

# Journal of the House

FORTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 16, 2004, 11:00 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, Rabbi Lawrence P. Karol, Temple Beth Sholom, Topeka, guest of Rep. Gordon:

Eternal One, Source of Blessing, our Guardian and Hope,

Support all who are here in this chamber and all who serve the state of Kansas. Grant inspiration that will generate new ideas. Sustain a depth of commitment to all citizens that will engender honor and trust.

Strengthen our resolve to preserve in every decision a sense of justice, in every discussion a sense of mutual respect. May no one feel left out or marginalized by what we say or do.

Keep us faithful to our heritage of freedom and democracy that binds leaders and citizens together in a covenant of communication and cooperation.

Open all minds and hearts to consider the widest range of solutions to the problems and challenges we face, knowing that our willingness to consider many options will create among us valuable dialogue and understanding. May the laws and policies established here serve to unite us even when disagreement persists.

Remind us, Creator of humankind, that beyond party labels and cultural, ethnic and religious differences, we are all members of one human family that still seeks to bring to this world liberty, righteousness and peace.

May the work that we do every day have lasting value, and may we all continue to live in our homes and communities in safety and security. And let us say Amen.

The Pledge of Allegiance was led by Rep. E. Johnson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2935**, An act concerning taxation; relating to authority of cities, counties and school districts to impose certain taxes; repeal of certain transfers to local units of government; amending K.S.A. 12-140, 12-1,101, 12-1,106, 65-163j, 65-3306, 65-3327 and 68-581 and K.S.A. 2003 Supp. 12-187, 12-189, 12-192, 19-101a, 79-3425, 79-34,104 and 79-34,126 and repealing the existing sections; also repealing K.S.A. 19-2694, 68-581a, 79-2960, 79-2961, 79-2962, 79- 2965, 79-2966, 79-2967, 79-3425f and 79-3425g and K.S.A. 2003 Supp. 79-2959, 79-2964, 79- 3425c, 79-3425i and 79-34,147, by Committee on Taxation.

**HB 2936**, An act concerning sales taxation; relating to exemptions; community-based mental retardation facility or mental health center; amending K.S.A. 2003 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **HB 2932**, **HB 2933**.

Economic Development: **HB 2934**.

Education: **HB 2931**.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6027—

By Representative Barbieri-Lightner

A RESOLUTION promoting Brachial Plexus Injury Awareness.

WHEREAS, Brachial plexus injuries affect the network of nerves that control the muscles of the shoulder, arm, elbow, wrist, hand and fingers and can result in full to partial paralysis of one or both arms; and

WHEREAS, Brachial plexus injuries can occur as a result of trauma such as automobile, motorcycle or boating accidents; sports injuries (“burners” or “stingers”); animal bites; gunshot or puncture wounds, as a result of specific medical treatments or procedures or due to viral diseases; and

WHEREAS, Brachial plexus injuries occur often during the birthing process; approximately 2-5 per 1000 newborns are affected by brachial plexus injuries; and

WHEREAS, Persons affected by brachial plexus injuries experience pain in muscle, joints and ligaments; weakness, atrophy and numbness of the affected limb and sometimes respiratory difficulties as well; and

WHEREAS, Those affected by brachial plexus injuries often experience delayed diagnosis and lack of access to information related to current and ground-breaking treatment options, including surgical procedures available that could enhance function of the affected limb; and

WHEREAS, Early intervention by specialized physicians and experienced occupational and physical therapists is essential for optimum functional improvement related to a brachial plexus injury; and

WHEREAS, Lack of information related to current treatment protocol and outcome expectations for brachial plexus injuries hinders government agencies in their efforts to provide appropriate benefits and services to those in serious need; and

WHEREAS, The brachial plexus injury community, the Awareness Committee and the United Brachial Plexus Network, Inc. are promoting Brachial Plexus Injury Awareness Week to inform and educate the general public, the medical community, individuals with brachial plexus injuries and their families; and

WHEREAS, The Awareness project is broken into two parts: Awareness Week, which is always the third week in October, and ongoing awareness. Awareness, in general, is an opportunity to educate the public, inform parents and professionals about the services available, and to reach out to the general public, thereby making a difference in the lives of those with brachial plexus injuries: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we give our support to promoting awareness of brachial plexus injuries and early diagnosis and treatment of these injuries; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Dr. Bob Rinaldi, Children’s Mercy Hospitals and Clinics, 2401 Gillham, Kansas City, MO 64108-9898; United Brachial Plexus Network, Inc., 1610 Kent Street, Kent, OH 44240 and Representative Barbieri-Lightner.

