

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 26, 2003, 9:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 121 members present.
Rep. B. Sharp was excused on verified illness.
Rep. Holmes was excused on legislative business.
Reps. Swenson and D. Williams were excused on excused absence by the Speaker.
Present later: Reps. Holmes and Swenson.

Prayer by guest chaplain, the Rev. Terry Deaver, pastor, First Baptist Church, Augusta, and guest of Rep. E. Johnson:

God of all history, whose providence brought this nation and this state into existence—

We thank you for a free society, for the privilege and responsibility of electing our own representatives and leaders. We are grateful for those who serve as leaders in our state.

Lord, you are the author of law and justice. Help this representative body to fashion laws that provide government with power and authority tempered by justice and compassion. Inspire them to write and enact laws that will help guarantee safety, integrity and growth within our state and beyond. May you guide them to exercise care that the decisions of this body do not become an impossible burden on our citizens.

We pray for goodwill among those gathered in this place. Help them to appreciate the unique talents, background and perspective you have given to each person elected to serve.

Lord — we are dedicated to the principles of free government and pray that this body of elected leaders will accomplish what is pleasing to you. Amen.

The Pledge of Allegiance was led by Rep. Aurand.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2418. An act concerning courts; relating to the court of appeals; amending K.S.A. 2002 Supp. 20-3002 and 20-3006 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 20-3005, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2415.**
Economic Development: **HB 2417.**
Ethics and Elections: **HB 2413.**
Taxation: **HB 2414, HB 2416.**
Utilities: **HCR 5015.**

COMMUNICATIONS FROM STATE OFFICERS

From Connie Hubbell, Secretary, Kansas Department on Aging, SFY 2002 Annual Report, July 1, 2001 through June 30, 2002.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

Announcing passage of **SB 25, SB 27, SB 43, SB 45, SB 55, SB 61, SB 64, SB 71, SB 91, SB 130, SB 132, SB 162, SB 175.**

The Senate concurs in House amendments to **SB 16.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 25, SB 27, SB 43, SB 45, SB 55, SB 61, SB 64, SB 71, SB 91, SB 130, SB 132, SB 162, SB 175.

CONSENT CALENDAR

No objection was made to **HB 2189; SB 52** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2189. An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-134 and 8-143a and K.S.A. 2002 Supp. 8-143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed.

SB 52. An act concerning the emergency medical services board; relating to financial support therefor; amending K.S.A. 2002 Supp. 75-1508 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers,

Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed.

HB 2023, An act concerning certain restrictive covenants, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 37; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Flaharty, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Hill, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Klein, Krehbiel, Landwehr, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Owens, Pauls, Peterson, Pottorff, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shriver, Siegfried, Sloan, Storm, Tafanelli, Ward, Wilk, Winn, Yoder, Yonally.

Nays: Aurand, Carlin, Dillmore, Dreher, Faber, Feuerborn, Flora, Gatewood, Henry, Holland, Kassebaum, Kirk, Kuether, Larkin, Loganbill, McKinney, F. Miller, J. Miller, Minor, Nichols, O'Neal, Osborne, Ostmeyer, Patterson, Phelps, Powell, Powers, Rehorn, Showalter, Shultz, Svaty, Thimesch, Thull, Toelkes, Vickrey, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2023** enables homeowners to protect their families and property by giving them the opportunity to choose a safer roofing product. Since many covenants were established, technological advances have developed shingles that look identical to wood, but are fire resistant. When Fire Chiefs, the front-line witnesses to fire damage, heartily support alternative materials, it is not because of cost. Those observations are life-saving and property-saving.

Furthermore, due to documented hazards, many insurance companies no longer cover wood shingle roofs, or include an additional cost rider for coverage. This bill does not restrict rights, it gives more freedom. I vote YES on **HB 2023**.—STEPHANIE SHARP, CINDY NEIGHBOR, MARIO GOICO, JEFF JACK, ROGER P. REITZ

HB 2135, An act relating to roads and highways; concerning county roads; amending K.S.A. 68-124 and 68-141a and repealing the existing sections; also repealing K.S.A. 68-137, 68-138, 68-151b, 68-151c, 68-151d, 68-151e, 68-151k, 68-151l, 68-159, 68-160 and 68-166, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried,

Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Wilk, J. Williams, Wilson, Winn, Yoder.

Nays: Aurand, Faber, Freeborn, Huebert, Kauffman, McKinney, Merrick, Powell, Powers, Vickrey, Ward, Yonally.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed.

HB 2150. An act concerning townships; relating to traffic control devices; amending K.S.A. 8-2005 and 68-526 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed, as amended.

HB 2192. An act relating to the division of vehicles; concerning certain fees for drivers' licenses and identification cards; amending K.S.A. 8-240, 8-267 and 8-1324 and K.S.A. 2002 Supp. 8-1325 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 42; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Carlin, Cox, Craft, Crow, Davis, Decker, Dreher, Feuerborn, Flaharty, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Huff, Humerickhouse, Huntington, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Dahl, DeCastro, Dillmore, Edmonds, Faber, Flora, Freeborn, Goering, Goico, Henderson, Horst, Howell, Huebert, Hutchins, Huy, Jack, Kauffman, Krehbiel, Kuether, Landwehr, P. Long, McLeland, Merrick, F. Miller, O'Malley, Osborne, Ostmeyer, Pauls, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Vickrey, Wilk.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed.

HB 2193. An act relating to certificates of title; concerning certain fees and the disposition thereof; amending K.S.A. 2002 Supp. 8-135, 8-135a, 8-139, 8-145, 8-170, 8-171, 8-198, 58-4204 and 74-2013 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 38; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Carlin, Compton, Cox, Craft, Crow, Davis, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Huff, Humerickhouse,

Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Nichols, O'Malley, O'Neal, Owens, Patterson, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Burgess, Burroughs, Campbell, Carter, Dahl, DeCastro, Edmonds, Faber, Flora, Freeborn, Goering, Goico, Henderson, Horst, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Krehbiel, Kuether, Landwehr, P. Long, McLeland, Merrick, F. Miller, Newton, Novascone, Osborne, Ostmeyer, Pauls, Powell, Powers, Schwab, Siegfried, Vickrey.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed, as amended.

