

# Journal of the House

## FORTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 16, 2006, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Reps. Grant and Winn were excused on excused absence by the Speaker.

Prayer by the Rev. John Bower, McLouth, guest of Rep. Tafanelli, and a former Representative serving the 47th district from 1953-1976:

*Thank you for inviting me to offer the prayer this morning. Having sat where you sit and labored where you labor, and believing that you have the toughest job in the state, I am praying for you.*

Our Father in Heaven:

We thank you for the God-fearing people who came, and overcame, and who gave us this great state which we love.

And now, Oh Father, the privilege and the responsibility are ours. Lord, help us to build, on the foundation they laid, something even better.

Help us to overlook all the critics and nay-sayers, few of whom have any comprehension of what they are talking about.

Heavenly Father, we recognize that the tasks before us are difficult, yet we know they must be done.

Grant us wisdom. Grant us courage. Grant us patience and understanding. Forgive our human weaknesses. Help us to forgive each other in these trying days. Grant that from all our striving some good may come for our people — for our state — and for our children.

And may your personal blessing be upon each member of this House today and every day. In the name of Christ: Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

### INTRODUCTION OF GUESTS

Rep. Tafanelli introduced John Bower, McLouth, who was a Representative in the House from 1953-1976. He was presented with a House certificate.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was referred to committee as indicated:

Education: **HR 6019**.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **HCR 5041** to Committee on Agriculture.

### COMMUNICATIONS FROM STATE OFFICERS

From Kay McFarland, Chief Justice, pursuant to K.S.A. 20-320, State of the Judiciary, Annual Report of the Chief Justice of the Kansas Supreme Court.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 382; Sub. SB 539; SB 549, SB 575, SB 585.**

Announcing passage of **HB 2678, HB 2705, HB 2716, HB 2758, HB 2830, HB 2831, HB 2835, HB 2927, HB 2951.**

Announcing passage of **HB 2104**, as amended; **HB 2616**, as amended; **HB 2786**, as amended; **HB 2833**, as amended.

Announcing adoption of **SCR 1623, SCR 1624.**

The Senate concurs in House amendments to **SB 40.**

The Senate concurs in House amendments to **SB 355.**

The Senate concurs in House amendments to **SB 418.**

The Senate nonconcurrs in House amendments to **SB 25**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 382; Sub. SB 539; SB 549, SB 575, SB 585; SCR 1623, SCR 1624.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 25.**

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

**CONSENT CALENDAR**

No objection was made to **HB 2972** appearing on the Consent Calendar for the first day.

No objection was made to **SB 495** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**Sub. HB 2513**, 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, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, 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, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Huff, Mah, Swenson, Winn.

The substitute bill passed.

**HB 2548**, An act concerning taxation; relating to the franchise tax; rates; elimination; amending K.S.A. 2005 Supp. 79-5401 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Hawk, Henderson, Henry, Holland, Kirk, Kuether, Lane, Loganbill, Long, McKinney, Peterson, Phelps, Ruiz, B. Sharp, Storm, Svaty, Thull, Trimmer, Ward.

Present but not voting: None.

Absent or not voting: Grant, Huff, Winn.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: Though elimination of the franchise tax may be worthwhile, to do so *before* we have met our school finance, health care, and budget obligations is irresponsible. Narrowing our tax base is not a good idea unless we have a surplus. I vote no on **HB 2548**.—  
GERALDINE FLAHARTY

**HB 2577**, An act concerning crimes; relating to justified use of force; amending K.S.A. 21-3211, 21-3212 and 21-3213 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Light, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Phelps, Pilcher-Cook, Powell, Powers, Ruff, Sawyer, Schwab, Schwartz, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Hawk, Henderson, Hill, Horst, Huff, Huntington, Kirk, Kuether, Loganbill, Long, Loyd, Mah, M. Miller, Owens, Peterson, Pottorff, Proehl, Roth, Ruiz, B. Sharp, S. Sharp, Storm, Thull, Trimmer, Ward, Wolf, Yonally.

Present but not voting: None.

Absent or not voting: Grant, Winn.

The bill passed, as amended.

**HB 2746**, An act relating to motor vehicles; providing for the issuance of support our troops license plates, was considered on final action.

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

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, 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, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Winn.

The bill passed, as amended.

**SB 362.** An act concerning solid waste; relating to solid waste disposal areas; amending K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402 and repealing the existing sections, was considered on final action.

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

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, 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, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Winn.

The bill passed, as amended.

**SB 481.** An act concerning school districts; relating to consolidation; relating to state aid; relating to the assessed valuation of districts; amending K.S.A. 2005 Supp. 72-6434, 72-6445a, 72-8814 and 75-2319 and repealing the existing sections; also repealing K.S.A. 72-6445, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, 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, 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, Wolf, Yoder, Yonally.

