

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 19, 2004, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Ballou in the chair.
The roll was called with 122 members present.
Rep. Sloan was excused on legislative business.
Reps. Carter and Yonally was excused on excused absence by the Speaker.
Present later: Rep. Carter.

Prayer by Chaplain Chamberlain:

Dear God of life and all its blessings, we greet you this day and lift your name in praise and thanksgiving for your many gifts and blessings.

We thank you for the things that have been accomplished this week. We thank you for the conversations. We thank you for ideas shared, for testimony, for arguments and for votes. It is through all the messiness of human action, Lord, that it is possible that your will can be done on earth. You give to men and women the responsibility to govern, to decide, to vote, and to lead so that we might use the precious gift of freedom that you have given us to choose the way that leads to you.

Guard us, Lord, as we serve you and our brothers and sisters. Guide us as we seek your will. Bless us when we are tired and uncertain. And forgive us when we fail you in any way. For we seek only to please you, our eternal hope. Amen.

The Pledge of Allegiance was led by Rep. Lane.

INTRODUCTION OF GUESTS

Rep. Hutchins recognized the 2003 4-A State Football Champions from Holton High School and introduced Brooks Barta, coach; Mark Middlemist, Bryan Meerpohl, Joe Purcell, Bob Phillips and Kurt Haussler, assistant coaches; Tyler Degenhardt, Damian Brackenbury, Eric Eisenbarth and Jacob Schirmer, captains of the team. They were presented certificates.

PRESENTATION OF PETITIONS

The following petition was presented and filed:

HP 2007, by Rep. Powell, a petition urging KDOT to recognize and address Highway 156 in Pawnee, Hodgeman and Finney counties as being narrow and dangerous, signed by Norman Bamberger and 2655 others.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 459**, **SB 560**.

Corrections and Juvenile Justice: **HB 2941**; **SB 528**.

Economic Development: **SB 405**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 534**, **SB 557**.

Announcing passage of **HB 2732, HB 2756.**

Announcing passage of **HB 2312**, as amended; **HB 2617**, as amended; **HB 2621**, as amended; **HB 2731**, as amended.

The Senate nonconcur in House amendments to **SB 141**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 297**, requests a conference and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

Also, announcing rejection of **HB 2235.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 534, SB 557.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 141.**

Speaker pro tem Ballou thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 297.**

Speaker pro tem Ballou thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2895** appearing on the Consent Calendar for the second day.

No objection was made to **SB 508** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 508, An act concerning insurance; enacting the standard nonforfeiture law for individual deferred annuities; repealing K.S.A. 2003 Supp. 40-428a, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: Carter, Sloan, Yonally.

The bill passed.

HB 2552, An act amending and supplementing the Kansas criminal code; concerning certain crimes against a pregnant woman or a fetus; amending K.S.A. 21-3441 and K.S.A. 2003 Supp. 21-3440 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 36; Nays 87; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Boyer, Craft, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gilbert, Gordon, Hill, Huntington, Jack, Kirk, Klein, Kuether, Loganbill, Loyd, McKinney, J. Miller, Minor, Neighbor, Newton, O'Neal, Owens, Pottorff, Rehorn, Reitz, Scoggins-Waite, B. Sharp, S. Sharp, Svaty, J. Williams, Yoder.

Nays: Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Gatewood, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Light, M. Long, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Sawyer, Schwab, Schwartz, Showalter, Shriver, Shultz, Siegfried, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: The underlying intentions of **HB 2552** are merited. I am concerned that the bill, if enacted into law, will create a series of liability crime when neither the perpetrator nor the victim's mother would know that a fetus exists. Courts will eventually have to address these questions. Good legislation should identify its purpose, address it clearly, and in a manner that has the least potential for unexpected and unwanted adverse consequences elsewhere in the law. Therefore I vote "NO" on **HB 2552**.—HAROLD LANE

HB 2751, An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 43; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Landwehr, Larkin, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, Shriver, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thimesch, Vickrey, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Beggs, Boyer, Carlin, Compton, Cox, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Gordon, Henderson, Hill, Holland, Huff, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Loganbill, Minor, Neighbor, Rehorn, Reitz, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Storm, Thull, Toelkes, Ward, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote NO on **HB 2751**. As state legislators, we are elected to uphold our state and federal laws. We are not physicians. The American College of Obstetricians and Gynecologists establish meticulous standards for their field. In 2002, guidelines for office-based surgery and special procedures were adopted by the KMS and the Board of Healing Arts. These guidelines, written by physicians, are superior to **HB 2751**.

With a financial shortfall, continuing to grow daily, we need to be focusing our attention on our constitutional charge of appropriating state funds, not on micromanaging professionals in their fields of expertise.—LANA GORDON, CINDY NEIGHBOR, ROGER P. REITZ, DAVID HUFF, MARY COMPTON, STEPHANIE SHARP, KEVIN YODER, DON HILL, BONNIE SHARP

MR. SPEAKER: There are those who say that we have better things to do in Topeka than to work on women's health issues; more important issues to attend to. Should we be working the bills that are on agenda today? Should we have committees except education and appropriations? I say that the people of Kansas are interested in solutions to problems in many areas of life and this is an important one.

Those people will state that Government has no business managing health care issues or physicians. I believe that the biggest cause for government is to protect its citizens and those most vulnerable. I vote yes on **HB 2751**.—PEGGY LONG-MAST, MARIO GOICO, BRENDA K. LANDWEHR, BONNIE HUY, STEVE HUEBERT

MR. SPEAKER: I will be voting "no" on **HB 2751**. I am tired of being preached to that because I support a woman's right to choose that I don't care about women, children and the sanctity of life.

I have witnessed with love and wonder, the births of my two children. We in turn watched their father die.

We get it!

For those who don't want "more government" — get out of our bedrooms.—ANNIE KUETHER

MR. SPEAKER: Although I have concerns that we are singling out one medical procedure for KDHE oversight, despite evidence of higher risk to patients by other procedures, I vote yes on **HB 2751** because I have stated many times that the legislature must ensure that all medical procedures, including abortion, are safely performed on all patients.—DEENA HORST

H. Sub. for SB 272, 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, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 54; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Freeborn, Gordon, Grant, Hayzlett, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Landwehr, Light, Long-Mast, Mays, McKinney, McLeland, Merrick, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Osborne, Ostmeyer, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Storm, Svaty, Thull, Vickrey, Wilk, Wilson.

Nays: Brunk, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Henderson, Henry, Howell, Huebert, Kauffman, Klein, Krehbiel, Kuether, Lane, Larkin, Loganbill, M. Long, Loyd, Mason, McCreary, J. Miller, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Reardon, Rehorn, Sawyer, Scoggins-Waite, Shriver, Swenson, Tafanelli, Thimesch, Toelkes, Ward, D. Williams, J. Williams, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The substitute bill passed.

SB 292, An act concerning fire protection and prevention; authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts and townships; pertaining to the use of wood shingles and similar materials; relating to fire investigations; amending K.S.A. 31-137 and K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-

3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Carter, Dillmore, Loyd, Winn.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 316, An act concerning civil procedure; relating to executions; issuance; amending K.S.A. 2003 Supp. 60-2401 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Burroughs, Carter, Lane.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed.

SB 328, An act concerning real property; relating to liens; amending K.S.A. 12-631k, 12-860, 14-569, 19-2765b and 19-27,170 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, E. Johnson, Kauffman, Kirk, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz,

Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Carlin, Davis, Dillmore, Edmonds, Faber, Henderson, Jack, D. Johnson, Kassebaum, Klein, Krehbiel, Minor, Pauls, Scoggins-Waite, Thull, Ward, Wilk.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 379, An act concerning asset forfeiture; pertaining to notice to lienholder; amending K.S.A. 60-4107 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed.

