

Journal of the House

FORTY-NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 19, 2001, 11:00 a.m.

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

The roll was called with 121 members present.

Rep. Ray was excused on verified illness.

Rep. Howell was excused on legislative business.

Reps. Cook and Toelkes were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. James T. Akers, State Chaplain, Kansas American Legion, of Madison, and guest of Rep. McCreary:

Blessed and Eternal God, we come before You with thankful hearts, open minds and willing spirits. Lift us in this moment into Your presence, that across this chamber we may hear You, guiding us in our busy lives. Deepen our appreciation for the opportunities You set before us. Help us to bring hope to those who look to us for leadership and inspiration.

We ask Your blessing on this dedicated body of men and women who have come here to serve the people of Kansas. Guide their deliberations in this session that the good work which flows from this place will truly enrich the lives of all our citizens. Give special insight to those who lead this House as they face their responsibilities.

Now, Father, in each new beginning be present, be our friend and companion, our beacon of love, safety and assurance. We are Yours and in You we place our trust that You have already answered our prayers. Amen.

The Pledge of Allegiance was led by Rep. Krehbiel.

CORRECTION OF REFERENCE

Speaker Glasscock announced **HB 2568** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on New Economy, should be corrected to be referred to Committee on Business, Commerce and Labor.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 334**.

Appropriations: **Sub. SB 279; Sub. SB 330**.

Insurance: **SB 151**.

Judiciary: **SB 159**.

Taxation: **HB 2567; HCR 5026; HR 6012**.

Utilities: **SB 177**

MESSAGES FROM THE GOVERNOR

HB 2001, HB 2036, HB 2045, HB 2049, HB 2052, HB 2053, HB 2115, HB 2144, HB 2184, HB 2190, HB 2217 approved on March 15, 2001.

MESSAGE FROM THE SENATE

Announcing passage of **SB 110, SB 129, SB 191, SB 322, SB 333**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 110, SB 129, SB 191, SB 322, SB 333.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Freeborn, **HR 6013**, by Reps. Freeborn, Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tapanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6013—

A RESOLUTION in memory of Leo A. Paulsen.

WHEREAS, Leo A. Paulsen of Concordia died February 26, 2001, at age 88. Mr. Paulsen served three terms in the Kansas House of Representatives from 1945 until 1951; and

WHEREAS, Mr. Paulsen was active in local, state and national organizations. He received State and American Farmer Degrees in the Future Farmers of America and also served as National Student Secretary of the FFA in 1933. For many years, he was chairman of the Cloud County Republican Central Committee. He served as a Commissioner of the Federal District Court on the John Redmond Dam project and later for the Clinton Dam and Reservoir. He served on the Board of Directors of Fidelity State Bank, First Bank and Trust and later the UMB Bank of America from 1964 until 1989. He was a Director of the Farm Credit Banks of Wichita and served on the Board of Governors for Farm Bank Services in Denver. In 1968, he received the Distinguished Service to Agriculture Award from the Kansas State Grange. He had served on the Advisory Committee of the Cloud County Children's Trust and many other township and county boards. Mr. Paulsen was instrumental in organizing the "Committee of Kansas Farm Organizations" which is now called the "Kansas Agricultural Alliance"; and

WHEREAS, Mr. Paulsen married Donna E. Burton on June 17, 1934. She and a son, Jack Paulsen, preceded him in death. Surviving family members include five daughters, JoAnn Paulsen, Nancy Jones, Sally Lord, Nora Clausius and Sandra Detrixhe, 25 grandchildren, 20 great-grandchildren and two great-great-grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we offer our deepest sympathy to the family and friends of Leo A. Paulsen and commend his public service for others to emulate; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide five enrolled copies of this resolution to Representative Freeborn for presentation to Mr. Paulsen's family.

Without objection, the following remarks by Rep. Freeborn are spread upon the Journal.

Today we have with us some members of the Leo Paulsen family from various areas of the state. Mr. Paulsen served in the Kansas legislature from 1945 to 1951. Mr. Paulsen was a farmer who remained involved in many aspects of the business community in a number of cities and towns in the state. He was not only involved in agribusiness but also in economic development through his work in the area of financial institution services. He was involved in facilitating agriculture groups working together and this group grew to become the Agricultural Alliance of today.

Today sharing this time in his honor are three of his daughters, Sally Lord, Nancy Jones, and Sandra Detrixhe, along with her husband, Joe, and their son, Paul.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6014—

By Committee on Utilities

A RESOLUTION urging the establishment of a revolving loan fund for the purpose of financing additional attic insulation in certain residences.

WHEREAS, The price of natural gas has risen dramatically in recent months; and

WHEREAS, Current natural gas utility bills create a financial burden for consumers, both private and public; and

WHEREAS, Additional building insulation would lower those consumers' bills while conserving a valuable energy resource; and

WHEREAS, The Federal Energy Regulatory Commission (FERC) has ordered natural gas producers to refund certain ad valorem taxes paid by natural gas consumers in the past; and

WHEREAS, Moneys for such refunds are being paid to local natural gas distribution companies for distribution to consumers: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the State Corporation Commission is urged to request local natural gas distribution companies to pay not less than \$5,000,000 from FERC-ordered ad valorem tax refunds which are held by such companies into the Kansas Housing Trust Fund of the Kansas Department of Commerce and Housing (KDoC&H); and

Be it further resolved: That the KDoC&H is urged to use the moneys paid into such trust fund to establish a revolving loan program to provide forgivable loans not to exceed \$500, at an annual interest rate not more than 3% for the purpose of installing attic insulation in residential properties taking energy service from an energy utility under residential rates and tariffs; and

Be it further resolved: That the forgivable loans are to be available to homeowners and owners of small residential rental properties, earning no more than 115% of the area median income, for single-family dwellings, duplexes, triplexes and fourplexes; and that the loans will be forgiven if the home or residential property remains in the sole possession of the owner for at least five years from the time of the loan; and that the owner will pay back the loan to the state on a prorated basis if the home or residential property is sold less than five years after the time of the loan; and

Be it further resolved: That the KDoC&H administer the loan fund, under the oversight of the Undersecretary of Housing; and that the expense to cover the distribution of the loan funds will not exceed three percent; and that the KDoC&H establish standards to assure that funds from the Kansas Housing Trust Fund loan fund are used by qualified borrowers to purchase and install attic insulation; and

Be it further resolved: That the Chief Clerk of the House of Representatives is directed to send enrolled copies of this resolution to the State Corporation Commission and the Secretary of Commerce and Housing.

