

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 23, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Jeff Hiers, pastor, Wilroads Gardens Christian Church,
Dodge City, and guest of Rep. George:

Heavenly Father,

We thank you for the gift of life and the gift of this day. As these men and women assemble here today, give them the strength, courage and compassion to do the hard work of leadership. May they have the patience to listen, the wisdom to make decisions, the faith to act, the love to put others before self. I also ask your blessing upon their families, many of whom make many sacrifices so that these might serve. We thank you this day for this great state, this great country in which we live. In the name of the God of heaven. Amen.

The Pledge of Allegiance was led by Rep. Colloton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2983, An act concerning sales taxation; relating to countywide retailers' sales tax; Johnson county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2984, An act prohibiting certain persons from registering as lobbyists; amending K.S.A. 2005 Supp. 46-265 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2974**, **HB 2978**; **SB 394**, **SB 503**.

Commerce and Labor: **HB 2973**, **HB 2975**.

Education: **SCR 1618**.

Federal and State Affairs: **HB 2976**; **SB 555**.

Governmental Organization and Elections: **SB 498**, **SB 499**.

Health and Human Services: **HB 2977**.

Higher Education: **SB 436**.

Insurance: **Sub. SB 149**, **Sub. SB 338**; **SB 442**.

Judiciary: **SB 550**.

Taxation: **HB 2972**; **SB 404**, **SB 444**.

Transportation: **SB 544**.

Utilities: **SB 350**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, appearing on the Calendar as "To Be Referred," were referred to committees as indicated:

Appropriations: **HB 2980**.
 Education: **HB 2979**.
 Federal and State Affairs: **HB 2982**.
 Taxation: **HB 2981**.

CONSENT CALENDAR

No objection was made to **HB 2786**, **HB 2796** appearing on the Consent Calendar for the first day.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2414, An act concerning crimes and punishments; amending K.S.A. 2005 Supp. 21-3413, 21-3415 and 21-4704 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2432, An act concerning real property; relating to recreational trails; liability of adjacent property owners; amending K.S.A. 58-3214 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, 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, Knox, Krehbiel, Kuether, Landwehr, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Crow, Dillmore, Kirk, Lane, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2554. An act concerning criminal procedure; relating to the collection of DNA specimens; creating the DNA database fund; amending K.S.A. 2005 Supp. 21-2511 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, 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, Pottorff, Powell, Powers, 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: Carter, Crow, Flora, Kelley, Kuether, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Sub. HB 2561. An act concerning wildlife and parks; relating to the Kansas wildlife and parks commission; also relating to lifetime hunting licenses; also relating to qualifications of the secretary; amending K.S.A. 32-805 and K.S.A. 2005 Supp. 32-801 and K.S.A. 2005 Supp. 32-930 and 32-988 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 18; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, 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, Landwehr, Light, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Davis, Dillmore, Flaharty, Flora, Henderson, Kuether, Lane, Loganbill, Long, Mah, Menghini, Storm, Svaty, Thull, Treaster, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

HB 2607. An act concerning trusts; amending K.S.A. 58a-103, 58a-105, 58a-108, 58a-110, 58a-111, 58a-411, 58a-417, 58a-501, 58a-506, 58a-603, 58a-802, 58a-813 and 58a-1008 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2642. An act concerning energy; enacting the Kansas energy policy act; establishing the energy policy advisory group and prescribing the powers and duties thereof; amending K.S.A. 74-616 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 64; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bethell, Carlin, Carter, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Huntington, D. Johnson, Kiegerl, Kirk, Knox, Kuether, Lane, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Peterson, Phelps, Roth, Ruff, Ruiz, Sawyer, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Beamer, Brown, Brunk, Burgess, Burroughs, Carlson, Dahl, DeCastro, Decker, Edmonds, Faber, George, Goico, Gordon, Grange, Hayzlett, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Krehbiel, Landwehr, Light, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Vickrey, Watkins, Weber, Wolf.

Present but not voting: None.

Absent or not voting: None.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2642** because I believe that it is better to plan for the future, than to passively hope that things will turn out OK; that even more than educational opportunities, water and energy will determine the future of our state and people; and that the House and Senate members of the Special Joint Committee on Energy's recommendation for an energy planning process is the appropriate course of action.—TOM SLOAN

HB 2649. An act concerning health care; relating to a pain patient's bill of rights; amending K.S.A. 60-4403, 65-2837 and 65-2838 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, 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, Powers, 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: None.

Present but not voting: None.
 Absent or not voting: None.
 The bill passed, as amended.

HB 2667. An act concerning recreation systems; relating to members of recreation commissions; amending K.S.A. 2005 Supp. 12-1922 and 12-1926 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 13; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Colloton, Cox, Davis, Dillmore, Feuerborn, Humerickhouse, Hutchins, Loyd, O'Malley, Powers, Schwab, S. Sharp, Treaster.

Present but not voting: None.
 Absent or not voting: None.
 The bill passed, as amended.

HB 2710. An act concerning water; creating the water right transition assistance program, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 27; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Brown, Burroughs, Cox, Feuerborn, Flora, Goico, Gordon, Huebert, Huy, Kinzer, Kirk, Knox, Kuether, Landwehr, Long, Mast, Masterson, McCreary, F. Miller, Olson, Peck, Pilcher-Cook, Schwab, S. Sharp, Siegfried, Vickrey, Watkins.

Present but not voting: None.
 Absent or not voting: None.
 The bill passed, as amended.

HB 2720. An act concerning planning and zoning; relating to the approval of plats; amending K.S.A. 12-752 and repealing the existing section, was considered on final action.

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

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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: S. Sharp.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2752, An act concerning health care; relating to trauma facilities; amending K.S.A. 2005 Supp. 75-5665 and 75-5666 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Krehbiel, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2753, An act concerning workers compensation; relating to closure of claims; amend- ing K.S.A. 2005 Supp. 44-523 and repealing the existing section, was considered on final action.

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

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, Krehbiel, 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, Powers, 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, Wil- liams, Wolf, Yoder, Yonally.

Nays: Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2756, An act amending the Kansas storage tank act; providing for the reimbursement of certain expenses; establishing the Kansas essential fuels supply trust fund and the Kansas essential fuel supply trust fund compensation advisory board; amending K.S.A. 65-34,117 and K.S.A. 2005 Supp. 65-34,102 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, 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, 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, Powers, 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: Dillmore.

Present but not voting: Feuerborn.

Absent or not voting: None.

The bill passed, as amended.

HB 2809, An act concerning the unification of certain cities and counties; amending K.S.A. 2005 Supp. 19-205 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Sub. HB 2829, 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, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 62; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, B.

Sharp, S. Sharp, Sloan, Storm, Svaty, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

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

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: This bill was supposed to be about protecting all Kansans by insuring that every clinic would be subject to State inspection. What I didn't hear in yesterday's debate was that it allows any clinic to exempt itself from the entire bill. Was the intent to protect Kansans and insure that all clinics were inspected regularly or was it really about protecting the abortion clinics of Dr. Tiller and others who make big campaign contributions to many in this body as well as to our Governor?

Mr. Speaker, I vote NO on **Sub. HB 2829** and ask that others join with me.—BRENDA K. LANDWEHR, WILLA DECASTRO, JIM MORRISON, JASON WATKINS, C. FRANK MILLER, STEVE HUEBERT, EVERETT L. JOHNSON

MR. SPEAKER: **Sub. HB 2829** is the Nancy Kirk bill. Proponents were Nancy Kirk. Opponents were Chip Wheelen, Association of Osteopathic, Jerry Slaughter, Medical Society, Larry Buening, and Mark McCune, Board of Healing Arts. Opponents said this bill is unnecessary. They measure up.

There were also other proponents in the room. Representatives from NOW, Planned Parenthood and other abortion providers. They were influential in helping draft the legislation and by their silence, they spoke volumes. They want this bill, not because it will regulate them, but because it will continue to protect them. I vote NO on **Sub. HB 2829**.—PEGGY MAST

MR. SPEAKER: We vote no on **Sub. HB 2829** because in its present form it does not provide protection for the mothers and daughters of Kansas. Shall has been replaced with may and the resources to inspect all types of clinics of Kansas are less than we were told would be required to inspect a few abortion clinics last year. All the bill accomplishes as written is to provide cover for those who do not want abortion clinics inspected.—ARLEN SIEGFREID, BONNIE HUY, ANTHONY R. BROWN, JOE MCLELAND, RICHARD CARLSON, LANCE KINZER, DICK KELSEY, JUDY MORRISON, LYNNE OHARAH, ERIC CARTER, TY MASTERSON, STEVE BRUNK, S. MIKE KIEGERL

MR. SPEAKER: This bill establishes regulation of office-based surgery and other special medical procedures performed at physician clinics. The Kansas Board of Healing Arts already achieves patient safety and quality without this duplication. This is not cost-effective at a time when medical costs are growing a lot faster than the rate of inflation.