Sub. SB 380, An act concerning liens for wrecker and towing service; pertaining to notice to lienholder; amending K.S.A. 8-1102, 8-1103 and 8-1104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The substitute bill passed, as amended.

SB 393, An act establishing the Kansas center for entrepreneurship within the department of commerce; providing for the membership and organization thereof; prescribing powers, duties and functions therefor; providing tax credits for investment in Kansas community entrepreneurship fund, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 394, An act concerning the department of commerce; relating to IMPACT; amending K.S.A. 2003 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Gordon.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 417, An act concerning income taxation; relating to rural business development tax credits; amending K.S.A. 40-2803 and 40-2804 and K.S.A. 2003 Supp. 79-32,117 and repealing the existing sections, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 418, An act establishing a birth defects information system; providing for administration by the secretary of health and environment and for collection of data, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

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, 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, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, 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, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Carter, Hutchins, Kauffman, McCreary, Schwartz.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 480, An act concerning income taxation; relating to tax credits for investment in qualifying businesses; powers and duties of the Kansas technology enterprise corporation; repealing K.S.A. 74-8224, 74-8227, 74-8228 and 74-8229 and K.S.A. 2003 Supp. 74-8221, 74-8222, 74-8223, 74-8225 and 74-8226, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: 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, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

SB 509, An act concerning debt management services; enacting the Kansas credit services organization act; amending K.S.A. 21-4402 and K.S.A. 2003 Supp. 75-1308 and repealing the existing sections; also repealing K.S.A. 50-1101, 50-1102, 50-1103, 50-1104, 50-1105,

50-1106, 50-1107, 50-1108, 50-1109, 50-1110, 50-1111, 50-1112, 50-1113, 50-1114 and 50-1115, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Carter.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed.

SB 520. An act concerning the Kansas downtown redevelopment act; relating to tax benefits for improvements made to real property, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Flora.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Reardon, the House concurred in Senate amendments to **Sub. HB 2592**, An act concerning school districts; relating to the transfer of territory between districts; requiring mediation.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Faber, Gatewood, McKinney.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2154** and asked for a conference.

Speaker pro tem Ballou thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2555** and asked for a conference.

Speaker pro tem Ballou thereupon appointed Reps. O'Neal, Patterson and Pauls as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2745** and asked for a conference.

Speaker pro tem Ballou thereupon appointed Reps. Hayzlett, Faber and M. Long as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 479** be passed.

Committee report to **SB 197** be adopted; also, on motion of Rep. Lane to amend, Rep. O'Malley requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Lane and the bill be amended on page 2, following line 3, by inserting:

"Sec. 2. K.S.A. 2003 Supp. 41-303 is hereby amended to read as follows: 41-303. (a) The director may license the sale of alcoholic liquor at retail in the original package on premises not located in an incorporated city for use or consumption off the premises, if such premises are located in any township having a population of more than 5,000. No such license shall be granted to any applicant unless the applicant possesses all the qualifications required of other applicants for retailers' licenses except the qualification of residence within a city. In the event that any license has been issued under the provisions of this section in a township having a population of more than 5,000, and thereafter such township population decreases or has decreased to 5,000 or less, such licenses shall continue to be valid and the licensees shall be eligible for renewal of such licenses at the appropriate time if they are otherwise qualified.

No such license shall be granted to any applicant under this section unless the board of county commissioners of the county in which such township is located adopts a resolution approving the issuance of such license. A certified copy of such resolution shall accompany the application for a license authorized by this section.

In the event that any license has been issued under the provisions of this section in a township having a population of more than 5,000, and thereafter the premises so licensed are annexed to a city wherein retail liquor licenses may be issued, such licenses shall continue to be valid and the licensees shall be eligible for renewal of such licenses at the appropriate time even though the licensees shall not reside in the cities to which the areas are annexed if the licensees are otherwise qualified and if they reside in the township in which the premises were originally located or in the city to which the premises have been annexed.

(b) Any retail license issued prior to the effective date of this act for premises not located in an incorporated city or in a township having a population of more than 5,000 shall

continue to be valid and such premises shall continue to be eligible for licensure if the board of county commissioners of the county in which the premises are located has adopted a resolution approving the issuance of such license. A certified copy of such resolution shall accompany the application for a license authorized by this subsection.”;

By renumbering sections accordingly;

On page 4, in line 5, before “K.S.A.” by inserting “K.S.A. 41-303 and”;

In the title, in line 14, before “amending” by inserting “relating to certain retailer’s licenses;”; in line 15, before “K.S.A.” by inserting “K.S.A. 41-303 and”;

Also, on motion of Rep. Holland to amend **SB 197**, Rep. O’Malley 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.

Committee report recommending a substitute bill to **H. Sub. for SB 437** be adopted; also, on motion of Rep. Swenson to amend, Rep. O’Neal requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Swenson, which did not prevail.

Also, on further motion of Rep. Swenson to amend **H. Sub. for SB 437**, the motion did not prevail

Also, on motion of Rep. Larkin to strike the enacting clause to **H. Sub. for SB 437**, roll call was required.

On roll call, the vote was: Yeas 60; Nays 63; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beggs, Bethell, Burgess, Burroughs, Carlin, Carter, Cox, Dahl, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gilbert, Goering, Goico, Grant, Henderson, Holland, Howell, Huebert, Huff, Humerickhouse, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, F. Miller, J. Miller, Minor, Novascone, Phelps, Powers, Reardon, Rehorn, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, Showalter, Shriver, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Boyer, Brunk, Campbell, Compton, Craft, Crow, DeCastro, Decker, Dreher, Freeborn, Gatewood, Gordon, Hayzlett, Henry, Hill, Holmes, Horst, Huntington, Hutchins, Huy, Jack, D. Johnson, Kassebaum, Kauffman, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, O’Malley, O’Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Pottorff, Powell, Reitz, Ruff, S. Sharp, Shultz, Siegfried, Storm, Tafaneli, Vickrey, Wilk, D. Williams, J. Williams, Yoder.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The motion to strike the enacting clause did not prevail.

Also, on motion to recommend **H. Sub. for SB 437** favorably for passage, the motion did not prevail.

Committee report recommending a substitute bill to **H. Sub. for SB 166** be adopted; also, roll call was demanded on motion of Rep. McLeland to amend on page 11, in line 3, by striking “On any day upon which”; by striking all in lines 4 and 5 and inserting the following: “(a) The county election officer may select a voting place not meeting the standards of accessibility prescribed in law if:

(1) No acceptable and accessible voting place is available within the precinct or other designated voting area; and

(2) it is anticipated that the voting place will be brought into compliance with such standards in the foreseeable future or the voting place will be temporarily made to comply with the standards for the time during which the polls are open.

(b) Any county election officer who selects a voting place which does not meet the accessibility standards shall report such selection to the board of county commissioners.”;

On roll call, the vote was: Yeas 56; Nays 67; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Barbieri-Lightner, Bethell, Boyer, Brunk, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering,

Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, Krehbiel, Landwehr, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Ostmeyer, Patterson, Pottorff, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams.

Nays: Ballard, Beggs, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huntington, Jack, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, McKinney, J. Miller, Minor, Judy Morrison, Neighbor, O'Malley, Osborne, Owens, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Sloan, Yonally.