Nays: Burroughs.

Present but not voting: None.

Absent or not voting: Grant, Winn.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2958** be adopted; also, on motion of Rep. Gatewood to amend, the motion did not prevail.

Also, on motion of Rep. Neufeld, **HB 2958** be amended on page 26, preceding line 26, by inserting the following to read as follows:

“Sec. 46.

#### OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On July 1, 2006, the position limitation established for the fiscal year ending June 30, 2007, by section 79 of chapter 174 of the 2005 Session Laws of Kansas for the office of the securities commissioner of Kansas is hereby increased from 30.00 to 30.13.

Sec. 47.

#### KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2006, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 65(a) of chapter 174 of the 2005 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$688,213 to \$709,374: *Provided*, That expenditures from the cosmetology fee fund for the year ending June 30, 2007, for official hospitality shall not exceed \$500.”;

And by renumbering sections accordingly; and **HB 2958** be passed as amended.

Committee report to **HB 2957** be adopted; also, on motion of Rep. Neufeld be amended on page 27, in line 22, by subtracting \$1,000,000 from the dollar amount and by adjusting the dollar amount in line 22 accordingly;

Also, on motion of Rep. Grange to amend **HB 2957**, the motion was withdrawn.

Also, on motion of Rep. Flaharty **HB 2957** be amended on page 1, in line 17, preceding the first “June” by inserting “June 30, 2006.”;

On page 32, preceding line 42, by inserting the following to read as follows:

“Sec. 27. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2006, fiscal year 2007 or fiscal year 2008 by chapter 174 or 206 of the 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature for the purpose of leveling the tiered floor on the chamber of the house of representatives in the statehouse.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 11, following “ing” by inserting “June 30, 2006.”;

Also, roll call was demanded on motion of Rep. Lukert to amend **HB 2957** on page 26, in line 35, by adding \$200,000 to the dollar amount and by adjusting the dollar amount in line 35 accordingly;

On roll call, the vote was: Yeas 50; Nays 64; Present but not voting; 0; Absent or not voting; 11.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goico, Hawk, Henry, Holland, Huff, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Ruff, Ruiz, Sawyer, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Freeborn, George, Gordon, Grange, Hayzlett, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Light, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Watkins, Wilk, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: DeCastro, Grant, Henderson, Hill, C. Holmes, Kiegerl, Landwehr, Judy Morrison, Oharah, Weber, Winn.

The motion of Rep. Lukert did not prevail.

Also, on motion of Rep. M. Holmes, **HB 2957** be amended on page 24, in line 10, by striking all following "of"; in line 11, by striking "correctional facilities"; also in line 11, preceding the colon by inserting "at existing correctional facilities";

Also, on motion of Rep. Mays, **HB 2957** be amended on page 1, in line 17, preceding the first "June" by inserting "June 30, 2006,";

On page 32, preceding line 42, by inserting the following to read as follows:

"Sec. 27. (a) On and after the effective date of this act, during the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal year 2006, fiscal year 2007 or fiscal year 2008 by chapter 174 or 206 of the 2005 Session Laws of Kansas or by this or other appropriation act of the 2006 regular session of the legislature for the purpose of carpeting in any way resembling the carpet in the senate for the chamber for the house of representatives in the statehouse.";

And by renumbering sections accordingly;

On page 1, in the title, in line 11, following "ing" by inserting "June 30, 2006,"; and **HB 2957** be passed as amended.

Committee report to **HB 2968** be adopted; also, on motion of Rep. Neufeld be amended on page 149, in line 16, by adding \$1,657 to the dollar amount and by adjusting the dollar amount in line 16 accordingly;

Also, on further motion of Rep. Neufeld, **HB 2968** be amended on page 87, in line 4, by striking all following "2007"; by striking all in line 5; in line 6, by striking all preceding the period; in line 11, by striking all following "2007"; by striking all in line 12; in line 13, by striking all preceding the period; in line 20, by striking all following "2007"; by striking all in line 21; in line 22, by striking all preceding the period; in line 29, by striking all following "2007"; by striking all in line 30; in line 31, by striking all preceding the period;

Also, on further motion of Rep. Neufeld, **HB 2968** be amended on page 86, preceding line 39, by inserting the following to read as follows:

"(f) (1) During the fiscal year ending June 30, 2007, moneys appropriated from the state general fund or any special revenue fund of the department on aging for the provision of home and community based services by the department on aging are hereby declared to be interchangeable between home and community based services programs of the department on aging and home and community based services programs of the department of social and rehabilitation services, subject to any applicable federal statutes, regulations, guidelines or agreements.

