

# Journal of the House

FORTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 9, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 122 members present.  
Reps. Weber, Winn and Yonally were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Kendall Franklin, senior pastor, First Church of the Nazarene, Hutchinson, and guest of Rep. O'Neal:

Heavenly Father, You are good and kind. We have so much to thank You for. Thank You...

For this great place to live

For these in this chamber who serve and give of themselves

For the privilege of serving and helping others

For those who sacrifice or have sacrificed to defend and protect our freedom

For the responsibility that comes with freedom

For knowing our hearts and desires and motives

For understanding us

For life and breath and everything else

Thank You for being able to accomplish infinitely more than we would ever dare to ask or hope.

Give all of us the courage to do what is right and best even when it may cost us.

In the Name of Jesus, Amen.

The Pledge of Allegiance was led by Rep. Masterson.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 3008**, An act concerning personal records possessed by businesses; requiring certain actions regarding disposal and providing penalties for violations, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 3006**, **HB 3007**; **HCR 5042**.

## INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side in the adoption of the Committee of the Whole Report on March 8 (see HJ, p. 1361), Rep. Gatewood moved that **HB 2640** be reconsidered and be considered as the first item of business on General Orders. The motion prevailed.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Watkins, **HR 6011**, A resolution concerning physical education instruction in public schools, was adopted.

**CONSENT CALENDAR**

Objection was made to **SB 500** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 405, SB 515** appearing on the Consent Calendar for the first day.

No objection was made to **SB 354, SB 550** appearing on the Consent Calendar for the second day.

No objection was made to **SB 392** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SB 392**, An act concerning drainage districts; relating to the board of directors; relating to the membership thereof; amending K.S.A. 24-409 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Wilk, Williams, Wolf, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Weber, Winn, Yonally.

The bill passed.

**HB 2497**, An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 65-516 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Wilk, Williams, Wolf, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Weber, Winn, Yonally.

The bill passed, as amended.

**SB 496.** An act relating to certificates of title; concerning notice of security interest; amending K.S.A. 2005 Supp. 8-135 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Wilk, Williams, Wolf, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Weber, Winn, Yonally.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that having voted on the prevailing side in the adoption of his amendment on **HB 2640**, Rep. Gatewood moved that the House reconsider its action (see HJ, p. 1361). The motion prevailed. Rep. Gatewood withdrew the amendment; and the bill be passed.

**Sub. SB 463; SB 464** be passed.

Committee report to **SB 40** be adopted; and the bill be passed as amended.

Committee report to **SB 355** be adopted; and the bill be passed as amended.

Committee report to **SB 25** be adopted; also, roll call was demanded on motion of Rep. Holland to amend on page 14, following line 12 by inserting the following:

“New Sec. 12. (a) Subject to the provisions of appropriation acts, the attorney general shall establish a toll free number to receive telephone calls concerning information on persons and business entities employing illegal aliens in violation of K.S.A. 21-4409, and amendments thereto.

(b) Upon receipt of such information, the attorney general shall forward such information to the local law enforcement agency for investigation.

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

(d) The attorney general shall publicize, distribute and disseminate information on the availability of the hotline to employment agencies, law enforcement agencies and other interested parties.

(e) The attorney general is hereby authorized to adopt rules and regulations concerning the implementation of this section.

Sec. 13. K.S.A. 21-4409 is hereby amended to read as follows: 21-4409. (a) Knowingly employing an alien illegally within the territory of the United States is the employment of such alien within the state of Kansas by an employer who knows such person to be illegally within the territory of the United States. The provisions of this section shall not apply to aliens who have entered the United States illegally and thereafter are permitted to remain within the United States, temporarily or permanently, pursuant to federal law.

(b) Knowingly employing an alien illegally within the territory of the United States is a class  $\in$  A nonperson misdemeanor. *On the second or subsequent conviction of a violation of this section, in addition to any other sentence imposed, a person shall be fined \$10,000.*

(c) *As used in this section, "employment" shall include subcontractors' employees if the employer of the subcontractor has knowledge that the subcontractor is employing persons or subcontracting with persons who are illegally within the territory of the United States.*

Sec. 14. K.S.A. 2005 Supp. 21-4503a is hereby amended to read as follows: 21-4503a. (a) A person who has been convicted of a felony may, in addition to the sentence authorized by law, be ordered to pay a fine which shall be fixed by the court as follows:

(1) For any off-grid felony crime or any felony ranked in severity level 1 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$500,000.

