

# Journal of the House

THIRTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 26, 2004, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Ronnie Metsker, President, YouthFront, Shawnee Mission, and guest of Rep. Neighbor:

Almighty and everlasting God, our creator, our preserver, and redeemer, we now enter into Your sacred presence, under a deep sense of our weakness and unworthiness, and of Your unspeakable greatness and majesty. We ask You to make us diligent and faithful in all occupations in life to which in Your providence, we shall be called. Let us not live in indolence and self-indulgence, but let us attempt to be useful in our generation. Let us be fervent in spirit, serving the Lord. Let us walk in fear from day to day, and in all things aim to please our Heavenly Father. Make us to be the same in secret as we would wish to be in public.

I ask a special blessing on each of these men and women today who are serving the people of the state of Kansas. Give them wisdom from on High to carry out the duties of their office and to do the right thing, at the right time, and in the right way. And may it be that when all is said and done, their actions will bring glory to Your Name.

I pray these things in your Holy name. Amen.

*(Portions of the prayer were adapted from prayers by Henry Thornton, a nineteenth century Englishman who was called upon to pray for members of the parliament.)*

The Pledge of Allegiance was led by Rep. J. Williams.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **SB 524**.

Appropriations: **HB 2916**; **SB 257**.

Corrections and Juvenile Justice: **SB 183**, **SB 422**.

Economic Development: **SB 417**.

Education: **SB 373**.

Ethics and Elections: **SB 376**.

Health and Human Services: **SB 366**.

Insurance: **SB 348**.

Judiciary: **SB 423**.

Local Government: **HB 2914**.

Rules and Journal: **HB 2915**.

Transportation: **SB 330**, **SB 383**, **SB 385**, **SB 446**, **SB 501**.

Utilities: **SB 309**.

Select Committee on Pensions: **HB 2913**.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2235**, An act regulating traffic; concerning sun screening devices; exception; amending K.S.A. 8-1749a and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Long-Mast.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2306**, An act relating to adult care homes; concerning the use of inspection reports; amending K.S.A. 39-935 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 47; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Feuerborn, Flora, Freeborn, Goering, Goico, Gordon, Hayzlett, Henry, Hill, Holland, Holmes, Howell, Huebert, Huff, Hutchins, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Light, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Pottorff, Powell, Reitz, Schwab, Schwartz, Scoggins-Waite, B. Sharp, Shriver, Siegfried, Sloan, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Nays: Barbieri-Lightner, Burroughs, Campbell, Carlin, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Flaharty, Gatewood, Gilbert, Grant, Henderson, Horst, Humerickhouse, Huntington, Huy, Jack, D. Johnson, Klein, Kuether, Lane, Larkin, Loganbill, Loyd, Jim Morrison, Judy Morrison, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, S. Sharp, Showalter, Shultz, Storm, Svaty, Swenson, Ward, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

## EXPLANATIONS OF VOTE

MR. SPEAKER: In the past we have given immunity. We have placed caps on jury awards. We have made some types of evidence privileged on public policy grounds. But we have never gone so far as to make relevant, non-privileged, public information inadmissible in a Kansas court.

I will not vote to deny due process and justice to our most vulnerable senior citizens. I vote no on **HB 2306**.—RICK REHORN, JEFF JACK

MR. SPEAKER: I vote no on **HB 2306**.

This bill takes away due process rights for our most vulnerable seniors.

It takes away a person's last protections.

It limits discovery and alters evidence that is allowed in court.

This bill harms people's rights.  
 This is not about cost — it's about accountability.  
 This is not about who wears a glove to pick up a sandwich.  
 It's about reporting convicted rapists on staff.  
 This bill harms people's rights.—DALE SWENSON

**Sub. HB 2435.** An act concerning the governor's office; renaming the advisory committee on Hispanic affairs as the Hispanic and Latino American affairs commission and placing such commission within the governor's office; providing for the advisory commission on African-American affairs to be within the governor's office; amending K.S.A. 74-6501, 74-6501a, 74-6502, 74-6503, 74-6504, 74-6505, 74-6506, 74-6507, 74-6508, 74-6509, 74-9901, 74-9904 and 74-9906 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 19; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McCreary, McKinney, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sawyer, Schwartz, Scogins-Waite, B. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Campbell, Carter, Dahl, Freeborn, Goering, Kauffman, Long-Mast, Mason, McLeland, Merrick, Neufeld, Powell, Powers, Reitz, Schwab, S. Sharp, Siegfried, D. Williams.

