

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 17, 2005, 11:00 a.m.

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

The roll was called with 118 members present.

Reps. Freeborn, Newton, Sawyer and Showalter were excused on verified illness.

Rep. Hill was excused on legislative business.

Reps. Loganbill and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Clint W. Decker, pastor, Great Awakenings, Inc., Clay Center, and husband of Rep. Decker:

My Lord and God I praise and acknowledge You today as the Creator and Sustainer of all life. I thank You for giving us this life today. This gift comes from You and may You help us to live it to its fullest. And also today, may we experience lasting joy in our hearts and have the hope of heaven. At the same time, we acknowledge we have broken Your laws. Please forgive our selfish ambitions, our sexual sins, our broken promises and anything else that would be an offense to You. Help us to turn from these things and to the salvation found in Your Son, Jesus.

On behalf of these elected Representatives I ask for blessings on their personal health—may they be strong in body, mind and spirit to do the work before them. Bless their marriages and families—protect and comfort those they love while they are away from them at this time. Give them wisdom as well, as they seek what is good and right among the challenging issues of this state.

All praise belongs to You Lord God. May each live a blessed day and receive Your grace, peace and forgiveness. In the name of Jesus I pray, Amen.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2480. An act making and concerning appropriations for the fiscal year ending June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2481. An act making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2482. An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending

K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2475, HB 2477, HB 2478.**

Federal and State Affairs: **HB 2479.**

Taxation: **HB 2476.**

Utilities: **HR 6019.**

Select Committee on School Finance: **HB 2474.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 37, SB 42, SB 43, SB 49, SB 58, SB 59, SB 67, SB 94, SB 101, SB 102, SB 104, SB 115.**

The Senate concurs in House amendments to **SB 23**, and requests return of the bill.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 37, SB 42, SB 43, SB 49, SB 58, SB 59, SB 67, SB 94, SB 101, SB 102, SB 104, SB 115.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

Having voted on the prevailing side, Rep. McLeland moved that the House reconsider its adverse action in not advancing **Sub. HB 2113** favorably for passage (see HJ, p. 186). The motion prevailed and the bill remains on General Orders.

CONSENT CALENDAR

No objection was made to **HB 2156, HB 2206** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2017. An act concerning public water supply systems; relating to disposition of certain fees; amending K.S.A. 2004 Supp. 82a-2101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 7; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Henry, Holland, C. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Feuerborn, Hayzlett, Henderson, M. Holmes, Light, Long, Loyd.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The bill passed, as amended.

HB 2058. An act concerning cities and municipalities; relating to the licensure of certain contractors; amending K.S.A. 12-1509 and 12-1542 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 29; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bethell, Brown, Burgess, Burroughs, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flaharty, Flora, Flower, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Long, Loyd, Mah, Mays, McCreary, McLeland, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Neufeld, Novascone, O'Neal, Oharah, Olson, Otto, Owens, Peck, Peterson, Phelps, Pottorff, Roth, Ruff, Ruiz, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Treaster, Vickrey, Ward, Watkins, Yoder, Yonally.

Nays: Aurand, Beamer, Brunk, Carlin, Carlson, Carter, Colloton, Feuerborn, Gatewood, Hayzlett, Henderson, Hutchins, Jack, Kelley, Kinzer, Mast, McKinney, Merrick, Myers, O'Malley, Pauls, Pilcher-Cook, Powell, Powers, Thull, Weber, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The bill passed, as amended.

HB 2147, An act concerning psychiatric evaluation reports of defendants and inmates; relating to the disclosure thereof; amending K.S.A. 75-5266 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The bill passed, as amended.

HB 2183, An act concerning Fort Hays state university; relating to the capital improvement project to renovate the memorial union; amending section 11 of chapter 184 of the 2004 Session Laws of Kansas and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Carter.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The bill passed, as amended.

HB 2265, An act concerning commerce; concerning qualified manufacturers of cellulose film, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 18; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Kuether, Lane, Larkin, Light, Long, Mah, Mays, McKinney, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Roth, Ruff, Ruiz, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Dahl, Edmonds, Faber, Hayzlett, Jack, Knox, Krehbiel, Landwehr, Loyd, Mast, McCreary, McLeland, F. Miller, Pilcher-Cook, Powers, Shultz, Vickrey.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The bill passed, as amended.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. D. Johnson in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2082** be passed.

Committee report to **HB 2084** be adopted; also, on motion of Rep. Dillmore be amended on page 1, by striking all in lines 36 through 43; and the bill be passed as amended.