(2) During the fiscal year ending June 30, 2007, on or before December 4, 2006, after the director of the budget and the director of the legislative research department have determined jointly estimated expenditures for home and community based services programs of the department on aging and the department of social and rehabilitation services, then (A) the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, from the state general fund for the department of social and rehabilitation services that is appropriated for or may be expended for home and community based services from a state general fund account of the department of social and rehabilitation services to an appropriate state general fund account of the department on aging for fiscal year 2007 for the provision of home and community based services by the department on aging, and (B) the secretary of aging, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, from the state general fund for the department on aging that is appropriated for or may be expended for home and community based services from a state general fund account of the department on aging to an appropriate state general fund account of the department of social and rehabilitations services for fiscal year 2007 for

the provision of home and community based services by the department of social and rehabilitations services.

(3) During the fiscal year ending June 30, 2007, on or before December 4, 2006, after the director of the budget and the director of the legislative research department, with the consensus estimating group, have prepared consensus caseload estimates for home and community based services programs of the department of social and rehabilitation services and the department on aging, then (A) the secretary of aging, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, in one or more special revenue funds of the department on aging that are appropriated for or may be expended for home and community based services from one or more special revenue funds of the department on aging to an appropriate special revenue fund of the department of social and rehabilitation services for fiscal year 2007 for the provision of home and community based services by the department of social and rehabilitation services, , subject to any applicable federal statutes, regulations, guidelines or agreements, and (B) the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, in one or more special revenue funds of the department of social and rehabilitations services that are appropriated for or may be expended for home and community based services from one or more special revenue funds of the department on social and rehabilitation services to one or more appropriate special revenue funds of the department on aging for fiscal year 2007 for the provision of home and community based services by the department on aging, subject to any applicable federal statutes, regulations, guidelines or agreements.

(4) Upon issuing any approval to transfer moneys for the provision of home and community based services between the department of social and rehabilitation services and department on aging under this subsection (f), the director of the budget shall certify such approval to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the moneys specified in accordance with such certification.”;

On page 102, preceding line 33, by inserting the following to read as follows:

“(v) (1) During the fiscal year ending June 30, 2007, moneys appropriated from the state general fund or any special revenue fund of the department of social and rehabilitation services for the provision of home and community based services by the department of social and rehabilitation services are hereby declared to be interchangeable between home and community based services programs of the department on aging and home and community based services programs of the department of social and rehabilitation services, subject to any applicable federal statutes, regulations, guidelines or agreements.

(2) During the fiscal year ending June 30, 2007, on or before December 4, 2006, after the director of the budget and the director of the legislative research department have determined jointly estimated expenditures for home and community based services programs of the department of social and rehabilitation services and the department on aging, then (A) the secretary of aging, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, from the state general fund for the department on aging that is appropriated for or may be expended for home and community based services from the state general fund account of the department on aging to an appropriate state general fund account of the department of social and rehabilitation services for fiscal year 2007 for the provision of home and community based services by the department of social and rehabilitation services, and (B) the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, from the state general fund for the department of social and rehabilitations services that is appropriated for or may be expended for home and community based services from the state general fund account of the department on social and rehabilitation services to an appropriate state general fund account of the department on aging for fiscal year 2007 for the provision of home and community based services by the department on aging.

(3) During the fiscal year ending June 30, 2007, on or before December 4, 2006, after the director of the budget and the director of the legislative research department, with the consensus estimating group, have prepared consensus caseload estimates for home and community based services programs of the department of social and rehabilitation services and the department on aging, then (A) the secretary of aging, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, in one or more special revenue funds of the department on aging that are appropriated for or may be expended for home and community based services from one or more special revenue funds of the department on aging to an appropriate special revenue fund of the department of social and rehabilitation services for fiscal year 2007 for the provision of home and community based services by the department of social and rehabilitation services, , subject to any applicable federal statutes, regulations, guidelines or agreements, and (B) the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any unexpended balance of moneys appropriated for the fiscal year ending June 30, 2007, in one or more special revenue funds of the department of social and rehabilitation services that are appropriated for or may be expended for home and community based services from one or more special revenue funds of the department on social and rehabilitation services to one or more appropriate special revenue funds of the department on aging for fiscal year 2007 for the provision of home and community based services by the department on aging, subject to any applicable federal statutes, regulations, guidelines or agreements.

