event of a fetal death.";

Also on page 2, in line 11, by striking "3." and inserting "4.";

In the title, in line 1, by striking "vaccinations" and inserting "the department of health and environment"; in line 11, by striking the period and inserting "; and relating to disposition of fetal remains.";

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

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

BRENDA LANDWEHR
PEGGY MAST
GERALDINE FLAHARTY
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **S Sub for HB 2097**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2590**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as SENATE Substitute for HOUSE BILL No. 2590, as follows:

On page 4, in line 5, after "ton," by inserting "Brown,";

On page 9, after line 25, by inserting the following:

"(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an

election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.”;

On page 11, in line 16, by striking “and”; in line 21, after the semicolon by inserting “and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%.”;

On page 12, in line 35, by striking “paragraph” and inserting “paragraphs”; also in line 35, after “(19)” by inserting “and (25)”; in line 36, by striking “.2.0%” and inserting “.2.25%”;

On page 13, in line 3, by striking “and”; in line 6, after “.2%” by inserting the following:

“(u) the board of county commissioners of Butler county for the purposes of paragraph (23) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%; and

(v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%”;

On page 16, in line 13, by striking “or” and inserting a comma; also in line 13, after “(22)” by inserting “, (23) and (25)”;

On page 1, in the title, in line 9, by striking “Wilson county” and inserting “counties”; also in line 9, after “to” by inserting “financing of”; in line 10, after “projects” by inserting “and employee benefits”; also in line 10, by striking “financing thereof through”;

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

BARBARA ALLEN
D. SCHMIDT
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
RICHARD CARLSON
THOMAS G. HOLLAND II
Conferees on part of House

Senator Allen moved the Senate adopt the Conference Committee Report on **S Sub for HB 2590**.

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

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

Nays: Huelskamp.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2721**, submits the following report:

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

On page 3, after line 9, by inserting the following:
 “(k) “Physician” means a person licensed to practice medicine and surgery by the state board of healing arts.”;

On page 4, in line 1, by striking “licensed”; in line 3, by striking “licensed”;

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

JIM BARNETT
 VICKI SCHMIDT
 DAVID HALEY
Conferees on part of Senate

BRENDA LANDWEHR
 PEGGY MAST
 SUE STORM
Conferees on part of House

Senator Barnett moved the Senate adopt the Conference Committee Report on **HB 2721**.

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

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

Nays: Huelskamp.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2771**, submits the following report:

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

On page 1, in line 23, by striking “44-1131 and”

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

KARIN BROWNLEE
 NICK JORDAN
 JIM BARONE
Conferees on part of Senate

STEVE BRUNK
 MIKE KIEGERL
 LOUIS RUIZ
Conferees on part of House

Senator Brownlee moved the Senate adopt the Conference Committee Report on **HB 2771**.

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

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

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2006**.

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

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2412**.

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

On motion of Senator Wagle, the Senate acceded to the request of the House for a conference on **HB 2620**.

The President appointed Senators Wagle, Brungardt and Haley as conferees on the part of the Senate.

MESSAGE FROM THE HOUSE

Announcing the House nonconcur in Senate amendments to **Senate Substitute for HB 2133**, 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 **Senate Substitute for HB 2421**, 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 **Senate Substitute for HB 2919**, requests a conference and appoints Representatives C. Holmes, Olson and Kuether as conferees on the part of the House.

The House adopts the conference committee report on **SB 404**.

The House adopts the conference committee report on **SB 437**.

The House adopts the conference committee report on **SB 562**.

The House announces the appointment of Representatives Siegfried, Huebert and Peterson to replace Representatives Landwehr, Mast and Flaharty as conferees on **SB 178**.

The House announces the appointment of Representative Crum to replace Representative Colyer as a conferee on **SB 81**.

REPORTS OF STANDING COMMITTEES

Committee on Assessment and Taxation recommends **Senate Substitute for HB 2422** be amended by substituting a new bill to be designated as "SENATE Substitute for SENATE Substitute for HOUSE BILL No. 2422," as follows:

"SENATE Substitute for SENATE Substitute for HOUSE BILL No. 2422

By Committee on Assessment and Taxation

"AN ACT concerning cities and counties; relating to the transportation development district act; special assessments; amending K.S.A. 2007 Supp. 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections."; and the substitute bill be passed.

Also, **HB 2440**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2440," as follows:

"SENATE Substitute for HOUSE BILL No. 2440

By Committee on Assessment and Taxation

"AN ACT concerning cities; relating to the use of credit or debit cards by persons to pay certain taxes, fees and exactions."; and the substitute bill be passed.