CONSENT CALENDAR

Objection was made to **SB 41** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 8** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2543; SB 73** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2543, An act relating to purchasing procedures for certain municipalities; amending K.S.A. 19-260b and 19-2881 and K.S.A. 2000 Supp. 72-6760 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 58; Nays 63; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Ballard, Benlon, Bethell, Boston, Campbell, Cox, Dahl, DiVita, Dreher, Feuerborn, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Henry, Hermes, Holmes, Huff, Humerickhouse, Johnson, Kline, Krehbiel, Lane, Light, Lloyd, Loganbill, P. Long, Loyd, Mason, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Novascone, O'Neal, Ostmeyer, Patterson, J. Peterson, Pottorff, Ruff, Schwartz, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Thimesch, Tomlinson, Weber, Wilk, D. Williams, J. Williams.

Nays: Alldritt, Aurand, Ballou, Barnes, Beggs, Burroughs, Compton, Crow, DeCastro, Dillmore, Edmonds, Faber, Findley, Flaharty, Flora, Garner, Gilbert, Grant, Henderson, Horst, Huebert, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Lightner, M. Long, Mayans, Mays, McClure, McCreary, McKinney, Miller, Myers, Nichols, O'Brien, Osborne, Palmer, Pauls, E. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Sharp, Showalter, Swenson, Tafanelli, Tanner, Toplikar, Vickrey, Wells, Welshimer, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill did not pass.

SB 73. An act relating to vehicle registration; concerning certain farm trailers; amending K.S.A. 2000 Supp. 8-128 and 8-143 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Landwehr, D. Williams.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: One trooper, yes one, read a different meaning into the law than all others. Senator Lee was told that the approximate cost of this bill is \$4,000. It is frustrating when we have to rewrite a statute to take care of the State's employee problems. I am sorry also that this is a blemish on our Kansas State Highway Patrol. I usually vote no on un-needed legislation. But in this case, for some odd reason, we need this unnecessary bill. I vote yes on **SB 73**.—JENE VICKREY

HB 2067. An act concerning certain animals; penalties for inflicting harm or death; cockfighting; amending K.S.A. 2000 Supp. 21-4318 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 56; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alldritt, Ballard, Barnes, Benlon, Campbell, Compton, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Gordon, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Kauffman, Kirk, Kline, Kuether,

Levinson, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Novascone, O'Neal, Ostmeyer, Palmer, Patterson, E. Peterson, Phelps, Pottorff, T. Powell, Pyle, Reardon, Rehorn, Stone, Storm, Swenson, Toplikar, Wells, Welshimer, D. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Burroughs, Cox, Dreher, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henderson, Henry, Huebert, Huy, Johnson, Klein, Krehbiel, Landwehr, Lane, Larkin, Light, M. Long, McClure, Minor, Myers, Neufeld, Newton, Nichols, O'Brien, Osborne, Pauls, J. Peterson, L. Powell, Powers, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Tafanelli, Tanner, Thimesch, Tomlinson, Vickrey, Weber, Wilk, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Although I see a need for protecting drug dogs and other canine animals that perform services for humanity, I am from the country and know that you don't mix dogs and chickens. For that and other reasons, I must vote NO on **HB 2067**.—BOB GRANT

HB 2473, An act concerning life insurance companies; relating to replication transactions; amending K.S.A. 40-2b25 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 1; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou.

Present but not voting: Landwehr.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill passed, as amended.

Sub. HB 2532, An act concerning the state historical society; amending K.S.A. 75-2701, as amended by section 377 of 2001 Senate Bill No. 15, and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 30; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Burroughs, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mayans, McClure, McCreary, McKinney, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Storm, Swenson, Tanner, Thimesch, Tomlinson, Toplikar, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Benlon, Campbell, Dillmore, Edmonds, Faber, Garner, Gordon, Hermes, Huebert, Hutchins, Kline, Kuether, Landwehr, P. Long, Mason, Mays, McLeland, Merrick, Osborne,

Ostmeyer, Powers, Pyle, Shriver, Spangler, Stone, Tafanelli, Vickrey, Weber, Welshimer, D. Williams.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The substitute bill passed, as amended.

SB 47, An act concerning elections; relating to objections; amending K.S.A. 25-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill passed.

SB 212, An act relating to dentists; concerning the use of certain names; amending K.S.A. 2000 Supp. 65-1435 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Cook, Howell, Ray, Toelkes.

The bill passed.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Humerickhouse in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **SB 254**, **SB 63** be passed.

Committee report to **HB 2408** be adopted; also, on motion of Rep. Merrick be amended on page 3, in line 34, after the period by inserting "In the event that the recreation com-

mission appointed by the Blue Valley unified school district No. 229 is dissolved, the existing mill levy the revenue received from which is used and is to be used for the payment of debt or any other obligation as authorized by such commission's latest budget shall continue to be in force and effect until such debt or other obligation is paid in full.”;

On page 4, after line 1, by inserting a new subsection to read as follows:

“(g) Revenue received from the annual general fund mill levy for the Blue Valley recreation commission shall not be used for any purpose for which the capital improvement fund of such commission may be used pursuant to the provisions of K.S.A. 2000 Supp. 12-1935, and amendments thereto.”;

On page 6, in line 5, by striking “shall be”; in line 6, by striking “subject to” and inserting “coupled with the general fund levy shall not exceed”; in line 7, before the period, by inserting “, and shall be the sole source of revenue for the purposes for which such levy is made;”

and **HB 2408** be passed as amended.