Sub. HB 2197. An act concerning persons with disabilities; relating to assistance dogs and certain other dogs; prohibiting certain acts and providing penalties for violations; amending K.S.A. 39-1101, 39-1102, 39-1103, 39-1107, 39-1108 and 39-1109 and K.S.A. 2002 Supp. 21- 4318 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Landwehr, Reitz.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The substitute bill passed, as amended.

HB 2202. An act concerning land to be incorporated as, or added to cities; amending K.S.A. 12-401 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer, Schwab, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Edmonds, Freeborn, Hayzlett, Loyd, McKinney, Reitz, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: Holmes, B. Sharp, Swenson, D. Williams.

The bill passed.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Wilk in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Wilk, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2308**, **HB 2315** be passed.

Committee report to **HB 2086** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **Sub. HB 2036** be adopted; and the substitute bill be passed.

Committee report to **HB 2027** be adopted; also, on motion of Rep. Powell be amended on page 4, in line 11, by striking "Trapping and transplanting" and inserting "Transplanting"; in line 12, by striking all after "location"; in line 13, by striking "dog"; in line 15, by striking all after the period; by striking all in lines 16 through 20;

Also, on motion of Rep. Ostmeyer to rerefer **HB 2027** to Committee on Agriculture, the motion did not prevail.

Also, on motion of Rep. Neufeld **HB 2027** be amended on page 4, after line 20, by inserting the following:

"New Sec. 5. Nothing contained in the provisions of this act nor in any other provision of Kansas law shall prohibit the harvesting of prairie dogs for commercial purposes for sale outside of the state of Kansas.";

And renumbering sections accordingly;

Also, on motion of Rep. Thimesch to amend **HB 2027**, the motion did not prevail.

Also, on motion of Rep. Faber to refer **HB 2027** to Committee on Federal and State Affairs, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2015** be adopted; and the bill be passed as amended.

Committee report to **HB 2312** be adopted; and the bill be passed as amended.

Committee report to **HB 2332** be adopted; and the bill be passed as amended.

Committee report to **HB 2314** be adopted; and the bill be passed as amended.

HB 2016 be passed over and retain a place on the calendar (see further action, Committee of the Whole, Afternoon Session).

Committee report to **HB 2071** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2173** be adopted; also, on motion of Rep. Reitz be amended on page 2, in line 12, by striking "average"; by striking all in lines 13 and 14; in line 15, by striking all preceding "accredited" and inserting "cost of in-state tuition and fees for admission and enrollment of such person at the";

On page 3, in line 23, by striking "1954" and inserting "1986";

On page 1, in the title, in line 11, after "amounts" by inserting a semicolon;

Also, on motion of Rep. Carlin to amend **Sub. HB 2173**, the motion did not prevail.

Also, on further motion of Rep. Carlin to amend, the motion did not prevail. Also, on further motion of Rep. Carlin to amend, the motion did not prevail, and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Economic Development** recommends **HB 2289** be amended on page 4, in line 32, by striking the comma and inserting "or"; also in line 32, by striking "or"; in line 33, by striking "health care facilities"; also in line 33, by striking "may be" and inserting "are being";

On page 6, in line 2, by striking all after the period; by striking all in lines 3 and 4; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2231** be amended on page 1, in line 21, by striking "except as provided in subsection (d)."; in line 36, by striking all after "(d)"; by striking all in lines 37 and 38; in line 39, by striking "(e)"; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2339** be amended on page 1, in line 16, by striking "seven" and inserting "six"; in line 41, by striking "seven" and inserting "six";

On page 2, in line 3, by striking “seven” and inserting “six”; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2176** be amended on page 2, in line 5, by striking “(b)” and inserting “(c)”; in line 30, by striking “(c)” and inserting “(d)”;

On page 3, in line 11, by striking “(d)” and inserting “(e)”;

On page 4, in line 1, by striking “(e)” and inserting “(f)”;

On page 5, in line 13, by striking “(g)” and inserting “(h)”;

in line 23, by striking “(h)” and inserting “(i)”;

by striking all in lines 38 through 40; in line 41, after “(j)” by inserting “(1) The secretary shall adopt rules and regulations requiring each abortion clinic to establish and maintain an internal risk management program which, at a minimum, shall consist of: (A) A system for investigation and analysis of the frequency and causes of reportable incidents within the clinic; (B) measures to minimize the occurrence of reportable incidents and the resulting injuries within the clinic; and (C) a reporting system based upon the duty of all health care providers staffing the clinic and all agents and employees of the clinic directly involved in the delivery of health care services to report reportable incidents to the chief of the medical staff, chief administrative officer or risk manager of the clinic.

(2) As used in this subsection (j), “reportable incident” means an act by a health care provider which: (A) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or (B) may be grounds for disciplinary action by the appropriate licensing agency.

(k) The secretary shall make or cause to be made such inspections and investigations of abortion clinics at such intervals as the secretary determines necessary to protect the public health and safety and to implement and enforce the provisions of this act and rules and regulations adopted hereunder. For that purpose, authorized agents of the secretary shall have access to an abortion clinic during reasonable business hours.

(l) Information received by the secretary through filed reports, inspections or as otherwise authorized under this act shall not be disclosed publicly in such manner as to identify individuals. Under no circumstances shall patient medical or other identifying information be made available to the public, and such information shall always be treated by the department as confidential.

(m) Each such clinic shall be required annually to obtain a license from the department. The secretary shall adopt rules and regulations providing for the issuance of such licenses. At a minimum such rules and regulations shall require compliance with the standards adopted pursuant to this act. The secretary shall establish by rules and regulations the fee for such licenses in the amount required to cover costs of implementation and enforcement of this act.