The motion of Rep. McLeland did not prevail, and **H. Sub. for SB 166** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 524**, as amended by Senate Committee of the Whole, be amended on page 6, in line 38, by striking "said" and inserting "such";

On page 7, in line 13, by striking "said" and inserting "such";

On page 8, in lines 4, 10, 11 and 41, by striking "said" and inserting "such";

On page 9, in line 5, by striking "said" and inserting "such"; by striking all in lines 8 through 40;

And by renumbering sections accordingly;

On page 11, in line 16, by striking "co-operate" and inserting "cooperate"; in line 25, before "de-" by inserting "Kansas"; in line 27, before "department" by inserting "Kansas"; in line 38, after the comma by inserting "and amendments thereto,";

On page 12, in line 6, before "depart-" by inserting "Kansas"; in line 15, by striking "(A)(a)" and inserting "(a)(1)"; in line 16, by striking "(b)" and inserting "(2)"; in line 17, by striking "(c)" and inserting "(3)"; in line 18, by striking "(d)" and inserting "(4)"; in line 19, by striking "(e)" and inserting "(5)"; in line 20, by striking "(f)" and inserting "(6)"; also in line 20, by striking "(g)" and inserting "and (7)"; in line 22, by striking "(B)" and inserting "(b)"; in line 24, by striking all after "by"; in line 25, by striking "subsection A" and inserting "subsections (a)(1), (a)(2), (a)(3) and (a)(7)"; also in line 25, by striking "(h)" and inserting "(1)"; in line 26, by striking "(i)" and inserting "(2)"; in line 27, by striking "(j)" and inserting "(3)"; also in line 27, by striking "(k)" and inserting "and (4)"; in line 29, by striking "(C)" and inserting "(c)"; in line 32, by striking "(A) and (B)" and inserting "(a) and (b)"; in line 33, by striking "(D)" and inserting "(d)"; in line 39, by striking "(1)" and inserting "(1)"; also in line 39, by striking "(m)" and inserting "(2)"; in line 41, by striking "(E)" and inserting "(e)"; in line 43, by striking "(A), (B), (C) and (D), said" and inserting "(a), (b), (c) and (d), such";

On page 13, in line 13, after the semicolon by inserting "and"; in line 14, by striking "(F)" and inserting "(f)"; in lines 21, 28 and 33, before "department" by inserting "Kansas";

On page 15, in line 15, by striking "the" the second time it appears; also in line 15, by striking "department of";

On page 18, in lines 11 and 24, before "department", the second time it appears, by inserting "Kansas";

On page 20, in line 3, before "department" by inserting "Kansas";

On page 27, in lines 25 and 27, by striking "Kansas";

On page 32, in line 41, before "department" the second time it appears, by inserting "Kansas";

On page 37, in line 12, before "department" by inserting "Kansas";

On page 38, in line 2, before "department", the second time it appears, by inserting "Kansas";

On page 40, in line 29, before "department" by inserting "Kansas";

On page 41, in line 36, before "department" by inserting "Kansas";

On page 42, in line 32, before "department" by inserting "Kansas";

- On page 43, in line 8, before “department” by inserting “Kansas”; in lines 15 and 16, by striking “Kansas”;
- On page 44, in line 2, by striking “Kansas”;
- On page 48, in lines 5 and 43, before “department” by inserting “Kansas”;
- On page 53, in line 33, before “department” by inserting “Kansas”;
- On page 54, in lines 13 and 22, before “department” by inserting “Kansas”;
- On page 55, in line 11, before “department” by inserting “Kansas”;
- On page 56, in line 8, before “de-” by inserting “Kansas”;
- On page 62, in line 3, before “department” by inserting “Kansas”;
- On page 63, in lines 16 and 39, before “department” by inserting “Kansas”;
- On page 74, in line 17, before “department” by inserting “Kansas”; in line 30, by striking “board” and inserting “secretary”;
- On page 76, in line 29, before “department” by inserting “Kansas”;
- On page 78, in line 9, before “department” by inserting “Kansas”; in line 38, before “de-” by inserting “Kansas”;
- On page 79, in line 19, before “department” by inserting “Kansas”;
- On page 80, in lines 8 and 12, before “department” by inserting “Kansas”;
- On page 81, in lines 7, 13, 20 and 34, before “department” by inserting “Kansas”;
- On page 82, in line 3, before “department” by inserting “Kansas”;
- On page 83, in line 4, before “department” by inserting “Kansas”; in line 11, by striking “; that its” and inserting “. The”; also in line 11, after “purpose” by inserting “of the commission”; in line 13, by striking “said” and inserting “the”; also in line 13, before “de-” by inserting “Kansas”; in line 21, before “department” by inserting “Kansas”; in line 30, before “de-” by inserting “Kansas”; in line 32, before “department” by inserting “Kansas”;
- On page 84, in lines 17, 25 and 32, before “department” by inserting “Kansas”;
- On page 85, in line 23, before “department” by inserting “Kansas”;
- On page 86, in line 38, before “de-” by inserting “Kansas”;
- On page 88, in line 37, before “de-” by inserting “Kansas”;
- On page 96, in lines 9, 15 and 26 before “department” by inserting “Kansas”;
- On page 97, in lines 1, 14 and 29 before “department” by inserting “Kansas”;
- On page 99, in lines 3, 18 and 34 before “department” by inserting “Kansas”;
- On page 100, in lines 23 and 41, before “department” by inserting “Kansas”;
- On page 101, in line 4, before “department” by inserting “Kansas”;
- On page 102, in line 42, before “land” by inserting “such landowner’s”;
- On page 105, in line 7, before “department” by inserting “Kansas”;
- On page 107, in line 28, before “department” by inserting “Kansas”;
- On page 108, in line 1, before “department” by inserting “Kansas”;
- On page 111, in line 12, by striking all after the period; by striking all in line 13; in line 14, by striking all before “All”;
- On page 112, in line 26, by striking “On and”; by striking all in line 27; in line 28, by striking all before “All”;
- On page 128, in line 16, by striking “said” and inserting “such”; in line 17, after the comma, by inserting “and amendments thereto,”; also in line 17, by striking “said” and inserting “such”; in line 18, by striking “said” and inserting “such”; in line 19, by striking “said” both times it appears and inserting “such”; in line 20, by striking “said” and inserting “such”; in line 21, by striking “, but said” and inserting “. Such”; in line 22, by striking “shall be, and they”; in line 23, by striking “made valid, and it” and by inserting “validated. It”; also in line 23, by striking “hereby made”; in line 25, by striking “said” and inserting “such”; in line 29, by striking “said” and inserting “such”; in line 30, by striking “or shall hereafter become” and inserting “becomes”; in line 32, by striking “said” and inserting “such”; in line 34, by striking “said” and inserting “such”; in line 36, by striking “said” and inserting “such”; in line 38, by striking “said” and inserting “such”; in line 40, by striking “, and the” and inserting “. The”; also in line 40, by striking “said” and inserting “such”; in line 42, by striking “said” both times it appears and inserting “such”; in line 43, by striking “; and where” and inserting “. Where”; also in line 43, by striking “said” and inserting “such”;
- On page 129, in line 2, by striking “said” and inserting “such”;
- On page 142, after line 3, by inserting the following:

“Sec. 188. K.S.A. 2003 Supp. 2-1205 is hereby amended to read as follows: 2-1205. An inspection fee shall be collected upon all commercial fertilizers sold, offered or exposed for sale, or distributed in Kansas, which shall be at a rate per ton of 2,000 pounds fixed by rules and regulations adopted by the secretary of agriculture, except that such rate shall not exceed \$1.67 per ton of 2,000 pounds. The secretary of agriculture may adopt rules and regulations establishing the inspection fee rate under this section. Each person registering any commercial fertilizer shall pay the inspection fee on such commercial fertilizer sold, offered or exposed for sale, or distributed in Kansas. Each such person shall keep adequate records showing the tonnage of each commercial fertilizer shipped to or sold, offered or exposed for sale, or distributed in Kansas. The secretary, and duly authorized representatives of the secretary, shall have authority to examine such records and other pertinent records necessary to verify the statement of tonnage.

