

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 22, 2006, 11:00 a.m.

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

Prayer by guest chaplain, the Rev. Steve Bowman, pastor, First Christian Church, Potwin,
and guest of Rep. Grange:

Heavenly Father,

We gather here in this place to first of all give you thanks for the beautiful day you have blessed us with. This is the day that you the Lord hath made. Let us rejoice and be glad in it. From Kanorado to Kansas City, you have blessed us with the places and the people which make Kansas a great place to call home.

Lord, we pause at this time to focus on the men and women who serve in the fire service across the state of Kansas. Whether they are paid or volunteer, they have been called to protect us and the places that we call home. Let us never forget the time and sacrifices they make as they give of themselves for the communities they live in and work in.

Lord, never let us forget the sacrifices that have been made by three of our brothers in this past year. May we never forget the names of Bruce Sternberger of the Hardtner-Elwood Fire Department, Ed King of Reno County Fire District #7, and Jason Johnson of Butler County Fire District #3.

Lord, you have called each of us here in this chamber today to service...service towards our fellow man. May we never forget the guidance you give us through your Word as we go about today. Father, guide our decisions and our actions in the service of our fellow Kansans whether we are called today to serve or called to protect.

We ask all this in your great and Holy name...Amen.

The Pledge of Allegiance was led by Rep. Treaster.

INTRODUCTION OF GUESTS

Rep. Kiegerl introduced Walter Cochran, a teacher in the Gardner-Edgerton High School, who has been named History Teacher of the Year for the State of Kansas.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2972, An act concerning sales taxation; relating to refunds of sales tax paid upon food; amending K.S.A. 2005 Supp. 79-3635 and repealing the existing section, by Committee on Taxation.

HB 2973, An act concerning business entities; relating to annual reports; extension of time for filing; amending K.S.A. 56-1a606, 56-1a607, 56-1a610, 56a-1201, 56a-1202 and

56a-1204 and K.S.A. 2005 Supp. 17-1618, 17-2036, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7514 and 17-76,139 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2968**.

Health and Human Services: **HB 2971**.

Judiciary: **HB 2969**.

Taxation: **HB 2970**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2912** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

CONSENT CALENDAR

No objection was made to **SB 373** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2578. An act establishing the special education teacher service scholarship program, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 10; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Beamer, Brown, Faber, Kinzer, Landwehr, Masterson, McCreary, McLeland, Neufeld, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed, as amended.

HB 2613. An act concerning school districts; relating to transportation of certain pupils; amending K.S.A. 72-1046b and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 8; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Craft, Crow, Dillmore, Faber, Henderson, Proehl, Treaster, Winn.
 Present but not voting: None.
 Absent or not voting: Powers.
 The bill passed.

HB 2696, An act concerning workers compensation; relating to administrative law judges; amending K.S.A. 2005 Supp. 44-551 and 75-5708 and repealing the existing sections, was considered on final action.

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

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

Nays: Beamer, Edmonds, Faber, Landwehr.
 Present but not voting: None.
 Absent or not voting: Powers.
 The bill passed, as amended.

HB 2712, An act relating to the special education for exceptional children act; amending K.S.A. 2005 Supp. 72-987 and repealing the existing section, was considered on final action.

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

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

Nays: Carter, Faber, Henderson, Kinzer, Lane, Long, Pilcher-Cook, Weber, Winn.
 Present but not voting: None.
 Absent or not voting: Powers.
 The bill passed, as amended.

HB 2757, An act concerning oil and gas; relating to spill notification, was considered on final action.

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

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, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kreh-

biel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Master-
son, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim
Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens,
Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz,
Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swen-
son, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams,
Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed, as amended.

HB 2758, An act designating part of K-177 and U.S. 24 highways as the Coach Bill Snyder highway; amending K.S.A. 68-1022 and repealing the existing section, was consid-
ered on final action.

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

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

Nays: Gordon, Landwehr.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed.

HB 2798, An act concerning civil procedure; relating to immunity from liability for
owners of anhydrous ammonia; amending K.S.A. 60-4601 and repealing the existing section,
was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not
voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter,
Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-
Goudeau, Feuerborn, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange,
Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst,
Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kel-
ley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill,
Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Mer-
rick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah,
Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff,
Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson,
Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf,
Yoder, Yonally.

Nays: Burroughs, Crow, Flaharty, Kirk, Kuether, Menghini, M. Miller, Peterson, Ruiz,
Storm, Winn.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed.

HB 2836. An act concerning agriculture; relating to the Kansas egg law; requirements; definitions; unlawful acts; enforcement and penalties; fees; amending K.S.A. 2-2502, 2-2503, 2-2505, 2-2507 and 2-2508 and K.S.A. 2005 Supp. 2-2501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Burroughs, Carter, Colloton, Freeborn, Hutchins, Kinzer, Landwehr, Mast, Merrick, Pilcher-Cook, Winn.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **Sub. HB 2561** be passed over and retain a place on the calendar.

Committee report to **HB 2414** be adopted; also, roll call was demanded on motion of Rep. Yoder to amend on page 3, after line 24, by inserting the following:

“Sec. 3. K.S.A. 2005 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category →	A	B	C	D	E	F	G	H	I
Severity Level ↓	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 33 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	25 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5

LEGEND
Presumptive Probation
Boiler Box
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) (1) *The sentence for the violation of subsection (a)(2) or (a)(3) of K.S.A. 21-3413, and amendments thereto, shall be presumed imprisonment.*

(2) ~~The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. In regard to the sentence imposed pursuant to this paragraph, the court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.~~

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and, subsection (b)(3) of K.S.A. 21-3412a, and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2) (B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 25, by striking "and" and inserting a comma; also in line 25, after "21-3415" by inserting "and 21-4704";

In the title, in line 11, by striking the first "and" and inserting a comma; also in line 11, after "21-3415" by inserting "and 21-4704";

On roll call, the vote was: Yeas 108; Nays 14; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Feuer-

born, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Faber, Faust-Goudeau, Flaharty, Flora, Freeborn, Henderson, Kirk, Kuether, M. Miller, Pauls, Peterson, Ruiz, Winn.

Present but not voting: None.

Absent or not voting: Gatewood, Huebert, Powers.

The motion of Rep. Yoder prevailed.

Also, on motion of Rep. M. Holmes to amend **HB 2414**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2720** be adopted; also, on motion of Rep. Hayzlett be amended on page 2, in line 9, after "the" by inserting "owner or owners of the land and the"; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2786**, **HB 2796** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce and Labor** recommends **HB 2839** be passed.

Committee on **Commerce and Labor** recommends **HB 2658** be amended on page 1, in line 13, following "certificate" by inserting "or gift card"; in line 14, preceding the period, by inserting "which is less than five years from the date of purchase"; also in line 14, by striking all following the period; by striking all in lines 15 and 16; in line 17, following "certificate" by inserting "or gift card"; in line 18, following the period by inserting "A merchant shall not be required to redeem a gift card or gift certificate for cash.

(c) No dormancy fee shall be charged against a gift certificate or gift card. No fees may be charged against the balance of a gift card or gift certificate within 12 months from the date of issuance of the card.;

Also on page 1, in line 19, by striking "(c)" and inserting "(d)"; also in line 19, following "certificates" by inserting "or gift cards"; in line 21, by striking all preceding "on"; also in line 21, before the colon, by inserting "or gift card"; in line 22, after "certificates" by inserting "or gift cards"; in line 23, by striking all before "without"; in line 24, following "certificate" by inserting "or gift card"; in line 26, following "certificates" by inserting "or gift cards"; in line 28, by striking all following "purposes"; in line 29, by striking all preceding the period; by striking all in lines 30 and 31 and inserting the following:

"(e) All conditions and limitations shall be disclosed to the purchaser of a gift certificate or gift card at the time of purchase. If such conditions or limitations are not complied with by the purchaser, the issuer shall not be required to, but may, redeem such gift certificate or gift card.