(4) Upon issuing any approval to transfer moneys for the provision of home and community based services between the department of social and rehabilitation services and department on aging under this subsection (v), the director of the budget shall certify such approval to the director of accounts and reports and shall transmit a copy of each such certification to the director of the legislative research department. Upon receipt of each such certification, the director of accounts and reports shall transfer the moneys specified in accordance with such certification.”;

Also, on motion of Rep. Bethell, **HB 2968** be amended on page 96, preceding line 28, by inserting the following to read as follows:

“*Provided*, That expenditures may be made from the child support enforcement administration fund for the operations of the CSE customer service center in an aggregate amount of not less than \$1,320,000 for fiscal year 2007: *Provided further*, That expenditures shall be made from this fund by the department of social and rehabilitation services to provide not less than three telephone lines within the CSE customer service center that are dedicated for questions and assistance related to child visitations.”;

Also, on motion of Rep. B. Sharp, **HB 2968** be amended on page 133, by striking all in lines 11 through 16;

Also, roll call was demanded on motion of Rep. Trimmer to amend **HB 2968** on page 104, after line 41, by inserting the following:

“School accountability study and audits ..... \$250,000”;

On roll call, the vote was: Yeas 48; Nays 60; Present but not voting: 0; Absent or not voting: 17.

Yeas: Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Crow, Davis, Decker, Feuerborn, Flaharty, Garcia, Gatewood, Hawk, Henry, Hill, Holland, Horst, Huntington, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, Menghini, M. Miller, O’Malley, Owens, Pauls, Peck, Peterson, Phelps, Proehl, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Trimmer, Ward, Williams, Wolf.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Craft, Dahl, DeCastro, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Huff, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Knox, Krehbiel, Landwehr, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Schwab, Schwartz, Siegfried, Sloan, Tafanelli, Watkins, Weber, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Carter, Dillmore, Faust-Goudeau, Flora, Grant, Henderson, Humerrickhouse, Kinzer, Light, Masterson, McKinney, Oharah, S. Sharp, Shultz, Treaster, Vickrey, Winn.

The motion of Rep. Trimmer did not prevail.

Also, on motion of Rep. Sloan, **HB 2968** be amended on page 6, preceding line 14, by inserting the following to read as follows:

“Midwest higher education compact dues ..... \$90,000”;

Also, on motion of Rep. Horst to amend **HB 2968**, the motion was withdrawn. Also, on further motion of Rep. Horst to amend, the motion did not prevail.

Also, on motion of Rep. Henry to amend **HB 2968**, the motion was withdrawn.

Also, on motion of Rep. Mast, **HB 2968** be amended on page 66, preceding line 27, by inserting the following to read as follows:

“*Provided*, That the governor is hereby encouraged to pursue private funding for the youth mentoring program.”;

Also, on motion of Rep. Menghini to amend **HB 2968**, the motion did not prevail.

Also, on motion of Rep. Siegfried, **HB 2968** be amended on page 110, in line 36, by adding \$183,240 to the dollar amount and by adjusting the dollar amount in line 36 accordingly;

On page 111, following line 25, by inserting the following material to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, as authorized by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or any special revenue fund for the year ending June 30, 2007, (1) to pay to each person employed by the Kansas state school for the blind, as defined by K.S.A. 76-11a04 and amendments thereto, compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher employed by unified school district no. 233, Olathe, Kansas, as of September 1, 2006, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the blind or (2) if no such teacher is employed by such school district during that time period, then to pay compensation such person employed by the Kansas state school for the blind shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher employed by unified school district no. 233, Olathe, Kansas, as of September 1, 2006.”;

Also on page 111, in line 30, by adding \$408,527 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 112, following line 11, by inserting the following material to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2007, as authorized by this or other appropriation act of the 2006 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or any special revenue fund for the year ending June 30, 2007, (1) to pay to each person employed by the Kansas state school for the deaf, as defined by K.S.A. 76-11a04 and amendments thereto, compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher employed by unified school district no. 233, Olathe, Kansas, as of September 1, 2006, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the deaf, or (2) if no such teacher is employed by such school district during that time period, then to pay compensation such person employed by the Kansas state school for the deaf shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher employed by unified school district no. 233, Olathe, Kansas, as of September 1, 2006.”;

Also, on motion of Rep. Colloton, **HB 2968** be amended on page 93, in line 42, by adding \$1,400,000 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

Also, roll call was demanded on motion of Rep. Carlin to amend **HB 2968** on page 66, in line 26, by adding on page 66, in line 26, by adding \$250,000 to the dollar amount and by adjusting the dollar amount in line 26 accordingly;

On roll call, the vote was: Yeas 44; Nays 69; Present but not voting: 0; Absent or not voting: 12.

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

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

Present but not voting: None.

Absent or not voting: Goico, Grange, Grant, Henderson, Hill, Horst, Kinzer, Light, Oharah, Powers, Shultz, Winn.

The motion of Rep. Carlin did not prevail.

