

Journal of the House

FIFTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 30, 2004, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Faber was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Holy God, we gather this morning in the fullness of another spring. It is a time of warm days and cool nights, blue skies and spring showers. It is a time of planting and new birth, a time to prepare to harvest what has been planted and to plant again for the future.

We bless your holy name, O God, as we recognize that you are the one who gives growth. We till, sow, water and harvest, but it is through your grace that the miraculous happens. It is through your grace that sunlight and water and seed yield the nourishment that sustains life. Thank you Lord for your faithfulness.

Those who gather in this chamber today, Lord, are tillers and sowers, waterers and harvesters. You bless their work with the light of liberty and shower it with your grace. Now, O God, give growth where it is right. Prepare for the harvest that which is pleasing to you. And grant that the lives of all your children may be blessed by the fruit of the labor of your servants. Amen.

The Pledge of Allegiance was led by Rep. Patterson.

There being no objection, the following remarks by Rep. Neighbor are spread upon the Journal.

I would like to announce that at 8:30 this morning our fourth grandchild was born. Nathan Thomas Atkins weighed in at 8 pounds, 4 ounces and 19 inches long. Mother, father and big brother, Jake, are all doing well.

The family asked for me to speak with Rep. Ward Loyd since his new granddaughter was born yesterday and ask for a spot on her dance card when they grow up.

INTRODUCTION OF GUESTS

Rep. Kirk introduced the members of the Hayden High School Girls' Basketball Team who won the State Class 4 A championship. They were accompanied by their coach, Doug Finch.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HR 6034.**

Appropriations: **HB 2950.**

Committee of the Whole: **HB 2949.**

Federal and State Affairs: **SB 305.**

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Neufeld, **HR 6036**, A resolution congratulating and commending Dr. William G. Wolff, was adopted.

Rep. Neufeld addressed a few remarks to the members of the House about Dr. Wolff and introduced him and his wife, Dr. Luella Wolff. Dr. Wolff also addressed a few remarks to the members of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Wilson, **HR 6033**, A resolution in memory of Lawrence J. "Larry" Wilbert, was adopted.

There being no objection, the following remarks of Rep. Wilson are spread upon the Journal:

From 1980-1990, Larry Wilbert served the people of Pittsburg in this Chamber. He was a genuinely nice person and a good representative for the people of Pittsburg. He served as vice chairperson of the Transportation Committee during the authorization of the Comprehensive Transportation Plan. The CTP is one of the most important pieces of legislation in history for southeastern Kansas.

Over a week ago he passed away after a long illness, leaving behind a wife and family that will miss him immensely. He was a good father and husband and he leaves a fine legacy behind in his children and his devotion to his community.

I served as a legislative page for Mr. Wilbert when I was in the 6th grade, and I am just one of many individuals who have been inspired by Larry's service.

His family is unable to be here today with his passing being so recent in the past. Representative Grant and I will personally deliver the Resolution to the Wilbert family upon adjournment of the House. We will convey the sympathy of the House and pass along the good wishes of our members to the family.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2568**.

Announcing passage of **HB 2569**, as amended.

The Senate concurs in House amendments to **SB 487**, and requests return of the bill.

The Senate adopts conference committee report on **S. Sub. for HB 2133**.

The Senate adopts conference committee report on **HB 2556**.

The Senate adopts conference committee report on **HB 2638**.

The Senate adopts conference committee report on **HB 2669**.

The Senate adopts conference committee report on **HB 2705**.

The Senate not adopts the conference committee report on **SB 29**, requests a new conference committee be appointed and has appointed Senators Vratil, Pugh and Goodwin as second conferees on the part of the Senate.

The Senate not adopts the conference committee report on **HB 2271**, requests a new conference committee be appointed and has appointed Senators Vratil, Pugh and Goodwin as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2347** and has appointed Senators Vratil, Pugh and Goodwin as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2471** and has appointed Senators Morris, Adkins and Downey as conferees on the part of the Senate.

The President announced the appointment of Senators Umbarger, Vratil and Downey as members of the conference committee on **SB 393** to replace Senators Brownlee, Jordan and Barone.

The President announced the appointment of Senators Kerr, Morris and Downey as members of the conference committee on **SB 520** to replace Senators Brownlee, Jordan and Barone.

The President announced the appointment of Senators Umbarger, Vratil and Downey as members of the conference committee on **HB 2027** to replace Senators Tyson, Taddiken and Lee.

SPECIAL ORDER OF BUSINESS

The time having expired for the Special Order of Business on **ERO 32** and **HR 6020** appearing in the House Calendar, the items will be deleted from the House Calendar for May 1, 2004.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 536. An Act making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, June 30, 2006, and June 30, 2007; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; repealing section 66 of 2004 House Bill No. 2675, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 68; Nays 56; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Burroughs, Carlin, Compton, Crow, Davis, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, D. Johnson, Kirk, Klein, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Jim Morrison, Neufeld, O'Neal, Patterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, Scoggins-Waite, B. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Barbieri-Lightner, Boyer, Brunk, Burgess, Campbell, Carter, Cox, Craft, Dahl, DeCastro, Edmonds, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Pauls, Powell, Powers, Schwab, S. Sharp, Siegfried, Tafanelli, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Faber.

The substitute bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **H. Sub. for SB 12; SB 67; H. Sub. for SB 272; SB 387; H. Sub. for SB 395; S. Sub. for HB 2133; HB 2271, HB 2556, HB 2569, HB 2638, HB 2669, HB 2705, HB 2939, HB 2947, HB 2948, HB 2949.**

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2271.**

Speaker Mays thereupon appointed Reps. Loyd, Owens and Ward as second 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 29.**

Speaker Mays thereupon appointed Reps. O'Neal, Patterson and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 387**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

LEE TAFANELLI
 CARL C. KREHBIEL
 JOE SHRIVER
Conferees on part of House

BARBARA P. ALLEN
 JAY SCOTT EMLER
 DONALD BETTS, JR.
Conferees on part of Senate

On motion of Rep. Tafanelli to adopt the conference committee report on **SB 387**, the motion did not prevail, and the bill remains in conference.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 67**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 17, by striking "2002" and inserting "2003";

On page 4, in line 26, after "(h)" by inserting "(1)"; also in line 26, after the comma, by inserting "except as provided in paragraph (2).";

On page 5, after line 12, by inserting:

"(2) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child's biological parents which were created prior to such child's adoption.";

On page 6, after line 28, by inserting:

"Sec. 3. K.S.A. 38-1635 is hereby amended to read as follows: 38-1635. (a) Except as provided in subsection (b), each county or district attorney may adopt a policy and establish guidelines for an immediate intervention program by which a respondent may avoid prosecution as a juvenile offender. In addition to the county or district attorney adopting policies and guidelines for the immediate intervention programs, the court, the county or district attorney and the director of the intake and assessment center, pursuant to a written agreement, may develop local programs to:

(1) Provide for the direct referral of cases by the county or district attorney or the intake and assessment worker, or both, to youth courts, restorative justice centers, citizen review boards, hearing officers, or other local programs as sanctioned by the court.

(2) Allow intake and assessment workers to issue a summons, as defined in subsection (e).

(3) Allow the intake and assessment centers to directly purchase services for the juveniles and the juvenile's family.

(4) Allow intake and assessment workers to direct the release of a juvenile prior to a detention hearing after the completion of the intake and assessment process if the juvenile intake and assessment worker has reason to believe that if released the juvenile will appear for further proceedings and will not be dangerous to self or others.

(b) An immediate intervention program shall provide that a respondent is ineligible for such program if the respondent ~~has been previously adjudicated to be a juvenile offender,~~ or faces pending charges as a juvenile offender, for committing acts which, if committed by an adult, would constitute:

(1) A violation of K.S.A. 8-1567 and amendments thereto and the respondent: (A) Has previously participated in an immediate intervention program instead of prosecution of a complaint alleging a violation of that statute or an ordinance of a city in this state which prohibits the acts prohibited by that statute; (B) has previously been adjudicated of a violation of that statute or a violation of a law of another state or of a political subdivision of this or any other state, which law prohibits the acts prohibited by that statute; or (C) during the time of the alleged violation was involved in a motor vehicle accident or collision resulting in personal injury or death; or

(2) a violation of an off-grid crime, a ~~person felony, or a felony or misdemeanor committed when the respondent was illegally possessing a firearm or using a deadly weapon in the commission of such crime~~ *severity level 1, 2 or 3 felony for nondrug crimes or drug severity level 1 or 2 felony for drug crimes.*

(c) An immediate intervention program may include a stipulation, agreed to by the respondent, the respondent's attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the respondent fails to fulfill the terms of the specific immediate intervention agreement and the immediate intervention proceedings are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts.

(d) The county or district attorney may require the parent or guardian of a juvenile offender to be a part of the immediate intervention program for the juvenile offender.

(e) "Summons" means a written order issued by an intake and assessment worker directing that a respondent appear before a designated court at a stated time and place and answer to a charge pending against the respondent.

(f) The provisions of this section shall not be applicable in judicial districts that adopt district court rules pursuant to K.S.A. 20-342, and amendments thereto, for the administration of immediate intervention programs by the district court.;

And by renumbering sections accordingly;

Also on page 6, in line 29, after "38-1508" by inserting "and 38-1635"; also in line 29, by striking "2002" and inserting "2003";

On page 1, in the title, in line 13, before "amending" by inserting "relating to immediate intervention programs.;" also in line 13, after "38-1508" by inserting "and 38-1635"; also in line 13, by striking "2002" and inserting "2003";

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
JIM WARD
Conferees on part of House

JOHN VRATIL
BARBARA P. ALLEN
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. Loyd, the conference committee report on **SB 67** was adopted.

Call of the House was demanded.

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

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 272**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 272, as follows:

On page 8, in line 17, after "interest" by inserting "immediately before or"; in line 18, by striking "including" and inserting "to the extent of that interest or title. The medical assistance estate includes, without limitation"; in line 19, by striking "individual" and inserting "recipient";

On page 9, in line 25, before the semicolon, by inserting "or settlement action taken in lieu of foreclosure";

On page 11, following line 32, by inserting the following:

"Sec. 3. K.S.A. 2003 Supp. 39-923 is hereby amended to read as follows: 39-923. (a) As used in this act:

(1) "Adult care home" means any nursing facility, nursing facility for mental health, intermediate care facility for the mentally retarded, assisted living facility, residential health care facility, home plus, boarding care home and adult day care facility, all of which classifications of adult care homes are required to be licensed by the secretary of aging.

(2) "Nursing facility" means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) "Nursing facility for mental health" means any place or facility operating 24 hours a day, seven days a week caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) "Intermediate care facility for the mentally retarded" means any place or facility operating 24 hours a day, seven days a week caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by mental retardation or related conditions need services to compensate for activities of daily living limitations.

(5) "Assisted living facility" means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) "Residential health care facility" means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree ~~or~~ of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or coordinates personal care or supervised nursing care available on a 24-hour, seven-day-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential health care facility is not prohibited by this act. Generally, the skilled services provided in a residential health care facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) "Home plus" means any residence or facility caring for not more than eight individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary of the department of social and rehabilitation services, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided residents shall be determined by preparation of the staff and rules and regulations developed by the department on aging. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than eight-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous.