Each person registering any commercial fertilizer shall file an affidavit semiannually, with the secretary, within 30 days after each January 1 and each July 1, showing the tonnage of commercial fertilizer sold or distributed in Kansas for the preceding six-month period. Each such person shall pay to the secretary the inspection fee due for such six-month period, except that the registrant shall not be required to pay the inspection fee or report the tonnage of commercial fertilizers or fertilizer materials sold and shipped directly to fertilizer manufacturers or mixers. The fertilizer manufacturers or mixers shall keep adequate records of the commercial fertilizers sold or distributed in this state, and report to the secretary the tonnage and pay the inspection fee due. If the affidavit is not filed and the inspection fee is not paid within the 30-day period, or if the report of tonnage is false, the secretary may revoke the registrations filed by such person. If the affidavit is not filed and the inspection fee is not paid within the 30-day period, or any extension thereof granted by the secretary, a penalty of \$5 per day, or commencing on July 1, 2002, and ending on June 30, 2005, a penalty of \$10 per day shall be assessed against the registrant and the inspection fee and penalty shall constitute a debt and become the basis for a judgment against such person. The secretary may grant a reasonable extension of time.

The secretary of ~~the department of~~ agriculture is hereby authorized and empowered to reduce the inspection fee by adopting rules and regulations under this section whenever the secretary determines that the inspection fee is yielding more than is necessary for the purpose of administering the provisions of this act as listed below and the plant pest act. The secretary is hereby authorized and empowered to increase the inspection fee by adopting rules and regulations under this section when it finds that such is necessary to produce sufficient revenues for the purposes of administering the provisions of this act, except that the inspection fee shall not be increased in excess of the maximum fee prescribed by this section. The secretary shall remit all moneys received by or for the secretary under article 12 of chapter 2 of Kansas Statutes Annotated, and amendments thereto, 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 and shall credit such remittance as follows: (1) An amount equal to \$1.40 per ton shall be credited to the state water plan fund created by K.S.A. 82a-951, and amendments thereto; (2) an amount equal to \$.04 per ton shall be credited to the fertilizer research fund; (3) commencing July 1, 2002, and ending on June 30, 2005, an amount equal to \$.05 per ton shall be credited to the fertilizer and pesticide compliance and administration fund; and (4) the remainder shall be credited to the fertilizer fee fund. All expenditures from the fertilizer fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of ~~the department of~~ agriculture or by a person or persons designated by the secretary.

Sec. 189. K.S.A. 2-1314 is hereby amended to read as follows: 2-1314. It shall be the duty of persons, associations of persons, the secretary of transportation, the boards of county commissioners, the township boards, school boards, drainage boards, the governing body of incorporated cities, railroad companies and other transportation companies or corporations or their authorized agents and those supervising state-owned lands to control the spread of and to eradicate all weeds declared by legislative action to be noxious on all lands owned or supervised by them and to use such methods for that purpose and at such times as are

approved and adopted by the *Kansas* department of agriculture. The term noxious weeds shall mean kudzu (*Pueraria lobata*), field bindweed (*Convolvulus arvensis*), Russian knapweed (*Centaurea repens*), hoary cress (*Cardaria draba*), Canada thistle (*Cirsium arvense*), quackgrass (*Agropyron repens*), leafy spurge (*Euphorbia esula*), bur ragweed (*Ambrosia grayii*), pignut (*Hoffmannseggia densiflora*), musk (nodding) thistle (*Carduus nutans L.*), Johnson grass (*Sorghum halepense*) and sericea lespedeza (*Lespedeza cuneata*).

Sec. 190. K.S.A. 2-2501 is hereby amended to read as follows: 2-2501. (a) This act shall be known and may be cited as the Kansas egg law.

(b) For the purposes of this act:

- (1) "Eggs" mean eggs in the shell that are the product of the domesticated chicken;
- (2) "person" means all individuals, firms, associations, partnerships and corporations;
- (3) "department" means the ~~state~~ *Kansas* department of agriculture;
- (4) "secretary" means the secretary of agriculture;
- (5) "consumer" means a person who buys eggs for personal consumption;
- (6) "container" means any box, case, basket, carton, sack, bag or other receptacle; and
- (7) "ambient temperature" means the air temperature maintained in an egg storage facility or transport vehicle.

Sec. 191. K.S.A. 2-3002 is hereby amended to read as follows: 2-3002.

(a) There are hereby created five separate and distinct commissions which shall be known as the Kansas corn commission, the Kansas grain sorghum commission, the Kansas soybean commission, the Kansas wheat commission and the Kansas sunflower commission. Each commission will have members elected through an election process as provided in subsection (b) to serve three-year terms, with the exception of transition commissioners, serving from the effective date of this act until elections occur in 2002, 2003 and 2004, to represent a district or districts identified in subsection (b) with the following requirements:

(1) Any person meeting the requirements of K.S.A. 2-3003, and amendments thereto, of that commodity may seek election as a commissioner to that commodity's respective commission representing the district of such person's official residence. Only a grower of each specific commodity shall be a member of that specific commission;

(2) no commission shall have less than seven commissioners representing the nine crop reporting districts identified in subsection (h). If a commission has less than nine elected commissioners representing crop reporting districts, any commissioner representing multiple crop reporting districts may only represent commission districts equal to whole and adjoining crop reporting districts that are within the same election cycle; and

(3) each commission may, by majority approval of the commissions, appoint two additional at-large commissioners for added representation for producers due to geographical, cropping pattern or other reasonable commodity-specific needs. At-large commissioners will serve a term determined by the commodity commission not to exceed three-year terms of appointment, be a Kansas resident and must meet the definition of a grower.

(b) (1) Prior to the first election as provided by this act, each commodity commission shall notify all growers of its respective commodity of the commission election and all appropriate election procedures.

(2) Any grower of corn, grain sorghum, soybeans, wheat or sunflowers who is a resident of this state, of legal voting age and has been actively engaged in growing corn, grain sorghum, soybeans, wheat or sunflowers within the preceding three years shall become an eligible voter upon registering to vote in a commission election. Registration shall be on a single form allowing registration to any or all commission elections. Forms shall be provided by the commissions and made available at all county extension offices, county conservation district offices and through the office of the secretary. Any grower also shall become registered by signing a petition for a candidate to be placed on the election ballot, upon the filing of such petition. Candidate petition forms shall be provided by the office of the secretary. Registration by internet or other means shall also be allowed upon the approval of the secretary. No grower shall cast more than one ballot for any commission election.

(3) Any person meeting the qualifications to serve as a commissioner may appear on the election ballot for their respective commission district by submitting a petition to be placed on the ballot on or before November 30 in the year immediately preceding the election. The petition shall contain the signatures of 20 eligible voters of that commodity commission

election to be a valid petition. However, no more than five petition signatures shall be used to qualify any candidate from any one county.

(4) Commission election ballots shall be mailed to eligible voters by January 15 and shall be returned to the election officer, as provided through the common election procedure required in subsection (e), on or before March 1 in the year of any election. Successful candidates in any election will have received the highest number of the votes cast. Election results will be announced as soon as the election has been determined with successful candidates taking office with terms effective April 1 in the year of the election.

(5) On and after July 1, 2002, any interested person or entity in the agriculture industry, with emphasis on growers of sunflowers, may submit names to the governor for appointment to the Kansas sunflower commission. On or after September 1, 2002, the governor shall appoint nine members to the Kansas sunflower commission from among the names submitted to the governor, if possible, to represent each of the crop reporting districts as provided in this section. The terms of the members appointed by the governor shall be the same as provided in subsection (d) and the same election provisions as provided in this section applicable to the other commissions shall apply to such appointed members, except that the members appointed to represent districts IV, V and VI shall not stand for election in 2002 but rather shall have their initial term of office to run until the election held for such districts in 2005. At such time the same election provisions of this section applicable to the other commissions shall apply to such members.