Also, roll call was demanded on motion of Rep. Storm to amend **HB 2968** on page 103, in line 3, by subtracting \$375,167 from the dollar amount and by adjusting the dollar amount in line 3 accordingly;

On page 104, in line 25, by adding \$739,913 to the dollar amount and by adjusting the dollar amount in line 25 accordingly;

On roll call, the vote was: Yeas 43; Nays 66; Present but not voting: 0; Absent or not voting: 16.

Yeas: Ballard, Burroughs, Carlin, Cox, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, Hawk, Henry, Holland, Huff, Huntington, Kirk, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, Menghini, M. Miller, O'Malley, Pauls, Phelps, Pottorff, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Yonally.

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

Present but not voting: None.

Absent or not voting: Colloton, Davis, Flora, George, Goico, Grant, Hayzlett, Henderson, Horst, Light, Oharah, Peterson, Svaty, Weber, Wilk, Winn.

The motion of Rep. Storm did not prevail.

Also, on motion of Rep. Schwartz, **HB 2968** be amended on page 191, in line 17, by adding 3.0 to the number in line 17 and adjusting the number in line 17 accordingly";

Also, on motion of Rep. Holland to amend **HB 2968**, the motion did not prevail.

Also, on motion of Rep. Kelley to amend **HB 2968**, the motion was withdrawn.

Also, on motion of Rep. Yoder, **HB 2968** be amended on page 32, preceding line 42, in advance of Speaker Mays' amendment, the following:

Section 27. Prior to the commencement of the first special session of 2006, expending from any moneys appropriated for the department of administration or any other state agency from the state general fund or any special revenue fund for fiscal years 2006 or 2007 by chapter 174 or 206 of the 2005 session laws of Kansas or by this or any other appropriation act of the 2006 regular session of the legislature such funds as necessary for installing a door

for the entry into and an adequate exhaust and ventilation system for the men's restroom outside the chamber for the house of representatives in the statehouse;

and renumbering or relettering the provisions following accordingly;

Also, on further motion of Rep. Yoder to amend **HB 2968**, Rep. Feuerborn requested the question be divided. The question was divided. On Part A, **HB 2968** be amended on page 21, in line 8, before the period, by inserting “: *And provided further*, That the chief justice or the supreme court shall not impose a surcharge or fee in addition to any docket fee established by law nor create a fee to be paid for proceedings or actions before the court: *And provided further*, That any fee collected or moneys in the nature of a fee collected for proceedings or actions before the court shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee: *And provided further*, That any emergency surcharge being collected prior to July 1, 2006, shall cease being collected on July 1, 2006.”;

Part B of the motion of Rep. Yoder did not prevail.

Also, on motion of Rep. Kelley, **HB 2968** be amended on page 49, preceding line 17, by inserting the following to read as follows:

On and after January 1, 2007, no expenditures shall be made by any state agency from any moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 by this or other appropriation act of the 2006 regular session of the legislature for media advertising unless such media advertising includes the following specific statement: “Paid for with taxes or public funds.” In the case of print advertising, the statement shall be included so that it is easily seen and read. In the case of broadcast advertising, the statement shall be included as an audio tag line so that it is easily heard.

(b) As used in this section,

(1) “State agency” has the meaning ascribed thereto by K.S.A. 75-3701 and amendments thereto;

(2) “media advertising” means all forms of advertising expressed or otherwise communicated, in any fashion, as print advertising or broadcast advertising;

(3) “print advertising” means any form of advertising expressed or otherwise communicated, in any fashion, through the use of billboards, newspapers, handbills or mailings, but shall not include any (A) employment ads or (B) ads in the classified advertising section of a newspaper; and

(4) “broadcast advertising” means any form of advertising expressed or otherwise communicated, in any fashion, through the use of television, radio or cable broadcasting.

(c) The provisions of this section shall be broadly construed, applied and administered to be as inclusive as possible.

(d) This section shall be implemented, administered and enforced by the secretary of administration.

(e) The provisions of this section shall not apply to any media advertising that has been printed, manufactured or produced prior to January 1, 2007.”;

Also, roll call was demanded on motion of Rep. Gatewood to amend **HB 2968** on page 87, in line 7, by adding \$1,500,000 to the dollar amount and by adjusting the dollar amount in line 7 accordingly;

On roll call, the vote was: Yeas 42; Nays 77; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Peck, Pilcher-Cook,

Pottorff, Powell, Powers, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Gordon, Grant, Henderson, Oharah, Peterson, Winn.

