

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 17, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Holmes and Sloan were excused on legislative business.

Prayer by the Rev. Clint W. Decker, pastor, Clay Center Wesleyan Church, and husband of Rep. Decker:

My glorious and awesome God, I approach your holy throne in the name of Jesus, who is the First and the Last. He is the Living One who died and now is alive forever.

God, you established government and allowed each of these Representatives to serve for such a time as this shaping the future of Kansas. May each recognize your sovereign hand at work in their life. May their hearts be filled with gratitude and humility to serve in these positions of honor. Use their unique talents and temperaments to be a blessing to the people of Kansas and bring glory to you.

God, thank you for loving all of us unconditionally. No matter who we are, in our sin, loneliness, and worry we have a place of refuge to go.

Bless this House of Representatives, their staff, and their families today.
In Jesus' name, Amen.

The Pledge of Allegiance was led by Rep. Wilson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2886, HB 2887, HB 2888.**

Federal and State Affairs: **HB 2885.**

Taxation: **HB 2882, HB 2883, HB 2884; HCR 5038.**

CONSENT CALENDAR

No objection was made to **HB 2542** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2542, An act concerning crimes, punishment and criminal procedure; relating to collection of specimens; amending K.S.A. 2003 Supp. 21-2511 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2531. An act concerning state historic property; relating to agricultural use of land; amending K.S.A. 75-2714, 75-2715, 75-2716 and 75-2720 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, 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, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Campbell, Crow, Davis, Faber, Gatewood, Kirk, Pauls, Powers, Ward.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed, as amended.

HB 2545. An act concerning insurance; pertaining to the use of mortality tables; amending K.S.A. 40-409 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou.

Present but not voting: Landwehr.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2554, An act concerning powers of attorney; amending K.S.A. 2003 Supp. 58-654, 58-655, 58-657 and 58-662 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Burgess, Burroughs, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, Decker, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Campbell, Carter, DeCastro, Dillmore, Faber, Flora, Freeborn, Gordon, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Klein, Lane, Long-Mast, McCreary, McKinney, F. Miller, Ostmeyer, Powers, Rehorn, Thull, Ward.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2565, An act concerning civil procedure; relating to worthless checks; amending K.S.A. 2003 Supp. 60-2610 and 60-2611 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2597, An act concerning insurance; pertaining to the elimination of the errors and omissions requirement for insurance agents; amending K.S.A. 40-241, 40-246b, 40-2,131 and 40-4503 and repealing the existing sections; also repealing K.S.A. 40-246f, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 12; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Crow, Dahl, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Lane, Larkin, Light,

Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Phelps, Pottorff, Powell, Reardon, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Ballou, Craft, Davis, Gordon, Klein, Minor, Pauls, Powers, Rehorn, Reitz, Vickrey, Winn.

Present but not voting: Landwehr.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2623, An act relating to highways; designating a part of K-20 highway as the Kickapoo veterans memorial highway, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Campbell, Carter, Dillmore, Gatewood, Landwehr, Neufeld, Powers.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2624, An act regulating traffic; concerning the hauling of harvested cotton, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Rehorn.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed.

HB 2678, An act concerning civil procedure; relating to small claims; amending K.S.A. 61-2706 and K.S.A. 2003 Supp. 61-2703 and 61-2713 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, 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, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powell, Powers, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Burroughs, Crow, Dreher, Kirk, Klein, Loyd, Pottorff, Reardon, Rehorn, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed, as amended.

HB 2737, An act concerning the state board of healing arts; relating to licensure of athletic trainers; amending K.S.A. 65-6901, 65-6902, 65-6903, 65-6904, 65-6905, 65-6906, 65-6907, 65-6909, 65-6910 and 65-6911 and K.S.A. 2003 Supp. 65-2891 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 31; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Loganbill, Loyd, Mason, McKinney, McLeland, J. Miller, Minor, Jim Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Carlin, Carter, Dahl, Edmonds, Freeborn, Hayzlett, Howell, Huebert, Huy, Kauffman, Landwehr, Light, M. Long, Long-Mast, Mays, McCreary, Merrick, F. Miller, Judy Morrison, Neufeld, Osborne, Powell, Powers, Schwab, Schwartz, B. Sharp, Tafanelli, Vickrey.

Present but not voting: None.

