

Journal of the Senate

FIFTY-EIGHTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, April 30, 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,

They call this the Veto Session,
Hoping for three or four days,
But it's hard to tell how long, O God,
We must negotiate a maze.

One of the brain teasers
Is illegal immigration,
Proving a difficult question
For appropriate legislation.

And again there is abortion,
Which always proves divisive;
It takes two-thirds of each House
To make the vote decisive.

A coal-fired power plant
Is still a great big question.
I wish that I could help,
But I'm not allowed suggestions!

But I'm talking to the ONE
Who has more than a suggestion.
You are the One, O God,
Who can answer all the questions.

Remind the Senators, Lord,
For the guidance that they need;
Recall the Constitutional Convention,
And follow the Founders' lead!

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

The following bill was introduced and read by title:

SB 701, An act enacting the Kansas surface owner's compensation act, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were referred to Committee as indicated:

Federal and State Affairs: **HCR 5033, HCR 5040.**

CHANGE OF REFERENCE

The President withdrew **HB 2947** from the Committee on **Ways and Means**, and referred the bill to the Committee on **Federal and State Affairs**.

CHANGE OF CONFERENCE

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the Conference Committee on **S Sub for HB 2504** to replace Senators Brownlee, Jordan and Barone.

REPORT ON ENGROSSED BILLS

Sub SB 491 reported correctly engrossed April 4, 2008.

H Sub for SB 148; Sub for Sub for SB 309; H Sub for SB 387; SB 430, SB 449, SB 470, SB 481 reported correctly engrossed April 7, 2008.

Also, **H Sub for SB 21; SB 239, SB 366, SB 404, SB 437, SB 545, SB 555, SB 562; SCR 1616** correctly re-engrossed April 7, 2008.

Sub for Sub for SB 316 reported correctly engrossed April 8, 2008.

Also, **SB 411, SB 534** correctly re-engrossed April 8, 2008.

REPORT ON ENROLLED BILLS

SB 46; H Sub for SB 389; SB 410, SB 417; Sub SB 491; SB 521, SB 565 reported correctly enrolled, properly signed and presented to the Governor on April 11, 2008.

H Sub for SB 21, H Sub for SB 148; SB 239; H Sub for Sub SB 309; Sub for Sub SB 316; SB 366; H Sub for SB 387; SB 404, SB 411, SB 430, SB 437, SB 449, SB 470, SB 481, SB 534, SB 545, SB 555, SB 562 reported correctly enrolled, properly signed and presented to the Governor on April 14, 2008.

SCR 1616, SCR 1626 reported correctly enrolled, properly signed and presented to the Secretary of State on April 14, 2008.

MESSAGE FROM THE GOVERNOR

SB 49, H Sub for SB 418, SB 423, SB 424, SB 438, SB 465, SB 474, SB 536 approved on April 8, 2008.

SB 512, SB 477, SB 522, Sub SB 535 approved on April 11, 2008.

SB 464, SB 518, SB 524, SB 558, SB 584 approved on April 14, 2008.

SB 417 approved on April 18, 2008.

SB 46, SB 410, Sub SB 491, SB 521, SB 565 approved on April 21, 2008.

SB 239, H Sub for SB 309, Sub for Sub SB 316, SB 366, H Sub for SB 387, SB 404, SB 411, SB 430, SB 437 approved on April 22, 2008.

H Sub for SB 21, SB 449, SB 470, SB 481, SB 562, SB 545, SB 555 approved on April 24, 2008.

MESSAGE FROM THE GOVERNOR

Legislators who promote the expansion of coal-fired plants in Kansas made a strategic decision with SB 148. Rather than working toward a compromise solution or having any conversation about energy policy, this bill was drafted behind closed doors. It contains the same onerous elements of the previous bill that I vetoed; and again, these are elements I cannot accept and will not support.

I am still hopeful we can have meaningful discussions about a true compromise; rather than being sent the same bill in disguise yet again.

This maneuver has done nothing to address the issues at hand — developing comprehensive energy policy, providing base-load energy power for Western Kansas, implementing carbon mitigation strategies and capitalizing on our incredible assets for additional wind power. Furthermore, putting the regulatory permitting process into the hands of a Legislature

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whose membership changes every two years would set a dangerous precedent and result in real regulatory uncertainty.

President Bush has announced a new goal for stopping the growth of greenhouse gas emissions, and recognized that the power sector must make significant efforts to achieve that goal. Since the most likely way to achieve this goal is through a cap and trade system, which would, in effect, tax carbon, it would be unfair to Kansans, for our utilities to build coal fired plants for other states until we can evaluate the costs of those plants for Kansas tax payers and rate payers.

We must remember the decisions we make today have a huge impact on Kansans for generations to come. The challenges before us can and should be met through a common sense solution.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto House Substitute for Senate Bill 148.

Vetoed: April 17, 2008

Signed: Kathleen Sebelius

MESSAGE FROM THE GOVERNOR

Over the last several years, we have worked on lowering abortion rates in Kansas by focusing on adoption incentives, extended health services for pregnant women, providing sex education and offering a variety of support services for families.

Those efforts are having a positive impact; recently we learned that the abortion rate in Kansas continues to go down.

For years, the people of Kansas have asked their elected officials to move beyond legislative debates on issues like abortion and focus their attention on issues that can be solved in the Statehouse - stronger schools, affordable health care and economic growth.

Kansans are proud of the progress we've made lowering the abortion rate and lifting our economy. It's time for legislators to recognize that progress and focus on the things that continue to move us forward.

I am concerned about a number of provisions in SB 389. The United States Supreme Court decisions make clear that any law regulating abortion must contain exceptions for pregnancies which endanger the woman's life or health. However, SB 389 allows a variety of individuals to seek a court order preventing a woman from obtaining an abortion, even where it may be necessary to save her life. I am concerned that the bill is likely unconstitutional or even worse, endangers the lives of women.

The bill contains unprecedented expansions of legal proceedings which would likely encourage extensive litigation and also unnecessarily jeopardizes the privacy of Kansas women's confidential medical records.

As Governor, nothing is more important to me than the safety, health and privacy rights of our citizens. I am vetoing SB 389 because it endangers the health of women and is likely to be found in violation of the United States Constitution and the Constitution of the State of Kansas.

Therefore, pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto House Substitute for Senate Bill 389.

Vetoed: April 21, 2008

Signed: Kathleen Sebelius

MESSAGE FROM THE GOVERNOR

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 534 with my signature approving the bill, except for the items enumerated below.

Department of Administration**Expanded Lottery Act Revenues Fund**

Sections 85(t), 85(u), 85(v), and 85(w) have been line-item vetoed in their entirety.