Patient safety in the non-hospital surgical settings of abortion clinics need to include regulations of basic cleanliness, safety and sanitation standards. This bill offers a way for abortion clinics to opt out from these inspections. I vote no on **Sub. HB 2829** as amended.—MARIO GOICO, JIM MORRISON, PATRICIA KILPATRICK, RAY MERRICK, KASHA KELLEY

MR. SPEAKER: It is with a heavy heart that I vote no. Voting for this bill will be supporting abortion clinic. At the end of all days you need to know you did all you could to protect our citizens and unborn. But the Huntington amendment with "may" for the inspection of clinics allows Abortion Clinics to escape inspection. This does not protect the women of Kansas. A vote for this bill allows abortion clinics to continue the Status Quo and inspected and unregulated.

So, now, I vote NO on **Sub. HB 2829**. If I vote yes I would support abortion clinics.—
ROBERT OLSON, VIRGIL PECK, JR.

MR. SPEAKER: I vote no on **Sub. HB 2829**. The language of this bill is disengenuine. It may require the Secretary of K.D.H.E. to oversee the inspection of certain clinics; however, it shall not be mandatory.—SHARI WEBER

MR. SPEAKER: This legislation doesn't protect Kansas citizens but instead is designed to be political cover for a governor who is a strong abortion advocate. Abortion clinics are being protected through the governor with the consequence of destroying women's health and putting their lives at risk. Instead of protecting women, this bill loads regulations and expenses unnecessarily onto medical clinics, thereby increasing medical costs to patients. I vote no on **Sub. HB 2829**.—MARY PILCHER-COOK

MR. SPEAKER: I vote YES on **Sub. HB 2829**. It has been criticized as an attempt to weaken regulation of abortion clinics. In fact the bill, as amended, provides stricter regulation and stronger enforcement than current law.

Sub. HB 2829 sets the state's abortion clinics as the first priority for surprise inspections. It establishes fines for safety violations. Unlike the earlier committee bill, this bill as amended provides injunctive authority to KDHE, allowing them to close facilities found violating the law. Facilities covered under the Joint Commission on Accreditation of Health Organizations are exempted at the request of Via Christi, but according to information we have received, adhere to strict standards.—JANICE L. PAULS, ED TRIMMER, JERRY HENRY, LOUIS RUIZ, TOM BURROUGHS, EBER PHELPS, JERRY WILLIAMS, JOSH SVATY, BILL FEUERBORN, STEVE LUKERT, TOM THULL, BOB GRANT, L. CANDY RUFF, DOUG GATEWOOD

PROTEST

MR. SPEAKER: In accordance with Article II, Section 10 of the Constitution, we vote yes on **Sub. HB 2829**. This bill directs the secretary of health and environment to provide regulations of ALL clinics and facilities where office-based invasive surgeries and special procedures are performed. As Legislators, it is one of our duties to look after the public health and safety of our citizens. Right to Life, Kansas, Inc., said it well, "We believe the safety and well being of all Kansans must be ensured. This must include **all** men, **all** women and **all** children who avail themselves of the services of any medical clinic." By applying these standards of regulation to all facilities where invasive surgical procedures are performed, we are thus fulfilling our duties. It actually provides for a more stringent regulation of facilities where abortions are performed. One section of the amendment mandates the inspection of abortion clinics first, as soon as possible after passage of the bill. We believe this bill provides for better safety and protection of patients using ANY AND ALL facilities performing surgical procedures.—LANA GORDON, JULIE MENGHINI, SYDNEY CARLIN, MELODY MCCRAY-MILLER, VALDENIA C. WINN, STEPHANIE SHARP, KAY WOLF, TERRIE HUNTINGTON, BONNIE SHARP, OLETHA FAUST-GOUDEAU, DEENA HORST, WARD LOYD

PROTEST

MR. SPEAKER: In accordance with Article 2, Section 10 of the Kansas Constitution, I hereby submit the following written protest on **Sub. HB 2829**:

This bill as it came to the floor of the House concerned abortion clinics and provided for regulation, licensing and standards for their operation. It also provided for penalties for violations and authorized injunctive actions.

Representative Terrie Huntington's amendment effectively "gutted" the contents of this bill and replaced it with language that purported to extend this type of regulation to all clinics and other facilities where office-based surgeries and other special procedures were performed.

After just over 2 hours of debate a vote was taken and the Huntington amendment was passed by a vote of 66-56.

Upon further examination of the amended bill the following language was discovered:

“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.”

After reviewing the requirements for accreditation by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), it was learned that *any office-based surgery facility could apply for this accreditation, including abortion clinics.*

The effect of Section 7 of this amended bill would exempt any and all office-based surgery facilities that applied and received JCAHO accreditation, including abortion clinics, from meeting any of the requirements of the bill.

The following information was obtained from the JCAHO website at: www.jcaho.org

Who is the Joint Commission?

The nation’s leading standards-setting and accrediting body in health care; focused on improving the quality and safety of care provided by health care organizations.

What is Accreditation?

A distinction given to an organization when its performance meets or exceeds the Joint Commission’s standards and quality expectations.

Eligibility For Survey

Office-Based Surgery Accreditation is designed primarily for a single office site with no more than four licensed independent practitioners:

- owned or operated by a physician-owned professional services corporation, private physician’s office, or group practice, (“physician” includes dentists and podiatrists)
- where operative or invasive procedures are performed by licensed independent practitioners who are employees or partners of the organization, and
- the procedures performed require minimal sedation, conscious sedation, or general anesthesia.

All office-based surgery practices must also meet the general eligibility requirements below:

- Your organization is providing patient care at one or more freestanding sites,
- Your organization has a process for assessing the quality of its services that involves reviews of care by clinicians who may be integral to or separate from the organization;
- Your organization is located within the United States or its territories or operated by the United States government or under a charter of the United States Congress or meets criteria for foreign organization’s eligibility; and
- When applying, you identify all services you provide and advise the Joint Commission as to whether each of these services are provided directly, under contract, or through some other arrangement.

Many different types of office practices should consider this new accreditation option, including oral surgeons, endoscopy suites, plastic surgery practices, and laser surgery clinics.

If you have more than one office site under the same ownership that meets all of the above criteria, or if you’re not sure if you would be eligible for this new option, call us at (630) 792-5259, or e-mail mdye@jcaho.org.

2005 Cost of Survey

Office-Based Surgery surveys are available for a flat fee of \$4,325 for a one-day, one-site survey. This amount includes all surveyor and other expenses.

If you have more than one office under the same ownership which meets our eligibility standards, the survey is extended for a second day at an additional cost of \$2,285.

For questions on accreditation survey pricing for office-based surgery, call (630) 792-5115.

What I heard yesterday at this microphone was how this legislation as amended was about protecting all of the people in Kansas and to insure that all clinics would be subject to State inspection.

What I did not hear was that this legislation would allow clinics to be exempted from the entire bill. Which raises the question - **was the intention to really protect and make sure that all clinics were inspected regularly and safe or was it about once again protecting the abortion clinics of Dr. Tiller and others who are very big campaign donors to many in this body as well as to the Governor of Kansas?**

If that was the intent, then I say shame on this body for not having full disclosure about who this bill really protects. It doesn't protect the people of Kansas —**it does protect people like Dr. Tiller and others.**

I am not aware of any other facilities we inspect to insure safety and protection such as nursing homes, day care, foster homes, and others that are allowed to be **exempted from State inspection and licensure.**

Even in the Appropriations Committee yesterday there was concern expressed that if Kansas allowed private prisons, would they be inspected? I am not as concerned about those individuals behind bars as I am about those that think they are walking into a clinic that has been inspected instead of a clinic that has been exempted from state inspections.