(n);

On page 6, in line 1, by striking “(k)” and inserting “(o)”;

in line 5, by striking “(l)” and inserting “(p)”;

in line 7, by striking “(m)” and inserting “(q)”;

by striking all in lines 17 through 20;

In the title, in line 16, before “standards” by inserting “providing for regulation, licensing and”;

and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **HB 2234** be amended on page 3, by striking all in line 4; in line 5, by striking “6309.”;

On page 4, by striking all in lines 14 through 43;

On page 5, by striking all in lines 1 through 30;

By renumbering sections accordingly;

On page 7, in line 3, by striking “65-6309.”;

In the title, in line 10, by striking “65-6309.”; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **HB 2254** be amended on page 1, in line 18, by striking “or” and inserting a comma; in line 19, after “neglect”, by inserting “, exploitation or fiduciary abuse”; in line 25, by striking all after “of”; in line 26, by striking all before “neglect”; also in line 26, after “neglect”, by inserting “, adult abuse, exploitation or fiduciary abuse”; in line 27, after “abuse”, by inserting “or exploitation”; in

line 36, by striking "or neglect" and inserting ", neglect, exploitation or fiduciary abuse"; in line 38, after "investigation", by inserting "by a law enforcement agency";

On page 2, by striking all in lines 4 through 20;

By renumbering sections accordingly;

On page 3, in line 43, after the stricken material, by inserting "or state institution for the mentally";

On page 4, in line 1, before the first comma, by inserting "retarded"; in line 3, before the period, by inserting ", Kansas neurological institute and Parsons state hospital and training center"; in line 11, after the period, by inserting "State institution for the mentally retarded" means Kansas neurological institute and Parsons state hospital and training center.;

By relettering subsections accordingly;

On page 5, in line 1, before "officers", by inserting "a bank trust officer and any other"; also in line 1, by striking "or"; in line 2, by striking "employees";

On page 7, in line 8, by striking "shall" and inserting "may"; in line 19, by striking "shall" and inserting "may"; in line 30, by striking "shall" and inserting "may";

On page 8, in line 15, by striking "shall" and inserting "may"; in line 23, by striking "shall" and inserting "may";

On page 9, in line 4, by striking "or" and inserting "and";

On page 11, in line 14, after "counselor", by inserting "a bank trust officer or any other"; in line 15, by striking "or employees";

On page 14, in line 15, by striking "shall" and inserting "may"; in line 20, by striking "shall" and inserting "may"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2154** be passed.

The Committee on **Judiciary** recommends **HB 2133** be amended on page 1, in line 42, by striking all after "municipality"; in line 43, by striking "law";

On page 2, in line 22, by striking "All" and inserting "When collection services are utilized pursuant to subsection (b), all"; in line 25, after "(2)" by inserting "when collection services are utilized pursuant to subsection (d)."; in line 33, by striking "a" and inserting "any"; after line 37, by inserting the following:

"(h) Any collection for debt or restitution may be enforced pursuant to the code of civil procedure for limited actions.

(i) The collection services authorized by this section shall not be utilized until the debt or restitution remains unpaid for more than 180 days.;

Also on page 2, in line 38, by striking "(h)" and inserting "(j)"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2297** be amended on page 1, in line 24, after the period, by inserting "An order of garnishment pursuant to this section shall attach to such property if an order to pay the court is served within 60 days of receipt of the answer of the garnishee by the court. "; also in line 24, after "following", by inserting "such"; in line 25, by striking "of the answer of the garnishee by the court. "; in line 26, by striking "may" and inserting "shall"; in line 39, after the period, by inserting "An order of garnishment pursuant to this section shall attach to such property if an order to pay the court is served within 60 days of receipt of the answer of the garnishee by the court. "; in line 40, after "following", by inserting "such"; also in line 40, by striking "of the answer of the garnishee by the court. "; in line 41, by striking "may" and inserting "shall"; and the bill be passed as amended.

The Committee on **Local Government** recommends **HB 2204; SB 40** be passed.

The Committee on **Tourism and Parks** recommends **HB 2083** be amended on page 1, in line 22, by striking "taxable" and inserting "calendar"; also in line 22, by striking "2003" and inserting "2002"; in line 24, by striking all following "by"; by striking all in line 25; in line 26, by striking all preceding "and" and inserting "code numbers 72111, 72112, 721191, 721199, 721211, 72241, 72211, 722211, 722212, 722213, 72231 and 72232 of the North American Industry Classification System (NAICS), United States, 1997. "; in line 27, by striking all following "taxpayers"; in line 28, by striking all preceding "pursuant"; in line 29, by striking "taxable" and inserting "calendar"; also in line 29, by striking "2004" and inserting "2003"; in line 30, by striking "taxable" and inserting "calendar"; in line 32, by striking

“taxable” and inserting “calendar”; in line 34, by striking “taxable” and inserting “calendar”; in line 35, by striking “2005” and inserting “2004”; in line 37, by striking “50% of such certified amount”; in line 38, preceding the period, by inserting “an amount equal to 50% of the amount certified for the preceding calendar year pursuant to subsection (b) or \$1,000,000, whichever is less”; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 2221** be amended on page 1, in line 37, following “not” by inserting “flash,”; and the bill be passed as amended.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker Ballou in the chair.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. O’Neal in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Loyd, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2160**, **HB 2169**, **HB 2214**, **HB 2138**, **HB 2132**, **HB 2121**, **HB 2088** be passed.

Committee report to **HB 2016** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2145** be adopted; also, on motion of Rep. Hutchins to refer the bill to Committee on Federal and State Affairs, the motion did not prevail and the substitute bill be passed.

On motion of Rep. Huy to amend **HB 2249**, the motion did not prevail.

Also, on motion of Rep. Bethell **HB 2249** be amended on page 2, following line 26, by inserting:

“(4) The provisions of paragraphs (2) and (3) of this subsection shall apply only to counties having a population in excess of 150,000.”;

Also, on motion to recommend **HB 2249** favorably for passage, the motion did not prevail.

Committee report to **HB 2288** be adopted; also, on motion of Rep. Betts be amended on page 11, after line 4, by inserting the following:

“Sec. 10. K.S.A. 2002 Supp. 25-106 is hereby amended to read as follows: 25-106. (a) The provisions of this subsection shall apply to all counties in Kansas located in the central time zone.

At all national, state, county and township primary and general elections the polls shall open at 7:00 a.m. and close at 7:00 p.m., unless different hours are set and publicly announced by the county election officer. If different hours are set, the polls shall be open at least 12 continuous hours commencing not earlier than 6:00 a.m. and ending not later than 8:00 p.m. and ending not earlier than 7:00 p.m. The secretary of state shall adopt rules and regulations specifying the time and manner of setting and announcing any change of hours under authority of this subsection.

(b) The provisions of this subsection shall apply to all counties in Kansas located in the mountain time zone.

At all national, state, county and township primary and general elections the polls shall open at 6:00 a.m. and close at 6:00 p.m., unless different hours are set and publicly announced by the county election officer. If different hours are set, the polls shall be open at least 12 continuous hours commencing not earlier than 5:00 a.m. and ending not later than 7:00 p.m. and ending not earlier than 6:00 p.m. The secretary of state shall adopt rules and regulations specifying the time and manner of setting and announcing any change of hours under authority of this subsection.