Committee report to **SB 125** be adopted; and the bill be passed as amended.

Committee report to **SB 126** be adopted; and the bill be passed as amended.

Committee report to **SB 107** be adopted; also, on motion of Rep. T. Powell be amended on page 1, in line 40, by striking “A” and inserting “Except as provided herein, a”; in line 43, by striking “county counselor or”;

On page 2, in line 2, following the period, by inserting “If a county counselor has been appointed in the county or district, the petition shall be submitted to the county counselor.”; and **SB 107** be passed as amended.

Committee report to **SB 127** be adopted; also, on motion of Rep. T. Powell be amended on page 2, in line 26, by striking “in” and inserting “of”;

On page 4, in line 42, following “Kansas” by inserting “and has the qualifications of an elector in Kansas”;

On page 6, in line 14, by striking “in” and inserting “of”;

On page 14, in line 15, following “Kansas” by inserting “and possess the qualifications of an elector of the state of Kansas”;

On page 15, in line 9, following “Kansas” by inserting “and possess the qualifications of an elector of the state of Kansas”; in line 13, following “Kansas” by inserting “who possess the qualifications of electors of the state of Kansas and”; in line 23, following “Kansas” by inserting “and possesses the qualifications of an elector of the state of Kansas”;

on page 16, in line 11, following “Kansas” by inserting “and possess the qualifications of an elector of the state of Kansas”;

Also, on motion of Rep. Landwehr to amend **SB 127**, the motion did not prevail. Also, on motion of Rep. Nichols to amend, the motion did not prevail and **SB 127** be passed as amended.

Committee report to **HB 2023** be adopted; also, on motion of Rep. Mason be amended on page 11, in line 30, after “age”, by inserting “, enrolled in a school under the jurisdiction of the board of education.”; also in line 30, after “and”, by striking “are”; in line 33, after “age”, by inserting “, enrolled in a school under the jurisdiction of the board of education.”; also in line 33, by striking “are”;

On page 12, in line 9, after “the” by inserting “board of education of the school district in which the child resides has knowledge that the”;

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2507**, **HB 2523** be passed.

The Committee on **Appropriations** recommends **HB 2552** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Appropriations** recommends **HB 2550** be amended on page 1, below line 36, by inserting the following:

“(4) Receive and deal with requests for information as to the financial condition and operation of the state, either directly or in cooperation with any state agency.”;

Also on page 1, in line 37, by striking "(4)" and inserting "(5)"; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2551** be amended on page 4, in line 5, preceding "No", by creating a new paragraph and by inserting "(2)"; in line 7, by striking "(2)" and inserting "(3)"; in line 8, by striking "limitations" and inserting "limitation";

And the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **SB 180** be amended on page 1, by striking all in lines 13 and 14; following line 14, by inserting:

"Section 1. As used in this act:

(a) "Generally accepted operation practice" means those safety practices adopted, pursuant to rules and regulations, by the Kansas department of wildlife and parks and established by a nationally recognized nonprofit membership organization that provides voluntary firearms safety programs which include training individuals in the safe handling and use of firearms and which practices are developed with consideration of all information reasonably available regarding the operation of shooting ranges.

(b) "Local unit of government" means a county, city, township or any other political subdivision of the state, or any agency, authority, institution or instrumentality thereof.

(c) "Person" means an individual, proprietorship, partnership, corporation, club, governmental entity or other legal entity.

(d) "Sport shooting range" or "range" means an area designed and operated for the use of archery, rifles, shotguns, pistols, semiautomatic firearms, skeet, trap, black powder or any other similar sport shooting.

Sec. 2. (a) Notwithstanding any other provisions of law, and in addition to other protections provided in this act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices in the state is not subject to civil liability or criminal prosecution in any matter relating to noise or noise pollution resulting from the operation or use of the range if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction and initial operation of the range.

(b) In addition to any civil protection provided by the act, a person who owns, operates, manages or uses a sport shooting range that conforms to generally accepted operation practices is not subject to an action for nuisance, and a court of the state shall not enjoin or restrain the use or operation of a range on the basis of noise or noise pollution, if the range is in compliance with any noise control laws or ordinances or resolutions that applied to the range and its operation at the time of construction or initial operation of the range.

(c) Rules or regulations adopted by any state department or agency for limiting levels of noise in terms of decibel level which may occur in the outdoor atmosphere do not apply to a sport shooting range immune from liability under this act. However, this subsection does not constrict the application of any provision of generally accepted operation practices.

(d) A person who acquires title to real property adversely affected by the use of property with a permanently located and improved sport shooting range constructed and initially operated prior to the time the person acquires title shall not maintain a nuisance action on the basis of noise or noise pollution or based upon known or inherent dangers against the person who owns, operates or uses the range to restrain, enjoin, or impede the use of the range. This section does not prohibit actions for negligence or recklessness in the operation of the range.

Sec. 3. (a) A sport shooting range that is operated and is not in violation of state law at the time of the enactment of an ordinance or resolution shall be permitted to continue in operation even if the operation of the sport shooting range at a later date does not conform to the new ordinance or resolution or amendment to an existing ordinance or resolution.