(f) As used in this section:

(1) "Dormancy fee" means a charge imposed against the unused value of a gift certificate or gift card due to inactivity;

(2) "gift card" means a tangible device, whereon is embedded or encoded in an electronic or other format a value issued in exchange for payment, which promises to provide to the bearer merchandise of equal value to the remaining balance of the device. "Gift card" does not include a prepaid bank card;

(3) "gift certificate" means a written promise given in exchange for payment to provide merchandise in a specified amount or of equal value to the bearer of the certificate. "Gift certificate" does not include a prepaid bank card;

(4) "prepaid bank card" means a general use, prepaid card or other electronic payment device that is issued by a bank or other financial institution in a predenominated amount

useable at multiple, unaffiliated merchants or at automated teller machines, or both, but shall not include a card issued by a retail merchant or a card issued by a shopping mall for use at multiple locations.”;

Also on page 1, in line 32, by striking “(e)” and inserting “(g)”;

In the title, in line 9, following “certificates” by inserting “and gift cards”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2788** be amended on page 5, preceding line 22, by inserting the following:

“New Sec. 8. On and after the effective date of this act, each contract for the sale of residential real estate shall contain as part of such contract the following language:

“Kansas law requires persons who are convicted of certain sexually violent crimes after April 14, 1994, to register with the sheriff of the county in which they reside. If you as the buyer desire information regarding those registrants, you may find information on the homepage of the Kansas Bureau of Investigation (KBI) at <http://www.accesskansas.org/kbi> or by contacting the local sheriff's office.”;

By renumbering the remaining sections accordingly;

On page 1, in the title, in line 9, following “ACT” by inserting “relating to real estate”; in line 10, preceding “amending” by inserting “concerning contracts for sale of residential real estate;”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2938** be passed.

Committee on **Health and Human Services** recommends **HB 2830**, **HB 2831** be passed.

Committee on **Health and Human Services** recommends **HB 2739** be amended on page 1, in line 19, by striking “; and” and inserting a period; in line 32, by striking “such” and inserting “each”; also in line 32, by striking “officers” and inserting “officer”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2825** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2825,” as follows:

“Substitute for HOUSE BILL No. 2825

By Committee on Health and Human Services

“AN ACT providing for establishment of a voluntary data bank of available interpreters for certain purposes and development of qualifications for interpreters.”; and the substitute bill be passed.

(**Sub. HB 2825** was thereupon introduced and read by title.)

Committee on **Insurance** recommends **HB 2159** be amended on page 2, in line 5, by striking “the lessee” and inserting “an authorized driver”; also in line 5, by striking “les-”; in line 6, by striking “see’s” and inserting “an authorized driver’s”; in line 7, after “by” by inserting “an authorized driver of the rental motor vehicle”; in line 8, after the first “any” by inserting “illegal or unauthorized”; also in line 8, after the second “any” by inserting “illegal or unauthorized”; in line 13, after “act” by inserting “which would be a felony”; in line 21, by striking “on an”; by striking all in line 22; in line 23, by striking all before the semicolon and inserting “is off road”; in line 27, after “lessor” by inserting “, proof that the keys to the rental motor vehicle were taken by duress”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2771** be amended on page 1, in line 29, by striking all after “revenue”; by striking all in line 30 and inserting “. The”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2858** be amended on page 1, in line 27, by striking “han-”; in line 28, by striking “dling of property”; also in line 28, before the comma by inserting “the handling of any consumer good or other property”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2701**, **HB 2761** be passed.

Committee on **Judiciary** recommends **HB 2748** be amended on page 2, in line 7, by striking “another” and inserting “an”; also in line 7, after “occupant” by inserting “18 years of age or older”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2916** be amended on page 3, in line 15, by striking "up to two years" and inserting "not less than one year";

On page 5, in line 37, by striking all after the period; by striking all in lines 38 through 43;

On page 6, in line 1, by striking all before the semicolon and inserting "Proof of the installation of such device shall be provided to the division before the person's driving privileges are fully reinstated";

On page 7, in line 22, by striking all after the period; by striking all in lines 23 through 28; in line 29, by striking all before the period and inserting "Proof of the installation of such device shall be provided to the division before the person's driving privileges are fully reinstated"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2645** be amended on page 1, after line 35, by inserting the following:

"Vehicle title service agent" shall not include any person who is licensed under the provisions of K.S.A. 8-2401 et seq., and amendments thereto, or any person who engages as a vehicle title service agent only for commercial vehicles, as defined under K.S.A. 8-1,100, and amendments thereto.";

On page 3, in line 34, by striking all after "for"; by striking all in lines 35 through 43;

On page 4, by striking all in lines 1 through 7; in line 8, by striking all before the period and inserting "three years, a log containing a record entry of the date of each application, the name of the person for whom the title services were performed, the name of the owner and the vehicle identification number for each vehicle"; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2707** be amended on page 3, in line 39, by striking "18" and inserting "12";

On page 4, in line 1, by striking "30 days" and inserting "three months"; 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 2974, An act concerning the state fire marshal; relating to education requirements of certain employees and agents, by Committee on Appropriations.

HB 2975, An act concerning fire prevention and safety products and services; requiring registration with the state fire marshal, by Committee on Appropriations.

HB 2976, An act relating to the state fire marshal; providing for interpretive guidelines for rules and regulations By Committee on Appropriations.

HB 2977, An act concerning the state fire marshal; relating to fire prevention and education opportunities for certain persons, by Committee on Appropriations.

HB 2978, An act concerning fire inspections; providing for an informal dispute resolution procedure, by Committee on Appropriations.

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

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2927**, **HB 2835**, **HB 2833**, **HB 2752** be passed.

Sub. HB 2727; **HB 2772**, **HB 2932** be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2829** be adopted; also, roll call was demanded on motion of Rep. Huntington to amend on page 1, by striking all in lines 14 through 43;

By striking all on pages 2, 3, 4, 5 and 6;

On page 7, by striking all in lines 1 through 15 and inserting the following:

“Section 1. As used in this act:

(a) “Board” means the state board of healing arts.

(b) “Local anesthesia” means the administration of an anesthetic agent into a localized part of the human body by topical application or local infiltration in close proximity to a nerve, which produces a transient and reversible loss of sensation.

(c) “Minimal sedation” means the administration of oral sedative or oral analgesic drugs in doses appropriate for the unsupervised treatment of insomnia, anxiety or pain.

(d) “Minor surgery” means surgery which can be safely and comfortably performed on a patient who has received local or topical anesthesia, without more than minimal sedation and where the likelihood of complications requiring hospitalization not reasonably foreseen.

(e) “Office-based surgery” means any surgery or other special procedure requiring anesthesia, analgesia or sedation which is performed by a physician in a clinical location other than a medical facility licensed pursuant to K.S.A. 65-425, and amendments thereto, and which results in a patient stay of less than 24 hours. The term does not include minor surgery.

(f) “Physician” means a person licensed by the board of healing arts to practice medicine and surgery in the state of Kansas.

(g) “Secretary” means the secretary of health and environment.

(h) “Special procedure” means a patient care service which requires contact with the human body with or without instruments in a potentially painful manner, for a diagnostic or therapeutic procedure requiring anesthesia services. The term does not include minor surgery.

(i) “Surgery” means a manual or operative procedure which involves the excision or resection, partial or complete, destruction, incision or other structural alteration of human tissue by any means, including the use of lasers, performed upon the human body for the purpose of preserving health, terminating a pregnancy, diagnosing or treating disease, repairing injury, correcting deformity or defects, prolonging life or relieving suffering, or for aesthetic, reconstructive or cosmetic purposes. Surgery includes, but is not limited to, incision or curettage of tissue or an organ, suture or other repair of tissue or an organ, a closed or open reduction of a fracture, extraction of tissue from the uterus and insertion of natural or artificial implants.

(j) “Topical anesthesia” means an anesthetic agent applied directly or by spray to the skin or mucous membranes, intended to produce a transient and reversible loss of sensation to a circumscribed area.