This portion of the bill unnecessarily creates three new funds to receive monies from the Expanded Lottery Act Revenues Fund. Current law already defines how new receipts from gaming activity will be administered and how they can be spent. Creating additional funds and further stipulations would limit the flexibility of future Legislatures to target gaming receipts toward the most important and pressing needs of the state. For this reason, I find it necessary to veto this portion of the bill.

Vetoed: April 21, 2008

Signed: Kathleen Sebelius

COMMUNICATIONS FROM STATE OFFICERS

COMMISSION ON JUDICIAL QUALIFICATIONS

Kansas Judicial Center

April 14, 2008

Carol G. Green, Secretary, submitted the 2007 Annual Report of the Commission on Judicial Qualifications.

The President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing adoption of **SCR 1626**.

Announcing the House adopts the conference committee report on **SB 23**.

The House concurs in Senate amendments to **HB 2006** and requests the Senate to return the bill.

The House concurs in Senate amendments to **Senate Substitute for HB 2110** and requests the Senate to return the bill.

The House adopts the conference committee report on **HB 2637**.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

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

SENATE RESOLUTION No. 1856—

A RESOLUTION recognizing May 2008 as Lyme and Tick-borne Illness Awareness Month.

WHEREAS, The Kansas Department of Health and Environment has designated the month of May 2008 as Lyme and Tick-borne Illness Awareness Month; and

WHEREAS, Many Kansans have been diagnosed with Lyme disease and other tick-borne illnesses in the past 10 years. Although Lyme disease is the most common, tick bites can also cause other diseases such as Rocky Mountain spotted fever and southern tick associated rash illness or STARI; and

WHEREAS, Kansas physicians and citizens are largely unaware of the problems associated with deer tick and Lone Star tick bites; and

WHEREAS, There is no vaccine currently available to prevent most tick-borne illnesses, so early detection and treatment are important. Most tick-borne illnesses can be treated successfully if diagnosed early; and

WHEREAS, There are steps Kansans can take to reduce their risk of tick bites such as avoiding wooded areas where ticks are most prevalent, using insect repellent and removing leaf litter and brush around homes and lawns: Now, therefore,

Be it resolved by the Senate of the state of Kansas: That we recognize May 2008 as Lyme and Tick-borne Illness Awareness Month as designated by the Department of Health and Environment, and we support the Department of Health and Environment in their efforts to make all Kansans aware of tick diseases and notify all Kansas physicians about the symp-

toms of tick-borne diseases so that they may adequately diagnose and treat those suffering from these afflictions.

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

Senators Gilstrap, Haley and Steineger introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1857—

A RESOLUTION congratulating and commending the Kansas City Kansas Community College debate team.

WHEREAS, The Kansas City Kansas Community College debate team competed in the Cross Examination Debate Association's national tournament on Monday, March 24, 2008, in Wichita, Kansas, and captured a fifth straight title and the McClintock Trophy; and

WHEREAS, The community college competes against four-year institutions throughout much of the season and has consistently demonstrated a high standard of excellence in debate; and

WHEREAS, The 2007-2008 Kansas City Kansas Community College debate team consists of Anthony Dubin, Jason Foster, Noah Fugate, Cozette Howell, Melvin Kirkendoll, Nicholas Kirkendoll, Andy Montee, Austin Montee, Miranda Nichols, Christopher Rohan and Elizabeth Smith; and

WHEREAS, The debate team champions were coached by head coach Darren Elliot and assistant coaches Clay Crockett, Peter Lawson, Amanda Montee and Adrian Self: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That the Legislature congratulates and commends the Kansas City Kansas Community College debate team for winning its fifth straight national title and for continuing a tradition of excellence in debate; further, that we congratulate and commend the debate team coaches for the expert guidance they have given to this champion debate team; and

Be it further resolved: That the Secretary of the Senate is directed to provide 20 enrolled copies of this resolution to Senator Chris Steineger for presentation to the team, coach and school.

On emergency motion of Senator Gilstrap **SR 1857** was adopted unanimously.

Members of the debate team and coach were honored by the Senators with a standing ovation.

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

SENATE RESOLUTION No. 1858—

A RESOLUTION congratulating and commending the Kansas City, Kansas Bishop Ward High School baseball team for its record breaking winning streak.

WHEREAS, On Monday, March 31, 2008, the Bishop Ward High School Cyclones baseball team broke the state record for the most consecutive wins by any baseball team in any classification with their 43rd win by defeating Piper High School 8-3; and

WHEREAS, The previous record was set by Sedan High School in the 1970s; and

WHEREAS, The Cyclones' last loss was on April 22, 2006, a 6-3 loss to the Rockhurst Hawkllets; and

WHEREAS, In the record breaking game, pitcher Aaron Quisenberry pitched a complete game, striking out eight batters and giving up only nine hits and three runs in seven innings. Beau Stoker batted .500 with a game-high three runs batted in. John Oropeza, Jake Janes and Matt Garcia each scored two runs; and

WHEREAS, John Oropeza and Matt Garcia are the only current team members who were also on the team with the winning streak started in 2006; and

WHEREAS, The Cyclones roster includes seniors John Oropeza, Mike Tobin, Aaron Quisenberry, Jacob Mark, Hutch Bogdan, Jake Janes, Xavier Credit, James Cox, Jorge Valdovino, Matt Garcia and Joe Santoyo; juniors Jeff Keller, Zach Mann, Joe Ramirez, Beau Stoker, Ben Ogan and Alex Mills; and sophomore Cole Muder; and

WHEREAS, The Cylones are coached by Dennis Hurla, who was named the 2007 Coach of the Year by both the American Baseball Coaches Association and the Kansas Coaches

Association. Assisting Coach Hurla are Jeff Vestal, Travis Grosdidier, Alex George, Ryan McDaniel and Bryan Beggs; and

WHEREAS, Bishop Ward High School of Kansas City now holds the State of Kansas High School Baseball consecutive winning streak record at 45 straight wins: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Bishop Ward High School baseball team and their coaches for their dedication and for continuing a tradition of excellence in Kansas high school baseball; and

Be it further resolved: That the Secretary of the Senate provide 30 enrolled copies of this resolution to Senator Gilstrap for presentation to the team and their coaches.

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

Members of the baseball team and coaches were honored by the Senators with a standing ovation.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2936**, 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. 2936," as follows:

"SENATE Substitute for HOUSE BILL No. 2936

By Committee on Ways and Means

"AN ACT concerning the department of social and rehabilitation services; relating to a land transfer from property adjacent to Kansas neurological institute to the Topeka association for retarded citizens, inc."; and the substitute bill be passed.