(c) *At the time any national, state, county and township primary and general poll is designated to close pursuant to this section, an election board judge at such polling place shall count the number of individuals remaining at such polling place, if any, who have not*

voted but desire to vote. Each such individual who is a qualified voter shall be permitted to cast a ballot which shall be counted as a regular ballot and not as a provisional ballot. The election board judge shall take all steps reasonable to prevent additional people from attempting to vote once the count required by this subsection has been made.

(d) The provisions of this section shall be contained in any poster required to be posted at or in the polling place.

Sec. 11. K.S.A. 25-2111 is hereby amended to read as follows: 25-2111. (a) At all city elections the polls shall open at 7:00 a.m. and close at 7:00 p.m., unless different hours are set and publicly announced by the county election officer. In the event that different hours are so set, the polls shall be open at least ~~twelve (12)~~ 12 continuous hours commencing not earlier than 6:00 a.m. and ending not later than 8:00 p.m. The secretary of state shall adopt rules and regulations specifying the time and manner of setting and announcing any change of hours under authority of this section.

(b) At the time any city election poll is designated to close pursuant to this section, an election board judge shall count the number of individuals remaining at such polling place, if any, who have not voted but who desire to vote. Each such individual who is a qualified voter shall be permitted to cast a ballot which shall be counted as a regular ballot and not as a provisional ballot. The election board judge shall take all steps reasonable to prevent additional people from attempting to vote once the count required by this subsection has been made.

(c) The provisions of this section shall be contained in any poster required by law to be posted at or in a polling place.”;

By renumbering the remaining sections accordingly;

Also on page 11, in line 5, before “25-2908” by inserting “25-2111.”; in line 6, after “Supp.” by inserting “25-106.”;

In the title, in line 12, before “25-2908” by inserting “25-2111.”; also in line 12, before “25-409” by inserting “25-106.”; and **HB 2288** be passed as amended.

On motion of Rep. Toelkes **HB 2212** be amended on page 1, following line 25, by inserting:

“New Sec. 2. (a) Except as provided by this section, the governing body of any city in a county in which there is located an improvement district shall not annex any land pursuant to K.S.A. 12-520, and amendments thereto.

(b) The provisions of subsection (a) shall not apply to:

(1) Land which is owned by or held in trust for the city or any agency thereof; or

(2) land which adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(c) The provisions of this section shall apply to any annexation which is not completed before the effective date of this act.

(d) As used in this section:

(1) “Improvement district” means an improvement district incorporated and organized pursuant to K.S.A. 19-2753 *et seq.*, and amendments thereto, for which the petition for incorporation and organization was presented on or before January 1, 1987;

(2) “completed” means the date of the publication of the annexation ordinance as provided by 12-523, and amendments thereto.”;

By renumbering sections accordingly;

In the title, in line 9, by striking all after “annexation”; in line 10, by striking all before the semicolon;

Also, on motion of Rep. Boyer **HB 2212** be amended on page 1, by striking all in line 26 and inserting:

“Sec. 2. K.S.A. 12-529 is hereby amended to read as follows: 12-529. (a) The governing body of any city shall not annex any territory of ~~an~~ *an active* United States military reservation.

(b) The provisions of this section shall be applicable to any annexation proceedings commencing after December 31, 1981.

(c) For purposes of this section, “*active* military reservation” means an installation of the United States under the supervision and control of the secretary of the department of the army, *which installation is actively involved in defense activities on behalf of the federal government.*

Sec. 3. K.S.A. 12-523 and 12-529 are hereby repealed.”;

By renumbering section 3 as section 4;

In the title, in line 9, by striking all after the second semicolon; by striking all in lines 10 and 11 and inserting “amending K.S.A. 12-523 and 12-529 and repealing the existing sections.”; and **HB 2212** be passed as amended.

HB 2352 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2064** be adopted; and the substitute bill be passed.

Committee report to **HB 2161** be adopted; and the bill be passed as amended.

On motion of Rep. Jim Morrison **HB 2171** be amended on page 4, in line 37, by striking “65-3504” and inserting “65-3502”; and **HB 2171** be passed as amended

Committee report to **HB 2078** be adopted; also, on motion of Rep. Hayzlett be amended on page 3, after line 1, by inserting:

“(i) The secretary shall authorize, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, special landowner or tenant hunt-on-your-own-land deer archery permits. Such special archery permits shall not be issued to landowners or tenants in possession of a hunt-on-your-own-land deer permit as authorized in subsection (g) or (h). The special archery permits shall be transferable to any resident or nonresident through the secretary at the request of the landowner or tenant and by paying a permit fee of \$200. The special archery permits and applications may contain provisions and restrictions as prescribed by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.”;

On pages 3 through 5, by relettering subsections (i) through (s) as subsections (j) through (t);

On page 4, in line 11, by striking “(m)(1) and (m)(2)” and inserting “(n)(1) and (n)(2)”; in line 22, by striking “(m)” and inserting “(n)”; in line 26, by striking “(m)” and inserting “(n)”;;

Also, on motion of Rep. Neufeld to amend **HB 2078**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2035** be adopted; and the bill be passed as amended.

Committee report to **HB 2375** be adopted; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Peterson to amend **HB 2057** on page 1, following line 26, by inserting a new section to read as follows:

“New Sec. 2. (a) Any person who establishes they have been a victim of identity theft, as defined in K.S.A. 2002 Supp. 21-4018, and amendments thereto, for which there has been an investigation and report by law enforcement, may make application to the attorney general for a certificate indicating that such person has been a victim of identity theft.

(b) The certificate required by subsection (a) may be used for the purpose of presentation to any person, business, financial institution or other entity that may use consumer credit reports in connection with the approval of credit based upon an application for an extension of credit, and for any other purpose relating to the restoration of the victim’s credit record or negative credit reports that are related to the theft of the victim’s identity.

(c) The office of the attorney general shall design and provide for the issuance of the certificate required in subsection (a) and shall prescribe application procedures and acceptable application forms specifying the kinds and forms of information and documentation required to establish the applicant has been the victim of identity theft.”;

And by renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 52; Nays 70; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Betts, Burgess, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Howell, Jack, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Neighbor, Nichols, O’Neal, Pauls, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, S. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Carter, Compton, Cox, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gor-

don, Hayzlett, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Schwab, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Campbell, B. Sharp, D. Williams.