Present but not voting: None.  
 Absent or not voting: None.  
 The substitute bill passed.

**Sub. HB 2593.** An act concerning food safety and agriculture; relating to animal identification program; powers and duties of livestock commissioner; amending K.S.A. 2003 Supp. 45-221 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 38; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Faust-Goudeau, Feuerborn, Freeborn, Gilbert, Goering, Goico, Gordon, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Landwehr, Light, Loganbill, M. Long, Loyd, Mason, Mays, McLeland, F. Miller, J. Miller, Minor, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Owens, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Svaty, Tafanelli, Toelkes, Wilk, J. Williams, Winn, Yoder, Yonally.

Nays: Carter, Crow, Dillmore, Edmonds, Faber, Flaharty, Flora, Gatewood, Grant, Howell, Huy, Kauffman, Klein, Kuether, Lane, Larkin, Long-Mast, McCreary, McKinney, Merrick, Jim Morrison, Osborne, Ostmeyer, Patterson, Pauls, Powers, Rehorn, Schwab, Scogins-Waite, Shultz, Storm, Swenson, Thimesch, Thull, Vickrey, Ward, D. Williams, Wilson.

Present but not voting: None.  
 Absent or not voting: None.  
 The substitute bill passed, as amended.

**HB 2602.** An act concerning juveniles; relating to immediate intervention programs; amending K.S.A. 38-1635 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Sloan, 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: None.

The bill passed.

**HB 2605**, An act concerning libraries; relating to the Topeka and Shawnee county library district; amending K.S.A. 12-1260 and 12-1267 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 19; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Krehbiel, 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, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yonally.

Nays: Aurand, Campbell, Dillmore, Flora, Freeborn, Gordon, Kassebaum, Kirk, Klein, Kuether, Landwehr, Minor, Rehorn, Schwab, Tafanelli, Thull, Ward, Winn, Yoder.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2622**, An act concerning agriculture; relating to department of agriculture; fees; amending K.S.A. 65-778 and 65-781 and K.S.A. 2003 Supp. 2-1205, 2-2204, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2805, 2-2806, 2-2905, 2-2906, 2-3304, 2-3306, 82a-708a, 82a-708b, 82a-714, 82a-727, 83-302 and 83-402 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Novascone, 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, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yonally.

Nays: Brunk, Burgess, Burroughs, Carter, Freeborn, Goering, Goico, Hayzlett, Holmes, Hutchins, Huy, Landwehr, Long-Mast, McLeland, Newton, O'Malley, Powers, Tafanelli, Vickrey, D. Williams, Yoder.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**Sub. HB 2647**, An act concerning bioscience; creating a Kansas bioscience authority and providing for the powers and duties thereof; providing for bioscience development and funding; amending K.S.A. 12-1771 and 12-1772 and K.S.A. 2003 Supp. 12-1770a and 74-8017 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

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, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Landwehr, Lane, Larkin, Light, 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, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Faber, Flora, Henderson, Kuether, Loganbill, B. Sharp.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

**HB 2657**, An act concerning mortuary arts; relating to removal of dead bodies; educational requirements; examination and licensure; subpoenas; amending K.S.A. 65-1701a, 65-1751 and 74-1704 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Sloan, 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: None.

The bill passed, as amended.