(b) A sport shooting range that is in existence as of the effective date of this act and operates in compliance with generally accepted operation practices, even if not in compliance with an ordinance or resolution of a local unit of government, shall be permitted to do all of the following within its preexisting geographic boundaries if in compliance with generally accepted operation practices:

(1) Repair, remodel or reinforce any improvement or facilities or building or structure as may be necessary in the interest of public safety or to secure the continued use of the building or improvement;

(2) reconstruct, repair, rebuild or resume the use of a facility or building damaged by fire, collapse, explosion, act of God or act of war occurring after the effective date of this act. The reconstruction, repair or restoration shall be completed within one year following the date of the damage or settlement of any property damage claim. If reconstruction, repair or restoration is not completed within one year as provided in this subsection, such reconstruction, repair or restoration may be terminated in the discretion of the local unit of government; or

(3) do anything authorized under generally accepted operation practices, including, but not limited to:

- (A) Expand or enhance its membership or opportunities for public participation; and
- (B) reasonably expand or increase facilities or activities.

Sec. 4. (a) Except as otherwise provided, the provisions of this act shall not prohibit a local unit of government from regulating the location and construction of a sport shooting range.

(b) No person or governmental entity may take title to property which has a permanently located and improved sport shooting range, by condemnation, eminent domain or similar process when the proposed use of said property would be for shooting related activities or recreational activities or for private or commercial development. However, this provision does not limit governmental exercise of eminent domain or easement necessary for infrastructure additions or improvements, such as highways, waterways or utilities.

Sec. 5. The secretary of the Kansas department of wildlife and parks is hereby authorized to adopt rules and regulations necessary to implement the provisions of this act. Rules and regulations establishing generally accepted operation practices shall be adopted and be in effect on or before January 1, 2002.”;

By renumbering section 2 as section 6;

Also on page 1, in line 16, by striking “statute book” and inserting “Kansas register”;

In the title, by striking all in lines 9 and 10 and inserting:

“AN ACT concerning the regulation and application of state and local laws, rules, regulations and ordinances to sport shooting ranges; providing civil immunity to persons who operate or use such ranges.”; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **SB 186** be amended on page 3, preceding line 21, by inserting

“Sec. 2. K.S.A. 38-1522 is hereby amended to read as follows: 38-1522. (a) When any of the following persons has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the person shall report the matter promptly as provided in subsection (c) or (e): Persons licensed to practice the healing arts or dentistry; persons licensed to practice optometry; persons engaged in postgraduate training programs approved by the state board of healing arts; licensed psychologists; *licensed masters level psychologists; licensed clinical psychotherapists*; licensed professional or practical nurses examining, attending or treating a child under the age of 18; teachers, school administrators or other employees of a school which the child is attending; chief administrative officers of medical care facilities; ~~registered~~ *licensed* marriage and family therapists; *licensed clinical marriage and family therapists; licensed professional counselors; licensed clinical professional counselors; registered alcohol and drug abuse counselors*; persons licensed by the secretary of health and environment to provide child care services or the employees of persons so licensed at the place where the child care services are being provided to the child; licensed social workers; firefighters; emergency medical services personnel; mediators appointed under K.S.A. 23-602 and amendments thereto; juvenile intake and assessment workers; and law enforcement officers. The report may be made orally and shall be followed by a written report if requested. When the suspicion is the result of medical examination or treatment of a child by a member of the staff of a medical care facility or similar institution, that staff member shall immediately notify the superintendent, manager or other person in charge of the institution who shall make a written report forthwith. Every written report shall contain, if known, the names and addresses of the child and the child’s

parents or other persons responsible for the child's care, the child's age, the nature and extent of the child's injury (including any evidence of previous injuries) and any other information that the maker of the report believes might be helpful in establishing the cause of the injuries and the identity of the persons responsible for the injuries.

(b) Any other person who has reason to suspect that a child has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse may report the matter as provided in subsection (c) or (e).

(c) Except as provided by subsection (e), reports made pursuant to this section shall be made to the state department of social and rehabilitation services. When the department is not open for business, the reports shall be made to the appropriate law enforcement agency. On the next day that the state department of social and rehabilitation services is open for business, the law enforcement agency shall report to the department any report received and any investigation initiated pursuant to subsection (a) of K.S.A. 38-1524 and amendments thereto. The reports may be made orally or, on request of the department, in writing.

(d) Any person who is required by this section to report an injury to a child and who knows of the death of a child shall notify immediately the coroner as provided by K.S.A. 22a-242, and amendments thereto.

(e) Reports of child abuse or neglect occurring in an institution operated by the secretary of social and rehabilitation services or the commissioner of juvenile justice shall be made to the attorney general. All other reports of child abuse or neglect by persons employed by or of children of persons employed by the state department of social and rehabilitation services or the juvenile justice authority shall be made to the appropriate law enforcement agency.

(f) Willful and knowing failure to make a report required by this section is a class B misdemeanor.

(g) Preventing or interfering with, with the intent to prevent, the making of a report required by this section is a class B misdemeanor.

Sec. 3. K.S.A. 39-1402 is hereby amended to read as follows: 39-1402. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a *licensed clinical psychotherapist*, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a *licensed marriage and family therapist*, a *licensed clinical marriage and family therapist*, *licensed professional counselor*, *licensed clinical professional counselor*, *registered alcohol and drug abuse counselor*, a teacher, a bank trust officer, a guardian or a conservator who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the department of health and environment with respect to residents defined under (a)(1) and (a)(2) of K.S.A. 39-1401 and amendments thereto and to the department of social and rehabilitation services with respect to all other residents. Reports made to one department which are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924 and amendments thereto shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information which the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition which is the result of