It was said on the floor of the house that this should not be a vote based on emotions and you're right, this is not about emotion. This is about honesty and integrity and I wish those that spoke in favor of this bill and voted for this bill would have at least shared with the body what was really in this bill.—BRENDA K. LANDWEHR, JASON P. WATKINS, JIM MORRISON, VIRGINIA BEAMER, KASHA KELLEY, TY MASTERSON

HB 2833. An act concerning the Kansas veterinary practice act; amending K.S.A. 47-824 and 47-840 and K.S.A. 2005 Supp. 47-816 and 47-825 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Krehbiel, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2835. An act concerning the Kansas veterinary practice act; amending K.S.A. 47-830 and 47-839 and K.S.A. 2005 Supp. 47-842 and repealing the existing sections, was considered on final action.

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

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, 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, Powers, 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: Landwehr.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2874. An act relating to transmission of money; providing for the regulation thereof; amending K.S.A. 9-508, 9-509, 9-510, 9-511, 9-512 and 9-513 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2899. An act concerning animals; relating to feral swine; penalties; amending K.S.A. 2005 Supp. 47-1809 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 10; Present but not voting: 0; Absent or not voting: 0.

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, 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, Kirk, Krehbiel, Kuether, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, 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, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Trimmer, Vickrey, Ward, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Freeborn, Gatewood, Henderson, Huebert, Knox, Lane, Mast, Treaster, Watkins, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2927. An act concerning cities; relating to the effective date of certain fees imposed under franchise ordinances, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Krehbiel, Kuetner, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2951. An act relating to road and highways; designating a portion of United States highway 36 the World War I veterans memorial highway; designating interstate highway 335 as the United States submarine veterans memorial highway, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, 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, Krehbiel, Kuetner, 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, Powers, 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: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2761, HB 2701, HB 2831, HB 2830, HB 2878** be passed.

HB 2938, Sub. HB 2825, HB 2739, HB 2645, HB 2719, HB 2810, HB 2576, HB 2659 be passed over and retain a placed on the calendar.

Committee report to **HB 2748** be adopted; and the bill be passed as amended.

Committee report to **HB 2159** be adopted; and the bill be passed as amended.

Committee report to **HB 2771** be adopted; and the bill be passed as amended.

Committee report to **HB 2858** be adopted; and the bill be passed as amended.

Committee report to **HB 2658** be adopted; and the bill be passed as amended.

Committee report to **HB 2788** be adopted; also, on motion of Rep. Huntington be amended on page 5, in line 33, by striking all before “or” and inserting “http://www.Kansas.gov/kbi”; and the bill be passed as amended.

Committee report to **HB 2707** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2916** be adopted; also, on motion of Rep. Owens to amend, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Yonally **HB 2839** be amended on page 3, after line 11, by inserting the following:

“New Sec. 2. (a) If a tenant is the victim of any crime set out in article 35 of chapter 21 of the Kansas Statutes Annotated, which crime occurred on the premises being rented, the tenant may terminate a rental agreement. Unless the rental agreement is a week-to-week tenancy, the tenant shall give written notice to the landlord stating that the tenancy shall terminate upon the periodic rent-paying date not less than 30 days after the receipt of the notice. A copy of the police report shall accompany the termination notice.

(b) If the rental agreement is terminated, the landlord shall return that portion of the security deposit recoverable by the tenant under K.S.A. 58-2550, and amendments thereto.

(c) This section shall be a part of and supplemental to the residential landlord and tenant act.”;

And by renumbering sections accordingly;

In the title, in line 10, before “amending” by inserting “relating to tenants who are victims of crimes;”

Also, on motion of Rep. Humerickhouse, **HB 2839** be rereferred to Committee on Commerce and Labor.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2688** be amended on page 5, in line 9, by striking “and”; in line 21, by striking the period and inserting “; and

(4) the private owner shall reimburse Kansas state agencies or political subdivisions of the state for all costs incurred by such entities with respect to the investigation, prosecution, detention, criminal defense or appellate litigation, without regard to whether conviction is obtained, of a Kansas or non-Kansas inmate charged with a crime resulting from criminal conduct allegedly committed within the private contract prison, or a non-Kansas inmate who escapes and allegedly commits criminal conduct.”; and the bill be passed as amended.

MESSAGE FROM THE SENATE

Announcing passage of **SB 220; Sub. SB 264; SB 340, SB 351, SB 354, SB 355, SB 366, SB 375, SB 414, SB 417, SB 432, SB 434, SB 435, SB 440, SB 451, SB 453, SB 459, SB 462, SB 465, SB 485, SB 491, SB 515, SB 536.**

Announcing passage of **HB 2609.**

Announcing passage of **HB 2555**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 220; Sub. SB 264; SB 340, SB 351, SB 354, SB 355, SB 366, SB 375, SB 414, SB 417, SB 432, SB 434, SB 435, SB 440, SB 451, SB 453, SB 459, SB 462, SB 465, SB 485, SB 491, SB 515, SB 536.

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.

MESSAGE FROM THE GOVERNOR

HB 2608, HB 2628, HB 2629, HB 2630, HB 2631 approved on February 23, 2006.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2932** be passed over and retain a place on the calendar.

Committee report to **HB 2893** be adopted; and the bill be passed as amended.

Committee report to **HB 2671** be adopted; and the bill be passed as amended.

Committee report to **HB 2645** be adopted; also, on motion of Rep. Huy be amended on page 4, in line 17, by striking "and" and inserting a comma; also in line 17, preceding the period, by inserting "and if the service is performed for an individual, photo identification of the owner"; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2706** be adopted; also, on motion of Rep. O'Neal be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 34 and inserting the following:

"New Section 1. (a) The secretary of revenue shall suspend a person's driving privileges pursuant to K.S.A. 8-255, and amendments thereto, upon request of the secretary of social and rehabilitation services if the secretary of social and rehabilitation services certifies, as provided in this section, that the person owes past due support or has failed to comply with a warrant or subpoena in a title IV-D case. The secretary of social and rehabilitation services shall provide the secretary of revenue identifying information about each person so certified.

(b) A suspension of driving privileges under this section shall continue until the secretary of social and rehabilitation services decertifies the person and the person meets requirements for receiving a driver's license.

(c) The secretary of social and rehabilitation services is authorized to certify a person to the secretary of revenue for suspension of the person's driving privileges if:

(1) The person owes past due support in a title IV-D case equal to or greater than \$500 or has failed, after appropriate notice, to comply with an outstanding warrant or subpoena directed to the person in a title IV-D case; and

(2) at least 30 days have elapsed from the date written notice of the proposed certification was mailed to the person and no timely request for review has been made or such review has been resolved in favor of the secretary of social and rehabilitation services.

(d) The secretary of social and rehabilitation services shall mail to the person a notice of the proposed certification to suspend driving privileges by certified mail, return receipt requested, addressed to the person at the person's last known address. The notice shall describe the basis of the proposed certification, compliance actions that the person may take to prevent certification, how the person may request a fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, the time frame the person shall meet to prevent certification, how the person may be decertified once certification occurs and how the person may obtain additional information.

(e) If, within the time frame stated in the notice, the person demonstrates to the secretary of social and rehabilitation services that the person has met applicable requirements of subsection (a) of section 2, and amendments thereto, the secretary shall not certify the person under this section so long as the person remains in compliance. Nothing in this subsection shall be construed to prevent the secretary from issuing a new notice of proposed certification if the person ceases to be in compliance, owes past due support equal to or greater than \$500 in a different title IV-D case or fails to comply with a different warrant or subpoena in a title IV-D case.

(f) If a timely request for fair hearing pursuant to K.S.A. 75-3306, and amendments thereto, is made, certification by the secretary of social and rehabilitation services shall be stayed pending resolution of the fair hearing.

(g) As used in this section, "title IV-D case" means a case being administered by the secretary of social and rehabilitation services pursuant to part D of title IV of the federal social security act (42 U.S.C. §651 et seq.).

New Sec. 2. (a) A person may prevent certification pursuant to subsection (e) of section 1, and amendments thereto, or may request decertification if:

(1) The arrearages are paid in full or a tribunal of competent jurisdiction has determined that no arrearage is owed;

(2) an income withholding order in the case has been served upon the person's current employer or payor;

(3) an agreement has been completed or an order has been entered setting minimum payments to defray the arrearage, together with receipt of the first minimum payment; or

(4) the person has complied with the warrant or subpoena or the warrant or subpoena has been quashed or withdrawn.