**HB 2658**, An act concerning adult care homes; relating to informal dispute resolution; providing for an independent review panel, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Nays: Klein, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**Sub. HB 2698**, An act providing for the regulation and licensing of radiologic technologists and x-ray operators; establishing a registry of x-ray operators; granting powers and duties of the state board of healing arts; establishing a radiologic technology council and providing for the functions thereof; declaring unlawful acts and penalties, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 19; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, 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, McCreary, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Barbieri-Lightner, Carter, Edmonds, Faber, Freeborn, Hayzlett, Huebert, Mays, McKinney, McLeland, Merrick, Minor, Neufeld, Osborne, Powell, Powers, Schwartz, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

**HB 2717**, An act concerning mortuary arts; relating to licensure of crematory operators; amending K.S.A. 65-1762 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 11; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon,

Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Barbieri-Lightner, Carter, Freeborn, Hutchins, Loyd, Mays, Osborne, Powers, Tafanelli, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2718**, An act concerning mortuary arts; relating to funeral and cemetery merchandise agreements; amending K.S.A. 2003 Supp. 16-303 and repealing the existing section, was considered on final action.

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

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, 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, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Freeborn, Neufeld.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2719**, An act concerning the Kansas manufactured housing act; prescribing installation standards; providing for manufactured home installers' licenses; providing for apprentice installers' licenses; authorizing certain fees and civil penalties; amending K.S.A. 2003 Supp. 58-4202 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, 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, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Carter, Gatewood, Huebert, Neufeld, Rehorn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2756**, An act concerning a public safety communication system; authorizing the secretary of transportation to purchase certain equipment and lease such equipment or

access to such equipment to certain entities; authorizing the issuance of revenue bonds, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 8; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, 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, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Faber, Freeborn, Huebert, McCreary, Osborne, Powers, Shultz.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2759**, An act concerning crime prevention; creating a program to target areas in the state with high incidences of crime, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 13; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Brunk, Carter, Feuerborn, Goering, Howell, Light, Neufeld, Novascone, Ostmeyer, Powers, Schwab, D. Williams, Yoder.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2767**, An act concerning open meetings; pertaining to penalties; amending K.S.A. 75-4320 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 9; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, 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, Powers, Reardon, Rehorn, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swen-

son, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Campbell, Cox, Freeborn, Kassebaum, Light, Neufeld, Reitz, Wilk, Yonally.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2770**, An act concerning the state board of healing arts; relating to the supervision of physician assistants; amending K.S.A. 39-1504, 65-468, 65-1728, 65-28,127, 65-28a10, 65-5001, 65-6119, 65-6120, 65-6123, 65-6124 and 72-5213 and K.S.A. 2003 Supp. 65-2891 and 65-5912 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Klein.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2772**, An act concerning public utilities; relating to the definition thereof, was considered on final action.

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

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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Klein, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2773**, An act concerning cities and townships; relating to the boundaries thereof; amending K.S.A. 12-520 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 64; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Burgess, Burroughs, Dahl, DeCastro, Faber, Faust-Goudeau, Flaharty, Flora, Freeborn, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Howell, Huebert,

Humerickhouse, Hutchins, Huy, Kauffman, Klein, Lane, Loganbill, M. Long, Long-Mast, Mason, Mays, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Neufeld, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Rehorn, Sawyer, Schwab, B. Sharp, Showalter, Shriver, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Gatewood, Gilbert, Henry, Hill, Holland, Holmes, Horst, Huff, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Light, Loyd, McCreary, Minor, Jim Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Owens, Reardon, Reitz, Ruff, Schwartz, Scoggins-Waite, S. Sharp, Shultz, Siegfried, Sloan, Storm, Swenson, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: None.

The bill did not pass.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2773**. It is true that the current annexation provisions are seriously flawed. There has certainly been abuse. Further, and most important, is the democratic principle that people deserve to have a voice in the decisions that are made about their lives. However, the annexation amendment to **HB 2773** is not the answer. It is cumbersome and essentially leaves contested annexation decisions in the hands of one person. I sincerely hope that an interim committee will address this issue in depth and make helpful recommendations.—SUE STORM, DEENA HORST

**Sub. HB 2777**, An act concerning controlled substances; relating to manufacturing; amending K.S.A. 65-4161 and 65-4163 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Sloan, 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: None.

The substitute bill passed.