such abuse, neglect or exploitation or is in need of protective services may report such information to the department of health and environment with respect to residents defined under (a)(1) and (a)(2) of K.S.A. 39-1401 and amendments thereto and to the department of social and rehabilitation services with respect to all other residents. Reports made to one department which are to be made to the other department under this section shall be referred by the department to which the report is made to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 4. K.S.A. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a *licensed clinical psychotherapist*, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a *licensed marriage and family therapist*, a *licensed clinical marriage and family therapist*, *licensed professional counselor*, *licensed clinical professional counselor*, *registered alcohol and drug abuse counselor*, a law enforcement officer, a case manager, a guardian or conservator, a bank trust officer, a rehabilitation counselor, a holder of a power of attorney, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or licensed under K.S.A. 75-3307b and amendments thereto who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the department of social and rehabilitation services, shall submit the report to the department within six hours, during normal work days, of receiving the information. Reports shall be made to the department of social and rehabilitation services during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are not in operation. Law enforcement shall submit the report and appropriate information to the department of social and rehabilitation services on the first working day that social and rehabilitation services is in operation.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information which the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the department of social and rehabilitation services. Reports shall be made to law enforcement agencies during the time social and rehabilitation services are not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 to 39-1410, inclusive, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous place in every adult family home as defined in K.S.A. 39-1501 and amendments thereto and every provider of community services and affiliates thereof operated or funded by the department of social and rehabilitation services or other facility licensed under K.S.A. 75-3307b and amendments thereto.

Sec. 5. K.S.A. 2000 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 2000 Supp. 59-2950 and amendments thereto or by an order of a court issued pursuant to K.S.A. 2000 Supp. 59-2973 and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" shall have the meaning ascribed to it in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015 and amendments thereto, or mental health clinic organized pursuant to the provisions of K.S.A. 65-211 through 65-215 and amendments thereto, or a mental health clinic organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775 and amendments thereto or K.S.A. 17-6001 through 17-6010 and amendments thereto, and licensed in accordance with the provisions of K.S.A. 75-3307b and amendments thereto.

(2) "Participating mental health center" means a mental health center which has entered into a contract with the secretary of social and rehabilitation services pursuant to the provisions of K.S.A. 39-1601 through 39-1612 and amendments thereto.

(e) "Mentally ill person" means any person who is suffering from a mental disorder which is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) "Mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; mental retardation; organic personality syndrome; or an organic mental disorder.

(2) "Lacks capacity to make an informed decision concerning treatment" means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (a) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (b) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church which teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property,

as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 2000 Supp. 59-2949 and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 2000 Supp. 59-2952 or K.S.A. 2000 Supp. 59-2957 and amendments thereto has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to subsection (b) or (c) of K.S.A. 2000 Supp. 59-2954 and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302 and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed masters level psychologist, a *licensed clinical psychotherapist*, a licensed marriage and family therapist, a *licensed clinical marriage and family therapist*, a licensed professional counselor, a *licensed clinical professional counselor*, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318 and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318 and amendments thereto.

(4) "Licensed masters level psychologist" means a person licensed as a licensed masters level psychologist by the behavioral sciences regulatory board under K.S.A. 74-5361 through 74-5373 and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164 and amendments thereto.

(k) "Secretary" means the secretary of social and rehabilitation services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital, Rainbow mental health facility or Topeka state hospital.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in K.S.A. 59-3002 and amendments thereto shall have the meanings provided by that section.

Sec. 6. K.S.A. 2000 Supp. 65-5804a is hereby amended to read as follows: 65-5804a.

(a) Applications for licensure as a professional counselor shall be made to the board on a

form and in the manner prescribed by the board. Each application shall be accompanied by the fee fixed under K.S.A. 65-5808 and amendments thereto.

(b) Each applicant for licensure as a professional counselor shall furnish evidence satisfactory to the board that the applicant:

- (1) Is at least 21 years of age;
- (2) has completed 60 graduate semester hours including a graduate degree in counseling from a college or university approved by the board and which includes 45 graduate semester hours distributed among each of the following areas:
 - (A) Counseling theory and practice;
 - (B) the helping relationship;
 - (C) group dynamics, processing and counseling;
 - (D) human growth and development;
 - (E) life-style and career development;
 - (F) appraisal of individuals;
 - (G) social and cultural foundations;
 - (H) research and evaluation;
 - (I) professional orientation;
 - (J) supervised practicum and internship;
- (3) has passed an examination required by the board; and
- (4) has satisfied the board that the applicant is a person who merits the public trust.

(c) (1) Applications for licensure as a clinical professional counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

- (A) Is licensed by the board as a licensed professional counselor or meets all requirements for licensure as a licensed professional counselor;
- (B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;
- (C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;
- (D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that one-half of the requirement of this part (D) may be waived for persons with a doctor's degree in professional counseling or a related field acceptable to the board;
- (E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;
- (F) for persons who apply for and are eligible for a temporary permit to practice as a licensed professional counselor on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a professional counselor in effect on the day immediately preceding the effective date of this act;
- (G) has passed an examination approved by the board; and
- (H) has paid the application fee fixed under K.S.A. 65-5808 and amendments thereto.

(2) A person who was licensed or registered as a professional counselor in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of professional counseling as a registered or licensed professional counselor within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical professional counselor by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

- (a) Either (i) graduate coursework or (ii) passing a national, clinical examination;
- (b) either (i) three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or
- (c) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical professional counselor may engage in the independent practice of professional counseling and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) On and after January 1, 2002, a licensed professional counselor may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical professional counselor, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed professional counselor shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed professional counselor may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which a college or university shall satisfy in order to be approved by the board. The board may send a questionnaire developed by the board to any college or university for which the board does not have sufficient information to determine whether the school meets the requirements for approval and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the college or university to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about colleges and universities. In entering such contracts the authority to approve college and universities shall remain solely with the board.