**CONSENT CALENDAR**

No objection was made to **SB 443**, **SB 452** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2912**; **SB 366** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2912**, An act concerning state finance; relating to biennial budget estimates for certain state agencies; amending K.S.A. 2003 Supp. 75-3717 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.

**SB 366**, An act concerning the cancer registry; relating to the definition of health care provider and parties required to report to the registry; amending K.S.A. 65-1,168 and 65-1,169 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.

**HB 2582**, An act creating the horsethief reservoir benefit district; providing for a governing board; prescribing powers and duties thereof; taxing and bonding authority, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 26; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Faber, Faust-Goudeau, Flaharty, Flora, Freeborn, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Light, Long-Mast, Loyd, Mason, Mays, McCreary, 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, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Swenson, Tafanelli, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Barbieri-Lightner, Burroughs, Carlin, Carter, Dillmore, Edmonds, Feuerborn, Gatewood, Goering, Goico, Henderson, Klein, Landwehr, Lane, Larkin, Loganbill, M. Long, McKinney, McLeland, Rehorn, B. Sharp, Svaty, Thimesch, Thull, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2835**, An act concerning the use of a recording device criminal violation; civil liability, 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, 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, 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: Goering, Klein, Schwab.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

**HB 2908**, An act concerning the membership of the state workforce investment board and local workforce investment boards; providing for an advisory committee to each local workforce investment board, 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, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, 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, 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: Carter, Dillmore, Howell.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

**SB 338**, An act concerning liens; pertaining to the perfection of certain liens; amending K.S.A. 2003 Supp. 58-244 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.

**SB 353**, An act concerning agriculture; relating to noxious weeds; sericea lespedeza, disaster area and research and demonstration area; amending K.S.A. 2003 Supp. 2-1315, 2-1334, 2-1908 and 2-1915 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.

**SB 404**, An act concerning real estate brokers and salespersons; relating to licensure thereof; relating to certain prohibited acts; amending K.S.A. 2003 Supp. 58-3043, 58-3050 and 58-3062 and repealing the existing sections, was considered on final action.

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

Absent or not voting: None.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 312**, **SB 479**; **HB 2676** be passed over and retain a place on the calendar.

Committee report to **HB 2484** be adopted; also, on motion of Rep. McCreary to amend, Rep. Sloan requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and **HB 2484** be passed as amended.

Committee report to **SB 297** be adopted; and the bill be passed as amended.

Committee report to **SB 141** be adopted; also, on motion of Rep. Yoder be amended on page 14, by striking all in lines 34 through 43;

By striking all on pages 15 and 16;

On page 17, by striking all in lines 1 through 22 and inserting the following:

“Sec. 17. On and after July 1, 2007, K.S.A. 65-163 is hereby amended to read as follows:  
65-163 (a) (1) No person shall operate a public water supply system within the state without a public water supply system permit from the secretary. An application for a public water supply system permit shall be submitted for review and approval prior to construction and shall include: (A) A copy of the plans and specifications for the construction of the public water supply system or the extension thereof; (B) a description of the source from which the water supply is to be derived; (C) the proposed manner of storage, purification or treatment for the supply; and (D) such other data and information as required by the secretary of health and environment. No source of water supply in substitution for or in addition to the source described in the application or in any subsequent application for which a public water supply system permit is issued shall be used by a public water supply system, nor shall any change be made in the manner of storage, purification or treatment of the water supply without an additional public water supply system permit obtained in a manner similar to that prescribed by this section from the secretary.

(2) Whenever application is made to the secretary for a public water supply system permit under the provisions of this section, it shall be the duty of the secretary to examine the application without delay and, as soon as possible thereafter, to grant or deny the public water supply system permit subject to any conditions which may be imposed by the secretary to protect the public health and welfare.

(3) The secretary may adopt rules and regulations establishing a program of annual certification by public water supply systems that have staff qualified to approve the extension of distribution systems without the necessity of securing an additional permit for the extension provided the plans for the extension are prepared by a professional engineer as defined by K.S.A. 74-7003, and amendments thereto.