(b) The burden of showing that the applicable requirements of subsection (a) have been met shall be upon the person seeking to prevent certification or to be decertified. If the secretary of social and rehabilitation services is satisfied that the person has met the necessary requirements and the person has been certified pursuant to section 1, and amendments thereto, the secretary shall decertify the person immediately.

New Sec. 3. If a person previously certified pursuant to section 1, and amendments thereto, is decertified by the secretary of social and rehabilitation services, the secretary of revenue shall immediately terminate any proceedings under section 1, and amendments thereto, and, if the person's driving privileges have been suspended, may issue a driver's license to the person if the person meets requirements to receive a license. Nothing in this section shall be construed to prevent or stay any proceeding by the secretary of revenue to suspend, revoke or restrict the person's driving privileges on any other grounds.

New Sec. 4. (a) The secretary of social and rehabilitation services and the secretary of revenue may enter into an agreement for administering the provisions of sections 1 through 3, and amendments thereto, including time frames for implementation.

(b) The secretary of social and rehabilitation services and the secretary of revenue may each adopt rules and regulations necessary to carry out the provisions of sections 1 through 3, and amendments thereto.

Sec. 5. K.S.A. 8-255 is hereby amended to read as follows: 8-255. (a) The division is authorized to restrict, suspend or revoke a person's driving privileges upon a showing by its records or other sufficient evidence the person:

(1) Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(2) has been convicted of three or more moving traffic violations committed on separate occasions within a 12-month period;

(3) is incompetent to drive a motor vehicle;

(4) has been convicted of a moving traffic violation, committed at a time when the person's driving privileges were restricted, suspended or revoked; or

(5) is a member of the armed forces of the United States stationed at a military installation located in the state of Kansas, and the authorities of the military establishment certify that such person's on-base driving privileges have been suspended, by action of the proper military authorities, for violating the rules and regulations of the military installation governing the movement of vehicular traffic or for any other reason relating to the person's inability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) The division shall suspend a person's driving privileges when required by *section 1*, K.S.A. 8-262, 8-1014 ~~or, 41-727, and amendments thereto, and~~ or K.S.A. ~~2000~~ 2005 Supp. 21-3765, and amendments thereto, and shall disqualify a person's privilege to drive commercial motor vehicles when required by K.S.A. 8-2,142, and amendments thereto.

(c) When the action by the division restricting, suspending, revoking or disqualifying a person's driving privileges is based upon a report of a conviction or convictions from a convicting court, the person may not request a hearing but, within 30 days after notice of restriction, suspension, revocation or disqualification is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose

driving privileges have been restricted, suspended, revoked or disqualified by the division was not convicted of the offense upon which the restriction, suspension, revocation or disqualification is based. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the restriction, suspension, revocation or disqualification has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

(d) Upon restricting, suspending, revoking or disqualifying the driving privileges of any person as authorized by this act, the division shall immediately notify the person in writing. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, and ~~subsection subsections (c) of this section and (g)~~, if the person makes a written request for hearing within 30 days after such notice of restriction, suspension or revocation is mailed, the division shall afford the person an opportunity for a hearing as early as practical not sooner than five days nor more than 30 days after such request is mailed. If the division has not revoked or suspended the person's driving privileges or vehicle registration prior to the hearing, the hearing may be held within not to exceed 45 days. Except as provided by K.S.A. 8-1002 and 8-2,145, and amendments thereto, the hearing shall be held in the person's county of residence or a county adjacent thereto, unless the division and the person agree that the hearing may be held in some other county. Upon the hearing, the director or the director's duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require an examination or reexamination of the person. When the action proposed or taken by the division is authorized but not required, the division, upon the hearing, shall either rescind or affirm its order of restriction, suspension or revocation or, good cause appearing therefor, extend the restriction or suspension of the person's driving privileges, modify the terms of the restriction or suspension or revoke the person's driving privileges. When the action proposed or taken by the division is required, the division, upon the hearing, shall either affirm its order of restriction, suspension, revocation or disqualification, or, good cause appearing therefor, dismiss the administrative action. If the person fails to request a hearing within the time prescribed or if, after a hearing, the order of restriction, suspension, revocation or disqualification is upheld, the person shall surrender to the division, upon proper demand, any driver's license in the person's possession.

(e) In case of failure on the part of any person to comply with any subpoena issued in behalf of the division or the refusal of any witness to testify to any matters regarding which the witness may be lawfully interrogated, the district court of any county, on application of the division, may compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify in the court. Each witness who appears before the director or the director's duly authorized agent by order or subpoena, other than an officer or employee of the state or of a political subdivision of the state, shall receive for the witness' attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by the witness.

(f) The division, in the interest of traffic and safety, may establish driver improvement clinics throughout the state and, upon reviewing the driving record of a person whose driving privileges are subject to suspension under subsection (a)(2), may permit the person to retain such person's driving privileges by attending a driver improvement clinic. A person who is required to attend a driver improvement clinic shall pay a fee of \$15. Amounts received under this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the division of vehicles operating fund.

(g) When the action by the division suspending a person's driving privileges is based upon certification by the secretary of social and rehabilitation services pursuant to section 1, and amendments thereto, the person may not request a hearing but, within 30 days after notice of suspension is mailed, may submit a written request for administrative review and provide evidence to the division to show the person whose driving privileges have been suspended by the division is not the person certified by the secretary of social and rehabilitation services, did not receive timely notice of the proposed suspension from the secretary of social and

rehabilitation services or has been decertified by the secretary of social and rehabilitation services. Within 30 days of its receipt of the request for administrative review, the division shall notify the person whether the suspension has been affirmed or set aside. The request for administrative review shall not stay any action taken by the division.

Sec. 6. K.S.A. 2005 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which: (1) Relate to the physical or mental condition of any person; (2) have been expunged; or (3) are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses shall be available to criminal justice agencies, as defined in K.S.A. 22-4701, and amendments thereto, for use in criminal investigations or criminal proceedings *and to the secretary of social and rehabilitation services for the purposes of providing child support enforcement services pursuant to K.S.A. 39-753, and amendments thereto.* Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by K.S.A. 8-1567, and amendments thereto;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2005 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects,

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:

(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or

(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners; or

(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 7. K.S.A. 8-255 and K.S.A. 2005 Supp. 74-2012 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking all after “concerning”; by striking all in lines 10 and 11 and inserting “driver's licenses; relating to child support enforcement; amending K.S.A. 8-255 and K.S.A. 2005 Supp. 74-2012 and repealing the existing sections.”; and, **Sub. HB 2706** be passed as amended.

Committee report to **HB 2659** be adopted; and the bill be passed as amended.

On motion of Rep. S. Sharp, **HB 2938** be amended on page 7, following line 40, by inserting the following:

“Sec. 4. K.S.A. 40-3104 is hereby amended to read as follows: 40-3104. (a) Every owner shall provide motor vehicle liability insurance coverage in accordance with the provisions of this act for every motor vehicle owned by such person, unless such motor vehicle: (1) Is included under an approved self-insurance plan as provided in subsection (f); (2) is used as a driver training motor vehicle, as defined in K.S.A. 72-5015, and amendments thereto, in an approved driver training course by a school district or an accredited nonpublic school under an agreement with a motor vehicle dealer, and such motor vehicle liability insurance

coverage is provided by the school district or accredited nonpublic school; (3) is included under a qualified plan of self-insurance approved by an agency of the state in which such motor vehicle is registered and the form prescribed in subsection (b) of K.S.A. 40-3106, and amendments thereto, has been filed; or (4) is expressly exempted from the provisions of this act.

(b) An owner of an uninsured motor vehicle shall not permit the operation thereof upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of this act.

(c) No person shall knowingly drive an uninsured motor vehicle upon a highway or upon property open to use by the public, unless such motor vehicle is expressly exempted from the provisions of this act.

(d) Any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer. The law enforcement officer shall issue a citation to any person who fails to display evidence of financial security upon such demand. The law enforcement officer shall attach a copy of the insurance verification form prescribed by the secretary of revenue to the copy of the citation forwarded to the court.

No citation shall be issued to any person for failure to provide proof of financial security when evidence of financial security meeting the standards of subsection (e) is displayed upon demand of a law enforcement officer. Whenever the authenticity of such evidence is questionable, the law enforcement officer may initiate the preparation of the insurance verification form prescribed by the secretary of revenue by recording information from the evidence of financial security displayed. The officer shall immediately forward the form to the department of revenue, and the department shall proceed with verification in the manner prescribed in the following paragraph. Upon return of a form indicating that insurance was not in force on the date indicated on the form, the department shall immediately forward a copy of the form to the law enforcement officer initiating preparation of the form.