(8) "Boarding care home" means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) "Adult day care" means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision of or assistance with activities of daily living.

(10) "Place or facility" means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term "place or facility" may include multiple buildings.

(11) "Skilled nursing care" means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or dentist; and other nursing functions which require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) "Supervised nursing care" means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) "Resident" means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) "Person" means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) "Operate an adult care home" means to own, lease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word "own" and the word "lease" shall not include hospital districts, cities and counties which hold title to an adult care home purchased or constructed through the sale of bonds.

(16) "Licensing agency" means the secretary of aging.

(17) "Skilled nursing home" means a nursing facility.

(18) "Intermediate nursing care home" means a nursing facility.

(19) "Apartment" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) "Individual living unit" means a private unit which includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) "Operator" means an individual who operates an assisted living facility or residential health care facility with fewer than 61 residents, a home plus or adult day care facility and has completed a course approved by the secretary of health and environment on principles of assisted living and has successfully passed an examination approved by the secretary of health and environment on principles of assisted living and such other requirements as may be established by the secretary of health and environment by rules and regulations.

(22) "Activities of daily living" means those personal, functional activities required by an individual for continued well-being, including but not limited to eating, nutrition, dressing, personal hygiene, mobility, toileting,

(23) "Personal care" means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) "Functional impairment" means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) "Kitchen" means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) The term "intermediate personal care home" for purposes of those individuals applying for or receiving veterans' benefits means residential health care facility.

(27) *"Paid nutrition assistant" means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. 483.152, 42 C.F.R. 483.160 and paragraph (h) of 42 C.F.R. 483.35, in effect on October 27, 2003, and who provides such assistance under the supervision of a registered professional or licensed practical nurse.*

(b) The term "adult care home" shall not include institutions operated by federal or state governments, except institutions operated by the Kansas commission on veterans affairs, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices which are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, section 418.1 *et seq.* and amendments thereto and which provide services only to hospice patients.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential health care facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential health care shall have the option of licensing for residential health care for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services which shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 4. K.S.A. 2003 Supp. 39-936 is hereby amended to read as follows: 39-936. (a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each resident shall be provided with a copy of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy of such statement in the resident's file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person or persons shall be in attendance at all times upon residents receiving accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person or persons attendant upon the residents.

(c) (1) The licensing agency shall require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to the mentally retarded which has been granted an exception by the secretary of health and environment *aging* upon a finding by the licensing agency that an appropriate training program for unlicensed

employees is in place for such adult care home, employed on and after the effective date of this act who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the secretary of health and environment or are not participating in such a course on the effective date of this act to complete successfully 40 hours of training in basic resident care skills. Any unlicensed person who has not completed 40 hours of training relating to resident care and treatment approved by the secretary of health and environment shall not provide direct, individual care to residents. The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the secretary of health and environment. The 40 hours of training may be prepared and administered by an adult care home or by any other qualified person and may be conducted on the premises of the adult care home. The 40 hours of training required in this section shall be a part of any course of education and training required by the secretary of health and environment under subsection (c)(2). *Training for paid nutrition assistants shall consist of at least eight hours of instruction, at a minimum, which meets the requirements of 42 C.F.R. § 483.160.*

(2) The licensing agency may require unlicensed employees of an adult care home, except an adult care home licensed for the provision of services to the mentally retarded which has been granted an exception by the secretary of health and environment upon a finding by the licensing agency that an appropriate training program for unlicensed employees is in place for such adult care home, who provide direct, individual care to residents and who do not administer medications to residents *and who do not meet the definition of paid nutrition assistance under paragraph (a)(27) of K.S.A. 39-923, and amendments thereto* after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued employment by an adult care home. A course of instruction may be prepared and administered by any adult care home or by any other qualified person. A course of instruction prepared and administered by an adult care home may be conducted on the premises of the adult care home which prepared and which will administer the course of instruction. The licensing agency shall not require unlicensed employees of an adult care home who provide direct, individual care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the secretary of health and environment shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction. Unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon completion of the approved course of instruction shall be eligible to take an examination. The examination shall be prescribed by the secretary of health and environment, shall be reasonably related to the duties performed by unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications to residents and shall be the same examination given by the secretary of health and environment to all unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications.

(3) The secretary of health and environment shall fix, charge and collect a fee to cover all or any part of the costs of the licensing agency under this subsection (c). The fee shall be fixed by rules and regulations of the secretary of health and environment. The fee shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(4) The secretary of health and environment shall establish a state registry containing information about unlicensed employees of adult care homes who provide direct, individual care to residents and who do not administer medications in compliance with the requirements pursuant to PL 100-203, Subtitle C, as amended November 5, 1990.

(5) No adult care home shall use an individual as an unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer

medications unless the facility has inquired of the state registry as to information contained in the registry concerning the individual.

(6) Beginning July 1, 1993, the adult care home must require any unlicensed employee of the adult care home who provides direct, individual care to residents and who does not administer medications and who since passing the examination required under paragraph (2) of this subsection has had a continuous period of 24 consecutive months during none of which the unlicensed employee provided direct, individual care to residents to complete an approved refresher course. The secretary of health and environment shall prepare guidelines for the preparation and administration of refresher courses and shall approve or disapprove courses.

(d) Any person who has been employed as an unlicensed employee of an adult care home in another state may be so employed in this state without an examination if the secretary of health and environment determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.

(e) All medical care and treatment shall be given under the direction of a physician authorized to practice under the laws of this state and shall be provided promptly as needed.

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) Except in emergencies as defined by rules and regulations of the licensing agency and except as otherwise authorized under federal law, no resident may be transferred from or discharged from an adult care home involuntarily unless the resident or legal guardian of the resident has been notified in writing at least 30 days in advance of a transfer or discharge of the resident.

(h) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

Sec. 5. K.S.A. 2003 Supp. 76-381 is hereby amended to read as follows: 76-381. As used in K.S.A. 76-380 through 76-386 and amendments thereto:

(a) "Act" means the medical student loan act;

(b) "approved postgraduate residency training program" means a residency training program in general pediatrics, general internal medicine, family medicine, family practice or emergency medicine;

(c) "service commitment area" means (1) any community within any county in Kansas other than Douglas, Johnson, Sedgwick, Shawnee or Wyandotte county, (2) any state medical care facility or institution, (3) any medical center operated by the veterans administration of the United States, or (4) the full-time faculty of the university of Kansas school of medicine in family medicine or family practice; or (5) *any community within Wyandotte county for purposes of any practice obligation under an agreement entered into by a person who is enrolled for the first time after July 1, 2004, in a course of study leading to the medical degree*; and

(d) "state medical care facility or institution" includes, but is not limited to, the Kansas state school for the visually handicapped, the Kansas state school for the deaf, any institution under the secretary of social and rehabilitation services, as defined by subsection (b) of K.S.A. 76-12a01 and amendments thereto, any institution under the commissioner of juvenile justice as defined by K.S.A. 38-1602, and amendments thereto, the Kansas soldiers' home, the Kansas veterans' home and any correctional institution under the secretary of corrections, as defined by subsection (d) of K.S.A. 75-5202 and amendments thereto, but shall not include any state educational institution under the state board of regents, as defined by subsection (a) of K.S.A. 76-711 and amendments thereto, except as specifically provided by statute.

Sec. 6. K.S.A. 74-3266 is hereby amended to read as follows: 74-3266. (a) An agreement entered into by the state board of regents and a Kansas resident who is an undergraduate student enrolled in or admitted to an accredited school of osteopathic medicine in a course of instruction leading to the degree of doctor of osteopathy for the awarding of an

osteopathic medical service scholarship shall require that the person receiving the scholarship:

(1) Complete the required course of instruction and receive the degree of doctor of osteopathy;

(2) apply for and obtain a license to practice medicine and surgery in Kansas;

(3) except as otherwise provided in subsection (c), engage in the practice of medicine and surgery in Kansas on a full-time basis for a period of 12 months for each year a scholarship was received or on a part-time basis for a period equivalent to 12 months, as determined by the state board of regents, for each year a scholarship was received;

(4) (A) with regard to persons entering into agreements prior to the effective date of this act, commence such full-time or part-time practice of medicine and surgery within nine months after licensure or within nine months after completion of an approved postgraduate residency training program and licensure, whichever is later, and continue such practice in Kansas for a consecutive period of months equal to the total number of months required under the agreement;

(B) with regard to persons entering into agreements after the effective date of this act, commence such full-time or part-time practice of medicine and surgery within six months after licensure or within six months after completion of an approved postgraduate residency training program and licensure, whichever is later, and continue such practice in Kansas for a consecutive period of months equal to the total number of months required under the agreement;

(5) agree that the service commitment for each agreement entered into under this section is in addition to the service commitment contained in any other agreement which has been or may be entered into under this section for the purpose of obtaining scholarship aid;

(6) maintain records and make reports to the state board of regents to document satisfaction of the obligation under such agreement to engage in the full-time or part-time practice of medicine and surgery in Kansas and to continue such practice for a consecutive period of months equal to the total number of months required under the agreement; and

(7) repay amounts to the state board of regents as provided in K.S.A. 74-3267, and amendments thereto, upon failure to engage in the full-time or part-time practice of medicine and surgery in Kansas for the required period of time under any agreement entered into as provided in this section.

(b) Except as otherwise provided in subsection (c), each Kansas student who enters into an agreement as provided in this section shall serve the practice obligations incurred by such student under the agreement in a rural area or a medically underserved area.

(c) (1) A person awarded an osteopathic medical service scholarship may satisfy the obligation to engage in the practice of medicine and surgery under an agreement entered into pursuant to this section, even though such person is engaged in practice in an area not designated a rural area or a medically underserved area, through employment by the state of Kansas on a part-time basis, which employment has been approved by the state board of regents, for the practice of medicine and surgery at any state medical care facility or institution.

(2) For the purposes of this subsection, service or employment at a state medical care facility or institution on a part-time basis of at least the equivalent of ½ time shall satisfy the obligation to engage in the full-time practice of medicine and surgery in Kansas for a period of 12 months for each year a scholarship was received as provided in an agreement entered into under this section.

(d) For the purposes of the osteopathic medical service scholarship program (1) "state medical care facility or institution" has the meaning ascribed thereto in subsection (k) of K.S.A. 76-375, and amendments thereto; (2) "approved postgraduate residency training program" means a residency training program in general internal medicine, pediatrics, family medicine, family practice, obstetrics and gynecology, or emergency medicine; (3) "medically underserved area" means a practice location designated medically underserved by the state board of regents; and (4) "rural area" ~~means any county of this state other than Douglas, Johnson, Sedgwick, Shawnee and Wyandotte counties~~ has the meaning ascribed to "service commitment area" by subsection (c) of K.S.A. 2003 Supp. 76-381, and amendments thereto.;

And by renumbering sections accordingly;

Also on page 11, in line 33, by striking "is" and inserting "and 74-3266 and K.S.A. 2003 Supp. 39-923, 39-936 and 76-381 are";

On page 1, in the title, in line 9, after "concerning" by inserting "health care; relating to"; also in line 9, after "medical" by inserting "and other care and services"; in line 12, following the semicolon, by inserting "relating to adult care home paid nutrition assistants; concerning financial assistance requirements under the medical student loan act"; also in line 12, following "39-709" by inserting "and 74-3266 and K.S.A. 2003 Supp. 39-923, 39-936 and 76-381"; also in line 12, by striking "section" and inserting "sections".