The motion of Rep. Gatewood did not prevail, and **HB 2968** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 3005** be amended on page 1, in line 26, after the period by inserting "Preference shall be given to those students who are Kansas residents and who agree to serve in a county as described in subsection (d)(3) which is determined to be an underserved area for the practice of veterinary medicine as determined by the college."; in line 29, after "year" by inserting "for not more than four years";

On page 2, in line 1, by striking all after "Kansas"; in line 2, by striking "or Wyandotte" and inserting "which has a population not exceeding 35,000 at the time the person entered into the program agreement"; also in line 2, by striking "48" and inserting "120"; also in line 2, after "months" by inserting ". A program agreement whereby the person pursuant to such agreement is engaging in the full-time practice of veterinary medicine in a county that no longer meets the maximum population requirements provided in this subsection after the date that such program agreement was entered into by the college and the person shall continue in full force and effect subject to the other requirements contained in this section"; after line 40, by inserting the following:

"(i) The college shall not enter into any program agreements pursuant to the provisions of this section after July 1, 2016. All program agreements entered into prior to such date shall continue in full force and effect subject to the requirements of this section."; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2967** be passed.

Committee on **Appropriations** recommends **SB 394** 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 **Appropriations** recommends **HB 2245** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2245," as follows:

"Substitute for HOUSE BILL No. 2245

By Committee on Appropriations

"AN ACT concerning fireworks; enacting the Kansas fireworks act."; and the substitute bill be passed.

(**Sub. HB 2245** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 553** be amended on page 1, in line 13, by striking "The" and inserting "Subject to the provisions of this section, the"; in line 29, following the period, by inserting "The deed for the conveyance shall provide that on July 1, 2026, in the event that any portion of the above-described real estate is not being used for public recreation purposes, by Audubon of Kansas or if Audubon of Kansas ceases to exist, then all rights, title and interest in such portion of such real estate shall revert to the state historical society. The transfer of all rights, title and interest in the real estate conveyed by this section to Audubon of Kansas shall not include any right for Audubon of Kansas to convey any portion of the above described real estate."; by striking all in lines 33 and 34 and inserting the following to read as follows:

"Sec. 2. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey, or exchange with the Kansas state university foundation for property of equal or greater value, all of the rights, title and interest in the following parcels in Pottawatomie county, Kansas:

A tract of land in Lot 2, Section 17, Township 10 South, Range 8 East of the 6th P.M. in Pottawatomie county, Kansas, described as follows: Beginning at a point on the centerline of McCall Road and the north line of the said Lot 2, that is N. 89°41'17" W. 669.97 feet from the northeast corner of the said Lot 2, said point marked by an "x" cut; thence S. 0°00'57" W. 40 feet to the point of beginning, marked by a ½" iron bar; thence S. 0°00'57" W. 520.00 feet to the southeast corner; thence N. 89°41'17" W. 360.01 feet to southwest corner; thence N. 0°00'17" E. 520.00 feet to the northwest corner, marked by a ½" iron

bar; thence S. 89°41'17" E. 360.01 feet along a line parallel to the said centerline of McCall Road and the north line of the said Lot 2, Section 17, to the point of beginning, containing 4.297 acres, said tract to be known as North portion of lot one (1), Carlson Addition to the City of Manhattan, Pottawatomie County, Kansas; subject to easements and restrictions of record; and subject to zoning ordinances effecting the subject property.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and chief executive officer. If a sale is made, not an exchange, the proceeds thereof shall be deposited in the restricted fees account of Kansas state university. The provisions of K.S.A. 2005 Supp. 75-6609 and amendments thereto shall not be applicable to the real estate sale authorized by this section.

(c) In the event that the board of regents determines that the legal description of any parcel described by this section is incorrect, the board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 3. (a) The secretary of social and rehabilitation services shall convey, without consideration, to the city of Osawatomie, Kansas, the following described tracts of real estate located in Miami county, Kansas:

Tract I: A portion of the South Half of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the South Half of said Section 1, lying East of U.S. Highway 169 and North of W. 343rd Street and it's Westerly extension, except the North 660 feet and except that part in road way. Containing 127 acres more or less.

Tract II: A portion of the Northwest Quarter of Section 1, Township 18 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the West Half of the Northwest Quarter of said Section 1, lying North of County Road 279, except the West 450 feet more or less of the South Half of, said West Half, and the East 270 feet more or less of the South 280 feet more or less, of the West Half of the Northwest Quarter of said Section 1, and except that part in Osawatomie Road and W. 335th Street. Containing 65 acres more or less.

Tract III: A portion of the Southwest Quarter of Section 36, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

All that part of the Southwest Quarter of the Southwest Quarter and the East Half of the Northwest Quarter of the Southwest Quarter of said Section 36, except that part in Osawatomie Road and W. 335th Street. Containing 59 acres more or less.

Tract IV: A portion of the Southeast Quarter of Section 35, Township 17 S, Range 22 E, Miami County, Kansas, described as follows:

The South Half of the Southeast Quarter of said Section 35, except that part in Osawatomie Road and W. 335th Street. Containing 76 acres more or less.