Also, **SB 679** be amended on page 1, in line 14, preceding "There" by inserting "(a)" following line 26, by inserting the following:

"(b) The secretary of revenue, at least quarterly, shall certify to the director of accounts and reports the amount of moneys received for the \$5 increase on vehicle registrations enacted by this act, during the preceding quarter. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount or amounts specified in such certification from the state highway fund to the division of vehicles modernization fund of the department of revenue in accordance with such certification. The provisions of this subsection shall expire on or after January 1, 2013, upon the certification by the secretary of revenue for the final transfer for moneys received during the preceding calendar quarter.";

Also on page 1, by striking all in lines 27 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 19 and inserting the following:

"Sec. 2. K.S.A. 2007 Supp. 8-143 is hereby amended to read as follows: 8-143. (1) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows: For motorized bicycles, ~~\$11~~ \$16; for motorcycles, ~~\$16~~ \$21; for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of (i) ~~\$30~~ \$35 for those having a gross weight of 4,500 pounds or less; (ii) ~~\$40~~ \$45 for those having a gross weight of more than 4,500 pounds; for each electrically propelled motor vehicle, except electrically propelled vehicles intended for the purpose of transporting any commodity, goods, merchandise, produce or freight, or passengers for hire, a fee of \$14. Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, which is not otherwise exempt from registration, shall be \$2.

(2) As used in this subsection, the term "gross weight" shall mean and include the empty weight of the truck, or combination of the truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except when the empty weight of a truck plus the maximum weight of cargo which

will be transported thereon is 12,000 pounds or less. The term gross weight shall not include: The weight of any travel trailer propelled thereby which is being used for private recreational purposes; or the weight of any vehicle or combination of vehicles for which wrecker or towing service, as defined in K.S.A. 66-1329, and amendments thereto, is to be provided by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto. Such wrecker or tow truck shall be registered for the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight the owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

For a gross weight of 12,000 lbs. or less	\$40 \$45
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	102 107
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	132 137
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	197 203
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	312 317
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	312 317
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	375 380
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	475 480
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	605 610
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	805 810
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	1,010 1,015
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	1,210 1,215
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	1,535 1,540
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	1,735 1,740
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,935 1,940

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds is the state of Kansas or any political or taxing subdivision or agency of the state, except a city or county, whose truck or truck tractor is not otherwise entitled to the \$2 license fee or otherwise exempt from all fees, such vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles that the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the preceding schedule, less the amount of the fee paid at time of registration, such vehicle may be licensed for a fee in accordance

with the schedule hereinafter prescribed for local trucks or truck tractors; and whenever the same is registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license plate, which tab or marker shall be attached or affixed to and displayed with the regular license plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

A transporter delivering vehicles not the transporter's own by the driveaway method where such vehicles are being driven, towed, or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license plate shall be as follows:

For the first such set of license plates	\$44 \$49
For each additional such set of license plates	18 23

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks or truck tractors may operate any such vehicle, empty, beyond the radius hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$62 \$67
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	102 107
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	132 137
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	177 182
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	177 182
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	215 220
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	245 250
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	315 320
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	415 420
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	480 485
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	580 585
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	760 765
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	890 895
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,010 1,015

A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$37 \$42
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	42 47
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	52 57
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	72 77
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs.	72 77
For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs.	75 80
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	190 195
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	370 375
For a gross weight of more than 66,000 lbs.	610 615

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck which is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the words "farm vehicle not for hire." If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck tractor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

Except as hereinafter provided, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of subsection (a) of K.S.A. 66-1,109, and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

8 or more, but less than 31 passengers	\$15 \$20
31 or more, but less than 40 passengers	30 35
More than 39 passengers	60 65

except that the annual license fee for each local urban transit bus which is owned by a metropolitan transit authority established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated shall be \$2.

For licensing purposes, station wagons with a carrying capacity of less than 10 passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (1). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees therefor shall be as herein provided:

(a) For any trailer, semitrailer, travel trailer or pole trailer the annual license fee shall be as follows: For any such vehicle with a gross weight of more than 12,000 pounds the annual fee shall be ~~\$35~~ \$40; any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be ~~\$25~~ \$30; for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be ~~\$15~~ \$20. Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be ~~\$15~~ \$20.

Any trailer, semitrailer or travel trailer owned by a nonresident of this state and based in another state, which is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, or under the terms of any reciprocal or proration agreement made pursuant thereto.

At the option of the owner, any trailer, semitrailer or pole trailer, with a gross weight of more than 12,000 pounds, may be issued a multi-year registration for a five-year period upon payment of the appropriate registration fee. The fee for a five-year registration of such trailer shall be five times the annual fee for such trailer. If the annual registration fee is increased during the multi-year registration period, the owner of the trailer with such multi-year registration shall be subject to the amount of the increase of the annual registration fee for the remaining calendar years of such multi-year registration. When the owner of any trailer, semitrailer or pole trailer registered under this multi-year provision transfers or assigns the title, or interest thereto, the registration of such trailer shall expire. The owner shall remove the license plate from such trailer and forward the license plate to the division of vehicles or may have such license plate assigned to another trailer, semitrailer or pole trailer upon the payment of fees required by law. Any owner of a trailer, semitrailer or pole trailer where the multi-year registration fee has been paid and the trailer is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another trailer, may secure a refund for the registration fee for the remaining calendar years by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles. The secretary of revenue may adopt such rules and regulations necessary to implement the multi-year registration of such trailers, semitrailers and pole trailers.

(b) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a, and amendments thereto, shall be due January 1 of each year and payable on or before the last day of February in each year. If the fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a, and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134, and amendments thereto. If the registration fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee hereinbefore provided; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a, and amendments thereto, is purchased or acquired prior to April 1 of any

year the fee shall be the annual fee hereinbefore provided, but if such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced $\frac{1}{12}$ for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be $\frac{1}{12}$ of the annual fee for each calendar month remaining in the registration period.

(c) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of \$1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either (A) to a corporation by one or more persons, solely in exchange for stock or securities in such corporation, or (B) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case (A) or case (B) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of \$1.50. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered shall be accompanied by an affidavit of non-operation and nonuse, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(3) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a thirty-day temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of \$3 for each thirty-day temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the registration so issued shall be valid for a period of 30 days from the date of issuance.

(4) Any owner of any motor vehicle which is subject to taxation under the provisions of article 51 of chapter 79 of the Kansas Statutes Annotated or any other truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to the refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing of the application with and delivery of the license plate and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a, and amendments thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before title may be transferred, except that in case of death, the filing of the application and returning of the license plate and attachment shall cancel the remaining annual payments due. Whenever a truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration,

the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the license plate and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section where the amount thereof does not exceed \$5. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(5) Every owner of a travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such travel trailer is used for living quarters and not operated on the highways, the owner shall be exempt from the license fees as provided in paragraph (a) of subsection (2) so long as such travel trailer is not operated on the highway.