Sec. 2. (a) The secretary, by rules and regulations, shall establish standards for clinics and other facilities, in consultation with the state board of healing arts, where office-based surgery or special procedures, or both, are performed. Such standards shall promote the safety of patients, including, but not limited to, standards addressing:

(1) Qualifications and supervision of nonphysician personnel excluding licensed nurses and registered nurse anesthetists;

(2) facility safety and sanitation;

(3) equipment requirements, sanitation, testing and maintenance;

(4) patient screening, assessment and monitoring;

(5) selection of procedures to be performed;

(6) anesthesia services;

(7) peri-operative care;

(8) emergencies and patient transfers; and

(9) quality assurance and peer review.

(b) In adopting standards pursuant to this section, the secretary, in consultation with the state board of healing arts, shall give consideration to standards adopted for the purposes of regulating ambulatory surgical centers licensed pursuant to K.S.A. 65-425 et seq. and amendments thereto and shall give consideration to the guidelines for office-based surgery and special procedures approved by the Kansas medical society house of delegates on May

5, 2002, and any subsequently approved guidelines, and to guidelines for office-based surgery and special procedures approved by the state board of healing arts.

(c) Any rules and regulations adopted by the secretary pursuant to this act shall provide for protection of the identities of patients and health care providers.

(d) Rules and regulations required by this section shall be adopted as temporary regulations within 60 days of the effective date of this act with corresponding permanent rules and regulations adopted on or before January 1, 2007.

Sec. 3. (a) A correction order may be issued by the secretary or the secretary's designee to a clinic or facility which performs office-based surgery or special procedures, or both, whenever a duly authorized representative of the secretary inspects or investigates such clinic or facility and determines that the clinic or facility is not in compliance with the standards adopted by the secretary by rule and regulation pursuant to section 2 and amendments thereto. The correction order shall be served upon the clinic or facility either personally or by certified mail, return receipt requested. The correction order shall be in writing, shall state the specific deficiency and shall specify a time of 30 days for correction of the deficiency, unless the deficiency is of such an extreme hazard to the health and safety of a patient that immediate correction is required. In such an extreme case correction of the deficiency in less than 30 days may be ordered by the secretary or the secretary's designee.

(b) When the time period set forth in the correction order has passed, the clinic or facility shall be reinspected for compliance. If the clinic or facility is still in noncompliance, the correction order will become an open record at this time and the secretary or the secretary's designee may restrict the performance of any office-based surgeries or special procedures, or both, at the noncompliant clinic or facility until compliance is found and may level a civil penalty against such clinic or other facility pursuant to section 4, and amendments thereto. If the secretary determines that the continued performance of office-based surgeries and special procedures at the noncompliant clinic or facility poses a threat of potential harm to patients, the secretary may exercise injunctive authority until such time as a hearing may be conducted in accordance with the provisions of the Kansas administrative procedure act.

Sec. 4. (a) Any clinic or facility which remains noncompliant to the correction order and continues to violate any provision of the rules and regulations adopted under this act may incur a civil penalty in an amount not more than \$5,000 for every such violation. In the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) The secretary, upon a finding that a clinic or facility has violated any provision of rules and regulations adopted under this act may impose a penalty within the limits provided in this section. In determining the amount of the civil penalty, the secretary shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the nature and persistence of the violation, the length of time over which the violation occurs and any corrective actions taken.

(c) No penalty shall be imposed under this section until written notice and an opportunity for hearing have been provided to the clinic or facility alleged to have committed the violation. Such notice shall state the violation, the penalty to be imposed and the right of the clinic or facility to a hearing on the matter. Such clinic or facility, within 15 days after service of the order, may make written request to the secretary for a hearing thereon. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any action of the secretary pursuant to this section is subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 5. Any clinic or facility where office-based surgery or special procedures, or both, are performed at the time rules and regulations adopted under this act take effect shall be given reasonable time, as determined by the secretary under the particular circumstances, but not to exceed 30 days from the effective date of such rules and regulations, within which to comply with such rules and regulations.

Sec. 6. (a) The secretary shall conduct unannounced inspections of any clinic or facility where office-based surgery or special procedures are performed at least every five years on a routine basis. As soon as possible after the effective date of this act and after the effective

dates of the adoption of the new rules and regulations under this act, the secretary shall conduct unannounced inspections of any clinic or facility in which abortions are performed. Upon receipt of a complaint, the secretary shall conduct an inspection in a timely manner.

(b) The secretary shall assess a fee for the inspection of any clinic or facility where office-based surgery or special procedures are performed. The fee shall cover all of the cost of the inspection and be paid by the clinic or facility being inspected to the department of health and environment. The secretary shall adopt rules and regulations establishing the fees to be charged for such inspections.

(c) The board of healing arts shall forward all complaints it receives regarding clinics or facilities where office-based surgery or special procedures are performed to the secretary.

(d) The secretary shall forward the results of all inspections to the board of healing arts or the state board of nursing, or both, as appropriate, when such clinic or facility is out of compliance.

Sec. 7. Rules and regulations adopted pursuant to sections 1 through 6, and amendments thereto, shall not apply to those facilities accredited by the joint commission on accreditation of health care organizations.”;

By renumbering the remaining section accordingly;

In the title, by striking all in lines 9 through 11 and inserting the following:

“AN ACT concerning the secretary of health and environment; providing for regulation of clinics and facilities where office-based surgeries and special procedures are performed.”;

On roll call, the vote was: Yeas 66; Nays 56; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, D. Johnson, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Swenson, Thull, Treaster, Trimmer, Ward, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Edmonds, Faber, Freeborn, George, Goico, Hayzlett, C. Holmes, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Schwab, Schwartz, Siegfried, Svaty, Tafanelli, Vickrey, Watkins, Weber, Wilk, Williams.

Present but not voting: None.

Absent or not voting: Krehbiel, Peterson, Powers.

The motion of Rep. Huntington prevailed, and **Sub. HB 2829** be passed as amended.

Committee report to **HB 2667** be adopted; and the bill be passed as amended.

Committee report to **HB 2809** be adopted; and the bill be passed as amended.

Committee report to **HB 2710** be adopted; also, on motion of Rep. Powell be amended on page 2, in line 13, by striking “one of the”; in line 14, after “two” by inserting “of the”; in line 15, before the period by inserting “and the rattlesnake creek subbasin located in hydrologic unit code 11030009”;

Also, on motion of Rep. George, **HB 2710** be amended on page 3, in line 24, after “(l)” by inserting “The state conservation commission shall be required to conduct an economic impact study that analyzes the impact to the local community within the project area or areas. The study shall be submitted to the legislative coordinating council for their review prior to the purchase of water rights.”; and the bill be passed as amended.

Committee report to **HB 2756** be adopted; and the bill be passed as amended.

Committee report to **HB 2554** be adopted; and the bill be passed as amended.

Committee report to **HB 2753** be adopted; and the bill be passed as amended.

Committee report to **HB 2874** be adopted; and the bill be passed as amended.

Committee report to **HB 2607** be adopted; also, on motion of Rep. Davis to amend, Rep. O'Neal requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2561** be adopted; also, on motion of Rep. Schwartz to amend, Rep. Grant requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Schwartz and the bill be amended on page 2, after line 17, by inserting the following:

“Sec. 2. K.S.A. 2005 Supp. 32-930 is hereby amended to read as follows: 32-930. (a) Except as provided in subsection (c), the secretary or the secretary’s designee is authorized to issue to any Kansas resident a lifetime fishing, hunting or furharvester or combination hunting and fishing license upon proper application made therefor to the secretary or the secretary’s designee and payment of a license fee as follows: (1) A total payment made at the time of purchase in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto; or (2) payment may be made over a two-year period in eight quarter-annual installments in the amount prescribed pursuant to K.S.A. 32-988 and amendments thereto. If payment is in installments, the license shall not be issued until the final installment has been paid. A person making installment payments shall not be required to obtain the appropriate annual license, and each installment payment shall be deemed to be such an annual license for a period of one year following the date of the last installment payment made. If an installment payment is not received within 30 days after it is due and owing, the secretary may consider the payments in default and may retain any payments previously received. *The secretary or the secretary’s designee shall not charge more than 50% of the cost of a lifetime hunting and fishing license to any Kansas resident age 25 or younger.* Any lifetime license issued to a Kansas resident shall not be made invalid by reason of the holder thereof subsequently residing outside the state of Kansas. Any nonresident holder of a Kansas lifetime hunting or combination hunting and fishing license shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary. Any nonresident holder of a lifetime fishing license issued before July 1, 1989, shall be eligible under the same conditions as a Kansas resident for a big game or wild turkey permit upon proper application to the secretary.