(2) For any felony ranked in severity levels 1 through 5 of the nondrug grid as provided in K.S.A. 21-4704 and amendments thereto or in severity levels 2 or 3 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$300,000.

(3) For any felony ranked in severity levels 6 through 10 of the nondrug grid as provided in K.S.A. 21-4704 and amendments thereto or in severity level 4 of the drug grid as provided in K.S.A. 21-4705 and amendments thereto, a sum not exceeding \$100,000.

(b) *Except as otherwise provided in statute*, a person who has been convicted of a misdemeanor, in addition to or instead of the imprisonment authorized by law, may be sentenced to pay a fine which shall be fixed by the court as follows:

(1) For a class A misdemeanor, a sum not exceeding \$2,500.

(2) For a class B misdemeanor, a sum not exceeding \$1,000.

(3) For a class C misdemeanor, a sum not exceeding \$500.

(4) For an unclassified misdemeanor, any sum authorized by the statute that defines the crime. If no penalty is provided in such law, the fine shall not exceed the fine provided herein for a class C misdemeanor.

(c) As an alternative to any of the above fines, the fine imposed may be fixed at any greater sum not exceeding double the pecuniary gain derived from the crime by the offender.

(d) A person who has been convicted of a traffic infraction may be sentenced to pay a fine which shall be fixed by the court, not exceeding \$500.

(e) A person who has been convicted of a cigarette or tobacco infraction shall be sentenced to pay a fine of \$25.

(f) The provisions of this section shall apply to crimes committed on or after July 1, 1993.;

And by renumbering the remaining sections accordingly;

Also on page 14, in line 13, after the third comma by inserting "21-4409,;" in line 14, after "21-3106," by inserting "21-4503a,;"

In the title, in line 13, after the semicolon by inserting "concerning the employment of illegal aliens,;" in line 14, after the third comma by inserting "21-4409,;" in line 15, after "21-3106," by inserting "21-4503a,;"

On roll call, the vote was: Yeas 45; Nays 68; Present but not voting; 0; Absent or not voting: 12.

Yeas: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Grant, Hawk, Henderson, Henry, Holland, C. Holmes, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, Mast, McKinney, Menghini, M. Miller, Otto, Pauls, Peterson, Phelps, Ruff, Ruiz, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, Hill, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Loyd, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Owens, Peck, Pileher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Watkins, Wilk, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: DeCastro, Garcia, Goico, Huebert, Huy, Landwehr, Light, Judy Morrison, Sawyer, Weber, Winn, Yonally.

The motion of Rep. Holland did not prevail; and **SB 25** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 207** be adopted; also, on motion of Rep. Peterson to amend, Rep. Landwehr requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Peterson to amend on page 2, preceding line 38, by inserting the following:

“New Sec. 2. (a) The attorney general shall establish and maintain a statewide workers compensation fraud and abuse telephone hotline within the office of the attorney general. The workers compensation fraud and abuse telephone hotline shall be a toll-free telephone connection that is available for use by members of the general public, specifically including employers and employees that are under the workers compensation act, throughout the state. The hotline shall be for the purpose of receiving complaints and other information regarding instances of alleged fraud or fraudulent or abusive acts or practices, or other violations of K.S.A. 44-5,120 through 44-5,125 and amendments thereto, or any other acts, practices or violations that constitute crimes. The attorney general shall publicize the existence and purpose of the statewide workers compensation fraud and abuse telephone hotline throughout the state.

(b) There is hereby established the position of workers compensation fraud and abuse investigator in the office of the attorney general. The workers compensation fraud and abuse investigator shall be in the unclassified service under the Kansas civil service act. In addition to other duties and functions assigned by the attorney general, the workers compensation fraud and abuse investigator shall investigate complaints and other information regarding instances of alleged fraud or fraudulent or abusive acts or practices, or other violations of K.S.A. 44-5,120 through 44-5,125 and amendments thereto, or any other acts, practices or violations that constitute crimes.”;

By renumbering the remaining sections accordingly;

In the title, in line 9, by striking “insurance; relating to”; also in line 9, preceding “amending” by inserting “relating to prevention of insurance fraud; establishing a statewide workers compensation fraud and abuse telephone hotline; creating the position of workers compensation fraud and abuse investigator.”;

Roll call was demanded.

On roll call, the vote was: Yeas 45; Nays 73; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, Pauls, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Wilk, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: DeCastro, Landwehr, Light, Watkins, Weber, Winn, Yonally.

The motion of Rep. Peterson did not prevail.