Sec. 3. K.S.A. 8-143b is hereby amended to read as follows: 8-143b. (a) Except as provided in K.S.A. 8-143k, and amendments thereto, and subsection (b), the owner of any truck or truck tractor which is duly registered and licensed in some other state, desiring to operate in intrastate commerce in this state for a temporary period only, in lieu of payment of the annual license fee, may register such truck or truck tractor and obtain either: (1) A seventy-two-hour temporary registration; or (2) a thirty-day license authorizing operation on the highways of this state for a period not to exceed 30 days from the date of issuance of such license. The fee for: The seventy-two-hour temporary registration shall be ~~\$26~~ \$31 and the fee for the thirty-day license shall be ~~\$26~~ \$31 or 1/3 of the annual license fee for such vehicle, whichever sum is the larger. Where either fee is paid on a truck or truck tractor no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. Application for such temporary registration or license shall be made to the division in the manner and form prescribed by the director and shall be accompanied by the required fee, which shall be deposited by the director as provided by K.S.A. 8-146, and amendments thereto.

(b) Whenever any natural catastrophe or disaster, civil riot or disorder or any other condition exists in this state that requires or necessitates emergency assistance or aid from persons owning ambulances, rescue vehicles or utility vehicles which are subject to the provisions of this section, such persons shall be exempt from the payment of the fee required in subsection (a) for any such ambulance, rescue vehicle or utility vehicle that is operated in this state for the purpose of or in connection with rendering such emergency assistance or aid.

Sec. 4. K.S.A. 8-143c is hereby amended to read as follows: 8-143c. The owner of any truck or truck tractor, which is registered and licensed in some other state, not entitled to reciprocal privileges while being operated in interstate commerce on the highways of this state, and which truck or truck tractor has a gross weight, as defined in subsection (2) of K.S.A. 8-143, and amendments thereto, in excess of 12,000 pounds, in lieu of payment of

the annual license fee for such vehicle pursuant to the provisions of K.S.A. 8-143, and amendments thereto, or K.S.A. 8-1,101 to 8-1,123, inclusive, and amendments thereto, may register such vehicle and obtain temporary registration from the division of vehicles authorizing operation of such vehicle on the highways of this state in interstate commerce for a period of not to exceed 72 hours. The fee for such temporary registration is ~~\$26~~ \$31, which shall be deposited by the division as provided by K.S.A. 8-146, and amendments thereto. Where such fee is paid on a truck or truck tractor no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. The secretary of revenue shall adopt rules and regulations to effectuate the purpose of this section. A temporary registration as provided in this section is not required for a truck or truck tractor which is registered and licensed in some other state and which operates between cities and villages in this state and cities and villages in another state which are within territory designated as a commercial zone by the interstate commerce commission.

Sec. 5. K.S.A. 8-143g is hereby amended to read as follows: 8-143g. A motor vehicle dealer licensed in this state or in a state contiguous to this state, who is the owner of a truck or truck tractor which the owner desires to demonstrate under actual working conditions by having it operated by the prospective purchaser in interstate or intrastate commerce on the highways of this state, in lieu of obtaining a regular registration for such vehicle, may obtain from the division, or an agent designated by director of vehicles, a trip permit authorizing such demonstration and operation for a period of: (a) Seventy-two hours upon making proper application and the payment of a fee of ~~\$26~~ \$31; or (b) fifteen days upon making proper application and the payment of a fee of ~~\$100~~ \$105. A dealer may purchase such demonstration permits in multiples of three upon making proper application and the payment of required fees. The application shall be to the division on a form prescribed and furnished by the director of vehicles. The name of the prospective purchaser must be shown on the application. A dealer purchasing permits in multiples, shall complete the application and permit as required by the division and mail a copy of such application to the division within 24 hours from the date of issuance of such permit. Only one such permit may be used by the same prospective purchaser on the same truck or truck tractor. Whenever a truck or truck tractor is operated under the authority of a trip permit issued hereunder it also shall have displayed thereon a dealer's registration plate which has been issued by this state or a state contiguous to this state to the dealer who is the owner of such truck or truck tractor. The provision of K.S.A. 8-136, and amendments thereto, prohibiting the hauling of commodities in excess of two tons by a vehicle displaying a dealer plate shall not apply to a truck or truck tractor being operated under a trip permit as authorized by this section. This section shall be construed as a part of and supplementary to the motor vehicle registration law of this state. The division shall remit all fees collected 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 state treasury to the credit of the state highway fund.

Sec. 6. K.S.A. 8-143h is hereby amended to read as follows: 8-143h. Except as provided in K.S.A. 8-143k, the owner of any duly registered and licensed farm truck in this state, engaged in the hauling of grain as provided by subsection (h) of K.S.A. 66-1,109, and amendments thereto, or chopped forage, and desiring to operate in intrastate commerce in this state for a temporary period only, in lieu of payment of the annual license fee, may register such farm truck and obtain a thirty-day license authorizing operation on the highways of this state for a period of only 30 days from the date of issuance of such license. The fee for such license shall be ~~\$26~~ \$31. Where such fee is paid on a farm truck no registration or fee shall be required for a trailer duly registered in this or another state and propelled by such farm truck. Application for such license shall be made to the division of vehicles on such form as the director of vehicles shall prescribe and shall be accompanied by the required fee, which shall be deposited by the division as provided by K.S.A. 8-146, and amendments thereto. The director of vehicles may designate agents to issue the licenses authorized by this act so that such licenses will be obtainable at convenient locations. This section shall be construed as supplemental to and a part of the motor vehicle registration laws of this state.

Sec. 7. K.S.A. 2007 Supp. 8-143i is hereby amended to read as follows: 8-143i. The owner of any truck or truck tractor which is properly registered and licensed in this state as a local truck or truck tractor as provided in K.S.A. 8-143, and amendments thereto, may secure a temporary permit authorizing operation of such vehicle on the highways of this state beyond the local radius authorized by such annual registration for a period only of 72 hours from the time of issuance of such permit. The fee for such permit shall be ~~\$26~~ \$31. Application for such permit shall be made to the division of vehicles on such form as the director of vehicles shall prescribe and shall be accompanied by the required fee, except that such owner shall not be entitled to more than 10 such permits in any calendar year. All such fees shall be deposited by the division as provided by K.S.A. 8-146, and amendments thereto. The division shall issue appropriate identification for such vehicle to authorize its operation under provisions of this act and to specify the expiration time of such permit. No truck or truck tractor shall be authorized to leave the territory of this state under any such 72-hour permit, nor shall any permit issued under authority of this act entitle any truck or truck tractor or the owner to reciprocity in any other state. Nothing in this act shall be construed to authorize the movement of any truck or truck tractor on the highways of this state in violation of any size, weight, safety or insurance requirement of the laws of this state applicable to such truck or truck tractor. Nothing in this act shall be construed to authorize the operation of any motor vehicle in violation of K.S.A. 66-1,111, and amendments thereto.