Roll call was demanded on motion of Rep. Jack to amend **HB 2141** on page 2, in line 12, by striking "conclusively"; in line 39, by striking all after "(A)"; by striking all in line 40; in line 41, by striking all before "test" and inserting "The"; in line 42, by striking "establishing probable cause" and inserting "causing the injury"; in line 43, by striking "(C)" and inserting "(B)";

On page 3, in line 2, by striking "(D)" and inserting "(C)"; in line 7, by striking "(E)" and inserting "(D)"; in line 10, by striking "(F)" and inserting "(E)"; by striking all in lines 13 through 38;

On roll call, the vote was: Yeas 50; Nays 68; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Burgess, Burroughs, Carlin, Cox, Craft, Crow, Davis, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Horst, Huff, Jack, Kirk, Knox, Kuether, Lane, Larkin, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Pauls, Peterson, Phelps, Powers, Ruff, Ruiz, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Dahl, DeCastro, Edmonds, Faber, Flower, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Krehbiel, Landwehr, Light, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwartz, S. Sharp, Shultz, Siegfried, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Freeborn, Hill, Loganbill, Newton, Sawyer, Schwab, Showalter.

The motion of Rep. Jack did not prevail.

Also, on motion of Rep. McKinney to refer **HB 2041** to Committee on Commerce and Labor, the motion did not prevail, and the bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2053** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 47-612 is hereby amended to read as follows: 47-612. Whenever the livestock commissioner determines that certain animals within the state are capable of communicating infectious or contagious disease, the commissioner may issue an order to the sheriff of the county or to any agent, inspector or authorized representative of the livestock commissioner in which such animals are found, commanding such individuals to take into custody and keep such animals subject to such quarantine regulations as the livestock commissioner may prescribe, until such time as the commissioner directs such person to deliver such animals to their owner or owners or to the agent of the owner or owners. Before any animals are delivered, there shall be paid by the owner ~~thereof of such animals~~ to the livestock commissioner all the costs and expenses of taking, detaining and holding and caring for the animals. In case such costs and expenses are not paid at the time fixed by the livestock commissioner, the officer having custody of such animals shall advertise, in the same manner as provided by law in case of sale of personal property on execution, that the officer will sell such animals or such portion ~~thereof of such animals~~ as may be necessary to pay such costs and expenses, together with the costs and expenses of such sale, ~~and~~. At the time and place ~~so~~ advertised the officer shall ~~proceed to~~ sell as many of the animals as may be necessary to pay for such cost and expenses and the expenses of such sale. Upon such sale the officer shall without delay pay to the owner any amount ~~so~~ received in excess of the legal fees and expenses of such officer, ~~and~~. Any officer performing any of the duties directed in this section or any other section of this act shall receive the same compensation ~~therefor for such services~~ as is prescribed by law for similar services. In case such fees cannot be collected by sale of such ~~stock, they animals, such fees~~ shall be paid by the ~~county in which such stock was held~~ *state of Kansas unless payment or indemnity for such animals may be obtained from the United States government.*

Sec. 2. K.S.A. 47-615 is hereby amended to read as follows: 47-615. Whenever the commissioner ~~shall direct~~ *directs* the killing or disposition of any domestic animal or animals, except dogs, it shall be the duty of the commissioner, ~~in conjunction with the chairman of the county board of county commissioners of the county in which the said animals are located;~~ and the owner of the condemned animals, to appraise the animal or animals to be killed or disposed of, ~~and he~~. *The commissioner shall make an inventory of the animal or animals condemned, and in fixing the value thereof of such animal or animals, the commissioner and chairman shall be governed by the value of such animal or animals at the time of the first appearance of the disease.* ~~Provided, That unless otherwise expressly provided only one-half of such appraised value of such animals shall be paid to the owner.~~

Sec. 3. K.S.A. 2004 Supp. 47-617 is hereby amended to read as follows: 47-617. When any domestic animal, other than dogs and animals affected with foot-and-mouth disease, is killed by order of the commissioner, the commissioner shall issue to the owner of the animal or animals the certificate showing the number and kind of animals killed, and the amount to which the holder is entitled. ~~Such certificate shall be reported to the board of county commissioners of the county in which the animal was located, and upon presentation of such certificate to the board of county commissioners, such board shall draw its warrant on the county treasurer for the amount therein stated.~~ *The state of Kansas shall pay to the owner the amount to which the owner is entitled as determined by the commissioner as provided by this section unless payment or indemnity for such domestic animal may be obtained from the United States government.* In case of animals killed or disposed of that are exposed to or afflicted with the foot-and-mouth disease, the appraisal shall be conducted in accordance with the applicable rules and regulations of an applicable livestock indemnity program of the United States government. The state of Kansas shall pay all its expenses incurred in that behalf, and shall pay all its employees necessarily employed therein.”;

And by renumbering sections accordingly;