Also, on motion of Rep. Williams to amend **H. Sub. for SB 207**, Rep. Carter requested a ruling on the amendment being germane to the bill. The request was subsequently withdrawn, and roll call was demanded on motion of Rep. Williams to amend on page 2, after line 37, by inserting the following:

“New Sec. 2. (a) For the purposes of improving the quality of workers compensation insurance coverage, lowering the cost of workers compensation insurance coverage, identifying and eliminating fraud, the commission or insurance shall develop a survey to assess the performance of workers compensation insurance carriers, workers compensation self-

insurers and group-funded workers compensation pools. Such survey shall be sent to employers and shall request the opinion of the employer regarding:

- (1) The quality of service provided by such employer's carrier;
  - (2) the carrier's investigation of and handling of questionable claims;
  - (3) the number of questionable claims handled or not handled satisfactorily by the carrier;
- and
- (4) any other information the commissioner of insurance deems pertinent to the topic of the survey.

(b) For the purposes of this section "carrier" means workers compensation insurance carriers, workers compensation self-insurers and group-funded workers compensation pools.

(c) The survey shall be designed so the commissioner of insurance can differentiate between the workers compensation carriers, self-insurers and the group-funded workers compensation pools to determine whether one group has a greater level of satisfaction in handling workers compensation claims.

(d) The survey shall allow the employer to describe in a general manner information on specific questionable cases to provide for the confidentiality of the individuals involved.

(e) The survey shall be performed annually by the division of workers compensation in calendar years 2007 and 2008, with the commissioner of insurance reporting the results of each respective annual survey to the secretary of labor, the governor and the legislature. The results of the 2007 annual survey shall be reported in January of 2008 and the results of the 2008 annual survey shall be reported in January of 2009.

(f) This section shall be part of and supplemental to the workers compensation act.

And by renumbering the remaining sections accordingly;

In the title, in line 9, after the semicolon by inserting "insurance commissioner survey;"

On roll call, the vote was: Yeas 44; Nays 70; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Horst, Huebert, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, Pauls, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Wilk, Wolf, Yoder.

Present but not voting: None.

Absent or not voting: DeCastro, Goico, Huy, Landwehr, Light, Jim Morrison, Judy Morrison, Peterson, Weber, Winn, Yonally.

The motion of Rep. Williams did not prevail.

Also, on motion of Rep. Flaharty to amend **H. Sub. for SB 207**, Rep. Carter requested a ruling on the amendment being germane to the bill. The Rules Vice-Chair ruled the amendment not germane; and the substitute bill be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2949**, **HB 2956** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Appropriations** recommends **HB 2594** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2594," as follows:

"Substitute for HOUSE BILL No. 2594

By Committee on Appropriations

"AN ACT concerning the state historical society; authorizing a program for recording experiences of former state legislators."; and the substitute bill be passed.

(**Sub. HB 2594** was thereupon introduced and read by title.)

Committee on **Education** recommends **SB 481** be amended on page 3, by striking all in lines 30 through 33 and inserting the following:

“(c) The provisions of this section shall apply to districts which have consolidated or disorganized on and after July 1, 2004.”;

On page 5, after line 21, by inserting the following:

“(c) The provisions of this section shall apply to districts which have consolidated or disorganized on and after July 1, 2004.”;

On page 7, after line 29, by inserting the following:

“(c) The provisions of this section shall apply to districts which have consolidated or disorganized on and after July 1, 2004.”;

On page 8, after line 6, by inserting the following:

“(c) The provisions of this section shall apply to districts which have consolidated or disorganized on and after July 1, 2004.”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 418** be amended on page 2, in line 9, by striking all after “recognized”; in line 10, by striking all before “but” and inserting “as valid in this state.”; also in line 10, before the period, by inserting: “, if the attorney general determines that standards for issuance of such license or permit by such state or district are equal to or greater than the standards imposed by this act. The attorney general shall maintain and publish a list of such states and district which the attorney general determines have standards equal to or greater than the standards imposed by this act”; in line 39, after “under” by inserting “any municipal ordinance or”;

On page 6, in line 25, after “New Sec. 7.” by inserting “(a)”; after line 33, by inserting the following:

“(b) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under subsection (a)(11) of section 4, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall revoke such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and revocation of a license under the circumstances described in this subsection.”;

On page 8, in line 12, by striking the second “or”; in line 13, before the period by inserting “;

(19) any public library operated by the state or by a political subdivision of the state;

(20) any day care home or group day care home, as defined in Kansas administrative regulation 28-4-113, or any preschool or childcare center, as defined in Kansas administrative regulation 28-4-420; or

(21) any church or temple”;

On page 10, in line 28, before the period by inserting “and the reasons for the revocations, suspensions and denials”; and the bill be passed as amended.