And your committee on conference recommends the adoption of this report.

MELVIN J. NEUFELD
BOB BETHELL
BILL FEUERBORN
Conferees on part of House

PETE BRUNGARDT
STAN CLARK
MARK GILSTRAP
Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **H. Sub. for SB 272** was adopted.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beggs, Bethell, Brunk, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Feuerborn, Freeborn, Goering, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Larkin, Long-Mast, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Minor, Jim Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Vickrey, Wilk, D. Williams.

Nays: Ballou, Barbieri-Lightner, Boyer, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Edmonds, Faust-Goudeau, Flaharty, Flora, Gatewood, Gilbert, Goico, Henderson, Howell, Jack, Klein, Kuether, Lane, Light, Loganbill, M. Long, Loyd, J. Miller, Judy Morrison, O'Neal, Owens, Patterson, Pauls, Phelps, Reardon, Rehorn, Sawyer, Scoggins-Waite, B. Sharp, Swenson, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Faber, Mason.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Patterson as a member of the conference committee on **SB 552** to replace Rep. O'Neal; also, the appointment of Rep. Goering to replace Rep. Patterson.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2947**, **HB 2949** be passed.

HB 2948 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 12** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 395** be adopted; also, on motion of Rep. Larkin be amended on page 4, after line 39, by inserting the following:

“Sec. 2. K.S.A. 12-1773 is hereby amended to read as follows: 12-1773. (a) Any city which has adopted a project plan in accordance with the provisions of this act may purchase or otherwise acquire real property in connection with such project plan. Upon a $\frac{2}{3}$ vote of the members of the governing body thereof a city may acquire by condemnation any interest in real property, including a fee simple title thereto, which it deems necessary for or in connection with any project plan of an area located within the redevelopment district. Prior to the exercise of such eminent domain power, the city shall offer to the owner of any property which will be subject to condemnation with respect to any redevelopment project, other than one which includes an auto race track facility *or a special bond project*, compensation in an amount equal to the highest appraised valuation amount determined for property tax purposes by the county appraiser for any of the three most recent years next preceding the year of condemnation, except that, if in the year next preceding the year of condemnation any such property had been damaged or destroyed by fire, flood, tornado, lightning, explosion or other catastrophic event, the amount offered should be equal to the appraised valuation of the property which would have been determined taking into account such damage or destruction unless such property has been restored, renovated or otherwise improved. However no city shall exercise such eminent domain power to acquire real property in a conservation area. Any such city may exercise the power of eminent domain in the manner provided by K.S.A. 26-501 et seq., and amendments thereto. In addition to the compensation or damage amount finally awarded thereunder with respect to any property subject to proceedings thereunder as a result of the construction of an auto race track facility *or a special bond project*, such city shall provide for the payment of an amount equal to 25% of such compensation or damage amount. In addition to any compensation or damages allowed under the eminent domain procedure act, such city shall also provide for the payment of relocation assistance as provided in K.S.A. 12-1777, and amendments thereto.

(b) Any property acquired by a city under the provisions of this act may be sold, transferred or leased to a developer, in accordance with the project plan and under such other conditions as may be agreed upon. Such city may use the proceeds of special obligation bonds issued under K.S.A. 12-1774, and amendments thereto, or full faith and credit tax increment bonds issued under K.S.A. 12-1774, and amendments thereto, or any uncommitted funds derived from those sources set forth in paragraph (1) of subsection (a) of K.S.A. 12-1774, and amendments thereto, to pay the redevelopment project costs as defined in K.S.A. 12-1770a, and amendments thereto, to implement the project plan.”;

And by renumbering the remaining sections accordingly;

On page 11, in line 33, after “and” by inserting “12-1773 and”;

On page 1, in the title, in line 10, after the first semicolon by inserting “acquisition of property; eminent domain;”; in line 12, after “and” by inserting “12-1773 and”; and **H. Sub. for SB 395** be passed as amended.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2393**, **HB 2682**.

Announcing passage of **HB 2585**, as amended.

The Senate not adopts the conference committee report on **HB 2758**, requests a new conference committee be appointed and has appointed Senators Allen, O'Connor and Betts as second conferees on the part of the Senate.

The President announced the appointment of Senators Brungardt, Lyon and Gilstrap as members of the conference committee on **H. Sub. for SB 2** to replace Senators Harrington, Vratil and Gooch.

On motion of Rep. Aurand, the House recessed until 3:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2585, HB 2758, HB 2795; S. Sub. for HB 2886.**

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2758.**

Speaker Mays thereupon appointed Reps. Vickrey, Ostmeyer and Toelkes as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Vickrey, the House nonconcurred in Senate amendments to **HB 2585** and asked for a conference.

Speaker Mays thereupon appointed Reps. Vickrey, Ostmeyer and Thimesch as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Reardon, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2948** be passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Jim Morrison, the House concurred in Senate amendments to **HB 2939**, An act concerning certain boards and councils; relating to the membership of the health care data governing board; concerning the Kansas apprenticeship council; amending K.S.A. 44-661 and 65-6803 and repealing the existing sections.

Call of the House was demanded.

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Dillmore, Huebert, Klein, Ward.

Present but not voting: None.

Absent or not voting: Faber.

On motion of Rep. Myers, the House concurred in Senate amendments to **HB 2641**, An act concerning drainage districts; pertaining to the definition of taxpayer in certain drainage districts; amending K.S.A. 24-414 and 24-459 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

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

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber.

On motion of Rep. Horst, the House concurred in Senate amendments to **HB 2795**, An act concerning higher education; concerning postsecondary educational institutions and tuition and fees relating thereto; relating to savings programs therefor; amending K.S.A. 72-1111, 72-4432 and 74-32,161 and K.S.A. 2003 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610, 71-1705, 72-4470a, 74-32,151, 75-646 and 79-32,117; also repealing K.S.A. 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940 and 74-3249 through 74-3253 and K.S.A. 2003 Supp. 72-4938.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 99; Nays 25; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Carter, Craft, Dahl, DeCastro, Edmonds, Goico, Hayzlett, Huebert, Huy, E. Johnson, Kauffman, Krehbiel, Light, Long-Mast, Mason, McLeland, Merrick, F. Miller, Osborne, Powell, Powers, Schwab, Siegfried, Ward, D. Williams.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2133**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2133, as follows:

On page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 12 and inserting the following:

“Section 1. K.S.A. 2003 Supp. 39-1432 is hereby amended to read as follows: 39-1432.

(a) Anyone participating in the making of any report pursuant to this act, or in any follow-up activity to *the report, including providing records upon request of the department of social and rehabilitation services*, or investigation of such report or who testifies in any administrative or judicial proceeding arising from such report shall not be subject to any civil liability on account of such report, investigation or testimony, unless such person acted in bad faith or with malicious purpose.

(b) No employer shall terminate the employment of, prevent or impair the practice or occupation of or impose any other sanction on any employee solely for the reason that such employee made or caused to be made a report, or cooperated with an investigation, under this act. A court, in addition to other damages and remedies, may assess reasonable attorney fees against an employer who has been found to have violated the provisions of this subsection.

Sec. 2. K.S.A. 2003 Supp. 39-1436 is hereby amended to read as follows: 39-1436. (a) *As provided in this section*, any person or agency which maintains records relating to the involved adult which are relevant to any investigation conducted by the department of social and rehabilitation services or a law enforcement agency under this act shall provide; ~~upon the written consent of the involved adult or the involved adult's guardian~~; the department of social and rehabilitation services or a law enforcement agency with the necessary records to assist in investigations. *In order to provide such records, the person or agency maintaining the records shall receive from the department of social and rehabilitation services:*

(1) *A written request for information;*

(2) *a written notice that an investigation is being conducted by the department; and*

(3) *certification or confirmation that the department has sent written notice to the involved adult or the involved adult's guardian.* Any such information shall be subject to the confidentiality requirements of K.S.A. 39-1434 and amendments thereto.

(b) The department of social and rehabilitation services or a law enforcement agency shall have access to all relevant records in accordance with the provisions of subsection (a).”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 13, by striking “19-805a, 19-805b and 19-828” and inserting “39-1432 and 39-1436”;

Also on page 1, in the title, in line 9, by striking all after “to”; by striking all in lines 10 and 11 and inserting “the reporting of abuse of certain adults; amending K.S.A. 2003 Supp. 39-1432 and 39-1436 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **S. Sub. for HB 2133** was adopted.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison,

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

Nays: Howell.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2549**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, by striking all in lines 20 through 43;

By striking all on pages 4 through 8;

On page 9, by striking all in lines 1 through 29;

By renumbering the remaining sections accordingly;

On page 12, after line 43, by inserting the following:

“Sec. 7. K.S.A. 2003 Supp. 38-2001, 40-2258 and 40-4623 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in line 12; in line 13, by striking all preceding “pertaining”; in line 16, by striking the last comma; in line 17, by striking “40-4623, 58-3935 and 58-3950” and inserting “and 40-4623”;

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN

JIM BARNETT

CHRIS STEINEGER

Conferees on part of Senate

PATRICIA BARBIERI-LIGHTNER

STANLEY DREHER

NILE DILLMORE

Conferees on part of House

On motion of Rep. Barbieri-Lightner, the conference committee report on **HB 2549** was adopted.

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

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

Nays: F. Miller, Siegfried.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2556**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 12, by striking all in lines 21 through 43;

By striking all on pages 13 through 22;

On page 23, by striking all in lines 1 through 24 and inserting the following:

“New Sec. 15. (a) The transfer by warranty deed of real property into an inter vivos trust shall not affect the coverage of any title insurance if the settlor of such trust is and remains a beneficiary of such trust during the settlor’s lifetime.

(b) Upon the transfer taking effect: (1) The trustee shall be deemed to be insured; and

(2) the insurance coverage for such trust shall be subject to the defenses which the insurance company has under the policy against the original named insured.

(c) If the settlor is a beneficiary of such trust at the time of the transfer, the transfer of such property into such trust shall not: (1) Affect any homestead exemption or redemption rights; or

(2) cause a due on sale or similar clause to be effective under a mortgage or security interest.

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

And by renumbering the remaining sections accordingly;

Also on page 23, in line 25, by striking “K.S.A. 39-709 and”;

On page 1, in the title, in line 12, by striking “prop-”; by striking all in line 13; in line 14, by striking “gations” and inserting “the Kansas uniform trust code”; also in line 14, by striking “K.S.A. 39-709 and”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O’NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O’Neal, the conference committee report on **HB 2556** was adopted.