The motion of Rep. Peterson did not prevail, and **HB 2057** be passed.

Committee report to **HB 2208** be adopted; also, on motion of Rep. Novascone be amended on page 6, in line 21, by striking "(i)"; by striking all in lines 32 through 36; in line 43, preceding the period, by inserting "except that for a project which is within a major commercial, entertainment and tourism area as defined in K.S.A. 12-1770a and amendments thereto, if a portion or all of the sales taxes collected under K.S.A. 79-3601 *et seq.*, and amendments thereto, is pledged for such project then a portion or all of the sales taxes collected under K.S.A. 12-187 and amendments thereto shall be pledged for such project";

Also, on motion of Rep. Klein **HB 2208** be amended on page 1, in line 24, by striking "Kellogg Avenue" and inserting "Waterman Street; West along Waterman Street to St. Francis Street; South along St. Francis Street to Kellogg Avenue"; in line 26, by striking "475" and inserting "460";

Also, on motion of Rep. Goico **HB 2208** be amended on page 1, after line 43, by inserting the following:

"(c) Any redevelopment project plan in a redevelopment district specified in subsection (a) that is eligible for benefits provided by K.S.A. 12-1774 *et seq.*, and amendments thereto, and includes an arena or arena like structure shall be subject to approval by a vote by the citizens of Wichita at an election held for this purpose prior to approval by the secretary of commerce and housing.";

And by relettering subsections accordingly;

Also, on motion of Rep. Flora to amend **HB 2208**, Rep. Novascone requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Flora to amend on page 10, after line 36, by inserting the following:

"Sec. 5. (a) Each contract entered into for any nonfederal aid project undertaken pursuant to section 1, and amendments thereto, or K.S.A. 12-1770a through 12-1780a, and amendments thereto, or both, shall be based on bid or contract specifications prescribing and requiring that employees of any contractor or subcontractor shall be paid not less than the hourly wages, including fringe benefits, paid to corresponding classes of laborers and mechanics employed on similar projects in the county where the project is to be undertaken. Such minimum wage shall be the wage paid to the majority of the laborers or mechanics, unless the same wages are not paid to a majority, in which case the minimum wage shall be the average wages paid, weighted by the total employed in the classification. In the alternative, the minimum wage shall be that determined under federal law which would be required to be paid on federally funded projects at the location where the project is to be undertaken.

(b) Employees employed by contractors or subcontractors in the execution of any non-federal aid project contract for a project undertaken pursuant to section 1, and amendments thereto, or K.S.A. 12-1770a through 12-1780a, and amendments thereto, shall be paid not less than the wages as determined pursuant to subsection (a).

(c) First preference for contracts for such projects shall be contractors employing exclusively Kansas resident employees.";

And by renumbering sections accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 53; Nays 66; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Betts, Burgess, Burroughs, Carlin, Crow, Davis, DeCastro, Dillmore, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Horst, Howell, Hutchins, Kirk, Kuether, Larkin, Loganbill, M. Long, McKinney, J. Miller,

Minor, Nichols, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Carter, Compton, Cox, Craft, Dahl, Decker, Dreher, Edmonds, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Landwehr, Light, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Campbell, Klein, Krehbiel, O'Neal, B. Sharp, D. Williams.

The motion of Rep. Flora did not prevail, and **HB 2208** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Commerce and Labor** recommends **HB 2211** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2211," as follows:

"Substitute for HOUSE BILL No. 2211

By Committee on Commerce and Labor

"AN ACT concerning the licensure of plumbers, electricians and certain contractors; amending K.S.A. 12-1508, 12-1525, 12-1541, 12-1542, 12-1544, 12-1556 and 12-1557 and repealing the existing sections."; and the substitute bill be passed.

(Sub. **HB 2211** was thereupon introduced and read by title.)

The Committee on **Commerce and Labor** recommends **HB 2353** be amended on page 1, in line 26, by striking "medical" and inserting "health"; in line 30, by striking "employer's" and inserting "employee's"; in line 39, by striking "(a)"; in line 42, by striking all after the first "the"; by striking all in line 43;

On page 2, by striking all in lines 1 through 12 and inserting "state domestic violence and sexual assault coalition designated by the center for disease control or health and human services."; in line 16, by striking "section 3" and inserting "K.S.A. 44-706";

On page 4, in line 14, before the colon by inserting ", but not limited to" in line 16, following the semicolon by inserting "or"; in line 18, following the semicolon, by inserting "or"; in line 20, following the semicolon, by inserting "or"; in line 31, following the semicolon, by inserting "or"; in line 32, following the semicolon, by inserting "or"; in line 36, following the semicolon, by inserting "or"; in line 37, following the semicolon, by inserting "or";

On page 8, in line 26, before the period, by inserting "; (4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, and/or legal needs relating to said domestic violence";

On page 13, in line 12, by striking "are" and inserting "is"; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2049** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2049," as follows:

"Substitute for HOUSE BILL No. 2049

By Committee on Corrections and Juvenile Justice

"AN ACT concerning district attorneys; relating to the creation of the office of district attorney in certain judicial districts; amending K.S.A. 22a-106 and K.S.A. 2002 Supp. 22a-105 and 22a-107 and repealing the existing sections."; and the substitute bill be passed.

(Sub. **HB 2049** was thereupon introduced and read by title.)

The Committee on **Corrections and Juvenile Justice** recommends **HB 2125** be amended on page 2, in line 20, following “testifying” by inserting “, the child’s foster parents”; also in line 20, following “people” by inserting “, one of whom has participated in a parent advocate orientation program approved by the judicial administrator, and”; in line 21, following the period, by inserting “Such parent advocate orientation program shall include but not be limited to information concerning the confidentiality of the proceedings; the child and parent’s right to counsel; the definitions and jurisdiction pursuant to the Kansas code for care of children; the types and purposes of the hearings; options for informal supervision and dispositions; placement options; the parent’s obligation to financially support the child while the child is in the state’s custody; obligations of the secretary of social and rehabilitation services; obligations of entities that contract with the department of social and rehabilitation services for family preservation, foster care and adoption; the termination of parental rights; the procedures for appeals; and the basic rules regarding court procedure.”; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2271** be amended on page 1, after line 22, by inserting the following:

“(b) (1) Theft of property of the value of \$100,000 or more is a severity level 5, non-person felony.”;

Also on page 1, in line 23, by striking “(b) (1)” and inserting “(2)”; also in line 23, before “\$25,000”, by inserting “at least”; also in line 23, by striking “or more” and inserting “but less than \$100,000”; in line 25, by striking “(2)” and inserting “(3)”; also in line 25, by striking “\$2,000” and inserting “\$1,000”; in line 27, by striking “(3)” and inserting “(4)”; in line 32, by striking “(4)” and inserting “(5)”; also in line 32, by striking “\$2,000” and inserting “\$1,000”; in line 34, by striking “(5)” and inserting “(6)”; also in line 34, by striking “\$2,000” and inserting “\$1,000”; in line 35, by striking all after “has”; in line 36, by striking all before “been”;

On page 2, after line 30, by inserting the following:

“(e) (1) Theft of services of the value of \$100,000 or more is a severity level 5, non-person felony.”