Sec. 8. K.S.A. 2007 Supp. 8-143j is hereby amended to read as follows: 8-143j. (a) On and after January 1, 1991, any truck or truck tractor registered for a gross weight of more than 12,000 pounds which is engaged in farm custom harvesting operations may be registered in accordance with the schedule for such farm custom harvesting vehicles, but shall not be registered as a farm truck or farm truck tractor. The annual license fee for a farm custom harvesting truck or truck tractor shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs.	\$62 \$67
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs.	102 107
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs.	132 137
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs.	177 182
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs.	177 182
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs.	215 220
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs.	245 250
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs.	315 320
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs.	415 420
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs.	480 485
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs.	580 585
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs.	760 765
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs.	890 895
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs.	1,010 1,015

(b) A tab or marker shall be issued and displayed in connection with the regular license plate for a truck or truck tractor registered as a farm custom harvesting truck or truck tractor.

(c) Trucks or truck tractors registered under this section shall be eligible for apportioned registration under the provisions of K.S.A. 8-1,100 et seq., and amendments thereto.

(d) As used in this section, “farm custom harvesting operations” means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if a truck or truck tractor is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm;

(2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations; or

(3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

Sec. 9. K.S.A. 2007 Supp. 8-143k is hereby amended to read as follows: 8-143k. (a) The owner of any truck or truck tractor which is duly registered and licensed in some other state and is engaged in farm custom harvesting operations and desiring to operate in intrastate commerce in this state for a temporary period only, may obtain a harvest permit, in lieu of the thirty-day license in K.S.A. 8-143b or 8-143h, and amendments thereto, authorizing the operation of such truck or truck tractor on the highways of this state for a period of not to exceed 60 days from the date of issuance of such permit. For a foreign-based truck or truck tractor, the fee for each permit shall be ~~\$26~~ \$31 or 1/6 of the annual license fee for such vehicle, whichever sum is the larger. Where such fee is paid on a truck or truck tractor, no registration or fee shall be required for a trailer or semitrailer duly registered in this or another state and propelled by such truck or truck tractor. Application for such harvest permit shall be made to the division of vehicles of the department of revenue. The secretary of revenue may adopt rules and regulations to implement the provisions of this section.

(b) For the purpose of this section, “farm custom harvesting operations” means a person, firm, partnership, association or corporation engaged in farm custom harvesting operations if the truck or truck tractor is used to:

(1) Transport farm machinery, supplies, or both, to or from a farm, for custom harvesting operations on a farm;

(2) transport custom harvested crops only from a harvested field to initial storage or to initial market locations; or

(3) transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such vehicle.

Sec. 10. K.S.A. 2007 Supp. 8-172 is hereby amended to read as follows: 8-172. (a) Except as provided in subsection (c), license plates issued for antique vehicles shall be distinctive and shall contain the words “Kansas” and “antique” and there shall be no year date thereon. The numbering system shall consist of combinations of not more than seven letters of the alphabet or numerals or a combination of such letters and numerals. The combinations of such letters and numerals shall be at the direction of the director of vehicles, except that any person owning an antique vehicle, other than an antique motorcycle, may make application for a special combination of letters and numerals not exceeding seven. Antique motorcycle license plates shall be the same as other antique vehicle license plates, except the numbering system shall consist of not more than five letters of the alphabet or numerals or a combination of letters and numerals. Such application shall be made in a manner prescribed by the director of vehicles and shall be accompanied by a special combination fee of \$40. Unless the combination of letters or numerals designated by the applicant have been assigned to another antique vehicle registered in this state, or unless the combination of letters or numerals designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director, the division shall assign such combination of letters to the applicant’s vehicle.

(b) In addition to the fees required under subsection (b) of K.S.A. 8-167, and amendments thereto, and subsection (a) or (c) of this section, the registration fee for any antique vehicle shall be ~~\$40~~ \$45 and once paid shall not be required to be renewed.

(c) In lieu of the license plate issued under subsection (a), a person who owns an antique vehicle who wants to display a model year license plate on the vehicle shall make application in a manner prescribed by the director of vehicles, including the execution of an affidavit setting forth that the model year license plate the person wants to display on the person’s antique vehicle is a legible and serviceable license plate that originally was issued by this state. Except for license plates issued prior to 1921, such license plate shall be inscribed

with the date of the year corresponding to the model year when the vehicle was manufactured. For license plates issued prior to 1921, such license plate shall be the license plate issued by the state corresponding to the model year when the vehicle was manufactured. Duplicate numbers for any year shall not be allowed for any model year license plate under the provisions of this subsection. The model year license plate fee shall be \$40.

(d) In addition to the license plates authorized under subsection (a) or (c), a person who owns an antique vehicle may display a model year license plate originally issued by the state of Kansas on the front of an antique vehicle. Except for license plates issued prior to 1921, such license plate shall be inscribed with the date of the year corresponding to the model year when the vehicle was manufactured. For license plates issued prior to 1921, such license plate shall be the license plate issued by the state corresponding to the model year when the vehicle was manufactured.

Sec. 11. K.S.A. 8-195 is hereby amended to read as follows: 8-195. (a) Any person who is the owner of a special interest vehicle or street rod vehicle at the time of making application for registration or transfer of title of the vehicle may upon application register the same as a special interest vehicle or street rod vehicle upon payment of an annual fee of ~~\$26~~ \$31 and be furnished each year upon the payment of such fee license plates of a distinctive design in lieu of the usual license plates which shall show in addition to the identification number, that the vehicle is a special interest vehicle or that the vehicle is a special interest vehicle and it meets the qualifications of a street rod, as the case may be, owned by a Kansas collector. The registration shall be valid for one year and may be renewed by payment of such annual fee. Special interest vehicles including street rod vehicles may be used as are other vehicles of the same type, except that special interest vehicles including street rod vehicles may not transport passengers for hire, nor haul material weighing more than 500 pounds.

(b) Each collector applying for special interest vehicle or street rod vehicle license plates will be issued a collector's identification number which will appear on each license plate. Second and all subsequent registrations under this section by the same collector will bear the same collector's identification number followed by a suffix letter for vehicle identification.

(c) A collector must own and have registered one or more vehicles with regular license plates which are used for regular transportation.

Sec. 12. K.S.A. 2007 Supp. 8-2406 is hereby amended to read as follows: 8-2406. (a) The annual fee for the first dealer license plate is ~~\$275~~ \$280, and the annual fee for additional dealer license plates shall be an amount equal to the amount required to register a passenger vehicle having a gross weight of less than 4,500 pounds, except that the annual fee for dealer license plates used by trailer dealers on trailers which they have purchased or own and are holding for resale shall be ~~\$25~~ \$30 for each plate. To determine the number of dealer license plates the dealer needs, the director may base the decision on the dealer's past sales, inventory and any other pertinent factors as the director may determine. After the end of the first year of licensure as a dealer, not more than one dealer license plate shall be issued to any dealer who has not reported to the division the sale of at least five motor vehicles in the preceding year. There shall be no refund of fees for dealer license plates in the event of suspension, revocation or voluntary cancellation of a license. The director is hereby authorized to designate by identifying symbols on a dealer's license plate the type of dealer's license that the person has been issued. If a dealer has an established place of business in more than one county, such dealer shall secure a separate and distinct dealer's license and dealer license plates for each established place of business.