(e) Unless the insurance company subsequently submits an insurance verification form indicating that insurance was not in force, no person charged with violating subsections (b), (c) or (d) shall be convicted if such person produces in court, within 10 days of the date of arrest or of issuance of the citation, evidence of financial security for the motor vehicle operated, which was valid at the time of arrest or of issuance of the citation. For the purpose of this subsection, evidence of financial security shall be provided by a policy of motor vehicle liability insurance, an identification card or certificate of insurance issued to the policyholder by the insurer which provides the name of the insurer, the policy number and the effective and expiration dates of the policy, or a certificate of self-insurance signed by the commissioner of insurance. Upon the production in court of evidence of financial security, the court shall record the information displayed thereon on the insurance verification form prescribed by the secretary of revenue, immediately forward such form to the department of revenue, and stay any further proceedings on the matter pending a request from the prosecuting attorney that the matter be set for trial. Upon receipt of such form the department shall mail the form to the named insurance company for verification that insurance was in force on the date indicated on the form. It shall be the duty of insurance companies to notify the department within 30 calendar days of the receipt of such forms of any insurance that was not in force on the date specified. Upon return of any form to the department indicating that insurance was not in force on such date, the department shall immediately forward a copy of such form to the office of the prosecuting attorney or the city clerk of the municipality in which such prosecution is pending when the prosecuting attorney is not ascertainable. Receipt of any completed form indicating that insurance was not in effect on the date specified shall be prima facie evidence of failure to provide proof of financial security and violation of this section. A request that the matter be set for trial shall be made immediately following the receipt by the prosecuting attorney of a copy of the form from the department of revenue indicating that insurance was not in force. Any charge of violating subsection (b), (c) or (d) shall be dismissed if no request for a trial setting has been made within 60 days of the date evidence of financial security was produced in court.

(f) Any person in whose name more than 25 motor vehicles are registered in Kansas may qualify as a self-insurer by obtaining a certificate of self-insurance from the commissioner of insurance. The certificate of self-insurance issued by the commissioner shall cover such owned vehicles and those vehicles, registered in Kansas, leased to such person if the lease agreement requires that motor vehicle liability insurance on the vehicles be provided by the lessee. Upon application of any such person, the commissioner of insurance may issue a certificate of self-insurance, if the commissioner is satisfied that such person is possessed and will continue to be possessed of ability to pay any liability imposed by law against such person arising out of the ownership, operation, maintenance or use of any motor vehicle described in this subsection. A self-insurer shall provide liability coverage subject to the provisions of subsection (e) of K.S.A. 40-3107, and amendments thereto, arising out of the ownership, operation, maintenance or use of a self-insured motor vehicle in those instances where the lessee or the rental driver, if not the lessee, does not have a motor vehicle liability insurance policy or insurance coverage pursuant to a motor vehicle liability insurance policy or certificate of insurance or such insurance policy for such leased or rented vehicle. Such liability coverage shall be provided to any person operating a self-insured motor vehicle with the expressed or implied consent of the self-insurer.

Upon notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, the commissioner of insurance may cancel a certificate of self-insurance upon reasonable grounds. Failure to provide liability coverage or personal injury protection benefits required by K.S.A. 40-3107 and 40-3109, and amendments thereto, or pay any liability imposed by law arising out of the ownership, operation, maintenance or use of a motor vehicle registered in such self-insurer's name, or to otherwise comply with the requirements of this subsection shall constitute reasonable grounds for the cancellation of a certificate of self-insurance. Reasonable grounds shall not exist unless such objectionable activity occurs with such frequency as to indicate a general business practice.

Self-insureds shall investigate claims in a reasonably prompt manner, handle such claims in a reasonable manner based on available information and effectuate prompt, fair and equitable settlement of claims in which liability has become reasonably clear.

As used in this subsection, "liability imposed by law" means the stated limits of liability as provided under subsection (e) of K.S.A. 40-3107, and amendments thereto.

Nothing in this subsection shall preclude a self-insurer from pursuing all rights of subrogation against another person or persons.

(g) (1) Any person violating any provision of this section shall be guilty of a class B misdemeanor and shall be subject to a fine of not less than \$300 nor more than \$1,000 or confinement in the county jail for a term of not more than six months, or both such fine and confinement.

(2) Any person convicted of violating any provision of this section within three years of any such prior conviction shall be guilty of a class A misdemeanor and shall be subject to a fine of not less than \$800 nor more than \$2,500.

(h) In addition to any other penalties provided by this act for failure to have or maintain financial security in effect, the director, upon receipt of a report required by K.S.A. 8-1607 or 8-1611, and amendments thereto, or a denial of such insurance by the insurance company listed on the form prescribed by the secretary of revenue pursuant to subsection (d) of this section, shall, upon notice and hearing as provided by K.S.A. 40-3118, and amendments thereto:

(1) Suspend:

(A) The license of each driver in any manner involved in the accident;

(B) the license of the owner of each motor vehicle involved in such accident, unless the vehicle was stolen at the time of the accident, proof of which must be established by the owner of the motor vehicle. Theft by a member of the vehicle owner's immediate family under the age of 18 years shall not constitute a stolen vehicle for the purposes of this section;

(C) if the driver is a nonresident, the privilege of operating a motor vehicle within this state; or

(D) if such owner is a nonresident, the privilege of such owner to operate or permit the operation within this state of any motor vehicle owned by such owner; and

(2) revoke the registration of all vehicles owned by the owner of each motor vehicle involved in such accident.

(i) The suspension or revocation requirements in subsection (h) shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy as required by K.S.A. 40-3107, and amendments thereto, with respect to the vehicle involved in the accident;

(2) to the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy with respect to such driver's driving of vehicles not owned by such driver;

(3) to any self-insurer as defined by subsection (u) of K.S.A. 40-3103, and amendments thereto;

(4) to the driver or owner of any vehicle involved in the accident which was exempt from the provisions of this act pursuant to K.S.A. 40-3105, and amendments thereto;

(5) to the owner of a vehicle described in subsection (a)(2).

(j) (1) For the purposes of provisions (1) and (2) of subsection (i) of this section, the director may require verification by an owner's or driver's insurance company or agent thereof that there was in effect at the time of the accident an automobile liability policy as required in this act.

~~Any suspension or revocation effected hereunder shall remain in effect until satisfactory proof of financial security has been filed with the director as required by subsection (d) of K.S.A. 40-3118, and amendments thereto, and such person has been released from liability or is a party to an action to determine liability pursuant to which the court temporarily stays such suspension pending final disposition of such action, has entered into an agreement for the payment of damages, or has been finally adjudicated not to be liable in respect to such accident and evidence of any such fact has been filed with the director and has paid the reinstatement fee herein prescribed. Such reinstatement fee shall be \$100 except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act such fee shall be \$300.~~

(2) Subject to the provisions of subsection (k), any suspension or revocation effected hereunder shall remain in effect until such person:

(A) Has filed satisfactory proof of financial security with the director as required by subsection (d) of K.S.A. 40-3118 and amendments thereto;

(B) has paid the reinstatement fee herein prescribed; and

(C) (i) has been released from liability;

(ii) is a party to an action to determine liability pursuant to which the court temporarily stays such suspension pending final disposition of such action;

(iii) has entered into an agreement for the payment of damages; or

(iv) has been finally adjudicated not to be liable in respect to such accident and evidence of any such fact has been filed with the director.

(3) The reinstatement fee shall be \$100 except that if the registration of a motor vehicle of any owner is revoked within one year following a prior revocation of the registration of a motor vehicle of such owner under the provisions of this act such fee shall be \$300.

(k) (1) Whenever any person whose license has been suspended or revoked pursuant to this section is involved in an accident and has entered into an agreement with any driver, or such driver's insurer, who has been damaged or whose vehicle has been damaged to pay for such damage and such person defaults on payments under such agreement, the driver or the driver's insurer, as appropriate, shall notify the director within 60 days of the date of default.

(2) Upon receipt of the notice of default, the director shall immediately suspend such person's license and registration. If such person is a nonresident, the director shall immediately suspend such person's nonresident's privilege to operate a motor vehicle in this state.