(b) The deed conveying the real estate described under subsection (a) shall be approved by the attorney general and shall be executed by the secretary of the department of social and rehabilitation services. The deed for the conveyance shall provide that on July 1, 2026, that in the event that any portion of the above-described real estate has not been used for economic development, then all right, title and interest in such portion of such real estate shall revert to the state of Kansas. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the attorney general in consultation with the secretary of social and rehabilitation services.

(c) The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or K.S.A. 2005 Supp. 75-6609 or 75-6610, and amendments thereto.

Sec. 4. K.S.A. 2005 Supp. 76-2135 is hereby amended to read as follows: 76-2135. (a) The secretary of the department of administration is hereby authorized and empowered, for and on behalf of the juvenile justice authority, to convey, without consideration, to the helping hands humane society, inc., all of the rights, title and interest in the following described real estate, and any improvements thereon, located in Shawnee county, Kansas: Approximately 4.9 acres of real estate located in the northeast quarter of section 18, township 11 south, range 16 ~~west~~ east; such 4.9 acres of real estate being located near or adjacent to the Topeka juvenile correctional facility and the Kansas juvenile correctional complex and

near or adjacent to the property owned or used by the helping hands humane society, inc., as an animal shelter.

(b) Conveyance of such rights, title and interest in such real estate, and any improvements thereon, shall be executed in the name of the department of administration executed by the secretary of administration. The deed for such conveyance shall be by quitclaim deed.

(c) No exchange and conveyance of real estate and improvements thereon as authorized by this section shall be made by the secretary of administration until the deeds and conveyances have been reviewed and approved by the attorney general.

(d) All costs in any way related to the conveyance shall be paid by the helping hands humane society, inc. The conveyance of real property authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

Sec. 5. K.S.A. 2005 Supp. 76-2135 is hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 9, following “ACT” by inserting “concerning land conveyance;”; in line 10, preceding the period by inserting ”; authorizing the secretary of administration to transfer certain land and amending the property description of such land; authorizing the state board of regents to convey certain real estate; concerning the conveyance of certain real property located in Miami county to the city of Osawatomie by the secretary of social and rehabilitation services; amending K.S.A. 2005 Supp. 76-2135 and repealing the existing section”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2977** be passed.

Committee on **Health and Human Services** recommends **SB 470** 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 330** be passed.

Committee on **Judiciary** recommends **SB 408** be amended on page 1, by striking all in lines 18 through 26;

By renumbering the remaining sections accordingly;

Also on page 1, in line 29, preceding “killing” by inserting “and maliciously”; in line 30, by striking “or causing serious physical injury to” and inserting “, injuring, maiming, torturing, burning or mutilating”; in line 31, following “(2)” by inserting “intentionally”;

On page 2, in line 19, preceding the semicolon by inserting “and the careful or thrifty management of one’s herd or animals, including animal care practices common in the industry or region”; in line 28, by striking the last “or”; in line 29, by striking all following “(10)”; by striking all in line 30 and inserting “normal or accepted practices of pest control, as defined in subsection (x) of K.S.A. 2-2438a, and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.”;

Also on page 2, in line 33, by striking all following “(2)”; by striking all in lines 34 through 36; in line 37, by striking all preceding the period and inserting “ “Maliciously” means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse”; in line 40, by striking the comma and inserting “and”; in line 41, by striking “, and” and inserting a period; in line 43, following the stricken material, by inserting “During the mandatory 30 days imprisonment, such offender shall”; also in line 43, before the period, by inserting “to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program”;

On page 3, in line 1, by striking “The first conviction of cruelty” and inserting “Cruelty”; in line 3, by striking all following the period; by striking all in lines 4 through 7; by striking all in lines 10 through 43;

On page 4, by striking all in lines 1 through 29;

By renumbering the remaining sections accordingly;

On page 5, in line 32, by striking the first comma and inserting “and”; also in line 32, by striking “\$1,500, and” and inserting “\$500 nor more than \$5,000.”; in line 34, following the stricken material, by inserting “During the mandatory 30 days imprisonment, such offender

shall"; also in line 34, before the period, by inserting "to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program";

On page 9, by striking all in lines 42 and 43;

By striking all on pages 10 through 12;

On page 13, by striking all in lines 1 through 6;

By renumbering the remaining sections accordingly;

On page 14, in line 22, by striking "21-4311,,"; also in line 22, by striking the comma where it appears the third time and inserting "and"; also in line 22, by striking "and 22-4902";

In the title, in line 12, by striking "crimes and punishment" and inserting "animals"; in line 13, preceding "amending" by inserting "relating to licenses and permits under the Kansas pet animal act,,"; in line 14, by striking "21-4311,,"; also in line 14, by striking the comma where it appears the last time and inserting "and"; in line 15, by striking "and 22-4902"; and the bill be passed as amended.