Committee on **Assessment and Taxation** recommends **HB 2519**, 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. 2519," as follows:

"SENATE Substitute for HOUSE BILL No. 2519

By Committee on Assessment and Taxation

"AN ACT concerning the county business restoration assistance program; amending K.S.A. 2007 Supp. 75-3713e and repealing the existing section."; and the substitute bill be passed.

Committee on **Public Health and Welfare** recommends **SB 697** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No 697," as follows:

“Substitute for SENATE BILL No. 697
Committee on Public Health and Welfare

AN ACT concerning appropriations for the fiscal year ending June 30, 2009, for the department of health and environment and the Kansas health policy authority; relating to primary health and safety net clinics.”; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2744** be passed.

Also, **HB 2926**, as amended by House Committee, be amended on page 1, in line 19, after “city” by inserting “but outside any existing 100-year flood-plain as identified by the United States federal emergency management agency.”; and the bill be passed as amended.

REFERRED TO COMMITTEE

President Morris referred **S Sub for S Sub for HB 2422**, **S Sub for HB 2440**, **S Sub for HB 2519** to the Committee of the Whole.

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 Donovan in the chair.

On emergency motion of Senator D. Schmidt, **S Sub for HB 2315** was advanced on the calendar under the heading of General Orders to the first order of business.

On emergency motion of Senator D. Schmidt, **S Sub for S Sub for HB 2422** was advanced on the calendar under the heading of General Orders to the first order of business.

On emergency motion of Senator D. Schmidt, **S Sub for HB 2440** was advanced on the calendar under the heading of General Orders to the first order of business.

On emergency motion of Senator D. Schmidt, **S Sub for HB 2519** was advanced on the calendar under the heading of General Orders to the first order of business.

On motion of Senator Donovan the following report was adopted:

Recommended the committee report on **S Sub for HB 2315** recommending a **S Sub for HB 2315** be adopted, and the substitute bill be passed.

The committee report on **S Sub for S Sub for HB 2422** recommending a **S Sub for S Sub for HB 2422** be adopted, and the substitute bill be passed.

The committee report on **S Sub for HB 2440** recommending a **S Sub for HB 2440** be adopted, and the substitute bill be passed.

The committee report on **S Sub for HB 2519** recommending a **S Sub for HB 2519** be adopted, and the substitute bill be passed.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **S Sub for HB 2315**, **S Sub for S Sub for HB 2422**, **S Sub for SB 2440**, **S Sub for HB 2519** were advanced to Final Action and roll call.

S Sub for HB 2315, An act concerning real property; relating to the secretary of state; relating to home inspections; requiring home inspector registration and certificates.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

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

Nays: Huelskamp, Pyle.

Absent or Not Voting: Palmer.

The substitute bill passed.

S Sub for S Sub for HB 2422, An act concerning cities and counties; relating to the transportation development district act; special assessments; amending K.S.A. 2007 Supp. 12-17,143, 12-17,145 and 12-17,148 and repealing the existing sections.

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

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

Absent or Not Voting: Palmer.

The substitute bill passed.

S Sub for HB 2440. An act concerning cities; relating to the use of credit or debit cards by persons to pay certain taxes, fees and exactions.

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

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

Absent or Not Voting: Palmer.

The substitute bill passed.

S Sub for HB 2519. An act concerning the county business restoration assistance program; amending K.S.A. 2007 Supp. 75-3713e and repealing the existing section.

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

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

Absent or Not Voting: Palmer.

The substitute bill passed.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **HB 2280**.

The House adopts the conference committee report on **Substitute HB 2562**.

The House adopts the conference committee report on **HB 2672**.

The House adopts the conference committee report on **HB 2892**.

The appointment of Representatives Siegfried, Huebert and Peterson to replace Representatives Aurand, Horst and Storm as conferees on **HB 2123**.

The House announces the appointment of Representative Tafaenelli to replace Representative Grange as a conferee on **Senate Substitute for HB 2421**.

The House announces the appointment of Representatives Siegfried, Huebert and Loganbill to replace Representatives Schwartz, Tafaenelli and Feuerborn as conferees on **House Substitute SB 21**.

The House announces the appointment of Representatives Siegfried, Huebert and Loganbill to replace Representatives Aurand, Spalding and Storm as conferees on **SB 23**.

The House announces the appointment of Representative Loganbill to replace Representative Peterson on **Senate Substitute for Substitute SB 316**.

ORIGINAL MOTION

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **S Sub for Sub HB 2133**.

The President appointed Senators Umbarger, Emler and Kelly 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 2421**.

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

On motion of Senator Emler, the Senate acceded to the request of the House for a conference on **S Sub for HB 2919**.

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

CHANGE OF CONFERENCE

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the Conference Committee on **SB 178** to replace Senators Barnett, V. Schmidt and Haley.

On motion of Senator D. Schmidt the Senate adjourned until 8:30 a.m., Friday, April 4, 2008.

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