(e) A person who ~~intends to pursue the postgraduate supervised training experience is waiting to take the examination required by the board shall apply to the board for a temporary permit license to practice as a licensed professional counselor by (1) paying an application fee of no more than \$150; and (2) providing evidence of graduating from a masters or doctoral program in professional counseling acceptable to the board, (3) submitting letters from three professionals attesting to the applicant's integrity, competence, and worthiness to merit the public's trust, one of whom has provided direct clinical supervision of the~~

~~applicant's graduate program clinical training and (4) completing a postgraduate supervised training plan on forms supplied by the board describing services to be provided, place of employment, persons responsible for administrative oversight and clinical supervision, and statement acknowledging behavioral sciences regulatory board postgraduate training requirements meeting the application requirements as stated in subsections (b)(1), (2) and (4) of K.S.A. 65-5804a and amendments thereto.~~

(f) (1) A temporary ~~permit~~ *license* may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) A temporary ~~permit~~ *license* issued by the board shall expire at such time as final action on the application is completed or two years after the date of issuance of the ~~permit~~. ~~A temporary permit may be renewed for one additional two-year period if the board finds that satisfactory progress toward the supervised experience requirement is being met.~~ *license*.

(g) A person practicing professional counseling with a temporary ~~permit~~ *or license* may not use the title "licensed professional counselor" or the initials "LPC" independently. The word "licensed" may be used only when followed by the words "by temporary ~~permit~~ *license*" such as licensed professional counselor by temporary ~~permit~~ *license*, or professional counselor licensed by temporary ~~permit~~ *license*.

(h) *Nothing in this section shall affect any temporary permit or license to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary permit or license shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the temporary permit or license provided under this section at the time of issuance of such temporary permit or license.*

Sec. 7. K.S.A. 2000 Supp. 65-5807 is hereby amended to read as follows: 65-5807. The board may at its discretion waive the statutory requirements of an applicant for licensure as a licensed professional counselor *or clinical professional counselor* if such applicant is licensed, registered, certified or otherwise authorized to practice professional counseling *or clinical professional counseling* by a similar board in another state and if the standards and qualifications required for the practice of professional counseling *or clinical professional counseling* in the state in which the applicant is so authorized are substantially the same as those required under the professional counselors licensure act.

Sec. 8. K.S.A. 2000 Supp. 65-6404 is hereby amended to read as follows: 65-6404. (a) An applicant for licensure as a marriage and family therapist shall furnish evidence that the applicant:

- (1) Has attained the age of 21;
- (2) (A) has completed a master's or doctoral degree from a marriage and family therapy program, in an educational institution with standards consistent with those of the state universities of Kansas, approved by the board; or (B) has completed a master's or doctoral degree from an educational institution in a related field for which the course work is considered by the board to be equivalent to that provided in clause (2)(A) of this paragraph and consists of a minimum of nine semester hours in human development, nine semester hours in theories of marriage and family functioning, nine semester hours of marital and family assessment and therapy, three semester hours in professional studies and three semester hours in research; or (C) completed a master's or doctoral degree from an educational institution in a related field with additional work from an educational program in marriage and family therapy approved by the board and such degree program and additional work includes the course work requirements provided in clause (2)(B) of this paragraph;

- (3) has passed an examination approved by the board;
- (4) has satisfied the board that the applicant is a person who merits the public trust;

and

(5) Each applicant has paid the application fee ~~and examination fee~~ established by the board under K.S.A. 65-6411 and amendments thereto.

(b) (1) Applications for licensure as a clinical marriage and family therapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(A) Is licensed by the board as a licensed marriage and family therapist or meets all requirements for licensure as a marriage and family therapist;

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (a) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client ~~contract~~ *contact* conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, except that one-half of the requirement of this part (D) may be waived for persons with a doctor's degree in marriage and family therapy or a related field acceptable to the board;

(E) for persons earning a degree under subsection (a) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a marriage and family therapist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed marriage and family therapist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a marriage and family therapist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board; and

(H) has paid the application fee fixed under K.S.A. 65-6411 and amendments thereto.

(2) A person who was licensed or registered as a marriage and family therapist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of marriage and family therapy as a registered or licensed marriage and family therapist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical marriage and family therapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

~~(a)~~ (A) Either (i) graduate coursework or (ii) passing a national, clinical examination;

~~(b)~~ (B) either (i) three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

~~(c)~~ (C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical marriage and family therapist may engage in the independent practice of marriage and family therapy and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical marriage and family therapist shall consult with the client's primary care physician or psychiatrist to determine

if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical marriage and family therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(4) On and after January 1, 2002, a licensed marriage and family therapist may diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations only under the direction of a licensed clinical marriage and family therapist, licensed psychologist, person licensed to practice medicine and surgery or person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders. When a client has symptoms of a mental disorder, a licensed marriage and family therapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed marriage and family therapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

Sec. 9. K.S.A. 2000 Supp. 65-6405 is hereby amended to read as follows: 65-6405. (a) ~~Prior to July 1, 1998, the board, upon receipt of a proper application and payment of fees, shall issue a license or a temporary license to an applicant without examination if the board is satisfied that the applicant meets the requirements of paragraphs (1) to (3), inclusive, of subsection (a) of K.S.A. 65-6404 and amendments thereto or if the board is satisfied that the applicant has completed a master's or doctoral degree in a related field. In addition, the applicant has practiced marriage and family therapy continuously for five years immediately prior to application for licensure under the marriage and family therapists licensure act and is otherwise qualified to be licensed as a marriage and family therapist. A person registered as a marriage and family therapist on December 30, 1996, shall be deemed to be a licensed marriage and family therapist under such act. Such person shall not be required to file an original application for licensure under such act, but shall apply to the board for a license in lieu of registration upon payment of the fee required by the board for renewal of license. Any application for registration filed but which has not been granted prior to January 1, 1997, shall be processed as an application for licensure under requirements defined for credentialing at the time of application pursuant to such act.~~ (b) A person who is waiting to take the examination required by the board ~~or who intends to pursue the postgraduate supervised training experience shall apply to the board for a temporary license to practice as a licensed marriage and family therapist by (1) paying an application fee of no more than \$150, and (2) providing evidence of graduating from a master's or doctoral program in marriage and family therapy acceptable to the board, (3) submitting letters from three professionals attesting to the applicant's integrity, competence, and worthiness to merit the public's trust, one of whom has provided direct clinical supervision of the applicant's graduate program clinical training, and (4) completing a postgraduate supervised training plan on forms supplied by the board describing services to be provided, place of employment, persons responsible for administrative oversight and clinical supervision, and statement acknowledging behavioral sciences regulatory board postgraduate training requirements meeting the application requirements as stated in subsections (a)(1), (2) and (4) of K.S.A. 65-6404 and amendments thereto.~~

~~(c)~~ (b) (1) A temporary license may be issued by the board after the application has been reviewed and approved by the board and the applicant has paid the appropriate fee set by the board for issuance of new licenses.