(b) New motor vehicle dealers and used motor vehicle dealers may authorize use of dealer license plates assigned to such motor vehicle dealers as follows:

- (1) The licensed motor vehicle dealer and such dealer's spouse;
- (2) the sales manager and all other sales personnel when such manager and sales personnel are properly licensed in Kansas, except that no dealer license plate shall be assigned to sales personnel who are working at the established place of business of the dealer less than 20 hours per week;
- (3) any employee of such motor vehicle dealer when the use thereof is directly connected to a particular business transaction of such motor vehicle dealer;

(4) the customer when operating a motor vehicle in connection with negotiations to purchase such motor vehicle or during a demonstration of such motor vehicle;

(5) any school district and any accredited nonpublic school which has entered into an agreement with a dealer to use a motor vehicle as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course.

(c) A wholesaler dealer may authorize the use of dealer license plates on vehicles purchased by the wholesaler for resale to a retail vehicle dealer as follows:

(1) To transport or operate a vehicle to or from a licensed retail or wholesale vehicle dealer for the purpose of buying, selling, or offering or attempting to negotiate a sale of the vehicle to a licensed vehicle dealer;

(2) to deliver a vehicle purchased from the wholesale vehicle dealer to a purchasing vehicle dealer.

(d) Salvage vehicle dealers may use dealer license plates only on vehicles which they have purchased for salvage, including dismantling, disassembling or recycling.

(e) Insurance companies may use dealer license plates only on vehicles purchased or acquired for salvage in the course of business of the insurance company.

(f) Lending agencies may use dealer license plates only on vehicles which they have repossessed or are holding for disposition due to repossession.

(g) Trailer dealers may use dealer license plates only on trailers which they have purchased or own and are holding for resale.

(h) Brokers are not entitled to be assigned or to use any dealer license plates.

(i) Except as provided above, dealer license plates shall be used only in accordance with the provisions of K.S.A. 8-136, and amendments thereto. This subsection (i) does not apply to K.S.A. 8-2425, and amendments thereto, or full-privilege license plates issued thereunder.

Sec. 13. K.S.A. 8-2425 is hereby amended to read as follows: 8-2425. (a) When a first dealer license plate has been issued under K.S.A. 8-2406, and amendments thereto, the secretary of revenue may issue full-privilege license plates to a licensed manufacturer of or licensed dealer in vehicles. In no calendar year shall the secretary issue in excess of 10 such license plates to any licensed manufacturer or dealer.

(b) The annual fee for each full-privilege license plate shall be ~~\$350~~ \$355.

(c) The secretary shall, upon application provided by the secretary and payment of the fee required in subsection (b), issue to the applicant appropriate passenger car or truck license plates. Each license plate so issued shall be a full-privilege license plate which shall expire on the January 31 next following its issuance.

(d) Subject to subsection (e), a full-privilege license plate may be used in lieu of regular vehicle registration and license plate. A full-privilege license plate may be transferred from one vehicle to another owned or in inventory of such manufacturer or dealer and may be assigned for use by any person, at the discretion of the manufacturer or dealer to whom it is issued. The person to whom a full-privilege license plate is assigned for use shall be only a person who is: (1) A member of the immediate family of the licensed manufacturer of or licensed dealer in vehicles; (2) a corporate officer of the licensed manufacturer of or licensed dealer in vehicles; or (3) an employee of the licensed manufacturer of or licensed dealer in vehicles.

(e) A full-privilege license plate shall not be used on a lease or rental vehicle. A full-privilege license plate shall not permit any vehicle to be operated or moved upon a highway to haul commodities weighing in excess of two tons. A full-privilege license plate shall not be used on a wrecker or tow truck when providing wrecker or towing service as defined by K.S.A. 66-1329, and amendments thereto.

(f) Fees received under this section shall be divided equally between the county treasurer in which the licensed manufacturer or dealer has its established place of business and the secretary of revenue. Amounts allotted to the secretary of revenue 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 vehicle dealers and manufacturers fee fund which fund is hereby created in the state treasury. Expenditures from the vehicle dealers and manufacturers fee fund shall be made on vouchers approved by the secretary of revenue, or a person designated by the secretary, for enforcement of the vehicle dealers and manu-

facturers licensing act in accordance with appropriations therefor. Amounts allotted to the county treasurers shall be credited to the county treasurers' vehicle licensing fee fund which fund is hereby created in the state treasury. Amounts due each county treasurer shall be paid quarterly from such fund upon vouchers approved by the secretary of revenue or a person designated by the secretary. Amounts received by each county treasurer shall be deposited, appropriated and used as provided by K.S.A. 8-145, and amendments thereto.

(g) The provisions of K.S.A. 8-136 and 8-2406, and amendments thereto, shall not apply to full-privilege license plates or the use thereof.

(h) This section shall take effect and be in force from and after January 1, 1986.

Sec. 14. K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-195 and 8-2425 and K.S.A. 2007 Supp. 8-143, 8-143i, 8-143j, 8-143k, 8-172 and 8-2406 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 11, by striking all following “amending” and inserting “K.S.A. 8-143b, 8-143c, 8-143g, 8-143h, 8-195 and 8-2425 and K.S.A. 2007 Supp. 8-143, 8-143i, 8-143j, 8-143k, 8-172 and 8-2406 and repealing the existing sections.”;

And the bill be passed as amended.

On motion of Senator D. Schmidt, the Senate recessed until 11:30 a.m.

AFTERNOON-SESSION

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

ACTION ON VETO MESSAGE

The President announced a veto message from the Governor having been received on April 17, 2008 and read, the time had arrived for consideration.

Senator Emler moved **H Sub for SB 148** be passed notwithstanding the Governor's veto.

H Sub for SB 148, 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.

ORIGINAL MOTION

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

H Sub for SB 81, SB 23; HB 2620.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, submits the following report:

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

On page 1, by striking all in lines 20 through 29;

Also on page 1, by striking all in lines 39 and 40; in line 41, by striking all before the stricken material;

By striking all on pages 2 through 6;

On page 7, by striking lines 1 through 35; following line 35, by inserting:

“Section 1. K.S.A. 2007 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver’s license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of the licensee, a colored digital photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver’s license shall be valid until it has been signed by the licensee. All drivers’ licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers’ licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers’ licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver’s license issued by the division shall be valid until a colored digital photograph of such licensee has been taken and verified before being placed on the driver’s license. The secretary of revenue shall prescribe a fee of not more than ~~4~~ \$8 and upon *the* payment of such fee, the division shall cause a colored digital photograph of such applicant to be placed on the driver’s license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing a colored digital photograph of such licensee. A driver’s license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2007 Supp. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers’ licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers’ licenses and identification cards.