Committee on **Transportation** recommends **Sub. SB 253** be passed.

Committee on **Transportation** recommends **SB 558** 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 411** be amended on page 4, in line 4, by striking "\$180" and inserting "\$90";

By page 8, by striking all in lines 16 through 18; preceding line 19, by inserting:

"Violation of motor carrier safety rules and regulations, except for 66-1,129 \$100";  
violations specified in subsection (b)(2) of K.S.A. 66-1,130, and  
amendments thereto

On page 9, preceding line 5, by inserting:

"Sec. 4. K.S.A. 2005 Supp. 66-1,130 is hereby amended to read as follows: 66-1,130. (a) Except as provided in subsection (b), every carrier to which this act applies and every person who violates or who procures, aids or abets in the violating of any provision of this act, or who fails to obey any order, decision or rule and regulation of the commission, or who procures or aids or abets any person in his failure to obey such order, decision or rule and regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500.

(b) (1) Every carrier who violates the provisions of K.S.A. 66-1,111 or 66-1,128, and amendments thereto, or violates rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, relating to improper equipment, no current driver's daily log or invalid or no physical examination card except for violations specified in paragraph (2), shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

(2) The following violations of rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, shall be deemed misdemeanors under subsection (a):

(A) All hazardous materials violations;

(B) false report of drivers' record of duty status (49 C.F.R. 395.8(e));

(C) driver uses or is in possession of drugs (49 C.F.R. 392.4(a));

(D) possession, use or under influence of alcohol four hours prior to duty (49 C.F.R. 392.5(a));

(E) violation of out-of-service order for alcohol violation (49 C.F.R. 392.5(c)(2));

(F) fraudulent records (49 C.F.R. 390.35);

(G) failing to comply with an unsatisfactory safety rating, out-of-service (49 C.F.R. 385.13(d));

(H) failing to comply with imminent hazard, out-of-service order (49 C.F.R. 385.72(b));

(I) operating in interstate commerce on or after out-of-service order (49 C.F.R. 385.325(c));

(J) refusal to submit to a required alcohol or controlled substance test (49 C.F.R. 382.211);

(K) assistance in investigations and special studies (49 C.F.R. 390.15);

(L) refusal to allow inspections of motor vehicles in operation (49 C.F.R. 396.9);

(M) interstate driver under 21 years of age (49 C.F.R. 391.11(b)(1));

(N) *non-english speaking driver* (49 C.F.R. 391.11(b)(2));  
 (O) *driving a commercial motor vehicle while disqualified* (49 C.F.R. 391.15(a));  
 (P) *unsafe operations of commercial motor vehicle forbidden* (49 C.F.R. 396.7);  
 (Q) *failure to correct defects noted on inspection report* (49 C.F.R. 396.9(d)(2));  
 (R) *carrier requiring or allowing operation of vehicle driver under influence of alcohol or drugs* (49 C.F.R. 392.5(b)(1) and (2));  
 (S) *railroad grade crossing, stop required* (49 C.F.R. 392.1);  
 (T) *driving commercial motor vehicle after placed out-of-service* (49 C.F.R. 395.13(d)); or  
 (U) *inspection, repair and maintenance, parts and accessories* (49 C.F.R. 396.3(a)(1)).”;

And by renumbering the remaining sections accordingly;

Also on page 9, in line 5, preceding “are” by inserting “and 66-1,130”;

In the title, in line 10, following the semicolon by inserting “providing for certain traffic infractions;”; in line 11, following “8-2118” by inserting “and 66-1,130”; and the bill be passed as amended.

Committee on **Wildlife, Parks and Tourism** recommends **SB 417** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 3015**, An act concerning the Kansas commission on veterans affairs; establishing a veterans claims assistance program and a service grant program; prescribing guidelines and limitations; powers, duties and functions for the commission and veterans service organizations; providing for annual reporting to and study and review by the legislative budget committee, by Committee on Appropriations.

**HB 3016**, An act concerning taxation; relating to imposition of tax upon the privilege of engaging in business of distributing, manufacturing or wholesale dealing of soft drinks, by Committee on Taxation.

**HB 3017**, An act concerning income taxation; relating to credits; employers who employ certain members of the Kansas army and air national guard or a Kansas unit of the reserved forces of the United States, by Committee on Taxation.

#### REPORT ON ENGROSSED BILLS

**HB 2577**, **HB 2746** reported correctly engrossed March 16, 2006.

**HB 2610** reported correctly re-engrossed March 16, 2006.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, March 17, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