(c) Upon the effective date of this act, each commission created shall meet as soon as feasible to organize, elect officers and ratify the number of commissioners and representative districts that commission shall maintain. Commissioners currently serving these commissions immediately prior to the effective date of this act are appointed to transition terms as follows: (1) Commissioners whose terms expire in June, 2000, shall have their terms extended until April, 2002; (2) commissioners whose terms expire in June, 2001, shall have their terms extended until April, 2003; and (3) commissioners whose terms expire in June, 2003, shall have their terms extended until April, 2004.

(d) Annual elections for up to three commissioners representing districts shall begin in January and February of 2002. Commissioners elected shall take office April 1 of the year elected and serve a three-year term. Elections will occur as follows and continue on a three-year cycle thereafter: (1) In districts IV, V and VI, the initial election year shall be 2002; (2) in districts I, II and III, the initial election year shall be 2003; and (3) in districts VII, VIII and IX, the initial election year shall be 2004.

(e) The five grain commissions, as provided in this act shall maintain on file a common election procedure with the secretary of ~~the Kansas department of~~ agriculture, who will serve as the final arbitrator of any dispute regarding the election procedure.

(f) Any grower who appropriately registers to vote shall be able to do so in an election for any commissioner representing that commodity and district where the grower maintains such grower's official residence.

(g) Any challenge to election results for the position of commodity commissioner representing a district shall be initially reviewed by a panel of commissioners, not standing for election that year, and representing all four grain commissions. If the challenge is not resolved before the panel of commissioners, the secretary shall serve as the final arbitrator of the challenge to the election results.

(h) Vacancies which may occur shall be filled for unexpired terms by appointment by the remaining commissioners.

(i) The dean of the college of agriculture of Kansas state university and the secretary of the Kansas department of agriculture shall be ex officio members, without the right to vote, of each such commission. Districts are the same as crop reporting districts established for Kansas by the U.S. department of agriculture national agricultural statistic service and are as follows:

(j) District I shall consist of the following counties: Cheyenne, Decatur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas.

District II shall consist of the following counties: Gove, Greeley, Lane, Logan, Ness, Scott, Trego, Wallace and Wichita.

District III shall consist of the following counties: Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton and Stevens.

District IV shall consist of the following counties: Clay, Cloud, Jewell, Mitchell, Osborne, Ottawa, Phillips, Republic, Rooks, Smith and Washington.

District V shall consist of the following counties: Barton, Dickinson, Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell and Saline.

District VI shall consist of the following counties: Barber, Comanche, Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno, Sedgwick, Stafford and Sumner.

District VII shall consist of the following counties: Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Riley and Wyandotte.

District VIII shall consist of the following counties: Anderson, Chase, Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris, Osage, Shawnee and Wabaunsee.

District IX shall consist of the following counties: Allen, Bourbon, Butler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette, Montgomery, Neosho, Wilson and Woodson.

(k) Meetings and any records of any commission created by this act shall be open to the public to the same extent as is required by law of public boards and commissions pursuant to the open records act and the open meetings act. Records shall include contracts entered into by any commission.

Sec. 192. K.S.A. 2003 Supp. 34-101 is hereby amended to read as follows: 34-101. (a) The *Kansas* department of agriculture shall have supervision and regulation of all warehouses operated under the Kansas public warehouse laws relating to storage of grain.

(b) The *Kansas* department of agriculture shall have the authority to cooperate with any private entity or organization or local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the department, and to enter into contracts and agreements with such entities, organizations or agencies for carrying on a joint campaign of development, education and publicity.

(c) No provision of this section shall be construed to prohibit or prevent the secretary of agriculture or any authorized representatives from inspecting any weighing or measuring device or otherwise performing any of the secretary's duties pursuant to any provision of chapter 83 of Kansas Statutes Annotated, and amendments thereto.

(d) (1) There is hereby created the warehouse fee fund in the state treasury. The secretary shall remit all moneys received by or for the secretary from fees, charges or penalties 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 warehouse fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(2) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the warehouse fee fund interest earnings based on:

(A) The average daily balance of moneys in the warehouse fee fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 193. K.S.A. 34-223 is hereby amended to read as follows: 34-223. As used in chapter 34 of Kansas Statutes Annotated, and amendments thereto:

(a) "Action" includes counterclaim, setoff and suit in equity.

(b) "Delivery" means voluntary transfer of possessions from one person to another.

(c) "Fungible grain" means grain of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

(d) "Grain" means wheat, corn, oats, barley, rye, soybeans, grain sorghums and any grains upon which federal grain standards are established, also seeds generally stored by warehouses, if special permission is granted by the secretary.

(e) "Holder of a receipt" means a person who has both actual possession of such receipt and a right of property therein.

- (f) "Order" means an order by endorsement of the receipt.
- (g) "Owner" does not include mortgagee or pledgee.
- (h) "Person" includes individuals, corporations, partnerships and all associations of two or more persons having a joint or common interest.
- (i) "To purchase" includes to take as mortgagee or pledgee.
- (j) "Receipt" means a warehouse receipt or receipts.
- (k) "Value" means any consideration sufficient to support a simple contract and includes an antecedent or preexisting obligation, whether for money or not, where a receipt is taken either in satisfaction thereof or as security therefor.
- (l) "Public warehouseman" means a person lawfully engaged in the business of storing grain for the public.
- (m) "Public warehouse" or "public grain warehouse" means every elevator or other building in which grain is received for storage or transfer for the public.
- (n) "Secretary" means the secretary of agriculture.
- (o) "Department" means the *Kansas* department of agriculture.
- (p) "Grain bank grain" means any grain that has been received into any public warehouse to be held for the account of the depositor and returned to the depositor at a later date either as whole or processed grain.

(q) "Storage grain" or "stored grain" means grain that has been received in any public warehouse located in this state, and such grain is not purchased by the lessee, owner or manager of such warehouse.

Sec. 194. K.S.A. 65-1,182 is hereby amended to read as follows: 65-1,182. (a) The department of health and environment shall not issue or renew a permit for any swine facility that has an animal unit capacity of 1,000 or more and that applies manure or wastewater to land unless:

(1) The land application process complies with the applicable requirements of this section; and

(2) the nutrient utilization plan required by this section is approved by the secretary of agriculture.

(b) (1) If the manure management plan prepared pursuant to K.S.A. 65-1,181 and amendments thereto provides for land application of manure or wastewater:

(A) The applicant for a permit for construction of a new swine facility or for expansion of an existing swine facility shall submit with the application for a permit a nutrient utilization plan on a form prescribed by the secretary of agriculture and shall comply with the plan when the permit is issued by the department of health and environment; and

(B) the operator of an existing swine facility shall submit to the department of health and environment, within six months after the rules and regulations implementing this act are adopted, a nutrient utilization plan on a form prescribed by the secretary of agriculture, for approval by the secretary of agriculture, and shall comply with the plan by a date established by the secretary of agriculture.

(2) Each nutrient utilization plan shall address site-specific conditions for land application of manure, wastewater and other nutrient sources, comply with the requirements of this section and contain, at minimum, the following:

- (A) A site map of all land application areas, including section, township and range;
- (B) crop rotations on the land application areas;
- (C) annual records of soil tests, manure nutrient analyses, and calculations required by subsection (c);
- (D) nutrient budgets for the land application areas;
- (E) rates, methods, frequency and timing of application of manure, wastewater and other nutrient sources to the land application areas;
- (F) the amounts of nitrogen and phosphorus applied to the land application areas;
- (G) precipitation records and the amounts of irrigation and other water applied;
- (H) records of inspections and preventive maintenance of equipment required by subsection (f)(6);
- (I) copies of all landowner agreements for land that is not owned by the swine facility and is scheduled to receive manure or wastewater;

(J) names of employees and contractors whom the operator of the swine facility has identified pursuant to subsection (f)(7) to supervise the process of transferring manure or wastewater to land application equipment and the process of land application;

(K) records of training of all personnel who supervise and conduct the land application of manure or wastewater, as required by subsection (f)(7); and

(L) any other information required by the secretary of agriculture to facilitate approval.