(b) For the purposes of subsection (a), the term “resident” shall have the meaning defined in K.S.A. 32-701, and amendments thereto, except that a person shall have maintained that person’s place of permanent abode in this state for a period of not less than one year immediately preceding the person’s application for a lifetime fishing, hunting or furharvester or combination hunting and fishing license.

(c) Upon request of the secretary of social and rehabilitation services, the secretary of wildlife and parks shall not issue a lifetime fishing, hunting or furharvester or combination hunting and fishing license to an applicant except as provided in this subsection. The secretary of social and rehabilitation services may make such a request if, at the time of the request, the applicant owed arrearages under a support order in a title IV-D case being administered by the secretary of social and rehabilitation services or had outstanding a warrant or subpoena, directed to the applicant, in a title IV-D case being administered by the secretary of social and rehabilitation services.

Upon receiving a release from an authorized agent of the secretary of social and rehabilitation services, the secretary of wildlife and parks may issue the lifetime fishing, hunting or furharvester or combination hunting and fishing license. The applicant shall have the burden of obtaining and delivering the release.

The secretary of social and rehabilitation services shall issue a release upon request if, as appropriate:

- (1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearages are owed;
- (2) an income withholding order has been served upon the applicant’s current employer or payor;
- (3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearages, together with receipt of the first minimum payment; or
- (4) the applicant has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

Nothing in this subsection shall be construed to require or permit the secretary of wildlife and parks to determine any issue related to the title IV-D case except to resolve questions

of mistaken identity or determine the adequacy of any notice relating to this subsection that the secretary of wildlife and parks provides to the applicant.

“Title IV-D” means part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on December 31, 2001, relating to child support enforcement services.

(d) The secretary, in accordance with K.S.A. 32-805 and amendments thereto, may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 3. K.S.A. 2005 Supp. 32-988 is hereby amended to read as follows: 32-988. (a) The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Big game permits

Resident (other than elk permit): maximum \$100

Nonresident (other than elk permit): maximum \$400

Elk permit: maximum \$350

Resident big game tag: maximum \$20

Nonresident big game tag: maximum \$30

Nonresident applications: maximum \$25

Combination hunting and fishing licenses

Resident: maximum \$50

Lifetime: maximum \$1,000; or 8 quarterly payments, each maximum \$150

Nonresident: maximum \$200

Commercial dog training permits: maximum \$25

Commercial guide permit or associate guide permit

Resident: maximum \$250

Nonresident: maximum \$1,000

Commercial harvest or dealer permits: maximum \$200

Commercial prairie rattlesnake harvesting permits

Resident or nonresident with valid hunting license: maximum \$5

Resident or nonresident nonfirearm without valid hunting license: maximum \$20

Controlled shooting area operator license: maximum \$400

Duplicate licenses, permits, stamps and other issues of the department: maximum \$10

Falconry

Permits: maximum \$300

Examinations: maximum \$100

Field trial permits: maximum \$25

Fishing licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$75

Five-day nonresident: maximum \$25

Institutional group: maximum \$200

Special nonprofit group: maximum \$200

Twenty-four-hour: maximum \$10

Fur dealer licenses

Resident: maximum \$200

Nonresident: maximum \$400

Furharvester licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Nonresident: maximum \$400

Game breeder permits: maximum \$15

Handicapped hunting and fishing permits: maximum \$5

Hound trainer-breeder running permits: maximum \$25

Hunting licenses

Resident: maximum \$25

Lifetime: maximum \$500; or 8 quarterly payments, each maximum \$75

Lifetime age 25 or younger: maximum \$500

Nonresident 16 or more years of age: maximum \$125

Nonresident under 16 years of age: maximum \$75

Controlled shooting area: maximum \$25

Forty-eight-hour waterfowl permits: maximum \$25

Migratory waterfowl habitat stamps: maximum \$8

Mussel fishing licenses

Resident: maximum \$200

Nonresident: maximum \$1,500

Rabbit permits

Live trapping: maximum \$200

Shipping: maximum \$400

Raptor propagation permits: maximum \$100

Rehabilitation permits: maximum \$50

Scientific, educational or exhibition permits: maximum \$10

Wildlife damage control permits: maximum \$10

Wildlife importation permits: maximum \$10

Wild turkey permits

Resident: maximum \$100

Nonresident: maximum \$400

Resident turkey tag: maximum \$20

Nonresident turkey tag: maximum \$30

Special permits under K.S.A. 32-961: maximum \$100

Miscellaneous fees

Special events on department land or water: maximum \$200

Special departmental services, materials or supplies: no maximum

Other issues of department: no maximum

Vendor bond: no maximum

(b) The fee for a landowner-tenant resident big game or wild turkey hunting permit shall be an amount equal to ½ the fee for a general resident big game or wild turkey hunting permit.

(c) The fee for a furharvester license for a resident under 16 years of age shall be an amount equal to ½ the fee for a resident furharvester license.

(d) The secretary may establish, by rules and regulations adopted in accordance with K.S.A. 32-805 and amendments thereto, different fees for various classes and types of licenses, permits, stamps and other issuances of the department which may occur within each item as described under subsection (a).";

And by renumbering the remaining sections accordingly;

Also on page 2, in line 18, by striking "is" and inserting "and K.S.A. 2005 Supp. 32-930 and 32-988 are";

In the title, in line 10, after the semicolon by inserting "also relating to lifetime hunting licenses;"; also in line 10, after "32-805" by inserting "and K.S.A. 2005 Supp. 32-930 and 32-988"; in line 11, by striking "section" and inserting "sections";

Also, on motion of Rep. Neufeld, **Sub. HB 2561** be amended on page 1, after line 13, by inserting the following:

"Section 1. K.S.A. 2005 Supp. 32-801 is hereby amended to read as follows: 32-801. (a)

In order to reorganize the administration, planning and regulation of the state's parks, wildlife and other natural resources, there is hereby established within the executive branch of government the Kansas department of wildlife and parks, which shall be administered under the direction and supervision of a secretary of wildlife and parks who shall be appointed by the governor, with the consent of the senate as provided in K.S.A. 75-4315b and amendments thereto.

(b) The secretary shall be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field, and shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor.

(c) *The director of the fisheries and wildlife division shall be fully qualified by education, training and experience in wildlife, parks or natural resources or a related field.*

(~~e~~) (d) The provisions of the Kansas governmental operations accountability law apply to the Kansas department of wildlife and parks, and the department is subject to audit, review and evaluation under such law.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 18, by striking “is” and inserting “and K.S.A. 2005 Supp. 32-801 are”;

In the title, in line 10, after the semicolon by inserting “also relating to qualifications of the secretary;”; also in line 10, after “32-805” by inserting “and K.S.A. 2005 Supp. 32-801”; in line 11, by striking “section” and inserting “sections”; and **Sub. HB 2561** be passed as amended.