(2) A temporary license issued by the board shall expire at such time as final action on the application is completed or two years after the date of issuance of the temporary license. ~~A temporary license may be renewed for one additional two-year period if the board finds that satisfactory progress toward the supervised experience requirement is being met.~~

~~(d)~~ (c) A person practicing marriage and family therapy with a temporary license may not use the title "licensed marriage and family therapist" or the initials "LMFT" indepen-

dently. The word "licensed" may be used only when followed by the words "by temporary license" such as licensed marriage and family therapist by temporary license, or marriage and family therapist, temporarily licensed.

(e) (d) Nothing in this section shall affect any temporary permit *or license* to practice issued under this section prior to the effective date of this act and in effect on the effective date of this act. Such temporary permit *or license* shall be subject to the provisions of this section in effect at the time of its issuance and shall continue to be effective until the date of expiration of the permit *or license* as provided under this section at the time of issuance of such temporary permit *or license*.

Sec. 10. K.S.A. 2000 Supp. 74-5363 is hereby amended to read as follows: 74-5363. (a) Any person who desires to be licensed under this act shall apply to the board in writing, on forms prepared and furnished by the board. Each application shall contain appropriate documentation of the particular qualifications required by the board and shall be accompanied by the required fee.

(b) The board shall license as a licensed masters level psychologist any applicant for licensure who pays the fee prescribed by the board under K.S.A. 74-5365 and amendments thereto, which shall not be refunded, who has satisfied the board as to such applicant's training and who complies with the provisions of this subsection (b). An applicant for licensure also shall submit evidence verified under oath and satisfactory to the board that such applicant:

- (1) Is at least 21 years of age;
- (2) has satisfied the board that the applicant is a person who merits public trust;
- (3) has received at least 60 graduate hours including a master's degree in psychology based on a program of studies in psychology from an educational institution having a graduate program in psychology consistent with state universities of Kansas; or until July 1, 2003, has received at least a master's degree in psychology and during such master's or post-master's coursework completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology; or has passed comprehensive examinations or equivalent final examinations in a doctoral program in psychology and during such graduate program completed a minimum of 12 semester hours or its equivalent in psychological foundation courses such as, but not limited to, philosophy of psychology, psychology of perception, learning theory, history of psychology, motivation, and statistics and 24 semester hours or its equivalent in professional core courses such as, but not limited to, two courses in psychological testing, psychopathology, two courses in psychotherapy, personality theories, developmental psychology, research methods, social psychology;
- (4) has completed 750 clock hours of academically supervised practicum in the master's degree program *or 1,500 clock hours of postgraduate supervised work experience*;
- (5) has passed an examination approved by the board with a minimum score set by the board by rules and regulations at 10 percentage points below the score set by the board for licensed psychologists.

(c) (1) Applications for licensure as a clinical psychotherapist shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

- (A) Is licensed by the board as a licensed masters level psychologist or meets all requirements for licensure as a masters level psychologist;
- (B) has completed 15 credit hours as part of or in addition to the requirements under subsection (b) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;
- (C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment with individuals, couples, families

or groups, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional postgraduate supervised experience as determined by the board;

(D) has completed not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than 4,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or groups and not less than 150 hours of clinical supervision, including not less than 50 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (b) prior to July 1, 2003, in lieu of the education requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a licensed masters level psychologist in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary permit to practice as a licensed masters level psychologist on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a masters level psychologist in effect on the day immediately preceding the effective date of this act;

(G) has passed an examination approved by the board with the same minimum passing score as that set by the board for licensed psychologists; and

(H) has paid the application fee.

(2) A person who was licensed or registered as a masters level psychologist in Kansas at any time prior to the effective date of this act, who has been actively engaged in the practice of masters level psychology as a registered or licensed masters level psychologist within five years prior to the effective date of this act and whose last license or registration in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a licensed clinical psychotherapist by providing demonstration of competence to diagnose and treat mental disorders through at least two of the following areas acceptable to the board:

~~(A)~~ (A) Either (i) graduate coursework or (ii) passing a national, clinical examination;

~~(B)~~ (B) either (i) three years of clinical practice in a community mental health center, its contracted affiliate or a state mental hospital or (ii) three years of clinical practice in other settings with demonstrated experience in diagnosing or treating mental disorders; or

~~(C)~~ (C) attestation from one professional licensed to diagnose and treat mental disorders in independent practice or licensed to practice medicine and surgery that the applicant is competent to diagnose and treat mental disorders.

(3) A licensed clinical psychotherapist may engage in the independent practice of masters level psychology and is authorized to diagnose and treat mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations. When a client has symptoms of a mental disorder, a licensed clinical psychotherapist shall consult with the client's primary care physician or psychiatrist to determine if there may be a medical condition or medication that may be causing or contributing to the client's symptoms of a mental disorder. A client may request in writing that such consultation be waived and such request shall be made a part of the client's record. A licensed clinical psychotherapist may continue to evaluate and treat the client until such time that the medical consultation is obtained or waived.