(3) (A) A swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in the facility, soil test results or other conditions affecting the facility.

(B) Amendments to the nutrient utilization plan must be approved by the secretary of agriculture.

(4) A swine facility that is required to have a nutrient utilization plan shall maintain such plan in accordance with K.S.A. 65-1,185 and amendments thereto.

(c) (1) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Conduct soil tests, including but not limited to tests for nitrogen, phosphate, chloride, copper and zinc, on the land application areas prior to preparation of the nutrient utilization plan and at least annually thereafter, or as often as required by best available soil science and standards relative to the soils of, and crops to be grown on, the land application areas or as required by the secretary of agriculture; and

(B) include the results of such tests in its nutrient utilization plan.

(2) Each swine facility that has a manure management plan that includes land application of manure or wastewater or sells or gives manure or wastewater to third persons pursuant to subsection (h) of K.S.A. 65-1,181 and amendments thereto shall:

(A) Conduct manure nutrient analyses of its manure and wastewater prior to preparation of its nutrient utilization plan and at least every two years thereafter; and

(B) include the results of such analyses in its nutrient utilization plan.

(3) Each swine facility that has a manure management plan that includes land application of manure or wastewater shall:

(A) Compare the manure nutrient analyses required by subsection (c)(2) with the soil tests required by subsection (c)(1) to calculate needed fertility and application rates for pasture production and crop target yields on the land application areas prior to the preparation of the nutrient utilization plan and each time thereafter when new soil tests or manure nutrient analyses are conducted; and

(B) include such calculations in the nutrient utilization plan.

(d) If a swine facility is required to have a nutrient utilization plan and finds that the soil tests required pursuant to this act indicate that the phosphorus holding capacity for any soils in the facility's land application areas may be exceeded within five years, the facility shall promptly initiate the process to obtain access to the additional land application areas needed, or make other adjustments, to achieve the capability to apply manure or wastewater at appropriate agronomic rates.

(e) The *Kansas* department of agriculture may require a swine facility that is required to have a nutrient utilization plan to apply manure or wastewater on all or a portion of the facility's land application areas at a rate within the agronomic phosphorus needs of the crops or pasture, or the soil phosphorus holding capacity, in less than the time originally allowed in the approved nutrient utilization plan if the department of agriculture finds that the land application actions of the facility are contributing to the impairment of groundwater or surface water.

(f) (1) Each swine facility that is required to have a nutrient utilization plan shall include in such plan, and thereafter comply with, the requirements that manure or wastewater shall not be applied on bare ground by any process, other than incorporation into the soil during the same day, within 1,000 feet of any habitable structure, wildlife refuge or city, county, state or federal park, unless:

(A) The manure or wastewater has been subjected to physical, biological or biochemical treatment or other treatment method for odor reduction approved by the department of health and environment;

(B) the manure or wastewater is applied with innovative treatment or application that is best available technology for swine facilities and best management practices for swine facilities or other technology approved by the department of health and environment; or

(C) the owner of the habitable structure has provided a written waiver to the facility.

(2) The separation distance requirements of subsection (f)(1) shall not apply to any structure constructed or park designated as a city, county, state or federal park after the effective date of this act, for swine facilities in existence on the effective date of this act, or any structure constructed or park designated as a city, county, state or federal park after submission of an application for a permit for a new swine facility or expansion of an existing swine facility.

(3) Swine facilities that are required to have a nutrient utilization plan shall not apply manure or wastewater:

(A) To lands classified as highly erodible according to the conservation compliance provisions of the federal food security act of 1985, as in effect on the effective date of this act, and classified as highly erodible on the basis of erosion resulting from water runoff, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(B) during rain storms, except where soil conservation practices to control erosion and runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility;

(C) to frozen or saturated soil, except where soil conservation practices to control runoff in compliance with the requirements of this section are identified in the facility's nutrient utilization plan and are followed by the facility; and

(D) to any areas to which the separation distance requirements of subsection (f) apply.

(4) Swine facilities that are required to have a nutrient utilization plan shall follow procedures and precautions in the land application of manure or wastewater to prevent discharge of manure or wastewater to surface water and groundwater due to excess infiltration, penetration of drainage tile lines, introduction into tile inlets or surface runoff, including appropriate soil conservation practices to protect surface water from runoff carrying eroded soil and manure particles.

(5) Swine facilities that are required to have a nutrient utilization plan and that conduct wastewater irrigation shall:

(A) Employ measures to irrigate under conditions that reasonably prevent surface runoff; and

(B) use reasonable procedures and precautions to avoid spray drift from the land to which it is applied.

(6) Each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall ensure that any equipment used in the land application process is properly maintained and calibrated and monitor the use of the equipment so that any malfunction that develops during the land application process is detected and the process ceases until the malfunction is corrected.

(7) The operator of each swine facility that is required to have a nutrient utilization plan and that land applies manure or wastewater shall:

(A) Identify, train and keep current the training of each employee and contractor who supervises the transfer of manure or wastewater to land application equipment and the conducting of land application activities; and

(B) train, and keep current the training of, all employees and contractors who conduct land application activities.

(g) Each swine facility that is required to have a nutrient utilization plan shall amend such plan whenever warranted by changes in conditions. The operator of the facility shall file such plan and any amendments to such plan with the department of health and environment and the department shall forward such plan and any amendments to the secretary of agriculture.

(h) The secretary of agriculture shall make a determination to approve or disapprove a nutrient utilization plan not later than 45 days after the plan is received from the department of health and environment.

Sec. 195. K.S.A. 65-6a20 is hereby amended to read as follows: 65-6a20. For the purpose of preventing the use in intrastate commerce, ~~as hereinafter provided,~~ of meat and meat food products and poultry and poultry products which are adulterated, the secretary shall ~~cause to be made, by inspectors appointed for that purpose, make~~ an examination and inspection, ~~by inspectors appointed for such purpose,~~ of all livestock, domestic rabbits and poultry before ~~they shall be such livestock, domestic rabbits and poultry are~~ allowed to enter into any slaughtering, packing, canning or similar establishment in this state in which slaughtering and preparation of meat or meat food products or poultry and poultry products of such animals are conducted for intrastate commerce. All livestock, domestic rabbits and poultry found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other livestock, domestic rabbits and poultry ~~and when so slaughtered.~~ *When slaughtered as provided in this section,* the carcasses of such livestock, domestic rabbits or poultry shall be subject to a careful examination and inspection as provided by the rules and regulations adopted by the ~~state board~~ *secretary* of agriculture.

Sec. 196. K.S.A. 74-552 is hereby amended to read as follows: 74-552. (a) There is hereby established within the *Kansas* department of agriculture a grape and wine industry advisory council consisting of nine members who shall be appointed by the secretary of agriculture. The membership of such council shall include:

- (1) One member representing the college of agriculture at Kansas State University;
- (2) two members representing the commercial grape growing industry;
- (3) two members representing the licensed farm winery industry;
- (4) one member representing the licensed wine distributors industry;
- (5) one member representing the licensed retail liquor industry;
- (6) one member representing the tourism industry of Kansas; and
- (7) one member representing the public at large having experience in marketing.

(b) The members of the advisory council shall be appointed for terms as follows: (1) Four members shall be appointed for terms ending on June 30, 1995, and (2) five members shall be appointed for terms ending on June 30, 1996. After the expiration of the initial terms of such members all members shall be appointed for terms of two years. All vacancies shall be filled by appointment for the remainder of the unexpired term of the member creating the vacancy.

(c) The advisory council shall organize annually by the election from the council's membership a chairperson and a vice-chairperson. The advisory council shall adopt such rules of procedure as the council deems necessary for conducting the council's business.