Also on page 1, in lines 33 and 41, by striking “program” and inserting “system”; in line 42, after “a” by inserting “voluntary”; also in line 42, after “identification” by inserting “and tracking system”;

On page 2, in line 19, after “identification” by inserting “and tracking”; in line 29, before “premises” by inserting “voluntary”; also in line 29, before “system” by inserting “and tracking”;

On page 3, in line 8, before “K.S.A.” by inserting “K.S.A. 47-612 and 47-615 and”; also in line 8, after “Supp.” by inserting “47-617 and”; also in line 8, by striking “is” and inserting “are”;

On page 1, in the title, in line 9, after “to” by inserting “livestock; disposition of certain animals, indemnity by state;”; in line 10, after “amending” by inserting “K.S.A. 47-612 and 47-615 and”; also in line 10, after “Supp.” by inserting “47-617 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Agriculture** recommends **HCR 5005** be amended on page 1, in line 32, by striking “plan” and inserting “plans”; in line 33, after “States” by inserting “and such action”; also in line 33, by striking all after “may”; in line 34, by striking “states and may”; also in line 34, by striking “a negative”; also in line 34, by striking “impact; and” and inserting “consequences”; by striking all in lines 35 through 37; in line 38, by striking all before the colon; in line 40, by striking all after the colon; by striking all in lines 41 through 43;

On page 2, in line 1, by striking all before the semicolon and inserting:

“That the following criteria shall be met prior to the USDA implementing the BSE Minimal-Risk Regions rule: (1) Prohibit the importation of cattle and beef products derived from cattle more than 30 months of age;

(2) obtain assurances that all Canadian firewalls to prevent BSE, specifically adherence to their feed ban, are functioning properly;

(3) require that no feeder cattle be imported until agreement is reached on harmonization of animal health standards;

(4) movement of Canadian cattle into U.S. must be managed to minimize U.S. market disruptions;

(5) require that no USDA grades and stamps be allowed on any imported beef product; and

(6) receive assurances from our primary trading partners that expanded export access for U.S. beef is not in any way jeopardized by expanded importation of cattle and beef from Canada; and

Be it further resolved: That the opening of the Canadian border may create long-term economic consequences that will be best addressed by the further opening of all world markets, and therefore the administration must seek an immediate agreement to re-establish beef and beef by-product trade with Japan, Korea and Mexico, and apply economic sanctions if necessary”;

Also on page 2, in line 4, by striking “and” and inserting a comma; also in line 4, before the period by inserting “and each member of the Kansas Congressional Delegation”;

On page 1, in the title, in line 10, by striking “delay the lifting of” and inserting “reconsider”; also in line 10, by striking “ban” and inserting “rule”; and the concurrent resolution be adopted as amended.

Committee on **Appropriations** recommends **HB 2037** be passed.

Committee on **Education** recommends **HB 2252** be passed.

Committee on **Education** recommends **HB 2247** be amended on page 1, in line 34, by striking “subsection (b) of”; in line 37, by striking “(c)” and inserting “(d)”; in line 38, by striking “(b)” and inserting “(c)”; in line 41, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2093** be amended on page 1, in line 35, by striking all after “(a)”; by striking all in lines 36 through 40; in line 41, by striking “(b)”;

On page 2, in line 6, by striking “(c)” and inserting “(b)”;

Committee on **Governmental Organization and Elections** recommends **HB 2094** be amended on page 1, in line 36, following the period, by inserting “Such resolution shall

include a statement that a tax not to exceed one mill may be levied to finance the costs of the reorganization study commission.”;

On page 3, in line 5, by striking “two” and inserting “three”; in line 7, by striking “seven” and inserting “14”; in line 8, by striking “once” and inserting “three times”; also in line 8, by striking “general” and inserting “largest”; in line 9, following the period, by inserting “In the notice of such hearing, there shall be included a statement that a tax not to exceed one mill may be levied to finance the costs of the reorganization study commission.”; in line 29, by striking “two” and inserting “three”; also in line 29, by striking “general” and inserting “largest”; by striking all in lines 31 through 37, and by inserting:

“If a majority of the qualified electors voting on the plan who reside within the corporate limits of the city and a majority of the qualified electors voting on the plan who reside outside of the corporate limits of the city vote in favor thereof, the consolidation plan shall be implemented in the manner provided by the plan.

If a majority of the electors who reside within the corporate limits of the city or a majority of the qualified electors who reside outside of the corporate limits of the city vote against such plan, the proposed consolidation plan shall not be implemented.”;

Also on page 3, in line 40, by striking all following “electors”; in line 41, by striking all before “city” and inserting “who reside outside the corporate limits of the city and a majority of the electors who reside within the corporate limits of the”;

On page 4, in line 21, following the period, by inserting “Any officers selected on the basis of election shall continue to be selected by election.”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2095** be amended on page 1, in line 28, by striking “December 31” and inserting “January 15”; and the bill be passed as amended.