Also on page 2, in line 31, by striking “(e) (1)” and inserting “(2)”; also in line 31, before “\$25,000” by inserting “at least”; also in line 31, by striking “or more” and inserting “but less than \$100,000”; in line 33, by striking “(2)” and inserting “(3)”; also in line 33, by striking “\$2,000” and inserting “\$1,000”; in line 35, by striking “(3)” and inserting “(4)”; also in line 35, by striking “\$2,000” and inserting “\$1,000”; by striking all of lines 37 through 43;

On page 3, by striking all of lines 1 through 43;

On page 4, by striking all in lines 1 through 8;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 21, by striking “\$2,000” and inserting “\$1,000”; in line 24, by striking “\$2,000” and inserting “\$1,000”; in line 25, by striking “\$2,000” and inserting “\$1,000”; in line 26, by striking “\$2,000” and inserting “\$1,000”; in line 28, by striking “and 21-3707”;

On page 1, in the title, in line 11, by striking “and 21-3707”; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2391** be amended on page 1, in line 34, before the period, by inserting “and intended to commit such injury because such officer is a law enforcement officer”; by striking all of line 43;

On page 2, by striking all in lines 1 through 25;

By renumbering sections accordingly;

On page 3, following line 32, by inserting:

“(d) A person is not guilty of endangering a child when such person acted: (1) Under the imminent threat or a pattern of threats of great bodily harm or death, or when such person reasonably believed that great bodily harm or death would be inflicted upon such person, such person’s spouse, intimate partner, brother, sister or children: or (2) pursuant to a court order and has informed the court through testimony or a written report filed with the court describing the specific circumstances creating the danger.”; in line 33, by striking

“(d)” and inserting “(e)”; also in line 33, by striking the comma and inserting “: (1)”; following line 36, by inserting the following:

“(2) “Intimate partners” means persons who are or have been in a dating relationship, persons who reside together or who have formerly resided together or persons who have had a child in common.”; by striking all in lines 37 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 28 and inserting the following:

“Sec. 4. K.S.A. 2002 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ments of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

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

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: ~~(1)~~ (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and ~~(2)~~ (ii) at the time of the conviction under ~~subsection (1)~~ paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

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

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

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

By renumbering sections accordingly;

Also on page 5, in line 29, after "21-3415", by striking the comma; in line 30, by striking all before "are" and inserting "and 21-4704";

In the title, in line 10, after "21-3415", by striking the comma; in line 11, by striking all before the second "and" and inserting "and 21-4704"; and the bill be passed as amended.

The Committee on **Environment** recommends **HB 2196** be amended on page 1, in line 15, following "owner" by inserting "or operator"; in line 35, by striking "or"; in line 39, following "hereunder" by inserting "; or

(6) deposit, store or dispense any regulated substance into any storage tank which does not comply with the provisions of this act, or the rules and regulations promulgated hereunder, after written notice by certified mail has been supplied by the secretary that such storage tanks do not comply with the provisions of the act or such rules and regulations";

Also on page 1, following line 42, by inserting the following:

“Sec. 2. K.S.A. 65-34,113 is hereby amended to read as follows: 65-34,113. (a) Any person who violates any provisions of K.S.A. 65-34,109 or 65-34,110, and amendments thereto, shall incur, in addition to any other penalty provided by law, a civil penalty in an amount of up to \$10,000 for every such violation, and in case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) The director of the division of environment, upon a finding that a person has violated any provision of K.S.A. 65-34,109 or 65-34,110, and amendments thereto, may impose a penalty within the limits provided in subsection (a), which penalty shall constitute an actual and substantial economic deterrent to the violation for which it is assessed.

(c) No penalty shall be imposed pursuant to this section except upon the written order of the director of the division of environment to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to the secretary. Within 15 days after service of the order, any such person may make written request to the secretary for a hearing thereon in accordance with the Kansas administrative procedure act.

(d) Any action of the secretary pursuant to subsection (c), (e)(1) or (e)(2) is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(e) Notwithstanding any other provision of this act, the secretary, upon receipt of information that the storage or release of a regulated substance may present a hazard to the health of persons or to the environment, may take such action as the secretary determines to be necessary to protect the health of such persons or the environment. *Operating a storage tank without a permit issued pursuant to K.S.A. 65-34,106, and amendments thereto, shall be deemed to constitute such a hazard.* The action the secretary may take shall include, but is not limited to:

(1) Issuing an order, subject to review pursuant to the Kansas administrative procedure act, directing the owner or operator of the storage tank, or the custodian of the regulated substance which constitutes such hazard, to take such steps as are necessary to prevent the act, to eliminate the practice which constitutes such hazard, to investigate the extent of and remediate any pollution resulting from the storage or release. Such order may include, with respect to a facility or site, permanent or temporary cessation of operation.

(2) Issuing an order, subject to review pursuant to the Kansas administrative procedure act, directing an owner, tenant or holder of any right of way or easement of any real property affected by a known release from a storage tank to permit entry on to and egress from that property, by officers, employees, agents or contractors of the department or of the person responsible for the regulated substance or the hazard, for the purposes of monitoring the release or to perform such measures to mitigate the release as the secretary shall specify in the order.

(3) Commencing an action to enjoin acts or practices specified in this subsection or requesting the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction. An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.

(4) Applying to the appropriate district court for an order of that court directing compliance with the order of the secretary pursuant to the act for judicial review and civil enforcement of agency actions. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection shall have precedence over other cases in respect to order of trial.