**HB 2790**, An act concerning the criminal justice coordinating council; amending K.S.A. 74-9501 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Tafanelli.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2795**, An act relating to compulsory school attendance; concerning students in post-secondary educational institutions; amending K.S.A. 72-1111 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Sloan, 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: None.

The bill passed, as amended.

**HB 2820**, An act concerning the state board of healing arts; relating to actions taken for unprofessional conduct; expiration of licenses and registrations; creation of designations for certain licenses; amending K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, 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, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Faber, Neufeld.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2833**, An act relating to roads and highways; designation certain parts of certain roads and highways; amending K.S.A. 68-1010 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 3; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Ostmeier, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Landwehr, Neufeld, Powers.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**HB 2869**, An act concerning criminal procedure; relating to preliminary examinations, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Holmes, 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, Ostmeier, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, 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: None.

The bill passed, as amended.

**HB 2871**, An act regulating traffic; concerning certain traffic infractions for motor carriers; amending K.S.A. 8-1901, 8-2118, 66-1315, 66-1324 and 79-34,122 and K.S.A. 2003 Supp. 8-2107 and 66-1,130 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, 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, Holmes, 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, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Ward.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2764**, **HB 2874** be passed.

Committee report to **HB 2693** be adopted; also, on motion of Rep. Holland to amend, Rep. Yoder requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Holland challenged the ruling, the question being "Shall the Rules Chair be sustained?" Roll call was demanded.

On roll call, the vote was: Yeas 73; Nays 47; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Beggs, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, Long-Mast, McKinney, J. Miller, Minor, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Barbieri-Lightn, Bethell, Edmonds, Faber, Shultz.

The Rules Chair was sustained, and **HB 2693** be passed as amended.

On motion of Rep. Hutchins, **HB 2653** be amended on page 1, by striking all in lines 14 through 24; in line 25, by striking "Sec. 2." and inserting "Section 1.";

By renumbering the remaining sections accordingly;

In the title, in line 9, by striking "the interstate wildlife"; in line 10, by striking "violator compact;"

Also, on motion of Rep. Grant, **HB 2653** be amended on page 2, following line 40, by inserting:

"New Sec. 3. The department of wildlife and parks shall eliminate, through attrition, the bison in the bison display on land owned by the department in the city of Frontenac. When there are no more bison in the display, the department shall institute best management practices to grow natural prairie grasses on such land. After utilizing such practices for five years, the department shall reintroduce bison into the display.";

By renumbering the remaining sections accordingly;

In the title, in line 10, before "amending" by inserting "bison display at Frontenac;" and **HB 2653** be passed as amended.

Committee report to **HB 2393** be adopted; also, on motion of Rep. Jack be amended on page 1, in line 27, by striking "commit-"; in line 28, by striking all preceding "committee"; and **HB 2393** be passed as amended.

Committee report to **HB 2489** be adopted; also, on motion of Rep. Yonally to amend, Rep. Aurand requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment not germane. Rep. Yonally challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

Also, on motion of Rep. Showalter **HB 2489** be amended on page 2, in line 31, by striking ", responses to actual events"; and **HB 2489** be passed as amended.

Committee report to **HB 2490** be adopted; also, on motion of Rep. Showalter be amended on page 6, in line 21, by striking ", responses to actual events"; and **HB 2490** be passed as amended.

**HB 2714** be passed over and retain a place on the calendar.

Committee report to **HB 2880** be adopted; and the bill be passed as amended.

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

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### AFTERNOON SESSION

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

#### MESSAGE FROM THE GOVERNOR

February 25, 2004

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2004-02 for your information.