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

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O’Malley, O’Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2597**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 28, by striking "From and after July 1, 2004,";

On page 3, in line 35, by striking "From and after July 1, 2004,";

On page 5, in line 41, by striking "From and after July 1, 2004,";

On page 6, in line 12, by striking "From and after July 1, 2004,";

On page 15, in line 13, by striking "and" and inserting "or";

On page 39, in line 23, by striking all following the period; by striking all in lines 24 through 26; in line 27, by striking all preceding "The" and inserting "The committee shall advertise for proposals. If the committee receives at least three proposals, the committee shall negotiate with the parties submitting proposals and select the party to negotiate with for the purpose of entering into contracts. If less than three parties submit bids, then the committee shall readvertise for proposals. Upon receiving proposals in response to the second advertisement for proposals, the committee shall negotiate with the parties submitting proposals and select from those parties submitting proposals, the party to negotiate with for the purpose of entering into contracts regardless of the number of proposals received.";

On page 41, by striking all in lines 12 through 33; in line 36, by striking "cabinet level"; in line 38, preceding the period, by inserting ", whose purpose is to explore opportunities and encourage employer participation in health plans developed by the committee for low- and modest-wage employees of small employers";

On page 47, following line 3, by inserting:

"Sec. 18. On and after January 1, 2005, K.S.A. 2003 Supp. 40-2404, as amended by section 6 of this act, is hereby further amended to read as follows: 40-2404. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(1) *Misrepresentations and false advertising of insurance policies.* Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, sales presentation, omission or comparison which:

(a) Misrepresents the benefits, advantages, conditions or terms of any insurance policy;

(b) misrepresents the dividends or share of the surplus to be received on any insurance policy;

(c) makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy;

(d) is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates;

(e) uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof;

(f) is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion or surrender of any insurance policy;

(g) is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) misrepresents any insurance policy as being shares of stock.

(2) *False information and advertising generally.* Making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, misrepresentation or statement with respect to the business of insurance or with respect to any person in the conduct of such person's insurance business, which is untrue, deceptive or misleading.

(3) *Defamation.* Making, publishing, disseminating or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of

any oral or written statement or any pamphlet, circular, article or literature which is false, or maliciously critical of or derogatory to the financial condition of any person, and which is calculated to injure such person.

(4) *Boycott, coercion and intimidation.* Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of the business of insurance, or by any act of boycott, coercion or intimidation monopolizing or attempting to monopolize any part of the business of insurance.

(5) *False statements and entries.* (a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of a person.

(b) Knowingly making any false entry of a material fact in any book, report or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report or statement of such person.

(6) *Stock operations and advisory board contracts.* Issuing or delivering or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance. Nothing herein shall prohibit the acts permitted by K.S.A. 40-232, and amendments thereto.

(7) *Unfair discrimination.* (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(c) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses such person's eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for accident and health and life insurance to an applicant who is the proposed insured or charge a different rate for the same coverage or excluding or limiting coverage for losses or denying a claim incurred by an insured as a result of abuse based on the fact that the applicant who is the proposed insured is, has been, or may be the subject of domestic abuse, except as provided in subpart (v). "Abuse" as used in this subsection (7)(d) means one or more acts defined in subsection (a) or (b) of K.S.A. 60-3102 and amendments thereto between family members, current or former household members, or current or former intimate partners.

(i) An insurer may not ask an applicant for life or accident and health insurance who is the proposed insured if the individual is, has been or may be the subject of domestic abuse or seeks, has sought or had reason to seek medical or psychological treatment or counseling specifically for abuse, protection from abuse or shelter from abuse.

(ii) Nothing in this section shall be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is, has been or has the potential to be the subject of abuse if the perpetrator of the abuse is the applicant or would be the owner of the insurance policy.

(iii) No insurer that issues a life or accident and health policy to an individual who is, has been or may be the subject of domestic abuse shall be subject to civil or criminal liability for the death or any injuries suffered by that individual as a result of domestic abuse.

(iv) No person shall refuse to insure, refuse to continue to insure, limit the amount, extent or kind of coverage available to an individual or charge a different rate for the same coverage solely because of physical or mental condition, except where the refusal, limitation or rate differential is based on sound actuarial principles.

(v) Nothing in this section shall be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if such condition has been caused by abuse, provided that:

(A) The person routinely underwrites or rates such condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(B) the fact that an individual is, has been or may be the subject of abuse may not be considered a physical or mental condition; and

(C) such underwriting or rating is not used to evade the intent of this section or any other provision of the Kansas insurance code.

(vi) Any person who underwrites or rates a risk on the basis of preexisting physical or mental condition as set forth in subsection (7)(d)(v), shall treat such underwriting or rating as an adverse underwriting decision pursuant to K.S.A. 40-2,112, and amendments thereto.

(vii) The provisions of subsection (d) shall apply to all policies of life and accident and health insurance issued in this state after the effective date of this act and all existing contracts which are renewed on or after the effective date of this act.

(8) *Rebates.* (a) Except as otherwise expressly provided by law, knowingly permitting, offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon; paying, allowing, giving or offering to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, selling, purchasing or offering to give, sell or purchase as inducement to such insurance contract or annuity or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in subsection (7) or (8)(a) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(i) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance. Any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount which fairly represents the saving in collection expenses; or

(iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.

(9) *Unfair claim settlement practices.* It is an unfair claim settlement practice if any of the following or any rules and regulations pertaining thereto are: (A) Committed flagrantly and in conscious disregard of such provisions, or (B) committed with such frequency as to indicate a general business practice.

(a) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(c) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(h) attempting to settle a claim for less than the amount to which a reasonable person would have believed that such person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(j) making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;

(k) making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(n) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) *Failure to maintain complaint handling procedures.* Failure of any person, who is an insurer on an insurance policy, to maintain a complete record of all the complaints which it has received since the date of its last examination under K.S.A. 40-222, and amendments thereto; but no such records shall be required for complaints received prior to the effective date of this act. The record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, the date each complaint was originally received by the insurer and the date of final disposition of each complaint. For purposes of this subsection, "complaint" means any written communication primarily expressing a grievance related to the acts and practices set out in this section.

(11) *Misrepresentation in insurance applications.* Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual.

(12) *Statutory violations.* Any violation of any of the provisions of K.S.A. 40-216, 40-276a, 40-2,155 or 40-1515 and amendments thereto.

(13) *Disclosure of information relating to adverse underwriting decisions and refund of premiums.* Failing to comply with the provisions of K.S.A. 40-2,112, and amendments thereto, within the time prescribed in such section.

(14) *Rebates and other inducements in title insurance.* (a) No title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof, may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to obtaining any title insurance business, any rebate, reduction or abatement of any rate or charge made incident to the issuance of such insurance, any special favor or advantage not generally available to others of the same classification, or any money, thing of value or other consideration or material inducement. The words "charge made incident to the issuance of such insurance" includes, without limitations, escrow, settlement and closing charges.

(b) No insured named in a title insurance policy or contract nor any other person directly or indirectly connected with the transaction involving the issuance of the policy or contract, including, but not limited to, mortgage lender, real estate broker, builder, attorney or any officer, employee, agent representative or solicitor thereof, or any other person may knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement referred to in (14)(a).

(c) Nothing in this section shall be construed as prohibiting:

(i) The payment of reasonable fees for services actually rendered to a title insurance agent in connection with a title insurance transaction;

(ii) the payment of an earned commission to a duly appointed title insurance agent for services actually performed in the issuance of the policy of title insurance; or

(iii) the payment of reasonable entertainment and advertising expenses.

(d) Nothing in this section prohibits the division of rates and charges between or among a title insurance company and its agent, or one or more title insurance companies and one or more title insurance agents, if such division of rates and charges does not constitute an unlawful rebate under the provisions of this section and is not in payment of a forwarding fee or a finder's fee.

(e) As used in paragraphs (e) through (i)(7) of this subpart, unless the context otherwise requires:

(i) "Associate" means any firm, association, organization, partnership, business trust, corporation or other legal entity organized for profit in which a producer of title business is a director, officer or partner thereof, or owner of a financial interest; the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person; any director, officer or employee of a producer of title business or associate; any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate; and any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement or understanding or pursues any course of conduct, the purpose or effect of which is to evade the provisions of this section.

(ii) "Financial interest" means any direct or indirect interest, legal or beneficial, where the holder thereof is or will be entitled to 1% or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than 1% or any other type of interest shall constitute a "financial interest" if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.

(iii) "Person" means any natural person, partnership, association, cooperative, corporation, trust or other legal entity.

(iv) "Producer of title business" or "producer" means any person, including any officer, director or owner of 5% or more of the equity or capital or both of any person, engaged in this state in the trade, business, occupation or profession of:

(A) Buying or selling interests in real property;

(B) making loans secured by interests in real property; or

(C) acting as broker, agent, representative or attorney for a person who buys or sells any interest in real property or who lends or borrows money with such interest as security.

(v) "Refer" means to direct or cause to be directed or to exercise any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(f) No title insurer or title agent may accept any order for, issue a title insurance policy to, or provide services to, an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed to the buyer, seller and lender the financial interest of the producer of title business or associate referring the title insurance business.

(g) No title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if: (i) The title insurer or title agent knows or has reason to believe that the

transaction will constitute controlled business for that title insurer or title agent, and (ii) ~~20%~~ 70% or more of the ~~gross operating revenue~~ closed title orders of that title insurer or title agent during the ~~six~~ 12 full calendar months immediately preceding the month in which the transaction takes place is derived from controlled business. The prohibitions contained in this subparagraph shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.

(h) Within 90 days following the end of each business year, as established by the title insurer or title agent, each title insurer or title agent shall file with the department of insurance and any title insurer with which the title agent maintains an underwriting agreement, a report executed by the title insurer's or title agent's chief executive officer or designee, under penalty of perjury, stating the percent of closed title orders originating from controlled business. The failure of a title insurer or title agent to comply with the requirements of this section, at the discretion of the commissioner, shall be grounds for the suspension or revocation of a license or other disciplinary action, with the commissioner able to mitigate any such disciplinary action if the title insurer or title agent is found to be in substantial compliance with competitive behavior as defined by federal housing and urban development statement of policy 1996-2.

(i) (1) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person if it knows or has reason to believe that such person was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed in writing to the person so referred the fact that such producer or associate has a financial interest in the title insurer or title agent, the nature of the financial interest and a written estimate of the charge or range of charges generally made by the title insurer or agent for the title services. Such disclosure shall include language stating that the consumer is not obligated to use the title insurer or agent in which the referring producer or associate has a financial interest and shall include the names and telephone numbers of not less than three other title insurers or agents which operate in the county in which the property is located. If fewer than three insurers or agents operate in that county, the disclosure shall include all title insurers or agents operating in that county. Such written disclosure shall be signed by the person so referred and must have occurred prior to any commitment having been made to such title insurer or agent.

(2) No producer of title business or associate of such producer shall require, directly or indirectly, as a condition to selling or furnishing any other person any loan or extension thereof, credit, sale, property, contract, lease or service, that such other person shall purchase title insurance of any kind through any title agent or title insurer if such producer has a financial interest in such title agent or title insurer.

(3) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person it knows or has reason to believe that the name of the title company was pre-printed in the sales contract, prior to the buyer or seller selecting that title company.

(4) Nothing in this subpart (i) shall prohibit any producer of title business or associate of such producer from referring title business to any title insurer or title agent of such producer's or associate's choice, and, if such producer or associate of such producer has any financial interest in the title insurer, from receiving income, profits or dividends produced or realized from such financial interest, so long as:

(a) Such financial interest is disclosed to the purchaser of the title insurance in accordance with part (i)(1) through (4) of this subpart;

(b) the payment of income, profits or dividends is not in exchange for the referral of business; and

(c) the receipt of income, profits or dividends constitutes only a return on the investment of the producer or associate.