Sec. 197. K.S.A. 74-561 is hereby amended to read as follows: 74-561. The secretary of agriculture may appoint an assistant secretary or secretaries of agriculture, who shall serve at the pleasure of the secretary of agriculture. Any such assistant secretary of agriculture shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the secretary of agriculture with the approval of the governor. The secretary of agriculture also may appoint such other staff assistants and employees as are necessary to enable the secretary to carry out the duties of the office. Except as otherwise provided in this act and in K.S.A. 75-2935, and amendments thereto, such staff assistants and employees shall be within the classified service under the Kansas civil service act. The assistant secretary or secretaries of agriculture and such other staff assistants and employees shall be within the *Kansas* department of agriculture and shall have such powers, duties and functions as are assigned to them by the secretary or are prescribed by law. Such assistant secretary or secretaries of agriculture, staff assistants and employees shall act for and exercise the powers of the secretary of agriculture to the extent authority to do so is delegated by the secretary of agriculture.”;

And by renumbering sections accordingly;

Also on page 142, in line 5, by striking “2-142,”; in line 7, after “2-1228,” by inserting “2-1314,”; in line 10, after “2-2472,” by inserting “2-2501,”; in line 14, after “34-134,” by inserting “34-223,”; in line 16, after “65-1,177,” by inserting “65-1,182,”; also in line 16, after “65-6a19,” by inserting “65-6a20,”; in line 22, after “74-550,” by inserting “74-552,”; also in line 22, after “74-555,” by inserting “74-561,”; in line 26, after “Supp.” by inserting “2-1205,”; in line 27, after “2-2906,” by inserting “2-3002,”; also in line 27, after “2-3602,” by inserting “34-101,”;

On page 1, in the title, in line 32, after the semicolon by inserting “relating to the Kansas department of agriculture and the secretary of agriculture;”; in line 33, by striking “2-142,”; in line 36, after “2-1228,” by inserting “2-1314,”; in line 39, after “2-2472,” by inserting “2-2501,”; in line 43, after “34-134,” by inserting “34-223,”;

On page 2, in the title, in line 2, after “65-1,177,” by inserting “65-1,182,”; also in line 2, after “65-6a19,” by inserting “65-6a20,”; in line 8, after “74-550,” by inserting “74-552,”; also in line 8, after “74-555,” by inserting “74-561,”; in line 13, after “Supp.” by inserting “2-1205,”; also in line 13, after “2-2906,” by inserting “2-3002,”; also in line 13, after “2-3602,” by inserting “34-101,”; and the bill be passed as amended.

Committee on **Appropriations** recommends **SB 399** be passed.

Committee on **Commerce and Labor** recommends **HB 2928** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2928,” as follows:

“Substitute for HOUSE BILL No. 2928
By Committee on Commerce and Labor

“AN ACT concerning sale of motor fuel; relating to certain prohibited acts; civil penalties; duties of division of weights and measures and attorney general; private remedy; amending K.S.A. 2003 Supp. 55-427 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2928** was thereupon introduced and read by title).

Committee on **Education** recommends **HB 2937** be amended on page 3, in line 20, by striking all after “by”; in line 21, by striking all before “is” and inserting “electors of the district in a number that is at least 10% of the number of electors who voted in the last school board election”; in line 25, after “district” by inserting “at a special election called for such purpose, at a mail ballot election or at”;

On page 4, in line 5, before “The” by inserting “A school district board may opt to put the question of whether to approve the cost of living levy directly to the electors of the district. Such election may be: (1) At a special election called for such purpose; (2) by the mail ballot election act; or (3) at the next general election.

(e);

On page 8, in line 5, before “Each” by inserting “(a)”; also in line 5, by striking “reduce or”; in line 7, by striking “reduction or”; in line 16, by striking “reduce” and inserting “eliminate”; in line 18, by striking all after the period; in line 19, by striking all before “The”; also in line 19, by striking “reduction” and inserting “elimination”; in line 20, by striking all after “by”; in line 21, by striking all before “is” and inserting “electors of the district in a number that is at least 10% of the number of electors who voted in the last school board election”; in line 25, after “purpose” by inserting “, an election pursuant to the mail ballot election act”; in line 33, by striking “The”; by striking all in line 34; in line 35, by striking all before “IF”; in line 37, by striking “reduce” and inserting “eliminate”;

On page 9, in line 2, by striking “reduce or”; in line 3, after the period, by inserting:

“(b) A school district board may opt to put the question of whether to eliminate the exemption directly to the electors of the district. Such election may be: (1) At a special election called for such purpose; (2) by the mail ballot election act; or (3) at the next general election.

(c);

On page 11, in line 24, by striking “and fund operating expenses of such center”; also in line 24, after the period, by inserting “The first three years of funding for the center shall be subject to appropriations by the state.”; after line 29, by inserting:

“(e) The center will negotiate with school districts on the costs for utilizing services of the center. Such costs may be based on: (1) A set flat fee for services; (2) a percentage of dollars saved; or (3) a combination of (1) and (2).

(f) Notwithstanding provisions of law to the contrary, any savings a school district realizes from services from the center may be retained by the school district and shall not be a deduction from any state aid.”;

Also on page 11, in line 33, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 9, by striking “reduce”; in line 10, by striking “or”; and the bill be passed as amended.

Committee on **Environment** recommends **SB 416** 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 **Health and Human Services** recommends **HB 2939; SB 529** be passed.

Committee on **Higher Education** recommends **SB 540** be passed.

Committee on **Higher Education** recommends **HB 2627**, as amended by House Committee, be amended on page 1, following line 28, by inserting:

“Section 1. K.S.A. 2003 Supp. 76-729 is hereby amended to read as follows: 76-729. (a) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 12 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(b) The state board of regents may authorize *by rule and regulation* the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

- (1) Persons who are employees of a state educational institution;
- (2) persons who are in military service;
- (3) persons who are domiciliary residents of the state, who were in active military service prior to becoming domiciliary residents of the state, who were present in the state for a period of not less than two years during their tenure in active military service, whose domiciliary residence was established in the state within 30 days of discharge or retirement from active military service under honorable conditions, but whose domiciliary residence was not timely enough established to meet the residence duration requirement of subsection (a);
- (4) persons having special domestic relations circumstances;
- (5) persons who have lost their resident status within six months of enrollment;
- (6) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 72-116, and amendments thereto;
- (7) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection; and

~~(8) persons who have graduated from a high school accredited by the state board of education within six months of enrollment and who, at the time of graduation from such a high school or while enrolled and in attendance at such a high school prior to graduation therefrom, were dependents of a person in military service within the state, if the person, whose dependent is eligible for authorization to pay an amount equal to resident fees under this provision, does not establish domiciliary residence in the state upon retirement from military service, eligibility of the dependent for authorization to pay an amount equal to resident fees shall lapse.~~

(c) As used in this section:

- (1) “Parents” means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" has the meaning ascribed thereto by K.S.A. 2003 Supp. 59-3051, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

New Sec. 2. (a) Whenever authorized personnel in the registrar's office of a state educational institution have determined that an individual qualifies as a resident for fee purposes pursuant to subsection (a) of K.S.A. 76-729 and amendments thereto, such individual shall be considered as a resident for fee purposes at any state educational institution.

(b) In the event facts pertaining to any individual have changed regarding a necessary element relating to the determination that an individual qualified as a resident for fee purposes as described in subsection (a), then the original determination shall no longer be binding on any state educational institution.

(c) As used in this section, "state educational institution" means the university of Kansas, Kansas state university of agriculture and applied sciences, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(d) The provisions of this section shall be controlling over any conflict with the provisions of K.A.R. 88-2-1, and amendments thereto.