(b) (1) Whenever a complaint is made to the secretary by any city of the state, by a local health officer, or by a county or joint board of health concerning the sanitary quality of any water supplied to the public within the county in which the city, local health officer or county or joint board of health is located, the secretary shall investigate the public water supply system about which the complaint is made. Whenever the secretary has reason to believe that a public water supply system within the state is being operated in violation of an applicable state law or an applicable rule and regulation of the secretary, the secretary may investigate the public water supply system.

(2) Whenever an investigation of any public water supply system is undertaken by the secretary, it shall be the duty of the supplier of water under investigation to furnish to the

secretary information to determine the sanitary quality of the water supplied to the public and to determine compliance with applicable state laws and rules and regulations. The secretary may issue an order requiring changes in the source or sources of the public water supply system or in the manner of storage, purification or treatment utilized by the public water supply system before delivery to consumers, or distribution facilities, collectively or individually, as may in the secretary's judgment be necessary to safeguard the sanitary quality of the water and bring about compliance with applicable state law and rules and regulations. The supplier of water shall comply with the order of the secretary.

(c) (1) As used in this subsection (c), "municipal water treatment residues" means any solid, semisolid or liquid residue generated during the treatment of water in a public water supply system treatment works.

(2) A public water supply system may place or store municipal water treatment residues resulting from sedimentation, coagulation or softening treatment processes in basins on land under the ownership and control of the public water supply system operator provided that such storage or placement is approved and permitted by the secretary under this section as part of the public water supply system.

(3) The secretary shall adopt uniform and comprehensive rules and regulations for the location, design and operation of such basins. Such rules and regulations shall require permit applications by the public water suppliers for such basins to include a copy of the plans and specifications for the location and construction of each basin, the means of conveyance of the treatment residues to such basins, the content of treatment residues, the proposed method of basin operation and closure, the method of any anticipated expansion and any other data and information required by the secretary.

(4) Whenever complaint is made to the secretary by the mayor of any city of the state, by a local health officer or by a county or joint board of health, or whenever an investigation is undertaken at the initiative of the secretary, relating to any alleged violation of the provisions of the permit for placement or storage of municipal water treatment residues in such basins, the public water supply system operator shall furnish all information the secretary requires. If the secretary finds that there is any violation of the terms of the permit, that the means of placement and storage exceed the terms of the permit or that any other condition exists by reason of the means of placement and storage that may be detrimental to the health of any inhabitants of the state or to the environment, the secretary shall have the authority to issue an order amending the permit or otherwise requiring the operator to perform remedial measures to curtail or prevent such detrimental conditions.

(d) *Orders of the secretary under this section, and hearings thereon, shall be subject to the provisions of the Kansas administrative procedure act.* Any action of the secretary pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions. The court on review shall hear the case without delay.

(e) The secretary shall establish by rule and regulation a system of fees for the inspection and regulation of public water supplies. No such fee shall exceed \$.002 per 1,000 gallons of water sold at retail by a public water supply system. All such fees shall be paid quarterly in the manner provided for fees imposed on retail sales by public water supply systems pursuant to K.S.A. 82a-954, and amendments thereto. The secretary shall remit all moneys collected for such fees 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 public water supply fee fund created by K.S.A. 65-163c, and amendments thereto.

(f) There is hereby created an advisory committee to make recommendations regarding: (1) Fees to be adopted by the secretary under subsection (e); (2) means of strengthening on-site technical assistance to public water supply systems; (3) standards for on-site and classroom water treatment operator certification programs; (4) other matters concerning public water supplies; and (5) to advise the secretary regarding expenditure of moneys in the public water supply fee fund created by K.S.A. 65-163c, and amendments thereto. Such advisory committee shall consist of one member appointed by the secretary to represent the department of health and environment, one member appointed by the director of the Kansas water office to represent such office and two members appointed by the secretary

as follows: One from three nominations submitted by the Kansas section of the American waterworks association, and one from three nominations submitted by the Kansas rural water association. Members of the advisory committee shall serve without compensation or reimbursement of expenses. The advisory committee shall meet at least four times each year on call of the secretary or a majority of the members of the committee.”;

On page 19, by striking all in lines 2 through 18 and inserting the following:

“Sec. 20. On and after July 1, 2007, K.S.A. 65-526 is hereby amended to read as follows: 65-526. (a) The secretary of health and environment, in addition to any other penalty prescribed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard *in accordance with the Kansas administrative procedure act*, against a licensee or registrant for each violation of such provisions or rules and regulations adopted pursuant thereto which affect significantly and adversely the health, safety or sanitation of children in a child care facility or family day care home. Each civil fine assessed under this section shall not exceed \$500. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.”;

Also, on motion of Rep. Sloan **SB 141** be amended on page 48, following line 1, by inserting the following:

“(c) The hearing officer shall be an independent person knowledgeable in water law, water issues and hearing procedures. The hearing officer shall be a presiding officer for the purposes of the Kansas administrative procedure act. Subject to approval by the panel, the hearing officer, on behalf of the state, may employ such personnel and contract for such services and facilities as necessary to carry out the hearing officer’s duties under this act.”;

Also, on motion of Rep. Toelkes to amend **SB 141**, Rep. Yoder requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2783** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2783,” as follows:

“Substitute for HOUSE BILL No. 2783

By Committee on Appropriations

“AN ACT concerning the governor’s budget report; excluding certain transfers from special revenue funds to state general fund; amending K.S.A. 2003 Supp. 75-3721 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2783** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 272** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 272,” as follows:

“HOUSE Substitute for SENATE BILL No. 272

By Committee on Appropriations

“AN ACT concerning medical assistance; concerning the repayment thereof; creating and imposing a lien on real property of certain recipients of medical assistance; making certain transfers of property voidable; amending K.S.A. 39-709 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 272** was thereupon introduced and read by title.)

Committee on **Financial Institutions** recommends **SB 379**, **SB 392**, **SB 509** be passed.

Committee on **Financial Institutions** recommends **SB 508** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Financial Institutions** recommends **Substitute for SB 380** be amended on page 3, following line 22, by inserting the following:

“(d) The notice provisions of this section shall apply to any motor vehicle which has been impounded as provided in K.S.A. 8-1567, and amendments thereto.”;

On page 4, in line 35, following “county” by inserting “or city”; and the substitute bill be passed as amended.

Committee on **Taxation** recommends **HB 2842** be amended on page 1, in line 18, by striking all after “(a)(1)”; by striking all in lines 19 through 43;

On page 2, by striking all in line 1 through 17 and inserting the following:

“For any foreign or domestic for profit corporation, or professional corporation or association, duly registered and authorized to do business in Kansas by the secretary of state, if such entity has total assets valued in excess of \$1,000,000 according to such entity’s books and records as of the last day of such entity’s most recent taxable year, such entity shall pay an annual franchise tax to the secretary of revenue at the rate of .1% of such entity’s taxable equity attributable to Kansas, except that such annual franchise tax for such entity shall not exceed \$36,000.

(2) For any foreign or domestic limited liability company, foreign or domestic limited partnership or foreign or domestic limited liability partnership duly registered and authorized to do business by the secretary of state, if such entity has total assets valued in excess of \$1,000,000 according to such entity’s books and records as of the last day of such entity’s most recent taxable year, such entity shall pay an annual franchise tax to the secretary of revenue at the rate of .1% of the adjusted net capital accounts located in or used in this state at the end of the preceding taxable year as required to be reported on the federal partnership return of income, or for a one-member LLC taxed as a sole proprietorship, .1% of adjusted net book value of the LLC as calculated on an income tax basis located in or used in this state at the end of the preceding taxable year, except that such annual franchise tax for such entity shall not exceed \$36,000.

(3) For any business trust duly registered and authorized to do business in Kansas by the secretary of state, if such entity has total assets valued in excess of \$1,000,000 according to such entity’s books and records as of the last day of such entity’s most recent taxable year, such entity shall pay an annual franchise tax to the secretary of revenue at the rate of .1% of the adjusted corpus as shown on its balance sheet at the end of the preceding taxable year as required to be reported on its annual report filed with the secretary of state pursuant to K.S.A. 17-2036, and amendments thereto, or in the case of a foreign business trust, .1% of the adjusted corpus which is located in or which it uses or intends to use in this state as shown on its balance sheet at the end of the preceding taxable year as required to be reported on the annual report filed with the secretary of state pursuant to K.S.A. 17-2036, and amendments thereto, except that the annual franchise tax for such entity shall not exceed \$36,000. For purposes of this subsection, “adjusted corpus” shall mean the corpus less \$1,000,000.”;