(5) Any producer of title business or associate of such producer who violates the provisions of paragraphs (i)(2) through (i)(4), or any title insurer or title agent who accepts an order for title insurance knowing that it is in violation of paragraphs (i)(2) through (i)(4), in addition to any other action which may be taken by the commissioner of insurance, shall be

subject to a fine by the commissioner in an amount equal to five times the premium for the title insurance and, if licensed pursuant to K.S.A. 58-3034 *et seq.*, and amendments thereto, shall be deemed to have committed a prohibited act pursuant to K.S.A. 58-3602, and amendments thereto, and shall be liable to the purchaser of such title insurance in an amount equal to the premium for the title insurance.

(6) Any title insurer or title agent that is a competitor of any title insurer or title agent that, subsequent to the effective date of this act, has violated or is violating the provisions of subpart (i), shall have a cause of action against such title insurer or title agent and, upon establishing the existence of a violation of any such provision, shall be entitled, in addition to any other damages or remedies provided by law, to such equitable or injunctive relief as the court deems proper. In any such action under this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

(7) The commissioner shall also require each title agent to provide core title services as required by the real estate settlement procedures act.

(8) (j) The commissioner shall adopt any regulations necessary to carry out the provisions of this act.

(15) *Disclosure of nonpublic personal information.* (a) No person shall disclose any nonpublic personal information contrary to the provisions of title V of the Gramm-Leach-Bliley act of 1999 (public law 106-102). The commissioner may adopt rules and regulations necessary to carry out this section. Such rules and regulations shall be consistent with and not more restrictive than the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation".

(b) Any rules and regulations adopted by the commissioner which implement article V of the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation" shall become effective on and after February 1, 2002.

(c) Nothing in this paragraph (15) shall be deemed or construed to authorize the promulgation or adoption of any regulation which preempts, supersedes or is inconsistent with any provision of Kansas law concerning requirements for notification of, or obtaining consent from, a parent, guardian or other legal custodian of a minor relating to any matter pertaining to the health and medical treatment for such minor.;

Also on page 47, in line 4, following "K.S.A." by inserting "40-241, 40-246b, 40-246f, 40-2,131,."; also in line 4, by striking "and 40-2124" and inserting ", 40-2124 and 40-4503"; in line 6, by striking "-."; in line 7, by striking all preceding "40-2209"; also in line 7, by striking "40-4503,."; after line 9, by inserting:

"Sec. 19. From and after January 1, 2005, K.S.A. 2003 Supp. 40-2404, as amended by section 6 of this act, and K.S.A. 2003 Supp. 40-2404, as amended by section 1 of 2004 Senate Bill No. 66, are hereby repealed.;"

By renumbering the remaining section accordingly;

In the title, in line 23, before "40-4702" by inserting "40-2404, as amended by section 6 of this act,."; in line 25, before the period, by inserting "and K.S.A. 2003 Supp. 40-2404, as amended by section 1 of 2004 Senate Bill No. 66";

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN
JIM BARNETT
CHRIS STEINEGER
Conferees on part of Senate

PATRICIA BARBIERI-LIGHTNER
STANLEY DREHER
NILE DILLMORE
Conferees on part of House

On motion of Rep. Barbieri-Lightner, the conference committee report on **HB 2597** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 109; Nays 15; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Campbell, Craft, Dahl, DeCastro, Edmonds, Gordon, Howell, E. Johnson, Kauffman, Klein, F. Miller, Powell, Powers, Rehorn, Siegfried.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2638**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 16, after "Section 1." by inserting "On and after July 1, 2004,";

On page 3, in line 38, after "Sec. 2." by inserting "On and after July 1, 2004,";

On page 4, in line 19, after "Sec. 3." by inserting "On and after July 1, 2004,";

On page 5, by striking all in lines 3 through 43;

By striking all on pages 6 through 12;

On page 13, by striking all in lines 1 through 20 and inserting the following:

"New Sec. 4. On and after July 1, 2004, whenever death occurs of an inmate, who is in the custody of the secretary of corrections and who resides in a correctional facility or boot camp operated by or contracted through the secretary or of a juvenile, who is in the custody of the commissioner of juvenile justice and who resides in an institution operated by or contracted through the commissioner, an investigation regarding the circumstances of the death shall be initiated by the Kansas bureau of investigation. A report of the findings of the investigation shall be made available to the chairperson of the senate judiciary committee and the house corrections and juvenile justice committee of the Kansas legislature and shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

New Sec. 5. On and after July 1, 2004, whenever the death of a prisoner in the custody of a city or county and residing in jail or in a facility contracted through the city or county, or both, occurs, an investigation regarding the circumstances of the death shall be initiated by the Kansas bureau of investigation. A report of the findings of the investigation shall be made available to the chairperson of the senate judiciary committee and the house corrections and juvenile justice committee of the Kansas legislature and shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

Sec. 6. K.S.A. 74-9501 is hereby amended to read as follows: 74-9501. (a) There is hereby established the Kansas criminal justice coordinating council.

(b) The council shall consist of the governor or designee, the chief justice of the supreme court or designee, the attorney general or designee, the secretary of corrections, the ~~secretary of social and rehabilitation services~~ *superintendent of the highway patrol*, the commissioner of juvenile justice and the director of the Kansas bureau of investigation.

(c) ~~The director and all existing employees of the Kansas sentencing commission~~ *governor shall serve as designate staff to the Kansas criminal justice coordinating council, while continuing to serve at the will of the Kansas sentencing commission pursuant to K.S.A. 74-9103 and amendments thereto in the performance of its duties as outlined in K.S.A. 74-9101, 74-*

~~9106 and 21-4725 and amendments thereto.~~ The ~~director~~ *staff* shall attend all meetings of the council, be responsible for keeping a record of council meetings, prepare reports of the council and perform such other duties as directed by the council.

(d) The council shall elect a chairperson and vice-chairperson from among the members of the council.

(e) The council shall:

(1) *Appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, a member of a city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses;*

(2) define and analyze issues and processes in the criminal justice system, identify alternative solutions and make recommendations for improvements;

~~(2)~~ (3) perform such criminal justice studies or tasks as requested by the governor, *the attorney general*, the legislature or the chief justice, as deemed appropriate or feasible by the council;

~~(3)~~ (4) oversee development and management of a criminal justice database including assuming the designation and functions of the state statistical analysis center currently assigned to the Kansas bureau of investigation pursuant to K.S.A. 75-712a and amendments thereto. All criminal justice agencies as defined in subsection (c) of K.S.A. 22-4701 and amendments thereto and the ~~department of social and rehabilitation services~~ *juvenile justice authority* shall provide any data or information, including juvenile offender information which is requested by the council, in a form and manner established by the council, in order to facilitate the development and management of the criminal justice council database; ~~and~~

~~(4)~~ (5) develop and oversee reporting of all criminal justice federal funding available to the state or local units of government including assuming the designation and functions of administering the United States bureau of justice assistance grants ~~currently administered through the law enforcement antidrug abuse program of the department of administration.~~ On the effective date of this act any bureau of justice assistance antidrug abuse federal fund balances in any account and all unclassified positions authorized for the law enforcement antidrug abuse program of the department of administration shall be transferred to and budgeted with the Kansas sentencing commission.

~~(f) The council shall appoint a standing local government advisory group to consult and advise the council concerning local government criminal justice issues and the impact of state criminal justice policy and decisions on local units of government. The advisory group shall consist of a sheriff, chief of police, county or district attorney, city governing body and a county commissioner. Appointees to such advisory group shall serve without compensation or reimbursement for travel and subsistence or any other expenses.~~

~~(g) The council shall form a task force to study the consolidation of probation, parole and community corrections services.~~

~~(h) When analyzing criminal justice issues and performing criminal justice studies, the council shall:~~

(6) form such task groups as necessary and ~~shall~~ appoint individuals who appropriately represent law enforcement, the judiciary, legal profession, state, local, or federal government, the public, or other professions or groups as determined by the council, to represent the various aspects of the issue being analyzed or studied, *when analyzing criminal justice issues and performing criminal justice studies*. Members of the legislature may be appointed ex officio members to such task groups. A member of the council shall serve as the chairperson of each task group appointed by the council. The council may appoint other members of the council to any task group formed by the council; *and*

~~(i) The council shall~~ (7) review reports submitted by each task group named by the council and shall submit the report with the council's recommendations pertaining thereto to the governor, *the attorney general*, the chief justice of the supreme court, the chief clerk of the house of representatives and the secretary of the senate.

Sec. 7. K.S.A. 74-9501 is hereby repealed.”;

And by renumbering the remaining sections accordingly;

Also on page 13, in line 21, before "K.S.A." where it appears the first time by inserting "On and after July 1, 2004,"; in line 22, by striking "and 75-52,129"; in line 24, by striking "statute book" and inserting "Kansas register";

Also on page 1, in the title, in line 10, by striking "relating to community"; in line 11, by striking all before "amending"; in line 12, after "K.S.A." where it appears the first time by inserting "74-9501,"; also in line 12, by striking "and 75-"; in line 13, by striking "52,129";

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
JIM WARD
Conferees on part of House

On motion of Rep. Loyd, the conference committee report on **HB 2638** was adopted.

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

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2669**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 6, after line 10, by inserting the following:

"New Sec. 4. (a) The state treasurer is hereby authorized to charge fees to other state agencies for the services that it provides including, but not limited to, banking services fees based upon the number and type of transactions processed by each agency through the state's operating accounts established under K.S.A. 75-4202 and amendments thereto and transaction fees for processing vouchers, warrants and direct deposits, except that payroll warrants shall not be subject to any fee. The fees shall be based upon a combination of the banking fees incurred by the treasurer and the operating costs for providing each service.

(b) The state treasurer shall revise its schedule of fees annually after consulting with various state agencies.

(c) There is hereby established in the state treasury the treasurer services reimbursement fund. The fees collected under this section shall be deposited in the treasurer services reimbursement fund. Moneys in the treasurer services reimbursement fund may be expended for the treasurer's office general operating expenses in accordance with the provi-

sions of appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or by a person designated by the state treasurer.

(d) The director of accounts and reports shall transfer to the treasurer services reimbursement fund of the state treasurer one or more amounts certified by the state treasurer for expenses incurred for unemployment insurance benefit warrants issued and processed and electronic transactions processed for the department of human resources payable from the employment security fund, from moneys made available to the state under section 903(d) of the federal social security act, as amended, and credited to the employment security fund.

(e) The provisions of this section shall expire on July 1, 2008.

New Sec. 5. In addition to providing and maintaining the KANS-A-N telephone directory on the internet, the department of administration shall publish paper-bound copies of the KANS-A-N telephone directory in January of calendar year 2005 and in January of each odd-numbered year thereafter. The secretary of administration shall fix, charge and collect a fee of not more than \$5 for each paper-bound copy of the KANS-A-N telephone directory to recover costs incurred for publication and distribution of such telephone directories. All moneys received for such fees shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information technology fund.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 10, after “ACT” by inserting “authorizing certain state agencies to collect fees for services rendered;”; in line 11, after “fee” by inserting “; establishing the treasurer services reimbursement fund”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS

DAVID ADKINS

CHRISTINE DOWNEY

Conferees on part of Senate

MELVIN J. NEUFELD

CLARK SHULTZ

BILL FEUERBORN

Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on **HB 2669** was adopted.