(f) In any civil action brought pursuant to this section in which a temporary restraining order, preliminary injunction or permanent injunction is sought it shall be sufficient to show that a violation of the provisions of this act, or the rules and regulations adopted thereunder has occurred or is imminent. It shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order, preliminary injunction or permanent injunction not be issued or that the remedy at law is inadequate.”;

By renumbering sections accordingly;

Also on page 1, in line 43, by striking "is" and inserting "and 65-34,113 are";

In the title, in line 10, following "65-34,109" by inserting "and 65-34,113"; also in line 10, by striking "section" and inserting "sections"; and the bill be passed as amended.

The Committee on **Environment** recommends **HB 2247** be amended on page 1, after line 13, by inserting:

"Section 1. The intent of this act is to provide a voluntary mechanism to assist existing state programs to address environmental contamination in a cost effective manner that is protective of human health and the environment.";

Also on page 1, in line 14, by striking "Section 1." and inserting "Sec. 2.";

By renumbering the remaining sections accordingly;

Also on page 1, in line 19, after "property" by inserting ", as requested by the property owner at the time of issuance,"; in line 23, before "Any" by inserting "For the purposes of this act, "environmental contamination" does not mean animal or process waste from a confined feeding facility as defined in K.S.A. 65-171d, and amendments thereto, livestock operations or the application of livestock waste for use as a plant nutrient."; in line 28, by striking "authorized" and inserting "with written authorization from the owner"; in line 40, by striking "erosion,";

On page 2, in line 6, before "The" by inserting "(a)"; in line 7, by striking "9" and inserting "10"; after line 14, by inserting:

"(b) The provisions of this act shall not apply to confined feeding facilities as defined in K.S.A. 65-171d, and amendments thereto.";

Also on page 2, in line 19, by striking "The" and inserting "If the owner elects to voluntarily restrict use of or activities on the owner's property, the"; by striking all in line 25; in line 26, by striking all before "access" and inserting "application's containing the following components: Appropriate restrictions to protect public health and the environment from known contamination which exceeds department standards for unrestricted residential use,"; also in line 26, by striking the last comma and inserting a semicolon; in line 28, after "property" by inserting a semicolon; in lines 31 and 32, by striking "(b)(3) of section 5" and inserting "(c)(3) of section 6";

On page 3, in line 8, by striking "shall" and inserting "may"; in line 9, by striking all after "department"; in line 10, by striking all before "residual" and inserting "as part of the remedial activity for the property when"; in line 28, by striking "8" and inserting "9"; after line 31, by inserting:

"(b) Any funding requirements for an application pursuant to this act, will be based on a one time payment for the property, made by the original applicant.";

Also on page 3, in line 32, by striking "(b)" and inserting "(c)"; in line 33, after "property" by inserting "to which the environmental use control applies"; in line 34, after "contaminants" by inserting "to which the environmental use control applies";

On page 4, in line 20, by striking "(c)" and inserting "(d)"; in line 31, by striking all after "remains"; in line 32, by striking all before the last "the" and inserting "above department standards, as set forth in the approved environmental use control,";

On page 5, after line 42, by inserting:

"(c) Restrictions, prohibitions and zoning requirements placed on property by a local or state government may be substituted in place of an environmental use control. Such restrictions, prohibitions and zoning requirements may be utilized in addition with any environmental use controls approved by the department. This provision does not grant or expand authority of local government to restrict, prohibit, zone or regulate land.";

Also on page 5, in line 43, by striking "(c)" and inserting "(d)";

On page 6, in line 4, by striking "present" and inserting "that property subject to an approved environmental control presents"; in line 11, by striking "Retracting" and inserting "Issuing an order retracting"; in line 16, by striking "Commencing" and inserting "For category 3 property as described in subsection (c)(3) of section 6, and amendments thereto, commencing"; in line 21, by striking "a" and inserting "substantial and imminent threat or"; also in line 21, by striking all after the period; by striking all in lines 22 through 31; in line 32, after "(a)(1)" by inserting "or (a)(2)"; in line 33, by striking "13" and inserting "14"; by striking all in lines 35 through 43;

On page 7, by striking all in lines 1 through 9; in line 10, by striking “(d)” and inserting “(c)”;

On page 8, in line 19, by striking “may” and inserting “shall”; and the bill be passed as amended.

The Committee on **Insurance** recommends **HB 2233** be amended on page 1, by striking all in lines 14 through 19;

By renumbering sections accordingly;

in line 29, by striking “The” and inserting “If required for claims adjudication, the”; in line 31, by striking all following “display”; in line 32, by striking all preceding the colon and inserting “the following information”; in line 34, by striking all following “both”; in line 35, by striking all preceding the semicolon; in line 39, preceding “cardholder” by inserting “insured or”;

On page 2, in line 4, by striking all following “or”; by striking all of line 5; in line 6, by striking all preceding “technology” and inserting “administrator of such plan may utilize, in lieu of such card, electronic”; in line 7, by striking all following “required” and inserting “for claims adjudication, as long as such electronic technology is provided by the health benefit plan or administrator of such plan to the pharmacies which will adjudicate the prescription drug claims.”; in line 14, by striking “4” and inserting “3”; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2039** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2039,” as follows:

“Substitute for HOUSE BILL No. 2039

By Committee on Judiciary

“AN ACT concerning the division of vehicles; providing for issuance of temporary resident license; amending K.S.A. 8-234b, 8-235d, 8-237 and 8-240 and K.S.A. 2002 Supp. 8-247 and repealing the existing sections.”; and the substitute bill be passed.

(Sub. **HB 2039** was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **HB 2205** be amended on page 1, by striking all in lines 13 through 28 and inserting the following:

“Section 1. K.S.A. 79-503a is hereby amended to read as follows: 79-503a. “Fair market value” means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. *In the determination of fair market value of any real property which is subject to any special assessment, such value shall not be determined by adding the present value of the special assessment to the sales price.* For the purposes of this definition it will be assumed that consummation of a sale occurs as of January 1.

Sales in and of themselves shall not be the sole criteria of fair market value but shall be used in connection with cost, income and other factors including but not by way of exclusion:

- (a) The proper classification of lands and improvements;
- (b) the size thereof;
- (c) the effect of location on value;
- (d) depreciation, including physical deterioration or functional, economic or social obsolescence;
- (e) cost of reproduction of improvements;
- (f) productivity;
- (g) earning capacity as indicated by lease price, by capitalization of net income or by absorption or sell-out period;
- (h) rental or reasonable rental values;
- (i) sale value on open market with due allowance to abnormal inflationary factors influencing such values;
- (j) restrictions imposed upon the use of real estate by local governing bodies, including zoning and planning boards or commissions; and
- (k) comparison with values of other property of known or recognized value. The assessment-sales ratio study shall not be used as an appraisal for appraisal purposes.