EXECUTIVE ORDER No. 2004-02

Offer of Reward  
for information leading to the arrest  
and conviction in the homicide of Carol Fleming

KATHLEEN SEBELIUS  
*Governor*

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

#### MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 296; SB 314, SB 326, SB 328, SB 331, SB 350, SB 357, SB 370; Sub. SB 380; SB 382, SB 384, SB 387, SB 396, SB 404, SB 410, SB 415, SB 416, SB 424, SB 426, SB 431, SB 436, SB 440, SB 442, SB 443, SB 447, SB 448, SB 449, SB 472, SB 478, SB 481, SB 502, SB 508.**

Announcing passage of **HB 2008**, as amended.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**Sub. SB 296; SB 314, SB 326, SB 328, SB 331, SB 350, SB 357, SB 370; Sub. SB 380; SB 382, SB 384, SB 387, SB 396, SB 404, SB 410, SB 415, SB 416, SB 424, SB 426, SB 431, SB 436, SB 440, SB 442, SB 443, SB 447, SB 448, SB 449, SB 472, SB 478, SB 481, SB 502, SB 508.**

Speaker Mays announced that in accordance with House Rule 2107, the Senate amendments to **HB 2008** do materially change its subject and **HB 2008** therefor is not subject to Motions to Concur and Nonconcur.

**HB 2008** was thereupon introduced and read by title.

Speaker Mays thereupon referred **HB 2008** to Committee on Federal and State Affairs.

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

**COMMITTEE OF THE WHOLE**

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

Recommended that **HB 2735**, **HB 2539**, **HB 2577**, **HB 2638**, **HB 2727**, **HB 2714**, **HB 2636** be passed.

Committee report to **HB 2760** be adopted; and the bill be passed as amended.

Committee report to **HB 2811** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2713** be adopted; also, on motion of Rep. Burroughs be amended on page 3, in line 24, by striking "contests" and inserting "contest"; in line 29, by striking "12" and inserting "11"; in line 39, by striking "fights" and inserting "contests";

On page 4, in line 38, after the period by inserting "The athletic commission may refuse to issue a license for future regulated sports contests or may revoke or suspend a license previously issued if prohibited conduct occurs."; in line 43, after "that" by inserting "good";

On page 5, in line 2, by striking all after "involving"; in line 3, by striking all before the semicolon and inserting "a regulated sport"; in line 5, by striking all after "in"; in line 6, by striking all before the semicolon and inserting "a regulated sport"; in line 8, by striking "12" and inserting "11"; in line 18, by striking the second "of" and inserting "or"; after line 26, by inserting the following:

"(j) "professional mixed martial arts" means any form of martial arts or self-defense conducted on a full-contact basis in a bout or contest with or without weapons and where contestants compete for valuable consideration. Such contests take place in an enclosed ring and are fought in timed rounds";

And by relettering the remaining subsections;

Also on page 5, in line 35, after the comma by inserting "professional";

On page 6, in line 14, after "suspension" by inserting ", not to exceed 180 days."; in line 15, by striking ", not to exceed 180 days.";

On page 8, in line 27, by striking all after "Any"; in line 28, by striking "fessional full-contact karate" and inserting "regulated sport"; and **Sub. HB 2713** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2583** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2594** be adopted; and the substitute bill be passed.

Committee report to **HB 2618** be adopted; and the bill be passed as amended.

Committee report to **HB 2668** be adopted; and the bill be passed as amended.

On motion of Rep. Yonally, **HB 2774** be amended on page 4, following line 2, by inserting:

"New Sec. 4. (a) If any township has no residents, as certified by the county clerk of the county in which such township is located, or if any township officer position is vacant due to a lack of candidates for such offices for two consecutive township elections, as certified by the election commissioner of the county in which such township is located, the board of county commissioners, by resolution, may disorganize the township or consolidate the township with the next geographically closest township, within such county, having a functioning township board. Prior to the adoption of such resolution, the board of county commissioners shall conduct a public hearing on the advisability of adopting such resolution. Until such time as the disorganization or consolidation is completed, the board of county commissioners may exercise all of the statutory powers of the township board deemed necessary and advisable by such board of county commissioners.

(b) All books, papers, records, moneys and other assets belonging to any township proposed to be disorganized or consolidated under subsection (a) shall be delivered by the persons in possession thereof to the board of county commissioners. The board of county commissioners may dispose of any assets of such township in the manner provided by this section. If at the time of its disorganization or consolidation, the township has any outstanding indebtedness, the board of county commissioners shall place any moneys together with the proceeds of any assets of such township into a special fund that shall be used for the purpose of paying such indebtedness. Moneys and assets in excess of that required for the payment of outstanding indebtedness either shall be transferred to the township with which the disorganized township is consolidated or shall be disposed of in

such other manner as determined by the board of county commissioners to be in the best interests of the former residents or property owners of such township.”;

By renumbering the remaining sections accordingly;

In the title, in line 9, by striking “relating to fire districts;”; and **HB 2774** be passed as amended.