On roll call, the vote was: Yeas 90; Nays 34; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Larkin, Light, Loyd, Mason, Mays, McCreary, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, Scoggins-Waite, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Brunk, Burgess, Burroughs, DeCastro, Edmonds, Goering, Goico, Grant, Hender-son, Howell, Huebert, Huy, Klein, Kuether, Landwehr, Lane, Loganbill, M. Long, Long-Mast, McKinney, McLeland, F. Miller, Ostmeyer, Reardon, Rehorn, Sawyer, B. Sharp, Shriver, Swenson, Thull, Toelkes, Vickrey, Ward, Winn.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amend-ments to **HB 2695**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 27 through 43;

By striking all on pages 2 through 6;

On page 7, by striking all in lines 1 through 28 and inserting:

“Sec. 2. K.S.A. 8-2118, as amended by section 5 of 2004 House Bill No. 2871, is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$180 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60

Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$30
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30
Soliciting ride or business on roadway	8-1538	\$30
Driving through safety zone	8-1539	\$30
Failure to yield to pedestrian on sidewalk	8-1540	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30
Failure to yield to blind pedestrian	8-1542	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30
Improper turn or approach	8-1545	\$60
Improper "U" turn	8-1546	\$60
Unsafe starting of stopped vehicle	8-1547	\$30
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60

Improper method of giving notice of intention to turn	8-1549	\$30
Improper hand signal	8-1550	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180
Failure to stop at railroad crossing stop sign	8-1552	\$120
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180
Improper moving of heavy equipment at railroad crossing	8-1554	\$60
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60
Improper passing of school bus; improper use of school bus signals	8-1556	\$300
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180
Impeding normal traffic by slow speed	8-1561	\$30
Speeding on motor-driven cycle	8-1562	\$60
Speeding in certain vehicles or on posted bridge	8-1563	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30
Improper parking	8-1572	\$30
Unattended vehicle	8-1573	\$30
Improper backing	8-1574	\$30
Driving on sidewalk	8-1575	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30
Unsafe opening of vehicle door	8-1577	\$30
Riding in house trailer	8-1578	\$30
Improper driving in defiles, canyons, or on grades	8-1579	\$30
Coasting	8-1580	\$30
Following fire apparatus too closely	8-1581	\$60
Driving over fire hose	8-1582	\$30
Putting glass, etc., on highway	8-1583	\$90
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30
Improper operation of snowmobile on highway	8-1585	\$30
Parental responsibility of child riding bicycle	8-1586	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30
Clinging to other vehicle	8-1589	\$30
Improper riding of bicycle on roadway	8-1590	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30

Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Improper operation of motorcycle on laned roadway	8-1595	\$60
Motorcycle clinging to other vehicle	8-1596	\$30
Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Motorcycle helmet and eye-protection requirements	8-1598	\$30
Unlawful riding on vehicle	8-1578a	\$60
Unlawful operation of all-terrain vehicle	8-15,100	\$60
Unlawful operation of low-speed vehicle	8-15,101	\$60
<i>Littering</i>	<i>section 1</i>	<i>\$100</i>
Equipment offenses that are not misdemeanors	8-1701	\$60
Driving without lights when needed	8-1703	\$30
Defective headlamps	8-1705	\$30
Defective tail lamps	8-1706	\$30
Defective reflector	8-1707	\$30
Improper stop lamp or turn signal	8-1708	\$30
Improper lighting equipment on certain vehicles	8-1710	\$30
Improper lamp color on certain vehicles	8-1711	\$30
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
No lamp or flag on projecting load	8-1715	\$60
Improper lamps on parked vehicle	8-1716	\$30
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper stop or turn signal	8-1721	\$30
Improper vehicular hazard warning lamp	8-1722	\$30
Unauthorized additional lighting equipment	8-1723	\$30
Improper multiple-beam lights	8-1724	\$30
Failure to dim headlights	8-1725	\$60
Improper single-beam headlights	8-1726	\$30
Improper speed with alternate lighting	8-1727	\$30
Improper number of driving lamps	8-1728	\$30
Unauthorized lights and signals	8-1729	\$30

Improper school bus lighting equipment and warning devices	8-1730	\$30
Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Defective brakes	8-1734	\$30
Defective or improper use of horn or warning device	8-1738	\$30
Defective muffler	8-1739	\$30
Defective mirror	8-1740	\$30
Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper tires	8-1742	\$30
Improper flares or warning devices	8-1744	\$30
Improper use of vehicular hazard warning lamps and devices	8-1745	\$30
Improper air-conditioning equipment	8-1747	\$30
TV screen visible to driver	8-1748	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	section 1 of 2004 House Bill No. 2871	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000\$25 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over . 10¢ per pound

Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000\$25 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over . 10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Improper equipment	66-1,129	\$52
No current driver's daily log	66-1,129	\$52
Invalid or no physical examination card	66-1,129	\$52

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).";

On page 9, in line 3, by striking "sixty (60)" and inserting "60"; in line 11, by striking "ten (10)" and inserting "10";

On page 10, in line 3, after the comma, by inserting "as amended by section 5 of 2004 House Bill No. 2871,";

On page 1, in the title, in line 12, after the comma, by inserting "as amended by section 5 of 2004 House Bill No. 2871,";

And your committee on conference recommends the adoption of this report.

LES DONOVAN
LARRY D. SALMALNS
GRETA GOODWIN
Conferees on part of Senate

GARY K. HAYZLETT
 JOHN FABER
 MARGARET E. LONG
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on **HB 2695** was adopted.

On roll call, the vote was: Yeas 115; Nays 9; Present but not voting: 0; Absent or not voting: 1.

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, Gatewood, Gilbert, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafaneli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Gordon, Hutchins, Long-Mast, F. Miller, Osborne, Ostmeyer, Powell, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2705**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, following line 17, by inserting:

"Section 1. On and after July 1, 2004, K.S.A. 2003 Supp. 74-2622 is hereby amended to read as follows: 74-2622. (a) There is hereby established within and as a part of the Kansas water office the Kansas water authority. The authority shall be composed of ~~23~~ 24 members of whom 13 shall be appointed as follows: (1) One member shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, such person shall not exercise any power, duty or function as a member or chairperson of the water authority until confirmed by the senate. Such member shall serve at the pleasure of the governor and shall be the chairperson of the authority; (2) except as provided by subsection (b), 10 members shall be appointed by the governor for terms of four years. Of the members appointed under this provision one shall be a representative of large municipal water users, one shall be representative of small municipal water users, one shall be a board member of a western Kansas groundwater management district, one shall be a board member of a central Kansas groundwater management district, one shall be a member of the Kansas association of conservation districts, one shall be representative of industrial water users, one shall be a member of the state association of watershed districts, one shall have a demonstrated background and interest in water use conservation and environmental issues, and two shall be representative of the general public. The member who is representative of large municipal water users shall be appointed from three nominations submitted by the league of Kansas municipalities. The member who is representative of small municipal water users shall be appointed from three nominations submitted by the Kansas rural water district's association. The member who is representative of a western Kansas groundwater management district shall be appointed from three nominations submitted by the presidents of the groundwater management district boards No. 1, 3 and 4. The member who is representative of a central Kansas groundwater management district shall be appointed from three nominations submitted by the presidents of the groundwater management district boards No. 2 and 5. The member

who is representative of industrial water users shall be appointed from three nominations submitted by the Kansas association of commerce and industry. The member who is representative of the state association of watershed districts shall be appointed from three nominations submitted by the state association of watershed districts. The member who is representative of the Kansas association of conservation districts shall be appointed from three nominations submitted by the state association of conservation districts. If the governor cannot make an appointment from the original nominations, the nominating authority shall be so advised and, within 30 days thereafter, shall submit three new nominations. Members appointed by the governor shall be selected with special reference to training and experience with respect to the functions of the Kansas water authority, and no more than six of such members shall belong to the same political party; (3) one member shall be appointed by the president of the senate for a term of two years; and (4) one member shall be appointed by the speaker of the house of representatives for a term of two years. The state geologist, *the state biologist*, the chief engineer of the division of water resources of the state board of agriculture, the director of the division of environment of the department of health and environment, the chairperson of the state corporation commission, the secretary of commerce, the director of the Kansas water office, the secretary of wildlife and parks, the administrative officer of the state conservation commission, the secretary of the state board of agriculture and the director of the agricultural experiment stations of Kansas state university of agriculture and applied science shall be nonvoting members ex officio of the authority. The director of the Kansas water office shall serve as the secretary of the authority.

(b) A member appointed pursuant to subsection (a)(2) shall be appointed for a term expiring on January 15 of the fourth calendar year following appointment and until a successor is appointed and qualified.

(c) In the case of a vacancy in the appointed membership of the Kansas water authority, the vacancy shall be filled for the unexpired term by appointment in the same manner that the original appointment was made. Appointed members of the authority attending regular or special meetings thereof shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(d) The Kansas water authority shall:

(1) Consult with and be advisory to the governor, the legislature and the director of the Kansas water office.

(2) Review plans for the development, management and use of the water resources of the state by any state or local agency.

(3) Make a study of the laws of this state, other states and the federal government relating to conservation and development of water resources, appropriation of water for beneficial use, flood control, construction of levees, drainage, irrigation, soil conservation, watershed development, stream control, gauging of stream and stream pollution for the purpose of determining the necessity or advisability of the enactment of new or amendatory legislation in this state on such subjects.

(4) Make recommendations to other state agencies and political subdivisions of the state for the coordination of their activities relating to flood control, construction of levees, drainage, irrigation, soil conservation, watershed development, stream control, gauging of stream, stream pollution and groundwater studies.

(5) Make recommendations to each regular session of the legislature and to the governor at such times as the authority considers advisable concerning necessary or advisable legislation relating to any of the matters or subjects which it is required by this act to study for the purpose of making recommendations to the legislature. All such recommendations to the legislature shall be in drafted bill form together with such explanatory information and data as the authority considers advisable.

(6) Approve, prior to submission to the legislature by the Kansas water office or its director, (A) any contract entered into pursuant to the state water plan storage act, (B) any amendments to the state water plan or the state water planning act and (C) any other legislation concerning water resources of the state.

(7) Approve, before they become effective, any policy changes proposed by the Kansas water office concerning the pricing of water for sale pursuant to the state water plan storage act.

(8) Approve, before it becomes effective, any agreement entered into with the federal government by the Kansas water office.

(9) Request any agency of the state, which shall have the duty upon that request, to submit its budget estimate pertaining to the state's water resources and any plans or programs related thereto and, upon the authority's receipt of such budget estimate, review and evaluate it and furnish recommendations relating thereto to the governor and the legislature.

(10) Approve, prior to adoption by the director of the Kansas water office, rules and regulations authorized by law to be adopted.

(11) Approve, prior to adoption by the director of the Kansas water office, guidelines for conservation plans and practices developed pursuant to subsection (c) of K.S.A. 74-2608, and amendments thereto.

(e) The Kansas water authority may appoint citizens' advisory committees to study and advise on any subjects upon which the authority is required or authorized by this act to study or make recommendations.