The appraisal process utilized in the valuation of all real and tangible personal property for ad valorem tax purposes shall conform to generally accepted appraisal procedures which are adaptable to mass appraisal and consistent with the definition of fair market value unless otherwise specified by law.

Sec. 2. K.S.A. 79-503a is hereby repealed."

Also on page 1, in line 9, by striking all after "concerning"; in line 10, by striking all before the period and inserting "property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2217** be amended on page 1, in line 29, by striking all after the period; by striking all of lines 30 through 33; in line 36, after the period by inserting the following: "Prior to applying to the division for the return of any license previously surrendered by the licensee pursuant to this section:

(1) The licensee must complete the one year driving only a motor vehicle equipped with an ignition interlock device and obtain a certificate of completion from an approved interlock company stating such person has completed the one year driving only a motor vehicle equipped with an ignition interlock device;

(2) the licensee shall sign an affidavit, under penalty of perjury, stating that such person did not drive any motor vehicle for one year following the one-year suspension pursuant to subsection (b)(2) of K.S.A. 8-1014, and amendments thereto; or

(3) if a person operates a motor vehicle in violation of the restrictions imposed pursuant to this subsection, such person shall obtain a certificate of completion from an approved interlock company stating such person has completed the one year driving only a motor vehicle equipped with an ignition interlock device. The one-year time requirement shall begin from the date such person has the interlock device installed.";

Also on page 1, in line 41, by striking all after "not"; by striking all of lines 42 and 43 and inserting "met the requirements of this subsection."; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2293** be amended on page 3, by striking all in lines 21 through 43;

On page 4, by striking all in lines 1 through 40;

By renumbering remaining sections accordingly;

On page 5, in line 29, by striking "docket fee", where it appears the first time, and inserting "fees"; also in line 29, preceding "shall" by inserting "and the service of process fee"; in line 31, following the period, by inserting "For every person to be served by the sheriff after the initial filing of the case, the clerk of the district court shall collect \$10 in accordance with K.S.A. 28-110, and amendments thereto. On a monthly basis, of the service of process fee:

(1) Five dollars shall be submitted to the county treasurer for deposit in the county treasury and credited to a sheriff's service of process fee fund. Expenditures from such fund shall be approved by the sheriff of such county and used for the expenses incurred in service of process. The board of county commissioners shall provide adequate funding to the sheriff's department and such funds shall not be used to supplant or reduce the amount of moneys received by the sheriff's department from the county general fund; and

(2) Five dollars 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 district court administration of service of process fee fund which is hereby created. Expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief judge of the judicial district where such county is located and used for the expenses incurred in administering the collection of the service of process fee. The board of county commissioners shall provide adequate funding for the clerk of the district court's office and such funds shall not be used to supplant or reduce the amount of moneys received by the clerk of the district court's office from the county general fund.";

On page 6, in line 27, by striking the comma and inserting "and"; also in line 27, by striking "and 28-172a";

In the title, in line 10, by striking the comma and inserting "and"; also in line 10, by striking "and 28-172a"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2294** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2294," as follows:

"Substitute for HOUSE BILL No. 2294

By Committee on Judiciary

"AN ACT concerning civil procedure; relating to the filing of lawsuits concerning construction defects."; and the substitute bill be passed.

(Sub. **HB 2294** was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **HB 2307** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2307," as follows:

"Substitute for HOUSE BILL No. 2307

By Committee on Judiciary

"AN ACT concerning district magistrate judges; relating to the reassignment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-354 and 20-2908 and K.S.A. 2002 Supp. 20-348 and repealing the existing sections."; and the substitute bill be passed.

(Sub. **HB 2307** was thereupon introduced and read by title.)

The Committee on **Local Government** recommends **HB 2122** be amended on page 1, in line 21, by striking "one year" and inserting "two years"; in line 23, by striking "30" and inserting "180";

On page 2, in line 4, following the stricken material, by inserting "for first-time home buyers"; in line 8, by striking "10" and inserting "20"; in line 29, preceding "If", by inserting "For good cause shown, the court may extend the ninety-day compliance period. If the property is brought into such compliance within the ninety-day period or extension of time thereof, the petition shall be dismissed."; in line 31, following the stricken material, by inserting "; or extension of time thereof";

On page 3, in line 26, by striking "and upon" and inserting ". Upon"; also in line 26, by striking "and", where it appears the second time, and inserting a comma; following line 32, by inserting:

"New Sec. 5. Any person who purchases a house from an organization which has rehabilitated such house pursuant to K.S.A. 12-1750 *et seq.*, and amendments thereto, shall be a first-time home buyer and shall agree to occupy such house for at least three years following the date of taking title to such property.";

By renumbering sections accordingly; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 2244** be amended on page 1, in line 36, following "authorized" by inserting ", in cooperation with the secretary of transportation."; in line 37, by striking "for"; by striking all in line 38; in line 39, by striking all preceding the period and inserting "to regulate the safety of railroad grade crossings on Kansas city, county, township and state roads";

On page 24, in line 27, following "mail" by inserting ", and the operation of motor vehicles used exclusively by organizations operating public transportation systems pursuant to 49 U.S.C. sections 5307, 5310 and 5311";

On page 33, in line 16, by striking "Motor" and inserting "(A) Except for motor vehicles under subparagraph (B), motor"; also in line 16, by striking ", as defined in"; in line 17, by striking all before "of 26,000"; following line 21, by inserting:

"(B) Except vehicles transporting hazardous materials which require placards, motor vehicles, with a gross vehicle weight rating of 26,000 pounds or less, carrying tools, property or material belonging to the owner of the vehicle and used in repair, building or construction work and such tools, property or material are being transported to or from an active construction site located within a radius of 25 miles of the principal place of business of the motor carrier."; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2023, HB 2150, HB 2193; Sub. HB 2197 reported correctly engrossed February 25, 2003.

HB 2015, HB 2027, HB 2071; Sub. HB 2173; HB 2312, HB 2314, HB 2332 reported correctly engrossed February 26, 2003.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Thursday, February 27, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