(3) Except as provided in paragraph (4), such person's driver's license, registration and nonresident's operating privilege shall remain so suspended and shall not be renewed, nor shall any such license or registration be thereafter issued in the name of such person, including any such person not previously licensed, unless and until:

(A) the director receives notice payments under the agreement referred to in paragraph (1) have been resumed and that payments under such agreement are no longer in default;

(B) such person has filed satisfactory proof of financial responsibility with the director as required by subsection(d) of K.S.A. 40-3118 and amendments thereto; and

(C) the reinstatement fee required by subsection (j) has been paid.

(4) Upon due notice to the director that the conditions of paragraph (3) have been fulfilled, such person may obtain from the director an order restoring such person's driver's license, registration and nonresident's operating privilege to operate a motor vehicle in this state conditioned upon such person's continued compliance with the agreement referred to in paragraph (1).

(5) In the event such person fails to make any further payment under the agreement referred to in paragraph (1) when such payment is due, the director, upon receipt of notice of such default, shall immediately suspend the license, registration or nonresident's operating privilege of such person until all payments have been made under the agreement referred to in paragraph (1). No suspension of such person's license, registration or nonresident's privilege to operate a motor vehicle in this state shall be reinstated pursuant to paragraph (4).

~~(l)~~ (l) The provisions of this section shall not apply to motor carriers of property or passengers regulated by the corporation commission of the state of Kansas.

~~(m)~~ (m) The provisions of subsection (d) shall not apply to vehicle dealers, as defined in K.S.A. 8-2401, and amendments thereto, for vehicles being offered for sale by such dealers.”; And by renumbering remaining sections accordingly;

Also on page 7, in line 41, by striking “and” where it appears the first time and inserting a comma; also in line 41, following “8-287” by inserting “and 40-3104”;

In the title, in line 9, after the second semicolon, by inserting “relating to the automobile injury reparations act;”; in line 10, by striking “and” where it appears the first time and inserting a comma; also in line 10, following “8-287” by inserting “and 40-3104”; and **HB 2938** be passed as amended.

Committee report to **HB 2928** be adopted; and the bill be passed as amended.

Committee report to **HB 2556** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2867** be adopted; also, on motion of Rep. Svaty be amended on page 2, by striking all in lines 19 through 21; in line 22, by striking “(5)”;

By renumbering the remaining subsections accordingly;

Also, on motion of Rep. Freeborn, **HB 2867** be amended on page 2, by striking all in lines 19 through 21; in line 22, by striking “(5)”;

By renumbering the remaining subsections accordingly;

On page 3, in line 30, following “(b)” by inserting “(1)”;

in line 33, by striking “normally” and inserting “regularly and frequently”; in line 37, following the period, by inserting “The owner of such a dam shall notify the buyer of such a dam of the condition of the dam prior to transfer of ownership of the dam. Upon transfer of ownership of the dam, the new owner of the dam shall notify the chief engineer of the transfer of ownership.”

(2) The results of the inspection in subsection (b)(1) shall be filed with the register of deeds in the county in which the dam is located. The register of deeds shall attach the results of the inspection to the title of any property affected by the dam.”;

Also, on motion of Rep. Schwartz, **HB 2867** be amended on page 1, in line 29, by striking “dam owner” and inserting “department of agriculture, division of water resources”; and the bill be passed as amended.

Committee report to **HB 2772** be adopted; also, on motion of Rep. Brown be amended on page 1, in line 15, before “Section”, by inserting “New”;

On page 2, following line 5, by inserting:

“New Sec. 2. (a) No person shall knowingly and intentionally classify an employee as an independent contractor for purposes of avoiding either state income tax withholding and reporting requirements or state unemployment insurance contributions reporting requirements.

(b) Any person violating subsection (a) shall be liable to the state for a civil penalty of \$500, per misclassified employee and for each day such violation continues shall be deemed to be a separate violation.

New Sec. 3. (a) The department of revenue in conjunction with the department of labor and the attorney general shall establish a website to receive communications concerning information on persons and business entities misclassifying employees in violation of section 1, and amendments thereto.

(b) Upon receipt of such information, the department of revenue, the department of labor and the attorney general shall work together to investigate alleged violations. The agencies shall cooperate and share information as necessary concerning the alleged violations.

(c) The secretary of revenue, secretary of labor and attorney general may apply for, receive and accept moneys from any source for the purposes of establishing the website.

(d) The secretary of revenue, secretary of labor and attorney general shall publicize, distribute and disseminate information on the availability of the website and concerning employee misclassification violations to employment agencies, law enforcement agencies and other interested parties.

(e) The attorney general shall enforce and administer the provisions of this act. Other state agencies shall cooperate and assist the attorney general in the investigation and enforcement of any violations of this act. The attorney general is hereby authorized to adopt rules and regulations concerning the implementation and enforcement of the provisions of this act.

Sec. 4. K.S.A. 2005 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106, K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) disclose to the secretary of commerce specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit program administered by the secretary of commerce;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the department of wildlife and parks to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department of social and rehabilitation services for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act (42 U.S.C. § 651 et seq.;)and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection ~~(d)~~ (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas pari-mutuel racing act; ~~and~~

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act at K.S.A. 74-4901 et seq., and amendments thereto; *and*

(13) provide taxpayer information to the attorney general for the purpose of determining compliance by any person with the provisions of section 2, and amendments thereto, which information shall be limited to withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., as amended, and the results or status of such audit or investigation.

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in

effect on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 5. K.S.A. 2005 Supp. 79-3234 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, after “ACT”, by inserting “concerning employment”; in line 12, before the period, by inserting “; relating to misclassification of employees; amending K.S.A. 2005 Supp. 79-3234 and repealing the existing section”;

Also, on motion of Rep. Ruff, **HB 2772** be amended as amended in House Committee of the Whole on motion by Representative Brown, in New Sec. 2 by striking all of subsection (b) and inserting:

“(b) There shall be no penalty under subsection (b) for a first violation of subsection (a). Any person violating subsection (a) for a second or subsequent time shall be liable to the state for a civil penalty of \$500 per misclassified employee and each day such violation continues shall be deemed to be a separate violation.”; and **HB 2772** be passed as amended.

Committee report to **HB 2875** be adopted; and the bill be passed as amended.

Committee report to **HB 2576** be adopted; also, on motion of Rep. Loyd be amended on page 2, by striking all in lines 40 and 41;

On page 8, in line 33, by striking all after the stricken material; in line 34, by striking all before “trafficking” and inserting “Aggravated”;

On page 9, in line 18, by striking all after the stricken material; in line 19, by striking all before “as” and inserting “Rape”; in line 20, by striking all after the period; in line 21, by striking all before “Rape”;

On page 10, in line 7, by striking all after the stricken material; in line 8, by striking all before “indecent” and inserting “Aggravated”; by striking all in lines 10 through 12; in line 31, by striking all after the stricken material; in line 32, by striking all before “criminal” and inserting “Aggravated”; in line 34, by striking all after the period; by striking all in lines 35 and 36;

On page 11, in line 18, by striking all after the stricken material; in line 19, by striking all before “prostitution” and inserting “Promoting”; in line 20, by striking all after the period; by striking all in line 21;

On page 12, in line 29, by striking “Com-”; in line 30, by striking all before “ex-” and inserting “Sexual”; in line 32, by striking all after the period; by striking all in lines 33 and 34;

On page 13, in line 25, by striking all after the stricken material; in line 26, by striking all before “a” and inserting “Aiding”; in line 27, by striking all after the period; by striking all in lines 28 and 29;

On page 23, in line 41, by striking all after the stricken material; in line 42, by striking all before “sentence” and inserting “The”;

On page 25, in line 6, by striking “through December 31, 2011.”; in line 19, by striking “through December 31, 2011.”; in line 25, by striking “through Decem-”; in line 26, by striking “ber 31, 2011.”;

On page 33, in line 9, by striking all after the second comma; in line 10, by striking all before “is”; in line 11, by striking all after “felony”; in line 12, by striking all before the period;

Also, on motion of Rep. Crow, **HB 2576** be amended on page 22, in line 24, after the stricken material by inserting “, subsection (b)(3) of K.S.A. 21-3412a.”; in line 37, before the first “and” by inserting “, subsection (b)(3) of K.S.A. 21-3412a.”;

On page 42, in line 34, by striking “severity”; in line 35, by striking “level 10.”; in line 39, before the period by inserting “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”; also in line 39, by striking “may” and inserting “shall”;

On page 43, in line 2, after the stricken material by inserting “If the person does not enter into and complete a treatment program for domestic violence, the person shall serve not less than 180 days nor more than one year’s imprisonment. 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.”;

Also, on motion of Rep. Kilpatrick, **HB 2576** on page 33, in line 18, following the stricken material, by inserting “Any violation of any of the provisions of such act, including all duties set out in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall upon the 31st consecutive day constitute a new and separate offense and a new and separate offense shall occur upon the completion of every 30 days thereafter so long as the offense is ongoing.”;

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, 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, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Cox, Flaharty, Flora, Kirk, Kuether, Mah, Sloan, Winn.