On page 3, by striking all in lines 37 through 43;

On page 4, by striking all in lines 1 through 39 and inserting the following:

“(2) “adjusted net book value of an LLC as calculated on an income tax basis located in or used in this state” means the net book value of an LLC as calculated on an income tax basis located in or used in this state less \$1,000,000;

(3) “adjusted net capital accounts located in or used in this state” means the net capital accounts located in or used in this state less \$1,000,000;

(4) “net book value as calculated on an income tax basis located in or used in this state” means the net book value of a limited liability company multiplied by a percentage which is the average of the following three percentages: (A) The average value of the limited liability company’s real and tangible personal property owned or rented and used in this state during the next preceding tax period divided by the average total value of the limited liability company’s real and tangible personal property owned or rented and used during the next preceding tax period; (B) the total amount of compensation paid by the limited liability company in this state during the next preceding tax period divided by the total amount of compensation paid everywhere by the limited liability company during the next preceding tax period; and (C) the total sales of the limited liability company in this state during the next preceding tax period divided by the total sales of the limited liability company everywhere during the next preceding tax period. If a limited liability company has no

property or activity mentioned in one of the above factors, the appropriate percentage for that factor is 100%;

(5) "net capital accounts located in or used in this state" means the net capital accounts of a limited partnership or limited liability partnership as stated on the federal income tax return multiplied by a percentage which is the average of the following three percentages: (A) The average value of such entity's real and tangible personal property owned or rented and used in this state during the next preceding tax period divided by the average total value of such entity's real and tangible personal property owned or rented and used during the next preceding tax period; (B) the total amount of compensation paid by such entity in this state during the next preceding tax period divided by the total amount of compensation paid everywhere by such entity during the next preceding tax period; and (C) the total sales of such entity in this state during the next preceding tax period divided by the total sales of such entity everywhere during the next preceding tax period. If such entity has no property or activity mentioned in one of the about factors, the appropriate percentage for that factor is 100%;

(6) "shareholder's equity" means the sum of: (1) Paid-in capital stock, except that paid-in capital stock shall not include any capital stock issued by a corporation and reacquired by such corporation through gift, purchase or otherwise and available for resale or retirement; (2) capital paid in, in excess of par; and (3) retained earnings, all as stated on such corporation's federal income tax return; and

(7) "taxable equity attributable to Kansas" means shareholder's equity attributable to Kansas, minus \$1,000,000.";

On page 11, in line 19, by striking "\$40" and inserting "\$20";

On page 29, in line 22, by striking all after "25."; in line 23, by striking "the state treasury."; in line 27, by striking "franchise fee" and inserting "state general"; by striking all in lines 28 through 31; and the bill be passed as amended.

Committee on **Tourism and Parks** recommends **Sub. SB 496** be passed.

Committee on **Tourism and Parks** recommends **SB 363** be amended on page 1, in line 14, by striking "(b)" and inserting "(e)"; in line 15, by striking "12" and inserting "16"; in line 18, by striking all following the period; in line 19, by striking all preceding "If"; in line 24, by striking "12" and inserting "16"; in line 31, following "(b)" by inserting "A person less than 12 years of age shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(c) A person who is 12 or more years of age but less than 16 years of age and who has not been issued a certificate of completion of an approved hunter education course shall not hunt unless under the direct supervision of an adult who is 18 or more years of age.

(d) A person less than 16 years of age shall not be issued a permit to take big game using a bow unless the person submits to the secretary evidence satisfactory to the secretary of completion of a bow hunting safety education course.

(e)"; 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 2937**, An act relating to school finance; authorizing school districts to reduce or eliminate a certain property tax exemption; concerning a cost of living weighting; amending K.S.A. 72-6413, 72-6414 and 72-8801 and K.S.A. 2003 Supp. 72-6407, 79-201x and 79-5040 and repealing the existing sections, by Committee on Appropriations.

**HB 2938**, An act concerning social welfare; establishing the health care access improvement program; state medicaid plan; hospitals and health maintenance organizations, by Committee on Appropriations.

**REPORT ON ENGROSSED BILLS**

**HB 2582, HB 2835** reported correctly engrossed March 15, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, March 17, 2004.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