On motion of Rep. Toelkes, **HB 2712** be amended on page 1, following line 37, by inserting new material to read as follows:

“Sec. 2. K.S.A. 2003 Supp. 80-104 is hereby amended to read as follows: 80-104. (a) In addition to all other powers, the township board of each township shall have power to ~~procure not to exceed three acres of~~ *acquire* land for the township, and to build thereon permanent buildings, or to purchase school building or grounds or both the building and grounds the same to be used for public purposes, such as meetings relating to township business, political gatherings, township fairs, entertainments, whether for free use or for hire and profit, at which an admission price may be charged, and such other meetings as may be authorized by the township board. The board may join with any corporation, association, society or lodge in the construction or purchase of such building, upon such terms and conditions as may be agreed upon by the board and corporation, association, society or lodge. If such building is so constructed or purchased it shall be for the joint use of the township and the corporation, association, society or lodge joining in the construction or purchase thereof upon such terms and conditions as are mutually agreed upon. Except as provided by subsection (b), the board shall not acquire any land or erect buildings thereon or purchase such schoolhouse or appropriate any of the moneys of the township or levy any tax therefor without first submitting the question to a vote of the electors of the township. Such election shall be governed by and the returns thereof made in accordance with the laws governing the election of township officers. Funds authorized by such election may be used in the joint construction or purchase of a building as herein provided.

(b) The township board may ~~procure~~ *acquire*, either by purchase or by lease, not to exceed two acres of land for the township ~~and build thereon sheds and buildings that may be necessary for the storage and protection of tools, implements and machinery without such election.~~ The cost of such land may be paid out of the general fund of the township or from the general road fund of the township, or from either or both of the funds.

The township board may accept land in the form of a gift, donation or devise without first submitting the question to a vote of the electors of the county.

(c) Whenever any township is authorized by virtue of an election to construct or purchase township buildings, general obligation bonds may be issued for such purpose in accordance with the provisions of the general bond law.”;

By renumbering the remaining sections accordingly;

Also on page 1, in line 38, by striking “is” and inserting “and K.S.A. 2003 Supp. 80-104 are”;

In the title, in line 9, by striking all following “concerning”; in line 10, by striking all preceding the period and inserting “certain municipalities; relating to the powers and duties thereof; amending K.S.A. 19-3610 and K.S.A. 2003 Supp. 80-104 and repealing the existing sections”; and **HB 2712** be passed as amended.

Committee report to **HB 2742** be adopted; also, roll call was demanded on motion of Rep. Landwehr to amend as amended by House Committee, on page 3, in line 42, after “(8)” by inserting “Members of the legislature when carrying out such member’s official functions. Records and reports received by the member may be disclosed to interested parties and such interested parties’ attorney but shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(9)”;

On page 4, in line 21, after “(8)” by inserting “Members of the legislature when carrying out such member’s official functions. Records and reports received by the member may be disclosed to interested parties and such interested parties’ attorney but shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(9)”;

On page 8, in line 3, by striking all after “the”; by striking all in lines 4 through 10; in line 11, by striking all before “shall” and inserting “legislature when carrying out such member’s official functions. Records received by the member may be disclosed to interested parties and such interested parties’ attorney but”;

On page 11, in line 10, by striking all after “the”; by striking all in lines 11 through 19; in line 20, by striking all before “shall” and inserting “legislature when carrying out such member’s official functions. Records received by the member may be disclosed to interested parties and such interested parties’ attorney but”;

On page 12, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

On page 13, in line 1, by striking “and 75-4319”;

On page 1, in the title, in line 12, by striking “and 75-4319”;

On roll call, the vote was: Yeas 59; Nays 60; Present but not voting: 0; Absent or not voting: 6.