Present but not voting: None.

Absent or not voting: Hayzlett, Peterson, Weber.

The motion of Rep. Kilpatrick prevailed.

Also, on further motion of Rep. Kilpatrick, **HB 2576** be amended on page 33, after line 4, by inserting the following:

“(u) An inmate sentenced to imprisonment pursuant to section 2, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the Kansas parole board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the Kansas parole board or the court orders a person to be electronically monitored, the board or court shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board or court shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.”;

Also, on motion of Rep. Watkins, **HB 2576** be amended on page 46, preceding line 34, by inserting the following:

“Sec. 28. K.S.A. 38-1663 is hereby amended to read as follows: 38-1663. (a) When a respondent has been adjudicated to be a juvenile offender, the judge may select from the following alternatives:

(1) Place the juvenile offender on probation for a fixed period, subject to the terms and conditions the court deems appropriate based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(2) Place the juvenile offender in the custody of a parent or other suitable person, subject to the terms and conditions the court orders based on the juvenile justice programs in the community, including a requirement of making restitution as required by subsection (d).

(3) Place the juvenile offender in the custody of a youth residential facility or, in the case of a chronic runaway youth, place the youth in a secure facility, subject to the terms and conditions the court orders.

(4) Place the juvenile offender in the custody of the commissioner, as provided in K.S.A. 38-1664, and amendments thereto.

(5) Commit the juvenile offender to a sanctions house for a period no longer than seven days. Following such period, the court shall review the placement. The court may continue to recommit the juvenile offender to a sanctions house for a period no longer than seven days followed by a court review. Commitment to a sanctions house shall not exceed 28 total days for the same act or transaction. If in the adjudication order, the court orders a sanctions house placement for a verifiable probation violation and such probation violation occurs, the juvenile may immediately be taken to a sanctions house and detained for no more than 48 hours, excluding Saturdays, Sundays and holidays, prior to court review of the placement. The court and all other interested parties shall be notified of the sanctions house placement. An offender over 18 years of age or less than 23 years of age at sentencing may be committed to a county jail, in lieu of a sanctions house, under the same time restrictions imposed by this paragraph. No offender may be committed under this paragraph unless such offender has violated the terms of probation.

(6) Commit the juvenile offender to a community based program available in such judicial district subject to the terms and conditions the court orders.

(7) Impose any appropriate combination of paragraphs (1) through (6) of this subsection and make other orders directed to the juvenile offender as the court deems appropriate.

(8) Commit the juvenile offender to a juvenile correctional facility as provided by the placement matrix established in K.S.A. 38-16,129, and amendments thereto. The provisions of K.S.A. 38-1664, and amendments thereto, shall not apply to juvenile offenders committed directly to a juvenile correctional facility.

(9) Place the juvenile offender under a house arrest program administered by the court pursuant to K.S.A. 21-4603b, and amendments thereto.

(b) (1) In addition to any other order authorized by this section, the court may order the:

(A) Juvenile offender and the parents of the juvenile offender to:

(i) Attend counseling sessions as the court directs; or

(ii) participate in mediation as the court directs. Participants in such mediation may include, but shall not be limited to, the victim, the juvenile offender and the juvenile offender's parents. Mediation shall not be mandatory for the victim;

(B) parents of the juvenile offender to participate in parenting classes; or

(C) juvenile offender to participate in a program of education offered by a local board of education including placement in an alternative educational program approved by a local board of education.

(2) Upon entering an order requiring a juvenile offender's parent to attend counseling sessions or mediation, the court shall give the parent notice of the order. The notice shall inform the parent of the parent's right to request a hearing within 10 days after entry of the order and the parent's right to employ an attorney to represent the parent at the hearing or, if the parent is financially unable to employ an attorney, the parent's right to request the court to appoint an attorney to represent the parent. If the parent does not request a hearing within 10 days after entry of the order, the order shall take effect at that time. If the parent requests a hearing, the court shall set the matter for hearing and, if requested, shall appoint an attorney to represent the parent. The expense and fees of the appointed attorney may be allowed and assessed as provided by K.S.A. 38-1606, and amendments thereto.

(3) The costs of any counseling or mediation may be assessed as expenses in the case. No mental health center shall charge a fee for court-ordered counseling greater than what the center would have charged the person receiving the counseling if the person had requested counseling on the person's own initiative. No mediator shall charge a fee for court-ordered mediation greater than what the mediator would have charged the person participating in the mediation if the person had requested mediation on the person's own initiative.

(c) (1) If a respondent has been adjudged to be a juvenile offender, the court, in addition to any other order authorized by this section, may suspend the juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state. The duration of the suspension ordered by the court shall be for a definite time period to be determined by the court. Upon suspension of a license pursuant to this subsection, the court shall require the juvenile offender to surrender the license to the court. The court shall transmit the license to the division of motor vehicles of the department of revenue, to be retained until the period of suspension expires. At that time, the licensee may apply to the

division for return of the license. If the license has expired, the juvenile offender may apply for a new license, which shall be issued promptly upon payment of the proper fee and satisfaction of other conditions established by law for obtaining a license unless another suspension or revocation of the juvenile offender's privilege to operate a motor vehicle is in effect. As used in this subsection, "highway" and "street" have the meanings provided by K.S.A. 8-1424 and 8-1473, and amendments thereto. Any respondent who is adjudicated to be a juvenile offender who does not have a driver's license may have such juvenile offender's driving privileges revoked. No Kansas driver's license shall be issued to a juvenile offender whose driving privileges have been revoked pursuant to this section for a definite time period to be determined by the court.

(2) In lieu of suspending the driver's license or privilege to operate a motor vehicle on the highways of this state of any respondent adjudicated to be a juvenile offender, as provided in subsection (c)(1), the court in which such juvenile offender was adjudicated to be a juvenile offender may enter an order which places conditions on such juvenile offender's privilege of operating a motor vehicle on the streets and highways of this state, a certified copy of which such juvenile offender shall be required to carry any time such juvenile offender is operating a motor vehicle on the streets and highways of this state. Any such order shall prescribe the duration of the conditions imposed and shall specify that such duration shall be for a definite time period to be determined by the court. Upon entering an order restricting a juvenile offender's license hereunder, the court shall require such juvenile offender to surrender such juvenile offender's driver's license to the court. The court shall transmit the license to the division of vehicles, together with a copy of the order. Upon receipt thereof, the division of vehicles shall issue without charge a driver's license which shall indicate on its face that conditions have been imposed on such juvenile offender's privilege of operating a motor vehicle and that a certified copy of the order imposing such conditions is required to be carried by the juvenile offender for whom the license was issued any time such juvenile offender is operating a motor vehicle on the streets and highways of this state. If the juvenile offender is a nonresident, the court shall cause a copy of the order to be transmitted to the division and the division shall forward a copy of it to the motor vehicle administrator of such juvenile offender's state of residence. Such court shall furnish to any juvenile offender whose driver's license has had conditions imposed on it under this section a copy of the order, which shall be recognized as a valid Kansas driver's license until such time as the division shall issue the restricted license provided for in this subsection. Upon expiration of the period of time for which conditions are imposed pursuant to this subsection, the licensee may apply to the division for the return of the license previously surrendered by such licensee. In the event such license has expired, such juvenile offender may apply to the division for a new license, which shall be issued immediately by the division upon payment of the proper fee and satisfaction of the other conditions established by law, unless such juvenile offender's privilege to operate a motor vehicle on the streets and highways of this state has been suspended or revoked prior thereto. If any juvenile offender shall violate any of the conditions imposed under this subsection, such juvenile offender's driver's license or privilege to operate a motor vehicle on the streets and highways of this state shall be revoked for a period as determined by the court in which such juvenile offender is convicted of violating such conditions.