On motion of Rep. Pilcher-Cook, **HB 2951** be amended on page 1, preceding line 25, by inserting:

“Sec. 2. Interstate highway 335 from junction of interstate highway 335 with interstate highway 470 south to the junction of interstate highway 335 with interstate highway 35 is hereby designated the United States submarine veterans memorial highway. The Kansas turnpike authority shall place signs along the highway right-of-way at proper intervals to indicate that the highway is the United States submarine veterans memorial highway, except that such signs shall not be placed until the Kansas turnpike authority has received sufficient moneys from gifts and donations to reimburse the Kansas turnpike authority for the cost of placing such signs and an additional 50% of the initial cost to defray future maintenance or replacement costs of such signs. The Kansas turnpike authority may accept and administer gifts and donations to aid in obtaining and installing suitable signs.”;

By renumbering section 2 as section 3;

In the title, following “ACT” by inserting “relating to road and highways;” in line 10, preceding the period, by inserting “; designating interstate highway 335 as the United States submarine veterans memorial highway”;

Also, on motion of Rep. Kirk to amend **HB 2951**, the motion was withdrawn, and the bill be passed as amended.

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

Committee report to **HB 2432** be adopted; and the bill be passed as amended.

Committee report to **HB 2899** be adopted; also, on motion of Rep. McKinney to amend, Rep. D. Johnson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. McKinney to amend, which did not prevail, and the bill be passed as amended.

Committee report to **HB 2642** be adopted; also, on motion of Rep. Oharah to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 275** be amended on page 1, in line 15, by striking “2004” and inserting “2005”; in line 37, by striking “2004” and inserting “2005”;

On page 2, in line 10, by striking “2004” and inserting “2005”;

On page 3, in line 37, by striking “2004” and inserting “2005”;

On page 4, in line 25, by striking “2004” and inserting “2005”;

On page 1, in the title, in line 10, by striking “2004” and inserting “2005”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2671** be amended on page 1, in line 16, after “occurrence”, by inserting “or per claimant, or both,”;

In the title, in line 9, by striking “occurrence”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2928** be amended on page 1, in line 29, before the period, by inserting “, to seek medical attention for injuries caused by domestic violence or sexual assault or to obtain services from a domestic violence shelter,

program or rape crisis center as a result of domestic violence or sexual assault but leave for obtaining services from a domestic violence shelter, program or rape crisis center shall not exceed three days per calendar year unless a longer period of time is otherwise available to an employee under the applicable terms of employment or provided by a collective bargaining agreement”;

On page 2, in line 12, before the period, by inserting “or may use unpaid leave of not to exceed five days per calendar year, unless a longer period of time is otherwise available to an employee under the applicable terms of employment or provided by a collective bargaining agreement, for time taken off for a purpose specified in subsection (a)”;

by striking all in lines 14 through 43;

On page 3, by striking all in lines 1 through 42;

And by renumbering the remaining section accordingly;

In the title, in line 13, by striking “; providing penalties and remedies for violations”; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2556** be amended on page 4, in line 9, by striking the comma; in line 10, by striking “lease or” and inserting “and”; by striking all in lines 25 through 30; following line 43, by inserting:

“(d) The commission shall not be the holder of conservation easements.”;

On page 5, in line 2, by striking all following the first “program”; in line 3, by striking “commission” where it appears the first time; in line 10, following “agriculture” by inserting “, United States department of defense or other agency”; in line 12, by striking “legally binding”; in line 15, by striking “legally binding”; in line 28, by striking all following the semicolon; by striking all in lines 29 through 31; by striking all in lines 34 and 35;

By renumbering the remaining subsections accordingly;

Also on page 5, in line 36, by striking “lies within the heart of the Flint Hills and”; in line 37, by striking “a” and inserting “an unfulfilled”; in line 40, by striking “public access to” and inserting “provide an educational opportunity regarding”; following line 43, by inserting:

“(b) For fiscal years 2007 and 2008, the commission shall give funding priority to applications meeting the provisions of subsections (a)(3)(A) and (a)(3)(B) of this section.”;

On page 6, in line 1, by striking all following “(b)”;

by striking all in lines 2 through 4; in line 5, by striking “(c)”;

in line 9, by striking all following “received”;

by striking all in line 10; in line 11, by striking all preceding the period; preceding line 12, by inserting:

“New Sec. 7. (a) Notwithstanding the provisions of K.S.A. 58-3816, and amendments thereto, no city shall use eminent domain to acquire land placed in a conservation easement under the Kansas farm and ranch land protection grant program.

(b) If the land placed in a conservation easement under the Kansas farm and ranch law protection grant program is taken for public use, then the state of Kansas shall be paid from the settlement moneys an amount equal to the amount the state contributed under this act.”;

By renumbering the remaining sections accordingly;

Also on page 6, in line 12, by striking “There” and inserting “On July 1, 2007, there”; in line 15, by striking “0.015%” and inserting “1.5%”; in line 17, by striking “assessor” and inserting “appraiser”; in line 19, by striking all following “be”; in line 20, by striking “assessor” and inserting “determined by the county clerk and the certified amount shall be provided to the county treasurer for collection”; in line 23, by striking all following “(1)”;

by striking all in lines 24 and 25; in line 26, by striking all preceding the period and inserting “There is hereby established in the state treasury the agricultural land conservation program fund. Moneys in the fund shall be expended only for the administration, costs and the purchase of permanent conservation easements on agricultural lands. Moneys may be used for matching grants with federal agencies or private entities to conserve agricultural lands, but may not be used to acquire fee title to land”; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2867** be amended on page 1, in line 28, by striking all following the period; in line 29, by striking all preceding “class” and inserting “The”; in line 38, by striking all following the “(2)”;

in line 39, by striking all preceding “hazard” and inserting “Each”; in line 43, by striking all following “(3)”;

On page 2, in line 1, by striking all preceding “hazard” and inserting “Each”; in line 5, by striking all following “(4)”; by striking all in lines 6 through 17; in line 18, by striking “(5)”;

By renumbering the subsections accordingly;

On page 3, preceding line 10, by inserting:

“(d) To facilitate dam safety compliance and conduct accurate dam risk analysis, the chief engineer shall utilize all maps available from state or federal sources to create breach inundation maps for existing dams.”;

Also on page 3, in line 25, following “shall” by inserting “inspect but”; in line 27, following “property” by inserting “normally”; in line 28, following “endangered” by inserting “in the breach inundation zone”; in line 29, following the period by inserting “The chief engineer shall obtain written certification that the dam owner acknowledges the risk and accepts such risk.”; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2875** be amended on page 2, in line 13, by striking “or for existing works previously inspected”; in line 16, by striking all after the period; by striking all in line 17; in line 18, by striking all before “Failure”; after line 22, by inserting the following:

“(e) Upon examination of the diversion works the chief engineer or the chief engineer’s duly authorized representative shall, within 90 days, notify the applicant of the results, including any requested changes. If the chief engineer fails to examine the diversion works within two years of the notice of completion for a sand and gravel pit, the applicant shall not be required to forfeit priority date as a result of any requested changes.”;

And by relettering the subsections accordingly; and the bill be passed as amended.

Committee on **Environment** recommends **HCR 5030** be amended by substituting a new concurrent resolution to be designated as “Substitute for HOUSE CONCURRENT RESOLUTION No. 5030,” as follows:

“Substitute for HOUSE CONCURRENT RESOLUTION No. 5030

By Committee on Environment

“A CONCURRENT RESOLUTION urging the federal government to lift the moratorium on offshore drilling for oil and natural gas.”; and the substitute concurrent resolution be adopted.

(**Sub. HCR 5030** was thereupon introduced and read by title.)

Committee on **Governmental Organization and Elections** recommends **HB 2719** be amended on page 3, after line 22, by inserting the following:

“(6) The provisions of this subsection shall not apply to hearings conducted pursuant to K.S.A. 72-8901 et seq., and amendments thereto.”; and the bill be passed as amended.