Committee on **Higher Education** recommends **SB 436** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Higher Education** recommends **SB 305** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 25 and inserting the following:

“Section 1. K.S.A. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) “Kansas educational institution” means and includes area vocational schools, area vocational-technical schools, community colleges, the municipal university, state educational institutions, technical colleges, and accredited independent institutions.

(b) “Eligible guard member” means a newly enlisted or reenlisted member of the Kansas national guard ~~who is a resident of Kansas~~, with not more than ~~15~~ 20 years of service and who is enrolled at a Kansas educational institution. The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, who does not hold a high school diploma or general educational development (GED) credentials, or who is entitled to federal educa-

tional benefits earned by membership in the Kansas national guard, except financial assistance under the federal education assistance program (FEAP) for members of the selected reserve.

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

(d) "Educational program" means a program which is offered and maintained by a Kansas educational institution and leads to the award of a certificate, diploma or degree upon satisfactory completion of ~~coursework~~ *course work* requirements.

Sec. 2. K.S.A. 74-32,146 is hereby repealed.";

By renumbering the remaining section accordingly;

In the title, in line 10, by striking all following "Kansas"; by striking all in line 11 and inserting "national guard educational assistance act; amending K.S.A. 74-32,146"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 432** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 371** be passed.

Committee on **Transportation** recommends **HB 2513** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2513," as follows:

"Substitute for HOUSE BILL No. 2513

By Committee on Transportation

"AN ACT concerning motor vehicles; relating to traffic cases; amending K.S.A. 8-2115 and K.S.A. 2005 Supp. 8-2110 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2513** was thereupon introduced and read by title.)

Committee on **Wildlife, Parks and Tourism** recommends **SB 459** be amended on page 2, after line 32, by inserting the following:

"Sec. 2. K.S.A. 2005 Supp. 32-837 is hereby amended to read as follows: 32-837. (a) The following parks have been designated as a part of the state park system: (1) Kanopolis-Mushroom Rock state park in Ellsworth county; (2) Cross Timbers state park at Toronto Lake in Woodson county; (3) Fall River state park in Greenwood county; (4) Cedar Bluff state park in Trego county; (5) Tuttle Creek state park in Pottawatomie and Riley counties; (6) Pomona state park in Osage county; (7) Cheney state park in Kingman and Reno counties; (8) Lake Crawford state park in Crawford county; (9) Lovewell state park in Jewell county; (10) Lake Meade state park in Meade county; (11) Prairie Dog state park in Norton county; (12) Webster state park in Rooks county; (13) Wilson state park in Russell county; (14) Milford state park in Geary county; (15) Lake Scott state park in Scott county; (16) Elk City state park in Montgomery county; (17) Perry state park in Jefferson county; (18) Glen Elder state park in Mitchell county; (19) El Dorado state park in Butler county; (20) Eisenhower state park in Osage county; (21) Clinton state park in Douglas and Shawnee counties; (22) Sand Hills state park in Reno county; (23) Hillsdale state park in Miami county; and (24) ~~state park no. 24 in Shawnee county, which shall be given a permanent name to be determined by the legislature at a future date~~ *Oregon Trail Kaw River state park in Shawnee county*.

(b) No state park named in subsection (a) shall be removed from the state park system without legislative approval.

(c) The hours ~~that state park no. 24~~ *Oregon Trail Kaw River state park* is open to the public may be limited to those hours that parks of the city of Topeka are open, except that such state park shall be open at all hours for prescheduled events.

~~(d) The department of wildlife and parks shall report to the house committee on tourism and parks and to the senate committee on natural resources on or before March 1, 2005, regarding the terms and conditions of the contract for the proposed donation of land to be used for state park no. 24.~~

New Sec. 3. The name of state park no. 24 is hereby changed to Oregon Trail Kaw River state park.

Sec. 4. K.S.A. 2005 Supp. 32-837 is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 10, before the period by inserting “; also relating to state park no. 24; amending K.S.A. 2005 Supp. 32-837 and repealing the existing section”; and the bill be passed as amended.

**CHANGE OF REFERENCE**

Speaker pro tem Merrick announced the withdrawal of **HB 2985** from Committee on Judiciary and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2947** from Committee on Transportation and referral to Committee on Appropriations.

**REPORT ON ENGROSSED BILLS**

**HB 2497** reported correctly engrossed March 9, 2006.

On motion of Rep. Aurand, the House adjourned until 8:45 a.m., Friday, March 10, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