(f) The provisions of the Kansas governmental operations accountability law apply to the Kansas water authority, and the authority is subject to audit, review and evaluation under such law.”;

Also on page 1, in line 18, by striking “Section 1.” and inserting “Sec. 2.”;

On page 2, in line 21, by striking “2005” and inserting “2010”; in line 29, by striking “2005” and inserting “2010”; in line 34, by striking “2005” and inserting “2010”; by striking all in lines 38 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 29 and inserting:

“Sec. 3. On and after July 1, 2004, K.S.A. 2003 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During ~~the each~~ fiscal year ~~ending June 30, 2004~~, the director of accounts and reports shall transfer ~~\$3,773,949~~ \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, ½ of such amount to be transferred on July 15 and to be transferred on January 15, except that (1) such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto, and (2) *the amount of moneys transferred from the state general fund to the state water plan fund during state fiscal year 2005 on each such date shall not exceed \$1,874,419.50*. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal year ending June 30, ~~2004~~ 2005, shall be considered revenue transfers from the state general fund.

Sec. 4. K.S.A. 2003 Supp. 82a-714 is hereby repealed.

Sec. 5. On and after July 1, 2004, K.S.A. 2003 Supp. 74-2622 and 82a-953a and K.S.A. 2003 Supp. 82a-953a, as amended by section 177 of 2004 House Bill No. 2675, are hereby repealed.”;

Also on page 4, in line 31, by striking “statute book” and inserting “Kansas register”;

In the title, by striking all in lines 11 through 15 and inserting “water; relating to members of the Kansas water authority; concerning perfection of water rights; relating to the state water plan fund; amending K.S.A. 2003 Supp. 74-2622, 82a-714 and 82a-953a and repealing the existing sections; also repealing K.S.A. 2003 Supp. 82a-953a, as amended by section 177 of 2004 House Bill No. 2675.”;

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS
DAVID ADKINS
CHRISTINE DOWNEY
Conferees on part of Senate

MELVIN J. NEUFELD
CLARK SHULTZ
BILL FEUERBORN
Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on **HB 2705** was adopted. On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Tolkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2712**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 3, in line 1, by striking "subsection"; in line 2, by striking "(b)" and inserting "this section"; in line 6, by striking all following "code" where it appears the first time; by striking all of lines 7 and 8; in line 9, by striking all preceding "as"; in line 12, by striking all following the period; by striking all in lines 13 through 16; in line 20, by striking all following the period; by striking all in lines 21 through 24;

On page 4, by striking all in lines 13 through 17 and inserting the following:

"(g) The construction or reconstruction of a school building, whether funded by bonds or other moneys, in a school district where general obligation bonds were authorized to be issued by a vote of the electors in an election held on or before July 1, 2000, shall be governed by the provisions of this section that were in effect on January 1, 2004.

The provisions of this subsection shall expire on July 1, 2006."

Also on page 4, preceding line 25, by inserting the following:

"Sec. 4. K.S.A. 80-1540 is hereby amended to read as follows: 80-1540. The township board of any township may create a fire district as provided herein, which by this act. Such fire district may include a part or all of the township and may include all or a part of any other township. ~~Provided, No area may be included which is already in located within an existing fire district or city may be included in a district created pursuant to this section without the consent of that district or city. Upon the filing with a township board of a petition signed by not less than fifty-one percent (51%) of the owners of the area of the land within the limits of the proposed fire district sought to be created, the township board for whom such petition shall be filed, shall within thirty (30) days after such filing, set a date for a public hearing upon said petition and give notice of such hearing by publication for three (3) successive weeks in a newspaper of general circulation in the township. The date of the hearing shall be not more than ten (10) days after the date of the last publication. Upon such hearing or within thirty (30) days thereafter, the township board, or if the proposed fire district includes land in more than one township, then the governing body of such townships meeting and acting together shall each approve or reject the petition as filed or may modify the proposed fire district by excluding certain areas from the district and approve said petition as modified. The action of the township board or township boards, as the case may be, shall be by resolution which shall be published once in a newspaper of general circulation in the township. The township board of any township, or if the proposed~~

fire district includes land in more than one township, then the governing body of such townships meeting and acting together shall adopt, by resolution, a proposition to create a new fire district, describing the area of land within the proposed fire district. Such proposition shall be submitted at the next general election to be held in such township or at a special election called for that purpose by the board of county commissioners. The proposition shall be submitted on a separate ballot in substantially the following form:

Proposition to create a new fire district consisting of (describe area to be included in fire district).

Yes No

Notice of such election shall be given by the county clerk by publication at least once each week for two consecutive weeks in a newspaper having a general circulation in such townships. At least 30 days shall elapse between the last publication and the date of the election. If a majority of the votes cast in the area of the proposed fire district shall be in the affirmative, such fire district shall be deemed created. The expenses of such election shall be paid by the county from the county general fund.

Sec. 5. K.S.A. 80-1541 is hereby amended to read as follows: 80-1541. ~~In the event the township board, or township boards, as the case may be, approve the creation of the fire district either as petitioned for or as modified, any landowner within such district, within 30 days after such publication, may appeal from the action of the township board or boards to the board of county commissioners of the county in which the township is located. Such appeal shall be in writing and shall state the objections to the action of the township board or boards and a copy thereof shall be filed with the township board or boards. Within 30 days after the filing of such an appeal, the board of county commissioners shall fix a time and place for hearing the appeal and give notice thereof by publication for two weeks in a newspaper of general circulation in the township. The date of the hearing shall be not more than 10 days after the date of the last publication, nor more than 60 days after the filing of such appeal. At such hearing or within 10 days thereafter, the board of county commissioners shall either approve or reject the creation of the fire district as fixed by the township board or boards, or may modify the same by excluding certain areas therefrom.~~

(a) Upon the creation of a fire district by the township board or boards ~~by the board of county commissioners on appeal, the governing body of the fire district as hereinafter provided, shall have authority to may:~~

- (1) Levy taxes and assessments; ~~to;~~
- (2) enter into contracts; ~~to;~~
- (3) acquire, ~~and~~ operate and maintain fire-fighting equipment ~~and to;~~
- (4) acquire and construct buildings to house ~~the same and to firefighting equipment;~~
- (5) exercise eminent domain;
- (6) exercise powers granted to fire districts under K.S.A. 80-1514, and amendments thereto;
- (7) issue general obligation bonds and no-fund warrants as provided under K.S.A. 80-1514b, and amendments thereto; and

(8) do all things necessary to effectuate the purposes of this act. ~~Any such district, when organized, shall have the right of eminent domain. In addition to the powers provided for in this section, the governing body shall have any powers granted to a fire district under K.S.A. 80-1514a, and amendments thereto. The governing body shall also have the authority to issue general obligation bonds and no-fund warrants under the provisions of K.S.A. 80-1514b, and amendments thereto.~~

~~(b) Any territory included in any fire district created under the provisions of this act which is thereafter included within the corporate limits of any city by way of annexation thereafter is annexed by a city shall be excluded from the fire district and shall be furnished fire protection by the such city annexing it. Subject to the provisions of K.S.A. 19-270, new lands may be included in the district whenever a petition requesting such inclusion is filed with the governing body of the fire district under the same procedure and conditions as is required for the creation of a fire district, but no area may be included which is already in an existing fire district or city without the consent of that district or city.~~

Sec. 6. K.S.A. 80-1542 is hereby amended to read as follows: 80-1542. ~~If such a fire district as created hereunder consists of~~ includes land in only one township, then the town-

~~ship board located in less than four townships, the members of the township boards shall be the governing body of such fire district. If such fire district as created hereunder includes land located in two four or more townships, then the governing body of both such townships shall, meeting and acting together, shall adopt a resolution fixing the number of members from each township board that will constitute the governing body of such fire district and the period of time that such member will serve on the governing body of such fire district. If the fire district includes land in three or more townships, then the governing body of each such townships shall appoint and designate one of its members to serve on the governing body of such fire district. If any of the members of the township board serving on the governing body of a fire district created hereunder do not reside in such fire district, then the township board shall appoint an elector of such township and residing in such fire district to serve on the governing body of such fire district in place of any member of the township board who does not reside in such fire district. In any fire district created hereunder in which there is located a city of the third class, which has consented to be included in such fire district, the governing body of such city shall appoint a person to serve as a member of the governing body of such fire district. For a fire district which includes land in less than four townships, a member of the township board once elected shall continue to serve as a member of the governing board of the fire district throughout the remainder of his or her such person's term as an officer of the township. The member appointed by a city of the third class shall serve on the governing body of such fire district until a successor is appointed. Any vacancy, by way of death, resignation or for other reasons shall be filled by the township or city of the third class from which such vacancy occurs.~~

New Sec. 7. (a) If any township has no residents, as certified by the county clerk of the county in which such township is located, the board of county commissioners, by resolution, may disorganize the township or consolidate the township with the next geographically closest township, within such county, having a functioning township board. Prior to the adoption of such resolution, the board of county commissioners shall conduct a public hearing on the advisability of adopting such resolution. Until such time as the disorganization or consolidation is completed, the board of county commissioners may exercise all of the statutory powers of the township board deemed necessary and advisable by such board of county commissioners.

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

By renumbering the remaining sections accordingly;

Also on page 4, in line 25, preceding "and" by inserting ", 80-1540, 80-1541 and 80-1542";

In the title, in line 16, following "thereof;" by inserting "relating to fire protection;"; in line 17, following "19-3610" by inserting ", 80-1540, 80-1541 and 80-1542";

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
KAY O'CONNOR
DONALD BETTS, JR.

Conferees on part of Senate

JENE VICKREY
RALPH OSTMEYER
ROGER E. TOELKES

Conferees on part of House

On motion of Rep. Vickrey, the conference committee report on **HB 2712** was adopted. On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

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, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Landwehr, Ward.

Present but not voting: None.

Absent or not voting: Faber.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House concurred in Senate amendments to **S. Sub. for HB 2886**. An act concerning legislative post audit; amending K.S.A. 46-1114 and repealing the existing section; also repealing K.S.A. 74-8840.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 120; Nays 3; 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, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Klein, Loyd, Rehorn.

Present but not voting: None.

Absent or not voting: Aurand, Faber.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 141**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 141**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 6, by striking lines 19 through 43;

By striking all on page 7;

On page 8, by striking lines 1 through 29 and inserting the following:

“Sec. 10. On and after July 1, 2005, K.S.A. 21-3110, as amended by section 1 of 2004 House Substitute for Senate Bill No. 136, is hereby amended to read as follows: 21-3110. The following definitions shall apply when the words and phrases defined are used in this code, except when a particular context clearly requires a different meaning.