(Having been referred separately, **HB 2095** is now in Committee on **Appropriations**.)

Committee on **Health and Human Services** recommends **HB 2178** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **HB 2088** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL NO. 2088,” as follows:

“Substitute for HOUSE BILL No. 2088

By Committee on Health and Human Services

“AN ACT concerning the uniform vital statistics act; amending K.S.A. 65-2409a, 65-2412 and 65-2434 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2088** was thereupon introduced and read by title.)

Committee on **Higher Education** recommends **HB 2234** be amended on page 2, by striking all in lines 26 through 35 and inserting:

“(1) Any person in the military service who:

(A) Has had a permanent change of station order for active duty in Kansas at some time during such person’s military service;

(B) is living in Kansas at the time of enrollment;

(C) is a Kansas registered voter; and

(D) has registered in Kansas all personal motor vehicles which the person owns and the person’s spouse and dependents who live in Kansas have registered in Kansas all personal motor vehicles they own;

(2) any person who has retired from military service or has been honorably discharged from military service who:

(A) Has had a permanent change of station order for active duty in Kansas at some time during such person’s military service;

(B) is living in Kansas at the time of enrollment;

(C) is a Kansas registered voter; and

(D) has registered in Kansas all personal motor vehicles which the person owns and the person’s spouse and dependents who live in Kansas have registered in Kansas all personal motor vehicles they own;

(3) dependents and spouses of persons described in subsection (c)(1) and subsection (c)(2); and

(4) any dependent or spouse of a person in military service who is reassigned from Kansas to another duty station so long as such dependent or spouse continues to reside in Kansas.”;

Also on page 2, in line 38, by striking “military”; also in line 38, following “person” by inserting “in military service”;

On page 3, following line 10, by inserting the following:

“(6) “Dependent” means (A) a birth child, adopted child or stepchild or (B) any child other than the foregoing who is actually dependent in whole or in part on the person in military service and who is related to such individual by marriage or consanguinity.

(7) “Military service” means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2268** be amended on page 1, in line 43, by striking the first “tribunal” and inserting “court”; also in line 43, by striking the second “tribunal” and inserting “court”;

On page 2, in line 2, by striking “tribunal” and inserting “court”; in line 3, by striking “tribunal” and inserting “court”; in line 7, by striking “tribunal” and inserting “court”; in line 9, by striking “tribunal” and inserting “court”; in line 12, by striking “tribunal” and inserting “court”; in line 32, by striking “tribunal” and inserting “court”; in line 41, by striking “tribunal” and inserting “court”;

On page 3, in line 20, by striking “clerk of the district court in”; in line 21, by striking “the judicial district” and inserting “sheriff in the county”; also in line 21, by striking “and re-”; in line 22, by striking all before the period; in line 23, by striking all after “(b)”; by striking all in lines 24 through 31; in line 32, by striking “state.”; in line 35, by striking “(d)” and inserting “(c)”; in line 36, by striking “district court in the judicial”; in line 37, by striking “district” and inserting “sheriff in the county”; in line 40, by striking “(e)” and inserting “(d)”; in line 43, by striking “(f)” and inserting “(e)”;

On page 4, in line 2, by striking “(g)” and inserting “(f)”; also in line 2, by striking “or district court”; in line 6, by striking “or district court”; also in line 6, before the period by inserting “and the respondent has not already been notified of such filing or registration”; in line 8, by striking “, a clerk of court”; in line 36, after “court” by inserting “or tribunal”; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2483, An act concerning insurance; requiring certain insurance policies to provide for designation of third parties to receive notices; amending K.S.A. 40-278, 40-2,121, 40-2,122, 40-410 and 40-411 and K.S.A. 2004 Supp. 40-276a and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2484, An act concerning license or occupation fees, charges and taxes; prohibiting the imposition thereof on certain persons; amending K.S.A. 12-1617 and 19-2233 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2485, An act concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations, by Committee on Federal and State Affairs.

HB 2486, An act concerning lotteries; providing for the operation of video lottery terminals at certain locations; amending K.S.A. 74-8702, 74-8704, 74-8710 and 74-8718 and K.S.A. 2004 Supp. 74-8711 and repealing the existing sections, by Committee on Federal and State Affairs.

REPORT ON ENGROSSED BILLS

HB 2017, HB 2058, HB 2147, HB 2183, HB 2265 reported correctly engrossed February 16, 2005.

REPORT ON ENROLLED RESOLUTIONS

HR 6017 reported correctly enrolled and properly signed on February 17, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Friday, February 18, 2005.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