Yeas: Barbieri-Lightner, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Dahl, DeCastro, Dillmore, Faber, Gatewood, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Howell, Huebert, Huff, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Lane, Larkin, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Pauls, Powell, Powers, Reardon, Schwab, B. Sharp, Shriver, Shultz, Siegfried, Swenson, Tafanelli, Thimesch, Thull, Vickrey, Winn.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Compton, Cox, Craft, Crow, Davis, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gilbert, Hill, Holland, Holmes, Horst, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Light, Loganbill, Loyd, J. Miller, Minor, Neighbor, Neufeld, Newton, O’Malley, O’Neal, Owens, Patterson, Phelps, Pottorff, Rehorn, Reitz, Ruff, Schwartz, Scoggins-Waite, S. Sharp, Showalter, Sloan, Storm, Svaty, Toelkes, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Decker, Edmonds, Gordon, Humerickhouse, Sawyer, D. Williams. The motion of Rep. Landwehr did not prevail; and **HB 2742** be passed as amended.

Committee report to **HB 2595** be adopted; also, roll call was demanded on motion of Rep. Patterson to amend on page 1, after line 37, by inserting the following:

“New Sec. 2. (a) Any person required to register as an offender under K.S.A. 22-4901 et seq., and amendments thereto, shall also be required to be monitored by a global positioning systems unit to the fullest extent possible that such unit and supporting technology continuously tracks and provides data on the person’s movement and conduct. Such unit shall be provided at the expense of the person.

(b) Prior to a person being monitored by a global positioning systems unit, such person shall provide written notification to the sheriff and district or county attorney of the county in which the person is being monitored and to the chief law enforcement officer of any incorporated city or town in which the person is being monitored of the placement of the person being monitored within the county or incorporated city or town.

(c) Any person subject to the requirements under subsection (a) shall do so for the same period of time that the person is required to be registered under K.S.A. 22-4906, and amendments thereto.

(d) Any person who violates any of the provisions of this section, upon conviction, shall have such person’s driving privileges suspended for a period of 10 years.

(e) This section shall be part of and supplemental to the Kansas offender registration act.

Sec. 3. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a) The division is authorized to restrict, suspend or revoke a person’s driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) The division shall suspend a person's driving privileges when required by K.S.A. 8-262, 8-1014 or 41-727, and amendments thereto, and K.S.A. ~~2000~~ 2003 Supp. 21-3765, and amendments thereto, *section 2, and amendments thereto*, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and subsection (c) of this section, if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of restriction, suspension or revocation or, good cause appearing therefor, extend the restriction or suspension of the person's driving privileges, modify the terms of the restriction or suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of restriction, suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of restriction, suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

(e) In case of failure on the part of any person to comply with any subpoena issued in behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage

provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

(f) The division, in the interest of traffic and safety, may establish driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. A person who is required to attend a driver improvement clinic shall pay a fee of \$15. Amounts received under this subsection 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 same in the state treasury to the credit of the division of vehicles operating fund."

And by renumbering the remaining sections accordingly;

Also on page 1, in line 38, after "K.S.A." by inserting "8-255 and K.S.A."; also in line 38, by striking "is" and inserting "are";

In the title, in line 10, by striking "the civil commitment of sexually violent predators" and inserting "criminal offenders; relating to global positioning systems on motor vehicles"; in line 11, by striking "thereof" and inserting "of civil commitment of sexually violent predators"; also in line 11, after "amending" by inserting "K.S.A. 8-255 and"; in line 12, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Burgess, Burroughs, Campbell, Carlin, Carter, Dahl, Davis, DeCastro, Dillmore, Faber, Feuerborn, Freeborn, Gatewood, Gilbert, Goico, Grant, Hayzlett, Henry, Hill, Holland, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Lane, Larkin, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powers, Reardon, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson.

Nays: Beggs, Bethell, Brunk, Compton, Cox, Craft, Crow, Decker, Dreher, Faust-Goudeau, Flaharty, Flora, Goering, Gordon, Henderson, Holmes, Horst, Huntington, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Light, Loganbill, Loyd, Minor, Neufeld, Pottorff, Powell, Rehorn, Reitz, Ruff, Sawyer, Storm, Thimesch, Wilk, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Klein, D. Williams.