Absent or not voting: Holmes, Sloan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2737** only changes "Registered" to "Licensed" in statute. This bill does not benefit the health, safety or welfare of the public in any way. **HB 2737** increases the status of Athletic trainers without raising the standards of their practice. The net effect is their ability to bill payers at a higher rate for the same service. **HB 2737** is counter productive to keeping medical costs down. I vote no on **HB 2737**.—SCOTT SCHWAB, PEGGY LONG-MAST

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2525**, **HB 2603**, **HB 2616** be passed.

Committee report to **HB 2685** be adopted; and the bill be passed as amended.

Committee report to **HB 2477** be adopted; also, on motion of Rep. Crow to amend, the motion was withdrawn, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2143** be adopted; also, on motion of Rep. Edmonds be amended on page 4, after line 18, by inserting the following:

“Sec. 3. K.S.A. 2003 Supp. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles, shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof renewed, but during the succeeding four-year period following calendar year 1975 and during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended, at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations.

(c) Two personalized license plates may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds, who makes proper application to the division of vehicles not less than 60 days prior to such owner's or lessee's renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of \$40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. One such personalized license plate shall be displayed on the rear of the vehicle and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration decal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection (c) for passenger vehicles and trucks. The \$40 fee shall be paid only once during the registration period for which such license plates were issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued which shall contain not more than seven letters *or*, numbers *or ampersand characters* on truck or passenger vehicle license plates and not more than five letters *or*, numbers *or ampersand characters* on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters *or*, numbers *or ampersand characters* designated by the applicant have been assigned to another vehicle of the same type registered in the same county, or unless the letters *or*, numbers *or ampersand characters* designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director of vehicles, the division shall assign such letters *or*, numbers *or ampersand characters* to the applicant's vehicle, and

the letters **or**, numbers *or ampersand characters*, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning (1) the procedure for insuring that duplicate license plates are not issued in the same county, (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration, (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical, and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles 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.”;

And by renumbering sections accordingly;

Also on page 4, in line 19, after “8-1,149” by inserting “and K.S.A. 2003 Supp. 8-132”;

On page 1, in the title, in line 9, by striking “distinctive”; in line 10, by striking “thereof” and inserting “of distinctive license plates; personalized license plates”; in line 11, before “repealing” where it appears for the first time, by inserting “K.S.A. 2003 Supp. 8-132 and”; and **Sub. HB 2143** be passed as amended.

Committee report to **HB 2633** be adopted; and the bill be passed as amended.

Committee report to **HB 2581** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2487** be passed.

Committee on **Appropriations** recommends **HCR 5034** be adopted.

Committee on **Commerce and Labor** recommends **HB 2359** be amended on page 1, in line 25, after “obtain” by inserting “not less than”;

On page 2, in line 18, after “obtain” by inserting “not less than”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2479** be amended on page 1, in line 22, before the semicolon, by inserting: “, except that the term “illegal alien” shall not mean any person who currently has the legal right to remain in the United States and to be employed in the United States even though such person originally entered the United States in violation of the federal immigration and naturalization act or regulations issued thereunder and is not a citizen of the United States”; in line 26, after “authority” by inserting “of this state”; in line 31, before the comma, where it appears for the first time, by inserting “of this state”; by striking all in lines 34 through 40 and inserting in lieu thereof the following:

“Sec. 2. (a) A person or entity is considered to have complied with a requirement of this act, notwithstanding a technical or procedural failure to meet such requirement, if there was a good faith attempt to comply with the federal requirements found in title 8 of the United States code, section 1324a.

(b) A person or entity which establishes that it has complied in good faith with respect to the hiring, recruiting or referral for employment of an alien in the United States has established an affirmative defense under this act.”;

On page 2, in line 2, after “a” by inserting “law of this”; in line 3, after “proceeding” by inserting “in this state”; in line 5, after “a” by inserting “law of this”; in line 11, by striking all after the comma; in line 12, by striking “stipulation” and inserting: “not to exceed the federally prescribed civil penalty in title 8 of the United States code, section 1324a”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 197**, be amended on page 1, in line 17, by striking “2002” and inserting “2003”; in line 43, before the period,

by inserting "when such furnishing is permitted and supervised by the child or ward's parent or legal guardian";

On page 2, in line 1, by striking "2002" and inserting "2003";

On page 3, in line 12, by striking all after "3."; by striking all in lines 13 through 29 and inserting the following:

"(a) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is intentionally permitting a person's residence or any land, building, structure or room owned, occupied or procured by such person to be used by an invitee of such person or an invitee of such person's child or ward, in a manner that results in the possession or consumption therein of alcoholic liquor or cereal malt beverages by persons under the age of 18.