(b) All Kansas drivers’ licenses issued to any person 16 years of age or older shall contain a form which provides a statement for making a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 2007 Supp. 65-3220 through 65-3244, and amendments thereto, except as otherwise provided by this subsection. The statement to be effective shall be signed by the licensee in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor’s lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 1994, shall remain effective until invalidated. The word “Donor” shall be placed on the front of a licensee’s driver’s license, indicating that the statement for making an anatomical gift under this subsection has been executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver’s license which is readily distinguishable from drivers’ licenses issued to other drivers and upon such request the division shall issue such license. Drivers’ licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers’ licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division’s verification of the information and production of a driver’s license.

(d) A driver’s license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

Sec. 2. K.S.A. 2007 Supp. 8-299 is hereby amended to read as follows: 8-299. There is hereby created in the state treasury the photo fee fund. All moneys credited to the photo

fee fund shall be used by the department of revenue only for the purpose of funding the administration and operation, including equipment, associated with the issuance of drivers' licenses ~~and~~, identification cards *and licenses to carry concealed weapons*. All expenditures from the photo fee 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 secretary of the department of revenue.

Sec. 3. K.S.A. 2007 Supp. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. *In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.*

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;

- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.
- (j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2007 Supp. 75-455, and amendments thereto.

Sec. 4. K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after January 1, 2009, and its publication in the statute book.”;

In the title, by striking all in lines 12 through 17; following line 17, by inserting: “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.”;

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

ARLEN H. SIEGFREID
STEVE HUEBERT
JUDITH LOGANBILL
Conferees on part of House

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

Senator Brungardt moved the Senate to adopt the Conference Committee Report on **SB 23**.

On roll call, the vote was: Yeas 23, Nays 16, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Brownlee, Bruce, Brungardt, Emler, Francisco, Goodwin, Kelly, Lee, McGinn, Morris, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Barone, Betts, Donovan, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Lynn, Ostmeyer, Petersen, Pyle, Steineger, Taddiken, Wilson.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: **SB 23** is an unnecessary fee increase on Kansans to pay to implement the provisions of the Federal Real ID Act. I do not support either this federal mandate nor this fee increase, thus I vote NO on this measure. — TIM HUELSKAMP

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2620**, submits the following report:

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

On page 5, in line 7, by striking “professional incompetency” and inserting “an inability to practice the healing arts with reasonable skill and safety to patients”;

On page 10, in line 18, by striking “with a patient, patient surrogate or key third party” and inserting a comma; in line 19, before the period by inserting “, with a patient or a person responsible for health care decisions concerning such patient”;

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

SUSAN WAGLE
 PETE BRUNGARDT
 DAVID HALEY
Conferees on part of Senate

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

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2620**.

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.

MESSAGE FROM THE HOUSE

Announcing the House adopts the Conference Committee Report to agree to disagree on **House Substitute for SB 81** and has appointed Representatives Landwehr, Crum and Flaharty as second conferees on the part of the House.

The House adopts the conference committee report on **House Substitute for SB 32**.

The House adopts the conference committee report on **SB 178**.

The House adopts the conference committee report on **House Substitute for SB 379**.

The House adopts the conference committee report on **House Substitute for Sub SB 391**.

The House adopts the conference committee report on **House Substitute for SB 414**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 81**, submits the following report:

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

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

BRENDA LANDWEHR
 DAVID J. CRUM
Conferees on part of House

SUSAN WAGLE
 PETE BRUNGARDT
Conferees on part of Senate

Senator Wagle moved the Senate adopt the Conference Committee Report on **H Sub for SB 81** to agree to disagree and a second conference committee be appointed.

A roll call vote was requested.

On roll call, the vote was: Yeas 27, Nays 12, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Brownlee, Bruce, Brungardt, Donovan, Emler, Huelskamp, Jordan, Journey, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Allen, Barnett, Barone, Betts, Francisco, Gilstrap, Goodwin, Haley, Hensley, Kelly, Lee, Steineger.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

The President appointed Senators Wagle, Brungardt and Haley as a second conference committee on **H Sub for SB 81**.

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

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

ACTION ON VETO MESSAGE

The President announced a veto message from the Governor having been received on April 21, 2008 and read, the time had arrived for consideration.

Senator Huelskamp moved **H Sub for SB 389** be passed notwithstanding the Governor's veto.

On roll call, a call of the Senate was requested by five senators.

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 14, Present and Passing 0, Absent or Not Voting 1.

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

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

Absent or Not Voting: Emler.

A two-thirds constitutional majority having not voted in favor of overriding the Governor's veto, the motion did not prevail and the veto was sustained.

The call of the Senate was lifted.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 702, An act concerning exceptions to disclosure under the open records act, by Committee on Ways and Means.

SB 703, AN ACT reconciling amendments to certain statutes; amending K.S.A. 21-3110, 36-504, as amended by section 5 of 2008 Senate Bill No. 557, 59-3069 and 65-1657, as amended by section 2 of 2008 House Bill No. 2207, and K.S.A. 2007 Supp. 8-2110, as amended by section 1 of 2008 Senate Bill No. 366, 44-322a, 55-193, as amended by section 1 of 2008 House Bill No. 2735, and 75-4209, as amended by section 9 of 2008 House Substitute for Senate Bill No. 387, and repealing the existing sections; also repealing K.S.A. 21-3110b, 36-504, as amended by section 13 of 2008 Senate Bill No. 584, 59-3069, as amended by section 9 of 2008 House Bill No. 2644, 65-1657, as amended by section 17 of 2008 Senate Bill No. 491, and 65-4603 and K.S.A. 2007 Supp. 8-2110, as amended by section 3 of 2008 House Bill No. 2968, 44-322a, as amended by section 14 of chapter 145 of the 2004 Session Laws of Kansas, 55-193, as amended by section 166 of 2008 Senate Bill No. 534, 72-6624a, 72-6625a and 75-4209, as amended by section 1 of 2008 Senate Bill No. 472, by Committee on Ways and Means.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senators Hensley, Kelly and V. Schmidt introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1859—

A RESOLUTION honoring the life of Otto Schnellbacher, Sr., and memorializing his contribution to the Topeka community.