Committee on **Governmental Organizations and Elections** recommends **HB 2810** be amended on page 1, in line 19, after the stricken material, by inserting “, or more,”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2659** be amended on page 1, in line 34, by striking “Such” and inserting “For owner’s policies of title insurance and loan policies of title insurance insuring purchase money mortgages, such”; in line 37, by striking “for a minimum”; in line 38, by striking “period of 25 consecutive years”; in line 40, before the period by inserting “for a minimum period of 25 years, or from the date of the previously issued title insurance policy, whichever period is less”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2576** be amended on page 1, in line 19, by striking “A persistent” and inserting “An aggravated habitual sex”; in line 35, by striking “Persistent” and inserting “Aggravated habitual sex”; in line 36, preceding the semicolon, by inserting “, as described in paragraphs (3)(A) through (3)(J) or (3)(L)”;

On page 2, preceding line 36, by inserting:

“(d) The sentencing provisions of this section shall expire on and after January 1, 2012.

New Sec. 2. (a) If a defendant is charged with (1) Aggravated trafficking, as defined in K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age; (2) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto; (3) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto; (4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto; (5) promoting prostitution, as

defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age; (6) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto; or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in parts (1) through (6); the county or district attorney shall file written notice if such attorney intends, upon conviction of the defendant, to request a separate sentencing proceeding to determine whether the defendant should be sentenced for an off-grid person felony with imprisonment for life and who shall not be eligible for probation or suspension, modification or reduction of sentence. Except as otherwise provided, in addition, a defendant sentenced pursuant to this section shall not be eligible for parole prior to serving 25 years' imprisonment, and such 25 years' imprisonment shall not be reduced by the application of good time credits. Such notice shall be filed with the court and served on the defendant or the defendant's attorney not later than five days after the time of arraignment.

(b) If such notice is not filed and served as required by subsection (a), the county or district attorney may not request such a sentencing proceeding and the defendant, if convicted of (1) Aggravated trafficking, as defined in K.S.A. 2005 Supp. 21-3447, and amendments thereto, if the victim is less than 14 years of age, shall be sentenced to a severity level 1, person felony; (2) rape, as defined in subsection (a)(2) of K.S.A. 21-3502, and amendments thereto, shall be sentenced to a severity level 1, person felony; (3) aggravated indecent liberties with a child, as defined in subsection (a)(3) of K.S.A. 21-3504, and amendments thereto, shall be sentenced to a severity level 3, person felony; (4) aggravated criminal sodomy, as defined in subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto, shall be sentenced to a severity level 2, person felony; (5) promoting prostitution, as defined in K.S.A. 21-3513, and amendments thereto, if the prostitute is less than 14 years of age, shall be sentenced to a severity level 6, person felony; (6) sexual exploitation of a child, as defined in subsection (a)(5) or (a)(6) of K.S.A. 21-3516, and amendments thereto, shall be sentenced to a severity level 5, person felony; or (7) an attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto, of an offense defined in parts (1) through (6), shall be sentenced pursuant to the provisions of K.S.A. 21-3301, 21-3302 or 21-3303, and amendments thereto.

(c) Upon conviction of a defendant of a crime described in subsection (a)(1) through (a)(7), the court, upon motion of the county or district attorney, shall conduct a separate sentencing proceeding to determine whether the defendant shall be sentenced to imprisonment for life. The proceeding shall be conducted by the trial judge before the trial jury as soon as practicable. If any person who served on the trial jury is unable to serve on the jury for the sentencing proceeding, the court shall substitute an alternate juror who has been impaneled for the trial jury. If there are insufficient alternate jurors to replace trial jurors who are unable to serve at the sentencing proceeding, the trial judge may summon a special jury of 12 persons which shall determine the question of whether a sentence of imprisonment for life shall be imposed. Jury selection procedures, qualifications of jurors and grounds for exemption or challenge of prospective jurors in criminal trials shall be applicable to the selection of such special jury. The jury at the sentencing proceeding may be waived in the manner provided by K.S.A. 22-3403, and amendments thereto, for waiver of a trial jury. If the jury at the sentencing proceeding has been waived or the trial jury has been waived, the sentencing proceeding shall be conducted by the court.

(d) In the sentencing proceeding, evidence may be presented concerning any matter that the court deems relevant to the question of sentence and shall include matters relating to any of the aggravating circumstances enumerated in section 3, and amendments thereto, and any mitigating circumstances pursuant to section 4, and amendments thereto. Any such evidence which the court deems to have probative value may be received regardless of its admissibility under the rules of evidence, provided that the defendant is accorded a fair opportunity to rebut any hearsay statements. Only such evidence of aggravating circumstances as the state has made known to the defendant prior to the sentencing proceeding shall be admissible, and no evidence secured in violation of the constitution of the United States or of the state of Kansas shall be admissible. No testimony by the defendant at the sentencing proceeding shall be admissible against the defendant at any subsequent criminal

proceeding. At the conclusion of the evidentiary presentation, the court shall allow the parties a reasonable period of time in which to present oral argument.

(e) At the conclusion of the evidentiary portion of the sentencing proceeding, the court shall provide oral and written instructions to the jury to guide its deliberations.

(f) If, by unanimous vote, the jury finds beyond a reasonable doubt that one or more of the aggravating circumstances enumerated in section 3, and amendments thereto, exist and, further, that the existence of such aggravating circumstances outweighs any mitigating circumstances which are found to exist, the defendant shall be sentenced to imprisonment for life; otherwise, the defendant shall be sentenced as provided in subsection (b). The jury, if its verdict is a unanimous recommendation of a sentence of imprisonment for life, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstances which it found beyond a reasonable doubt. If, after a reasonable time for deliberation, the jury is unable to reach a verdict, the judge shall dismiss the jury and impose a sentence as provided in subsection (b) and shall commit the defendant to the custody of the secretary of corrections. In nonjury cases, the court shall follow the requirements of this subsection in determining the sentence to be imposed.

(g) Upon sentencing a defendant pursuant to this section, the court shall commit the defendant to the custody of the secretary of corrections and the court shall state in the sentencing order of the judgment form or journal entry, whichever is delivered with the defendant to the correctional institution, that the defendant has been sentenced pursuant to this section.

(h) The sentencing provisions of this section shall expire on January 1, 2012.

New Sec. 3. Aggravating circumstances shall be limited to the following:

(a) The victim suffered substantial bodily injury.

(b) The defendant has an extensive prior history of such offenses. Extensive prior history may be dependent on the number of victims, length of involvement, number of incidents, or continued involvement subsequent to arrest.

(c) The offense was characterized by extreme cruelty or depravity.

(d) The victim was unusually vulnerable.

(e) There existed a relationship of special trust between the defendant and the victim or the defendant was in a position of authority over the victim.

(f) The sex crime was committed upon one victim by two or more persons, acting in concert with the defendant.

(g) The sex crime was committed by a person while serving a sentence for a conviction of a sex crime, or while subject to any provision of a diversion, suspended sentence, post-release supervision or parole for a conviction of a sex crime.

(h) The defendant has previously failed to complete treatment or has completed treatment and reoffended.

New Sec. 4. Mitigating circumstances shall include, but are not limited to, the following:

(a) The defendant has no significant history of prior criminal activity.

(b) The crime was committed while the defendant was under the influence of extreme mental or emotional disturbances.

(c) The victim was a participant in or consented to the defendant's conduct.

(d) The victim was an accomplice in the crime committed by another person, and the defendant's participation was relatively minor.

(e) The defendant acted under extreme distress or under the substantial domination of another person.

(f) The capacity of the defendant to appreciate the criminality of the defendant's conduct or to conform the defendant's conduct to the requirements of law was substantially impaired.