(d) Whenever a juvenile offender is placed pursuant to subsection (a)(1) or (2), the court, unless it finds compelling circumstances which would render a plan of restitution unworkable, shall order the juvenile offender to make restitution to persons who sustained loss by reason of the offense. The restitution shall be made either by payment of an amount fixed by the court or by working for the persons in order to compensate for the loss. If the court finds compelling circumstances which would render a plan of restitution unworkable, the court may order the juvenile offender to perform charitable or social service for organizations performing services for the community.

Nothing in this subsection shall be construed to limit a court's authority to order a juvenile offender to make restitution or perform charitable or social service under circumstances other than those specified by this subsection or when placement is made pursuant to subsection (a)(3) or (4).

(e) In addition to or in lieu of any other order authorized by this section, the court may order a juvenile offender to pay a fine not exceeding \$250 for each offense. In determining whether to impose a fine and the amount to be imposed, the court shall consider the following:

(1) Imposition of a fine is most appropriate in cases where the juvenile offender has derived pecuniary gain from the offense.

(2) The amount of the fine should be related directly to the seriousness of the juvenile offender's offense and the juvenile offender's ability to pay.

(3) Payment of a fine may be required in a lump sum or installments.

(4) Imposition of a restitution order is preferable to imposition of a fine.

(5) The juvenile offender's duty of payment should be limited in duration and in no event should the time necessary for payment exceed the maximum term which would be authorized if the offense had been committed by an adult.

(f) In addition to or in lieu of any other order authorized by this section, if a juvenile is adjudicated to be a juvenile offender by reason of a violation of K.S.A. 41-719, 41-727, 65-4101 through 65-4164 or K.S.A. 2000 Supp. 8-1599, and amendments thereto, the court shall order the juvenile offender to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. The court may waive such evaluation if the court finds that the juvenile offender has completed successfully an alcohol and drug evaluation, approved by the community-based alcohol and drug safety action program, within 12 months before sentencing. If such evaluation occurred more than 12 months before sentencing, the court shall order the juvenile offender to resubmit to and complete such evaluation and program as provided herein. If the court finds that the juvenile offender and those legally liable for the offender's support are indigent, the fee may be waived. In no event shall the fee be assessed against the commissioner or the juvenile justice authority. The court may require the parent or guardian of the juvenile offender to attend such program with the juvenile offender.

(g) The board of county commissioners of a county may provide by resolution that the parents or guardians of any juvenile offender placed under a house arrest program pursuant to subsection (a)(9) shall be required to pay to the county the cost of such house arrest program. The board of county commissioners shall prepare a sliding financial scale based on the ability of the parents to pay for such a program.

(h) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the respondent the court may order, and when custody is placed with the commissioner shall order, one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent already is subject to an order to pay support for the respondent. If the parent currently is not ordered to pay support for the respondent and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-16,117, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.*, and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-16,119, and amendments thereto. The parent also shall be informed that, after registration, the income withholding order may be served on the parent's employer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(i) Any order issued by the judge pursuant to this section shall be in effect immediately upon entry into the court's journal.

(j) In addition to the requirements of K.S.A. 38-1671, and amendments thereto, if a person is under 18 years of age and convicted of a felony or adjudicated as a juvenile offender for an offense if committed by an adult would constitute the commission of a felony, the court

shall forward a signed copy of the journal entry to the commissioner within 30 days of final disposition.

(k) The sentencing hearing shall be open to the public as provided in K.S.A. 38-1652, and amendments thereto.

(l) *If a respondent has been adjudged to be a juvenile offender for an offense that if committed by an adult would constitute the commission 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; (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 court shall issue an order prohibiting the respondent from attending the attendance center that the victim of the offense attends.”;*

And by renumbering the remaining sections accordingly;

Also on page 46, in line 40, by striking “and” where it appears the first time, and inserting a comma; also in line 40, following “22-3436” by inserting “and 38-1663”;

In the title, in line 16, by striking “and” where it appears the first time, and inserting a comma; also in line 16, following “22-3436” by inserting “and 38-1663”; and **HB 2576** be passed as amended..

Committee report recommending a substitute bill to **Sub. HB 2825** be adopted; and the substitute bill be passed.

On motion of Rep. Gatewood, **HB 2693** be amended on page 1, in line 14, before “K.S.A.” by inserting “On July 1, 2006.”; on page 4, after line 12, by inserting the following:

“New Sec. 2. (a) Commencing in plan year 2007, the Kansas state employees health care commission shall establish a pilot program which would allow a qualified small business to provide health insurance to its employees by allowing eligible employees to participate in the state health care benefits program.

(1) The pilot program established by this section shall expire on January 1, 2011.

(2) Participation in the pilot program shall be limited to a total of 1,000 eligible employees regardless of the number of qualified small businesses involved.

(3) Notwithstanding the provisions of K.S.A. 75-6501, and amendments thereto, eligibility of eligible employees of a qualified small business in this pilot program shall not be required to be designated by rule and regulation.

(4) Each participating qualified small business shall agree to stay in the pilot program for at least two years.

(5) Each participating qualified small business shall pay the required health insurance premium for each of its participating eligible employees; however, the employer shall be paid by the eligible employee for such employee’s portion of the premium. The determination of the portion of the premium to be paid by the eligible employee shall be subject to negotiation.

(b) As used in this section:

(1) “Small business” means any business that has at most 30 employees.

(2) “Qualified small business” means a small business that has not provided health insurance to its employees during the previous 24 months.

(3) “Eligible employee” means an employee who is not already covered under another health insurance policy or program.

(c) The Kansas state employees health care commission shall report its findings and any recommendations which the commission may have concerning the pilot program established under this section to the governor and to the legislature annually.

(d) The secretary of administration is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, the Sunflower Foundation: Healthcare for Kansas, or any other source whatsoever for the purposes of the pilot program established under this section and amendments thereto, and any moneys so received shall

be deposited in the state treasury and credited to the cafeteria benefits fund established by K.S.A. 75-6513 and amendments thereto. All funds received pursuant to this section shall be placed in a separate account within the cafeteria benefits fund. All expenditures made from such fund for the purposes of this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued by the secretary of administration or a person designated by the secretary of administration."

And by renumbering sections accordingly;

Also on page 4, in line 13, before "K.S.A.," by inserting "On July 1, 2006,," in line 15, by striking "statute book" and inserting "Kansas register";

On page 1, in the title, in line 9, by striking "certain insurance contracts" and inserting "insurance"; in line 10, after the semicolon, by inserting "establishing a pilot program to allow certain small businesses to provide health insurance through the state employees health benefits program"; and **HB 2693** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **SB 207** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 207," as follows:

"HOUSE Substitute for SENATE BILL No. 207

By Committee on Insurance

"AN ACT concerning insurance; relating to fraud prevention; amending K.S.A. 40-2,118 and repealing the existing section."; and the substitute bill be passed.

(**Sub. SB 207** was thereupon introduced and read by title.)

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 and concurrent resolution were thereupon introduced and read by title:

HB 2985, An act creating the crime of trafficking in counterfeit drugs; providing penalties therefor, by Committee on Appropriations.

HB 2986, An act concerning school districts; relating to school finance; amending K.S.A. 2005 Supp. 72-6407, 72-6410, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6434, 72-6442b, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections, by Select Committee on School Finance.

HOUSE CONCURRENT RESOLUTION No. 5040—

By Committee on Federal and State Affairs

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning eminent domain.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

"§ 17. Private property shall not be taken except for public use, and private property shall not be taken without just compensation. The taking of private property with the intent to or in anticipation of selling, leasing or otherwise transferring any interest in the property to any private entity is not a valid public use and is prohibited except by law enacted upon the vote of $\frac{2}{3}$ of the members of the senate and $\frac{2}{3}$ of the members of the house of representatives and the signature of the governor."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“Explanatory statement. There is currently no constitutional provision prohibiting state or local government from taking private property except for public use, and there is no definition of “public use”.

“A vote for this proposition would amend the Kansas constitution to prohibit state and local governments from taking private property except for public use and would require that the owner of any property taken for public use be paid just compensation. It also would clarify that “public use” does not include the taking and transfer of private property to any private entity, except as approved by a $\frac{2}{3}$ majority of both houses of the legislature and the signature of the governor.

“A vote against this proposition would not amend the constitution.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2006.

REPORT ON ENGROSSED BILLS

HB 2414, HB 2720 reported correctly engrossed February 22, 2006.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Friday, February 24, 2006.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