(e) The provisions of this section shall apply retroactively to residence determinations made by registrars' officers from and after January 1, 2003, and shall expire on July 1, 2005. The difference between out-of-state tuition paid and the established resident fee shall be refunded to any individual to whom subsection (a) applies.

New Sec. 3. (a) Whenever authorized personnel in the registrar's office of a state educational institution, as defined by K.S.A. 76-711, and amendments thereto, has made a determination that an individual qualified as a resident for fee purposes pursuant to subsection (a) of K.S.A. 76-729, and amendments thereto, and a subsequent determination of another state educational institution differs, an applicant may appeal the second determination to the chief executive officer of the Kansas board of regents, or its designee, if such determination is within 12 months of the prior determination.

(b) Any such appeal shall be submitted in writing no later than 15 days following receipt of notification of the determination to be appealed.

(c) Regents residency officers shall cooperate with the appeal and provide full copies of the applicants' applications for residency determination.

(d) The chief executive officer of the Kansas board of regents may request additional information of the applicant.

(e) A final determination of the conflict shall be made no later than 30 days following the receipt of application.

(f) The provisions of this section shall control conflicting fee determinations when at least one determination was made subsequent to July 1, 2004.

(g) The Kansas board of regents is authorized to adopt additional rules and regulations regarding this process.";

By renumbering sections accordingly;

On page 2, following line 19, by inserting:

"(8) "Military service" means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard;

(9) "prisoner of war" means a person who was a prisoner of war under article 4 of the third Geneva convention and any individual who was in military service in an armed conflict and who was taken prisoner of war by opposing forces, whether or not under an official declaration of war; and

(10) "resident of Kansas" means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(11) "Spouse" means the unremarried spouse of a deceased public safety officer or deceased military service person.;

Also on page 2, in line 24, by striking "and"; in line 25, following "while" by inserting ", and as a result of,"; in line 26, following "military" by inserting "; and (3) any prisoner of war"; also in line 26, following "spouse" by inserting "and any prisoner of war"; in line 29, by striking all following "institutions"; in line 30, by striking all preceding the period; in line 32, by striking "the" and inserting "a prisoner of war or a"; in line 42, following "spouses" by inserting "or prisoners of war"; in line 43, by striking all following "charged";

On page 3, in line 3, following "spouses" by inserting "or prisoners of war"; in line 4, following "spouse" by inserting "or prisoner of war"; in line 7, following "spouse" by inserting "or prisoner of war"; in line 9, following "spouse" by inserting "or prisoner of war"; in line 18, by striking "is" and inserting "and 76-729 are";

In the title, in line 11, following "to" by inserting "education; concerning"; in line 13, following "and" where it appears for the second time by inserting "76-729 and"; in line 14, by striking "section" and inserting "sections"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 104, by Representative Powell, congratulating Kathlyn Lindberg on being named a Master Teacher of the Year;

Request No. 105, by Representative Merrick, congratulating Harry McDonald and Rosemary Moody on their retirement;

Request No. 106, by Representatives Ballard, Boyer, Davis, Holland and Sloan, congratulating the Free State High School Boys Swimming and Diving Team on winning the 2004 state championship;

Request No. 107, by Representative Dahl, honoring Jim and Earline Magathan on the 50th wedding anniversary and Lamar and Rose Ann Hajek on their 60th wedding anniversary;

Request No. 108, by Representative Dreher, congratulating Floyd and Okah Roberts on their 60th wedding anniversary;

Request No. 109, by Representative Cox, congratulating Fire Chief Warren Hanks on thirty- eight years of dedicated service to the city of Bonner Springs;

Request No. 110, by Representative Winn, congratulating and commending Lindsey K. Rogge and Bobbie J. McClain on being named to the All-Kansas Academic Team;

Request No. 111, by Representative Johnson, congratulating Chuck Comeau on being named 2003 Leader of the Year by the Huck Boyd National Institute for Rural Development;

Request No. 112, by Representative Winn, congratulating and commending Douglas Richard Moody on attaining the rank of Eagle Scout;

Request No. 113, by Representative Winn, congratulating and commending Carla McDonald on being named a recipient of the National Selection Team Festival Fellowships;

Request No. 114, by Representative Larkin, congratulating the Centralia Girls Basketball Team on winning the 1A State Championship;

Request No. 115, by Representative Larkin, congratulating the Sabetha High School Girls Basketball Team on winning the 3A State Championship;

Request No. 116, by Representative Huff, commending the Cold War Veterans Association on their bravery in helping America win the Cold War;

Request No. 117, by Representative Powell, congratulating Heather A. Delaney on winning the Ted and Nora Anderson Scholarship;

Request No. 118, by Representative McCreary, congratulating Charles and Nadine Brown on their 50th wedding anniversary;

Request No. 119, by Representatives Lane, Toelkes and Flora, congratulating the Highland Park High School Basketball Team on winning the State 5A Championship;

Request No. 120, by Representative Jim Morrison, congratulating Nicole Titus and Deanna Thompson on winning first place at Kansas State DECA and National Qualification;

Request No. 121, by Representative Landwehr, commending Bridget L. White on being named to the Washburn President's Honors Program for the 2003 Fall Semester;

Request No. 122, by Representative Landwehr, commending Michael A. Conine on attaining the rank of Eagle Scout;

Request No. 123, by Representative Long-Mast, congratulating Guion's Showcase on being named Business of the Year;

Request No. 124, by Representative Pottorff, congratulating Rick Pappas on being named Kansas Physical Education Teacher of the Year;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

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 bill was thereupon introduced and read by title:

HB 2942, An act enacting Miki's law; requiring registration of offenders convicted of certain felonies; prescribing penalties for certain violations; amending K.S.A. 12-16,123 and K.S.A. 2003 Supp. 22-3717, 45-221 and 75-5291 and repealing the existing sections, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **SB 405** from Committee on Economic Development and referral to Committee on Federal and State Affairs.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6029—

By Representatives Gordon, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, 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, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, and Yonally

A RESOLUTION memorializing the Congress of the United States to permit children of state employees to be eligible recipients of health care benefits under HealthWave.

WHEREAS, The federal government established in 42 U.S.C. § 1397aa *et seq.*, a program now known as HealthWave to provide funds to the various states to provide or expand child health care assistance to uninsured, low-income families; and

WHEREAS, While this program has made it possible for many low to moderate income families who do not qualify for Medicaid to have affordable health care, the current law provides, in 42 U.S.C. § 1397bb(b)(4), that this program is not available to any child eligible for child health care under a state child health plan. The state of Kansas provides in its benefits package to its employees a comprehensive health insurance program for its employees and family members thereby causing children of Kansas state employees to be ineligible for health care coverage under HealthWave; and

WHEREAS, The state of Kansas has completed a study to determine the number of state employees who would be eligible for HealthWave insurance. The study concluded that

approximately 3,500 employees of a total of 29,000 employees earning less than \$45,000 per year would qualify for HealthWave coverage; and

WHEREAS, A large number of children of Kansas state employees are not receiving health care benefits, either under the state or federal plans, and in the future the parents of these children are unlikely to be able to afford health insurance for their children: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body memorializes the Congress of the United States to amend current law so that children of state employees are eligible for health care benefits under HealthWave; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the Speaker of the United States House of Representatives, the President pro tempore of the United States Senate and to each member of the Kansas legislative delegation.

REPORT ON ENGROSSED BILLS

Sub. HB 2592 reported correctly engrossed March 19, 2004.

REPORT ON ENROLLED BILLS

HB 2542, HB 2553, HB 2580, HB 2612, HB 2618, HB 2732, HB 2756, HB 2764 reported correctly enrolled, properly signed and presented to the governor on March 19, 2004.

REPORT ON ENROLLED RESOLUTIONS

HCR 5027 reported correctly enrolled and properly signed on March 19, 2004.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Monday, March 22, 2004.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