The motion of Rep. Patterson prevailed, and **HB 2595** be passed as amended.

**HB 2674** be passed over and retain a place on the calendar.

Committee report to **HB 2585** be adopted; and the bill be passed as amended.

Committee report to **HB 2805** be adopted; and the bill be passed as amended.

Committee report to **HB 2889** be adopted; and the bill be passed as amended.

Committee report to **HB 2758** be adopted; and the bill be passed as amended.

Committee report to **HB 2615** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2815** be adopted; and the substitute bill be passed.

Committee report to **HB 2649** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2697** be adopted; and the substitute bill be passed.

Committee report to **HB 2813** be adopted; and the bill be passed as amended.

Committee report to **HB 2862** be adopted; and the bill be passed as amended.

On motion of Rep. Aurand, **HB 2631** be amended on page 2, in line 20, before the period by inserting "unless the child was enrolled in a Kansas public school on September 20, 2003";

Also, on motion of Rep. Gatewood to amend **HB 2631**, the motion did not prevail.

Also, on motion of Rep. Ostmeyer **HB 2631** be amended on page 2, in line 20, following "act" by inserting "unless the parent or guardian of the pupil is an employee of the school district";

Also, on motion of Rep. Jack **HB 2631** be amended on page 2, in line 20, following “act” by inserting “unless: (1) The pupil or a parent or guardian of the pupil owns real property in Kansas that is subject to property taxation; or (2) a parent or guardian of the pupil has no income tax liability in Kansas in the prior or current year. No Kansas school district may accept in excess of seventy-five FTE out-of-state students per year”;

Also, on motion of Rep. Storm to amend **HB 2631**, Rep. Loyd requested the question be divided. The question was divided. On Part A, Rep. Aurand moved to rise and report. Roll call was demanded.

On roll call, the vote was: Yeas 69; Nays 52; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballou, Beggs, Bethell, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, Shultz, Siegfried, Sloan, Tafanelli, Toelkes, Vickrey, Wilk.

Nays: Boyer, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Huntington, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Neighbor, O’Malley, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Ballard, Barbieri-Lightner, Edmonds, D. Williams.

The motion to rise and report prevailed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **HB 2661** be amended on page 1, in line 26, by striking “and” and inserting “. The commission”; in line 31, by striking all after “management”; by striking all of line 32; in line 33, by striking all before “with”;

On page 3, following line 33, by inserting “(l) motor vehicles used to transport water for domestic use purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption;”; in line 34, by striking “(l)” and inserting “(m)”; in line 39, by striking “(m)” and inserting “(n)”;

On page 4, in line 1, by striking “(n)” and inserting “(o)”; in line 3, by striking “(o)” and inserting “(p)”; in line 9, by striking “(p)” and inserting “(q)”; in line 11, by striking “(q)” and inserting “(r)”; in line 16, by striking “(r)” and inserting “(s)”; in line 20, by striking “(s)” and inserting “(t)”; in line 23, by striking “(t)” and inserting “(u)”;

On page 6, following line 21 by inserting “(8) Motor vehicles used to transport water for domestic use purposes, as defined by subsection (c) of K.S.A. 82a-701, and amendments thereto, or livestock consumption.”; in line 22, by striking “(8)” and inserting “(9)”; in line 31, by striking “relevant to motor carriers”; in line 32, following “commission” by inserting “pursuant to the motor carrier act and other laws relevant to motor carriers”; in line 41, by striking “or direction”; and the bill be passed as amended.

#### MESSAGES FROM THE GOVERNOR

**HB 2522** approved on February 26, 2004.

#### REPORT ON ENGROSSED BILLS

**HB 2393, HB 2489, HB 2490, HB 2653, HB 2693, HB 2880** reported correctly engrossed February 26, 2004.

FEBRUARY 26, 2004

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On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Friday, February 27, 2004.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