(g) The age of the defendant at the time of the crime.”;

By renumbering the remaining sections accordingly;

On page 4, in line 4, by deleting all following “supervision”; by striking all in lines 5 through 15; in line 16, by striking all preceding the period; in line 43, by striking “Aggravated” and inserting “Commencing July 1, 2006, and ending December 31, 2011, aggravated”;

On page 5, in line 27, by striking “Rape” and inserting “Commencing July 1, 2006, and ending December 31, 2011, rape”; in line 28, following the period by inserting “On and

after January 1, 2012, rape as described in subsection (a)(2) is a severity level 1, person felony.”;

On page 6, in line 14, by striking “Aggravated” and inserting “Commencing July 1, 2006, and ending December 31, 2011, aggravated”; in line 15, following the period by inserting “On and after January 1, 2012, aggravated indecent liberties with a child as described in subsection (a)(3) is a severity level 3, person felony.”; in line 34, by striking “Aggravated” and inserting “Commencing July 1, 2006, and ending December 31, 2011, aggravated”; in line 36, following the period by inserting “On and after January 1, 2012, aggravated criminal sodomy as described in subsection (a)(1) or (a)(2) is a severity level 2, person felony.”;

On page 7, in line 18, by striking “Promoting” and inserting “Commencing July 1, 2006, and ending December 31, 2011, promoting”; in line 19, following the period by inserting “On and after January 1, 2012, promoting prostitution is a severity level 6, person felony.”;

On page 8, in line 27, by striking “Sexual” and inserting “Commencing July 1, 2006, and ending December 31, 2011, sexual”; in line 29, following the period by inserting “On and after January 1, 2012, sexual exploitation of a child as described in subsection (a)(5) or (a)(6) is a severity level 5, person felony.”;

On page 9, in line 20, by striking “Aiding” and inserting “Commencing July 1, 2006, and ending December 31, 2011, aiding”; in line 21, following the period by inserting “On and after January 1, 2012, aiding a person required to register under the Kansas offender registration act is a class C misdemeanor.”;

On page 12, by striking all in lines 2 through 43;

By striking all on pages 13 and 14;

On page 15, by striking all in lines 1 through 9;

By renumbering the remaining sections accordingly;

On page 18, in line 24, by striking “and, subsection (b)(3) of K.S.A. 21-3412a,”; in line 36, by striking “, subsection (b)(3) of K.S.A. 21-3412a”;

On page 19, in line 41, by striking “The” and inserting “Commencing July 1, 2006, and ending December 31, 2011, the”;

On page 21, in line 3, by striking “subsection (b)”;

in line 4, by striking all preceding the comma, where it first appears, and inserting “section 2”;

in line 5, following “2006,” by inserting “through December 31, 2011,”;

in line 15, by striking “subsection”;

in line 16, by striking all preceding the comma, where it first appears, and inserting “section 2”;

in line 17, following “2006,” by inserting “through December 31, 2011,”;

in line 21, by striking all preceding the comma, where it first appears, and inserting “section 2”;

in line 22, following “2006,” by inserting “through December 31, 2011,”;

On page 22, following line 32, by inserting:

“(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.”;

On page 26, in line 29, by striking the comma and inserting “or”; in line 30, by striking all following “felony”; in line 31, by striking “ments thereto”;

On page 29, in line 1, preceding “is” by inserting “commencing July 1, 2006, and ending December 31, 2011.”; in line 2, preceding the period by inserting “and on and after January 1, 2012, is guilty of a severity level 10, nonperson felony”; also in line 2, by striking all following the period; by striking all in lines 3 through 7;

On page 34, by striking all in lines 33 through 43;

On page 35, by striking all in lines 1 through 20; preceding line 21, by inserting the following:

“(8) (A) Establish the sex offender policy board to consult and advise the council concerning issues and policies pertaining to the treatment, sentencing, rehabilitation, reintegration and supervision of sex offenders.

(B) The sex offender policy board shall consist of the secretary of corrections, the commissioner of juvenile justice, the secretary of social and rehabilitation services, the director of the Kansas bureau of investigation and the chief justice of the supreme court or the chief justice’s designee and three persons appointed by the criminal justice coordinating council. Of the persons appointed by the criminal justice coordinating council, one shall be a mental health service provider, one shall be engaged in the provision of services involving child

welfare or crime victims and one shall be an advocate against sexual assault and domestic violence.

(C) Each member of the board shall receive compensation, subsistence allowances, mileage and other expenses as provided for in K.S.A. 75-3223, and amendments thereto, except that the public members of the board shall receive compensation in the amount provided for legislators pursuant to K.S.A. 75-3212, and amendments thereto, for each day or part thereof actually spent on board activities. No per diem compensation shall be paid under this subsection to salaried state, county or city officers or employees.

(D) The sex offender policy board shall elect a chairperson from its membership and shall meet upon the call of its chairperson as necessary to carry out its duties.

(E) Each appointed member of the sex offender policy board shall be appointed for a term of two years and shall continue to serve during that time as long as the member occupies the position which made the member eligible for the appointment. Each member shall continue in office until a successor is appointed and qualifies. Members shall be eligible for reappointment, and appointment may be made to fill an unexpired term.

(F) The sex offender policy board shall collect information and research concerning the potential utilization of electronic monitoring devices, specifically including devices capable of utilizing global positioning satellite (GPS) technology, for the purposes of monitoring and tracking the locations of offenders placed on bond, probation, parole, postrelease supervision and individuals subject to civil commitment of sexually violent predators, pursuant to K.S.A. 59-29a01, and amendments thereto, who have been placed on conditional or transitional release. On or before July 1, 2007, the task force shall submit its findings and recommendations in writing to the sex offender policy board. Such report shall include, but not be limited to: (1) An evaluation of the effectiveness of such electronic monitoring devices regarding abilities to track and record the geographic location of a monitored individual at any given point in time; (2) a cost-benefit analysis of the financial costs involved in obtaining, monitoring and providing on-going maintenance for various electronic monitoring devices or systems as compared to the potential benefit of increased ability to locate, track and supervise monitored individuals; (3) a cost-benefit analysis comparing the costs of purchase of electronic monitoring equipment and the equipment and software necessary for tracking monitored individuals by governmental agencies to operate independently versus contracting with vendors to provide the necessary equipment and services; and (4) an analysis by geographic region within the state of Kansas detailing areas where, due to geography or lack of necessary infrastructure such as radio transmission towers, electronic monitoring may be more or less effective. Subject to appropriations therefore or other available funding, the board may contract with other entities to provide evaluation and comparison studies or other resources necessary to aid in the development of the report mandated by this paragraph.

(G) The sex offender policy board shall:

(i) Collect and review information and research concerning the creation of defined protected areas, including, but not limited to, schools, parks, libraries and childcare facilities, that sex offenders would be prohibited from entering except in limited and safe circumstances;

(ii) collect and review information and research concerning the identification of a competent assessment performed by trained persons acting on behalf of the state by which offenders intended to be subjected to residential restrictions might be identified and any such restrictions realistically and effectively enforced. The assessment shall be directed at applying the statutory restriction only to those offenders that present an actual risk in protected areas to children with whom the offender has no prior relationship; and

(iii) make recommendations regarding other measures, including educational programs for children, parents, the community and the workplace, targeted at prevention, early intervention and keeping children safe from all offenders.

(H) The board shall submit its reports to the criminal justice coordinating council and 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.

(i) The board shall submit a report regarding public notification pertaining to sex offenders, restrictions on the residence of released sex offenders, utilization of electronic moni-

toring, and the management of juvenile sex offenders by the first day of the 2007 legislative session.

(ii) The board shall submit a report regarding treatment and supervision standards for sex offenders, suitability of lifetime release supervision and safety education and prevention strategies for the public and the task force report submitted in paragraphs (F) and (G) by the first day of the 2008 legislative session.

(iii) The board shall submit reports regarding any other studies, issues or policy recommendations as completed. 3

Sec. 23. K.S.A. 2005 Supp. 21-3412a is hereby amended to read as follows: 21-3412a. (a) Domestic battery is:

(1) Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a *severity level 10*, person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. ~~The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.~~

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section

prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

Sec. 24. K.S.A. 2005 Supp. 21-3510 is hereby amended to read as follows: 21-3510. (a) Indecent solicitation of a child is:

(1) Enticing or soliciting a child 14 or more years of age but less than 16 years of age or a person the defendant believed was a child 14 or more years of age but less than 16 years of age to commit or to submit to an unlawful sexual act; or

(2) inviting, persuading or attempting to persuade a child 14 or more years of age but less than 16 years of age or a person the defendant believed was a child 14 or more years of age but less than 16 years of age to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the child.