(b) Unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage is a class B person misdemeanor, for which the minimum fine is \$200.

(c) As used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto, except for the purposes of this section, "minor" means a person under the age of 18.

(d) This section shall be a part of and supplemental to the Kansas criminal code.;

And by renumbering the sections accordingly;

Also on page 3, in line 30, by striking "2002" and inserting "2003";

One page 1, in the title, in line 13, by striking "2002" and inserting "2003"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2592** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2592," as follows:

"Substitute for HOUSE BILL No. 2592

By Committee on Education

"AN ACT concerning school districts; relating to the transfer of territory between districts; requiring mediation.;" and the substitute bill be passed.

(**Sub. HB 2592** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HR 6013** be adopted.

Committee on **Financial Institutions** recommends **HB 2781; SB 338** be passed.

Committee on **Financial Institutions** recommends **HB 2635** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2635," as follows:

"Substitute for HOUSE BILL No. 2635

By Committee on Financial Institutions

"AN ACT amending the uniform consumer credit code; relating to additional charges; amending K.S.A. 2003 Supp. 16a-2-501 and repealing the existing section.;" and the substitute bill be passed.

(**Sub. HB 2635** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2617** be amended on page 1, in line 18, by striking "gain permission from" and inserting "notify"; in line 19, before "Nothing" by inserting "Upon notice, such landowner has the right to modify the time and other provisions of the surveyor's access upon notification to the surveyor, as long as such modifications do not unreasonably restrict completion of the survey.;" in line 28, before the period by inserting " , except when such damages and injury were willfully or deliberately caused by the landowner or occupant of land"; in line 31, by striking "and"; in line 34, before the period by inserting " ; and

(3) remove civil or criminal liability for intentional acts of injury or for damages to the surveyor or authorized agents and employees"; and the bill be passed as amended.

Committee on **Tourism and Parks** recommends **HB 2557** be amended on page 1, in line 30, by striking all following "(24)"; in line 31, by striking all preceding "state" and inserting "Free State"; following line 33, by inserting the following:

"(c) The hours that Free State state park is open to the public may be limited to those hours that parks of the city of Topeka are open, except that Free State state park shall be open at all hours for prescheduled events.;" and the bill be passed as amended.

Committee on **Tourism and Parks** recommends **HB 2573** be amended on page 1, in line 22, by striking all following the period; by striking all in lines 23 through 25; in line 26, by striking “activity, the” and inserting “The”; in line 27, by striking “fishing”; in line 28, by striking “fishing”; also in line 28, by striking the period; in line 29, by striking all preceding “shall” and inserting “but”; in line 30, by striking “hunting or fishing”;

In the title, in line 9, by striking all following “to”; in line 10, by striking “for” and inserting “requirements for persons designated to assist”; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2889, An act concerning the Kansas open records act; relating to records not required to be open; amending K.S.A. 2003 Supp. 45-221 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2890, An act relating to public health; concerning infectious and contagious diseases, by Committee on Appropriations.

HB 2891, An act establishing procedure for redevelopment districts to finance investigation and remediation of flood-plain conditions; tax increment bonds; amending K.S.A. 2003 Supp. 12-1770a and repealing the existing section, by Committee on Taxation.

HB 2892, An act concerning taxation; relating to duties of secretary of revenue; tax incidence impact analysis, by Committee on Taxation.

HB 2893, An act concerning taxation; relating to reports to the legislature by secretary of revenue, by Committee on Taxation.

HB 2894, An act concerning certain business entities; imposing a franchise tax; franchise fees; amending K.S.A. 17-1513, 17-1618, 17-7510, 17-7511, 17-7512 and 56-1a608 and K.S.A. 2003 Supp. 17-2036, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-76,125, 17-76,139, 45-221, 56-1a606, 56-1a607, 56a-1201, 56a-1202 and 56a-1203 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 17-7508, by Committee on Taxation.

HB 2895, An act concerning the Kansas apprenticeship council; amending K.S.A. 44-661 and repealing the existing section, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2531, **HB 2678**, **HB 2737** reported correctly engrossed February 16, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 18, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