- (1) “Act” includes a failure or omission to take action.
- (2) “Another” means a person or persons as defined in this code other than the person whose act is claimed to be criminal.
- (3) “Conduct” means an act or a series of acts, and the accompanying mental state.
- (4) “Conviction” includes a judgment of guilt entered upon a plea of guilty.
- (5) “Deception” means knowingly and willfully making a false statement or representation, express or implied, pertaining to a present or past existing fact.
- (6) To “deprive permanently” means to:
 - (a) Take from the owner the possession, use or benefit of property, without an intent to restore the same; or
 - (b) Retain property without intent to restore the same or with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or
 - (c) Sell, give, pledge or otherwise dispose of any interest in property or subject it to the claim of a person other than the owner.
- (7) “Dwelling” means a building or portion thereof, a tent, a vehicle or other enclosed space which is used or intended for use as a human habitation, home or residence.
- (8) “Forcible felony” includes any treason, murder, voluntary manslaughter, rape, robbery, burglary, arson, kidnapping, aggravated battery, aggravated sodomy and any other felony which involves the use or threat of physical force or violence against any person.
- (9) “Intent to defraud” means an intention to deceive another person, and to induce such other person, in reliance upon such deception, to assume, create, transfer, alter or terminate a right, obligation or power with reference to property.
- (10) “Law enforcement officer” means:
 - (a) Any person who by virtue of such person’s office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes;
 - (b) any officer of the Kansas department of corrections or, for the purposes of K.S.A. 21-3409, 21-3411 and 21-3415, and amendments thereto, any employee of the Kansas department of corrections; or
 - (c) any university police officer or campus police officer, as defined in K.S.A. 22-2401a, and amendments thereto.
- (11) “Obtain” means to bring about a transfer of interest in or possession of property, whether to the offender or to another.
- (12) “Obtains or exerts control” over property includes but is not limited to, the taking, carrying away, or the sale, conveyance, or transfer of title to, interest in, or possession of property.
- (13) “Owner” means a person who has any interest in property.
- (14) “Person” means an individual, public or private corporation, government, partnership, or unincorporated association.
- (15) “Personal property” means goods, chattels, effects, evidences of rights in action and all written instruments by which any pecuniary obligation, or any right or title to property real or personal, shall be created, acknowledged, assigned, transferred, increased, defeated, discharged, or dismissed.
- (16) “Property” means anything of value, tangible or intangible, real or personal.
- (17) “Prosecution” means all legal proceedings by which a person’s liability for a crime is determined.
- (18) “Public employee” is a person employed by or acting for the state or by or for a county, municipality or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a “public officer.”
- (19) “Public officer” includes the following, whether elected or appointed:

(a) An executive or administrative officer of the state, or a county, municipality or other subdivision or governmental instrumentality of or within the state.

(b) A member of the legislature or of a governing board of a county, municipality, or other subdivision of or within the state.

(c) A judicial officer, which shall include a judge of the district court, juror, master or any other person appointed by a judge or court to hear or determine a cause or controversy.

(d) A hearing officer or *presiding officer*, which shall include any person authorized by law or private agreement, to hear or determine a cause or controversy and who is not a judicial officer.

(e) A law enforcement officer.

(f) Any other person exercising the functions of a public officer under color of right.

(20) "Real property" or "real estate" means every estate, interest, and right in lands, tenements and hereditaments.

(21) "Solicit" or "solicitation" means to command, authorize, urge, incite, request, or advise another to commit a crime.

(22) "State" or "this state" means the state of Kansas and all land and water in respect to which the state of Kansas has either exclusive or concurrent jurisdiction, and the air space above such land and water. "Other state" means any state or territory of the United States, the District of Columbia and the Commonwealth of Puerto Rico.

(23) "Stolen property" means property over which control has been obtained by theft.

(24) "Threat" means a communicated intent to inflict physical or other harm on any person or on property.

(25) "Written instrument" means any paper, document or other instrument containing written or printed matter or the equivalent thereof, used for purposes of reciting, embodying, conveying or recording information, and any money, token, stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege or identification, which is capable of being used to the advantage or disadvantage of some person.";

Also on page 8, in line 43, by striking "2007" and inserting "2005";

On page 17, in line 25, by striking "2007" and inserting "2005";

On page 20, in line 29, by striking "2007" and inserting "2005";

On page 21, in line 6, by striking "2007" and inserting "2005";

On page 22, in line 25, by striking "2007" and inserting "2005"; in line 43, by striking "2007" and inserting "2005";

On page 25, in line 1, by striking "2007" and inserting "2005";

On page 26, in line 23, by striking "2007" and inserting "2005";

On page 28, in line 2, by striking "2007" and inserting "2005"; in line 21, by striking "2007" and inserting "2005";

On page 41, in line 6, by striking "state board of phar-"; by striking all in lines 7 and 8; in line 9, by striking all before "Kansas" where it appears the first time; by striking all in lines 16 through 18; in line 19, by striking all before "and"; in line 27, by striking all after the stricken material; by striking all in line 28; in line 29, by striking all before "and"; in line 30, by striking ", board of accountancy"; in line 37, by striking "All" and inserting "Except for administrative hearings conducted by the state board of pharmacy, Kansas dental board, state board of veterinary examiners, behavioral sciences regulatory board, state board of cosmetology, Kansas real estate commission, real estate appraisal board, state board of mortuary arts, Kansas board of barbering, board of nursing, Kansas board of examiners in fitting and dispensing of hearing aids, board of examiners in optometry, state board of healing arts, Kansas state banking board, state department of credit unions, office of the securities commissioner of Kansas and state board of technical professions, all";

On page 42, after line 6, by inserting the following:

"(i) With respect to hearings before the secretary of agriculture in accordance with the Kansas administrative procedures act, the secretary of agriculture or a hearing officer from the office of administrative hearings shall be the presiding officer unless the party requests that the matter, for which a hearing has been scheduled or for which a right to a hearing exists, be heard by a hearing officer appointed by the secretary."; in line 7, by striking "(i)" and inserting "(j)";

On page 55, in line 33, before the period by inserting “unless at the party’s request pursuant to K.S.A. 75-37,121, and amendments thereto”;

On page 56, in line 7, after “21-3110,” by inserting “as amended by section 1 of 2004 House Substitute for Senate Bill No. 136, 36-509,”; also in line 7, after “40-2,137,” by inserting “65-163, 65-163a, 65-525, 65-526, 65-673,”; also in line 7, after “65-786,” by inserting “65-2305, 65-3483, 65-3488, 65-3490,”; in line 11, by striking “36-509,”; by striking all in line 12; in line 13, by striking “3490,”;

On page 1, in the title, in line 19, following “21-3110,” by inserting “as amended by section 1 of 2004 House Substitute for Senate Bill No. 136,”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O’NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O’Neal, the conference committee report on **SB 141** was adopted.
Call of the House was demanded.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Faber, Mason.

REPORT OF STANDING COMMITTEE

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

Request No. 164, by Representative Compton, congratulating Nash Burtin on winning the 2004 3A State Wrestling Championship, 16 under 100 pounds;

Request No. 165, by Representative Schwartz, congratulating Justin Lehman on attaining the rank of Eagle Scout;

Request No. 166, by Representative Huff, congratulating Elizabeth Ann Chapman and Adam Michael Taff on their marriage;

Request No. 167, by Representatives McKinney and McCreary, commending Harold Seipel for his service on the Anthony Fire Department;

Request No. 168, by Representative Dahl, honoring Elmer and Delores Westerman and Mike and Lavona Loveless on their 50th wedding anniversaries;

Request No. 169, by Representative Powers, congratulating Jason Richard White on attaining the rank of Eagle Scout;

Request No. 170, by Representative J. Miller, congratulating Matt Boss on being selected as the 2003 Gatorade Kansas High School Football Player of the Year;

Request No. 171, by Representative Merrick, congratulating Feifei Jiang, Pembroke Hill School, on attaining a perfect score on the ACT;

Request No. 172, by Representative Goico, congratulating Clint Kissling on attaining the rank of Eagle Scout;

Request No. 173, by Representatives Sloan, Ballard and Davis, commending the Clinton Lake Marina on being an environmentally friendly gateway to boating for citizens and visitors;

Request No. 174, by Representative Compton, congratulating Wes Santee on his induction into the Kansas Sports Hall of Fame;

Request No. 175, by Representative Compton, congratulating Shelby Neill on being named FCCLA State President for 2003-2004;

Request No. 176, by Representative Ballard, congratulating Cliff and Carol Wallace on their 50th wedding anniversary;

Request No. 177, by Representative Edmonds, congratulating Barton County Relay for Life on raising \$818,000 for the American Cancer Society;

Request No. 178, by Representative Reitz, congratulating Sara Maatta, Manhattan West High School, on attaining a perfect score on the ACT;

Request No. 179, by Representative Beggs, congratulating Cassandra Mitchell, Salina South High School, on attaining a perfect score on the ACT;

Request No. 180, by Representative Shultz, congratulating John Larson, Canton-Galva High School, on attaining a perfect score on the ACT;

Request No. 181, by Representative Carter, congratulating Robert Hall, Olathe East High School, on attaining a perfect score on the ACT;

Request No. 182, by Representative Schwab, congratulating Kyle Heer, Olathe East High School, on attaining a perfect score on the ACT;

Request No. 183, by Representative Patterson, congratulating Turner Batty, Blue Valley North High School, on attaining a perfect score on the ACT;

Request No. 184, by Representative Barbieri-Lightner, congratulating Amy Chang, Blue Valley North High School, on attaining a perfect score on the ACT;

Request No. 185, by Representative Huff, congratulating Thornton Thompson, Shawnee Mission West High School, on attaining a perfect score on the ACT;

Request No. 186, by Representative Pottorff, congratulating Brock Phillips, Wichita East High School, on attaining a perfect score on the ACT;

Request No. 187, by Representatives Henderson and Winn, congratulating Delisa E. Fowler-Nunley on graduating from Park University with a Bachelor of Science degree in Public Administration;

Request No. 188, by Representatives F. Miller and Jack, commending Christopher D. Schneider on his service in Iraq where he was severely injured;

Request No. 189, by Representative Toelkes, congratulating Joshua A. Thomsen on graduating from Shawnee Heights High School;

Request No. 190, by Representative McKinney, congratulating Dan and Lola Thomas on their 80th wedding anniversary;

Request No. 191, by Representative Showalter, congratulating Eric K. Rinehart on attaining the rank of Eagle Scout;

Request No. 192, by Representative Showalter, congratulating Archie Macias on assuming the role of Chairman of the Board of OPASTCO;

Request No. 193, by Representative Compton, commending Audrey Diane Lawson, Sarah Beth Lamb, Elizabeth Dianne Wiggins, Trevor Ewert and R. D. Andrew Stark on being named Governor's Scholars;

Request No. 194, by Representative Scoggins-Waite, commending Celina Konrade, Ryan Paul Lehmkuhler, Hannah Beth Love, Janelle Rose Scott, Lance Suttle and Aaditya Verma on being named Governor's Scholars;

Request No. 195, by Representative Henry, congratulating Paul and Mary Becker on their 50th wedding anniversary;

Request No. 196, by Representative Henry, congratulating Peter Murphy and Blake Georgepaul Barrett on attaining the rank of Eagle Scout;

Request No. 197, by Representative Phelps, commending Ryan Joseph Befort, Elise Janay Johansen, Christopher Ryan Malott and John Whitner on being named Governor's Scholars;

Request No. 198, by Representative Aurand, congratulating Aaron Eshom, Corey Eshom and Jonathan Iman on attaining the rank of Eagle Scout;

Request No. 199, by Representative Shriver, in memory of 1st Lt. Candace Voegele-Daniels;

Request No. 200, by Representative Patterson, honoring students who visited on Capitol Day;

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.

REPORT ON ENGROSSED BILLS

HB 2101 reported correctly re-engrossed April 30, 2004.

REPORT ON ENROLLED RESOLUTIONS

HR 6035 reported correctly enrolled and properly signed on April 30, 2004.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Saturday, May 1, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