(b) *Except as provided further*, indecent solicitation of a child is a severity level 6, person felony. *If the offender has previously been convicted of subsection (a)(1) or subsection (a)(1) of K.S.A. 21-3511, and amendments thereto, indecent solicitation of a child is a severity level 4, person felony.*

(c) *As used in this section, "enticing", "soliciting", "inviting", "persuading" or "attempting to persuade" shall include, but not be limited to, communication through the internet.*

Sec. 25. K.S.A. 2005 Supp. 21-3511 is hereby amended to read as follows: 21-3511. (a) Aggravated indecent solicitation of a child is:

~~(a)~~ (1) Enticing or soliciting a child under the age of 14 years or a person the defendant believed was a child under the age of 14 years to commit or to submit to an unlawful sexual act; or

~~(b)~~ (2) inviting, persuading or attempting to persuade a child under the age of 14 years or a person the defendant believed was a child under the age of 14 years to enter any vehicle, building, room or secluded place with intent to commit an unlawful sexual act upon or with the child.

(b) *Except as provided further*, aggravated indecent solicitation of a child is a severity level 5, person felony. *If the offender has previously been convicted of subsection (a)(1) or subsection (a)(1) of K.S.A. 21-3510, and amendments thereto, aggravated indecent liberties with a child is a severity level 4, person felony.*

(c) *As used in this section, "enticing", "soliciting", "inviting", "persuading" or "attempting to persuade" has the meaning ascribed thereto in K.S.A. 21-3510, and amendments thereto.*

Sec. 26. K.S.A. 22-3436 is hereby amended to read as follows: 22-3436. ~~On and after July 1, 1991,~~ If a defendant is charged with a crime pursuant to article 34, 35 or 36 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto;

(a) The prosecuting attorney, as defined in K.S.A. 22-2202, and amendments thereto, shall: (1) inform the victim or the victim's family: ~~(a)~~ before any dismissal or declining of prosecuting charges; ~~and (b)~~ (2) inform the victim or the victim's family of the nature of any proposed plea agreement; and (3) inform and give notice to the victim or the victim's family of the rights established in subsection (b);

(b) *The victim of a crime or the victim's family have the right to be present at any hearing where a plea agreement is reviewed or accepted and the parties may submit written arguments to the court prior to the date of the hearing.*

Sec. 27. K.S.A. 2005 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.

(c) “Dean” means the dean of the division of continuing education of the university of Kansas.

(d) “Director,” as created in K.S.A. 74-5603 and amendments thereto, means the director of police training at the law enforcement training center.

(e) “Law enforcement” means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(f) “Police officer” or “law enforcement officer” means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff’s office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official’s elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice, the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person’s office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(g) “Full-time” means employment requiring at least 1,000 hours of law enforcement related work per year.

(h) “Part-time” means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(i) “Misdemeanor crime of domestic violence” means a violation of domestic battery as provided by *subsection (b)(1) or (b)(2) of K.S.A. 2005 Supp. 21-3412a* and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(j) “Auxiliary personnel” means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff’s department, including reserve officers, posses and search and rescue groups.”;

And by renumbering the remaining sections accordingly;

Also on page 35, in line 26, by striking “and” where it appears the first time, and inserting a comma; also in line 26, following “and” where it appears the second time by inserting “22-3436 and”; in line 27, following “Supp.” by inserting “21-3412a,”; also in line 27, preceding “21-3516” by inserting “21-3510, 21-3511.”; also in line 27 by striking “21-4635, 21-” in line 28, by striking all preceding “21-4704”; also in line 28, preceding “and” by inserting “ , 74-5602”;

In the title, in line 10, by striking “persistent” and inserting “aggravated habitual sex”; also in line 10, by striking “man-”; in line 11, by striking “datory”; also in line 11, following the semicolon, by inserting “domestic battery; plea agreements;”; in line 14, by striking “and” where it appears the first time and inserting a comma; also in line 14, following “21-4625” by inserting “and 22-3436”; also in line 14, following “Supp.” by inserting “21-3412a,”; in line 15, preceding “21-3516” by inserting “21-3510, 21-3511,”; also in line 15, by striking “21-4635, 21-4638,”; in line 16, following “22-4906” by inserting “, 74-5602”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2706** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2706,” as follows:

“Substitute for HOUSE BILL No. 2706

By Committee on Judiciary

“AN ACT concerning contempt of court; relating to driver’s license restrictions and suspensions; amending K.S.A. 2005 Supp. 20-1204a and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2706** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2893** be amended on page 1, in line 12, by striking all after “(a)”; by striking all in lines 13 and 14 and inserting “Except as otherwise provided in this section,”; in line 16, by striking all after “patrol”; by striking all in line 17; in line 18, by striking all before the period and inserting “shall be liable to pay a health care provider for health care services rendered to persons in the custody of such agencies the lesser of the actual amount billed by such health care provider or the medicaid rate”; in line 25, by striking all after “(b)”; by striking all in lines 26 through 34 and inserting “Nothing in this section shall prevent a county or city law enforcement agency, a county department of corrections, the Kansas highway patrol or such agencies authorized vendors from entering into agreements with health care providers for the provision of health care services at terms, conditions and amounts which are different than the medicaid rate.

(c) It shall be the responsibility of the custodial county or city law enforcement agency, county department of corrections or the Kansas highway patrol or such agencies’ agents, to determine, under agreement with the Kansas health policy authority, the amount payable for the services provided and to communicate that determination along with the remittance advice and payment for the services provided.

(d) Nothing in this section shall be construed to create a duty on the part of a health care provider to render health care services to a person in the custody of a county or city law enforcement agency, a county department of corrections or the Kansas highway patrol.”;

Also on page 1, in line 35, by striking “(c)” and inserting “(e) As used in this section: (1)”; in line 36, by striking “or the be-”; in line 37, by striking all before the comma; in line 40, after the second comma, by inserting “a person licensed by the behavioral sciences regulatory board,”;

On page 2, after line 22, by inserting the following:

“(2) “Medicaid rate” means the terms, conditions and amounts a health care provider would be paid for health care services rendered pursuant to a contract or provider agreement with the Kansas health policy authority.”;

Also on page 2, in line 23, by striking “ar-”; in line 24, by striking all before “shall”; in line 36, by striking “arresting”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2878** be passed.

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 2979, An act concerning teachers; relating to licensure; amending K.S.A. 2005 Supp. 72-1388 and repealing the existing section, by Select Committee on School Finance.

HB 2980, An act relating to purchases and payments by certain state educational institutions; providing for a pilot project relating thereto, by Committee on Appropriations.

HB 2981, An act concerning income taxation; relating to compensation of certain persons serving in armed forces; amending K.S.A. 79-3221 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Taxation.

HB 2982, An act enacting the Kansas intrastate emergency mutual aid act; providing for a system of intrastate mutual aid between participating political subdivisions in cases of declared disasters and drills and exercises in preparation for such disasters, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **HB 2864** from Committee on Higher Education and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 149; Sub. SB 338; SB 350, SB 394, SB 404, SB 436, SB 442, SB 444, SB 498, SB 499, SB 503, SB 544, SB 550, SB 555.**

Announcing passage of **HB 2485**, as amended; **HB 2590**, as amended.

Announcing adoption of **SCR 1618**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 149; Sub. SB 338; SB 350, SB 394, SB 404, SB 436, SB 442, SB 444, SB 498, SB 499, SB 503, SB 544, SB 550, SB 555; SCR 1618.

REPORT ON ENGROSSED BILLS

HB 2578, HB 2712, HB 2757 reported correctly engrossed February 21, 2006.

HB 2284 reported correctly re-engrossed February 21, 2006.

Also, **HB 2696, HB 2836** reported correctly engrossed February 22, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, February 23, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