WHEREAS, After being very active in the Topeka community for many years, Otto Schnellbacher, Sr., died of cancer at the age of 84 on March 10, 2008, at his home in Topeka; and

WHEREAS, After growing up in Sublette, Kansas, Schnellbacher attended the University of Kansas, where he was not only an outstanding student, graduating in 1948 as senior class president and on the Dean's honor roll, but where he also won accolades as a member of both the football and basketball teams, being selected as All Conference, All American, co-captain of the 1948 Orange Bowl football team and captain of the 1948 basketball team under Coach Phog Allen; and

WHEREAS, Schnellbacher's athletic prowess led to professional sports careers in both basketball and football, where he started in the NBA play-offs, was named All Pro for three consecutive football seasons, chosen to play in two All Star football games and named to the All Time NY Giants Football Team; and

WHEREAS, After retiring from distinguished professional sports careers in both football and basketball, Schnellbacher moved to Topeka and began a career in the life insurance business, where he ultimately served as president of the Topeka Life Underwriters, Kansas State Association of Life Underwriters and Kansas General Agents and Managers Association; and

WHEREAS, Schnellbacher was a member of Most Pure Heart of Mary Church where he was chairman of three fund drives, volunteered as a coach for 14 years, served as president on the Most Pure Heart of Mary School board and as president on the Archdiocesan Call To Share board for 12 years; and

WHEREAS, Schnellbacher was president on the Hayden High School board, the first president of Cornerstone and sat on the board of Let's Help; and

WHEREAS, Schnellbacher was chairman of an ad hoc committee on race relations in the 1960s, served 15 years on the Recreation Commission-four times as chairman, and president of the Cosmopolitan Club of Topeka; and

WHEREAS, Schnellbacher served as president of the Topeka Jayhawk Club, was the chairman of the fund drive to build the St. Lawrence Catholic Campus Center at KU, co-leader of the Phog Allen statue drive and the president of the Letterperson's "K" Club; and

WHEREAS, Schnellbacher was inducted into the KU Hall of Fame in 1972, selected as a member of the KU All Time Football Team and was the honoree of the Distinguished Service Award in 1999 from the KU Alumni Association; and

WHEREAS, Schnellbacher will be remembered as a small-town Kansas boy who became a preeminent two-sport athlete and went on to become a business and community leader involved in a seemingly endless number of professional organizations and community service projects: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we honor the life of Otto Schnellbacher, Sr., and memorialize his involvement in, and contribution to, the Topeka community; and

Be it further resolved: That the Secretary of the Senate provide five enrolled copies of this resolution to Mrs. Jane Schnellbacher, 2010 S.W. Bowman Court, Topeka, Kansas 66604.

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

Otto Schnellbacher, Sr.'s wife Jane was introduced as well as other members of his family.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2802**, as amended by House Committee, be amended by substituting a new bill to be designated as "SENATE Substitute for HOUSE BILL No. 2802," as follows:

“SENATE Substitute for HOUSE BILL No. 2802

By Committee on Federal and State Affairs

“AN ACT concerning energy; relating to conservation and electric generation and efficiency and air emissions; imposing certain charges and providing for distribution thereof.”; and the substitute bill be passed.

Committee on **Ways and Means** recommends **HB 2946**, 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. 2946,” as follows:

“SENATE Substitute for HOUSE BILL No. 2946

By Committee on Ways and Means

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending section 86 of 2008 Senate Bill No. 534 and repealing the existing section.”; and the substitute bill be passed.

ORIGINAL MOTION

Senator D. Schmidt moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **S Sub for HB 2802**.

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 2802** was advanced to Final Action, subject to amendment, debate and roll call.

S Sub for HB 2802, An act concerning energy; relating to conservation and electric generation and efficiency and air emissions; imposing certain charges and providing for distribution thereof.

S Sub for HB 2802 was amended by adoption of the committee report recommending a substitute bill and was further amended by motion of Senator Barone, on page 6 of the typed version of the bill, by striking all in section 9, and inserting the following:

“Sec. 9. If an electric public utility elects to pay into the weatherization assistance program account within the state housing trust fund, the state corporation commission may authorize the utility to recover in rates an amount equal to two times the amount paid into the account, but not more than an amount equal to 5% of the utility’s uncollectible customer bills.”;

S Sub for HB 2802 was further amended by Senator Francisco, on page 4 of the typewritten bill, in section 7, after “K.S.A.” by inserting “2007 Supp.”;

S Sub for HB 2802 was further amended by Senator Francisco, on page 7, of the typewritten bill, in Section 10, in subsection (c)(1), by striking the first two lines and inserting the following:

“(1) An amount not more than \$250,000 annually shall be expended to match dollar-for-dollar private contributions to the national institute for”, and **S Sub for HB 2802** be passed as amended.

S Sub for HB 2802, An act concerning energy; relating to conservation and electric generation and efficiency and air emissions; imposing certain charges and providing for distribution thereof. On roll call, the vote was: Yeas 27, Nays 6, Present and Passing 1, Absent or Not Voting 6.

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

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

Present and Passing: Francisco.

Absent or Not Voting: Allen, Barnett, Donovan, McGinn, Palmer, Vratil.

The substitute bill passed as amended.

A motion by Senator Francisco to amend **S Sub for HB 2802** failed and the following amendment was rejected: on page 5 of the typewritten bill, in section 7, by striking all in subsection (b), and by relettering the remaining subsection accordingly;

A motion by Senator Francisco to amend **S Sub for HB 2802** failed and the following amendment was rejected: on page 1, of the typewritten bill, by striking the first sentence in Section 1, and inserting the following: "Any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, which after the effective date of this act is developing a pulverized coal electricity generating facility in Kansas that is electrically connected to the eastern power grid and which is co-located with an existing coal-fired electric generating unit in western Kansas that has greater than 325 megawatts nameplate capacity shall provide to the board of public utilities of the city of Kansas City, Kansas (BPU), a first option to own not less than 25 megawatts and not more than 200 megawatts or enter into a power purchase agreement to purchase not less than 25 megawatts and not more than 200 megawatts of power, or a combination thereof, which is not presently dedicated to Kansas consumers, from the new pulverized coal electricity generating facility.";

On page 2 of the typewritten bill, by striking the last 2 lines in Section 1, and inserting "cooperatives. No municipal utility or cooperative may exercise an option pursuant to a mutual agreement for less than 25 megawatts for any one utility or cooperative.";

A motion by Senator Francisco to amend **S Sub for HB 2802** failed and the following amendment was rejected: on page 7 of the typewritten bill, in section 10, by striking subparts (1) and (2) and inserting the following:

"(1) 20% shall be expended to fund clean energy research, evaluation, assessments and technical assistance programs;

(2) 20% shall be expended to fund energy efficiency education, training and demonstration and technical assistance programs; and

(3) 60% shall be transferred to the weatherization assistance program account within the state housing trust fund."

On motion of Senator D. Schmidt the Senate adjourned until 11:00 a.m., Thursday, May 1, 2008.

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

PAT SAVILLE, *Secretary of the Senate.*