(d) The board shall adopt rules and regulations establishing the criteria which an educational institution shall satisfy in meeting the requirements established under item (3) of subsection (b). The board may send a questionnaire developed by the board to any educational institution for which the board does not have sufficient information to determine whether the educational institution meets the requirements of item (3) of subsection (b)

and rules and regulations adopted under this section. The questionnaire providing the necessary information shall be completed and returned to the board in order for the educational institution to be considered for approval. The board may contract with investigative agencies, commissions or consultants to assist the board in obtaining information about educational institutions. In entering such contracts the authority to approve educational institutions shall remain solely with the board.”;

By renumbering remaining sections accordingly;

Also on page 3, in line 21 by striking “74-7508 is hereby repealed” and inserting “38-1522, 39-1402, 39-1431 and 74-7508 and K.S.A. 2000 Supp. 59-2946, 65-5804, 65-5804a, 65-5807, 65-5811, 65-6404, 65-6405 and 74-5363 are hereby repealed”;

On page 1, in the title, in line 10, after the semicolon by inserting “relating to professions regulated by the board”; in line 13, before “74-7508” by inserting “38-1522, 39-1402, 39-1431 and”; also in line 13, after “74-7508” by inserting “and K.S.A. 2000 Supp. 59-2946, 65-5804a, 65-5807, 65-6404, 65-6405 and 74-5363”; also in line 13, by striking “section.” and inserting “sections; also repealing K.S.A. 2000 Supp. 65-5804 and 65-5811.”

and the bill be passed as amended.”;

The Committee on **Health and Human Services** recommends **SB 214** be amended on page 1, in line 41, by striking all after the period; by striking all in line 42;

On page 2, in line 43, by striking “in this”;

On page 3, in line 1, by striking all before the period and inserting: “unless the crematory is licensed under this act”;

On page 4, in line 4, by striking “pacemakers” and inserting “pacemaker”; in line 5, by striking “implants are” and inserting “implant is”; in line 7, by striking “pacemakers” and inserting “any pacemaker”; also in line 7, by striking “im-”; in line 8, by striking “plants” and inserting “implant”;

On page 6, in line 11, after “pacemaker” by inserting “or hazardous implant”; in line 14, after “pacemaker” by inserting “or hazardous implant”; in line 16, before “has” by inserting “or hazardous implant”; in line 19, before the comma, by inserting “or hazardous implant”;

On page 8, in line 15, by striking all after “shall”; in line 16, by striking all before “take”; in line 17, by striking “existing” and inserting “conflicting Kansas”; also in line 17, after “govern” by inserting “the handling and disposition of”; in line 18, by striking “that do not specifically address cremation” and inserting “when cremation is requested”; and the bill be passed as amended.

The Committee on **Insurance** recommends **SB 29** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Insurance** recommends **SB 83** be amended on page 2, following line 14, by inserting new subsection as follows:

“(d) An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy or facsimile of any of these documents shall suffice for verification of registration or renewal. Proof of insurance may also be verified on-line or electronically.”;

and the bill be passed as amended.

The Committee on **Insurance** recommends **Substitute for SB 123** be amended on page 20, in line 20, by striking all after “(d)”; by striking all in lines 21 through 25; in line 26, by striking “(e)”;

On page 21, in line 7, by striking “(e)” and inserting “(d)”; in line 20, by striking “(e)” and inserting “(d)”; in line 25, by striking “(f)” and inserting “(e)”;

also in line 25, by striking

“(e)” and inserting “(d)”; in line 27, by striking “(e)” and inserting “(d)”; in line 29, by striking “(g)” and inserting “(f)”; in line 32, by striking “(h)” and inserting “(g)”; and the substitute bill be passed as amended.

The Committee on **Transportation** recommends **HB 2277** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2277,” as follows:

“Substitute for HOUSE BILL No. 2277

By Committee on Transportation

“AN ACT relating to railroads; concerning the rail service improvement program; amending K.S.A. 2000 Supp. 75-5048 and repealing the existing section.”; and the substitute bill be passed.

(Sub. **HB 2277** was thereupon introduced and read by title.)

The Committee on **Transportation** recommends **SB 172** be amended on page 1, in line 32, preceding “Every” by inserting “(a)”; in line 37, by striking “(a)” and inserting “(1)”; in line 41, by striking “(b)” and inserting “(2)”;

On page 2, in line 1, by striking “(c)” and inserting “(3)”; following line 7, by inserting a new subsection as follows:

“(b) If the number of children subject to the requirement of subsection (a) exceeds the number of passenger securing locations available for use by children affected by such requirements, and all of those securing locations are in use by children, then there is not a violation of this section”;

Also on page 2, in line 19, following “violating” by inserting “paragraph (1) or (2) of”; also in line 19, by striking “or (b)”;

On page 3, by striking all in lines 16 through 27;

By renumbering sections accordingly;

Also on page 3, in line 28, by striking “K.S.A. 8-2504 and”;

In the title, in line 13, by striking “and safety belts”; also in line 13, by striking “K.S.A. 8-2504 and”; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2521** be amended on page 1, in line 16, before “K.S.A.”, by inserting “On and after January 1, 2002.”; in line 23, before “K.S.A.”, by inserting “On and after January 1, 2002.”;

On page 2, in line 14, by striking “or”; by striking all in lines 16 and 17; in line 18, by striking all before the period and inserting “which are used in the production of natural gas, but only if such lines are located outside any public access right-of-way or if such lines are located inside a public access right-of-way but are clearly marked in a manner sufficient to provide notice of their location; (C) other production petroleum lead lines located on unplatted land outside the corporate limits of any city; (D) any rural water district facility exempt from the provisions of this act pursuant to section 10, and amendments thereto; or (E) facilities used to convey communications or electricity to street lights or traffic control devices or used to provide utility service to a public rest area facilities if: (i) Such facilities are owned and operated by a public entity; (ii) the easement where such facilities are located is owned or controlled by the public entity; and (iii) an excavator, before excavating in the easement, is required to obtain from the public entity a permit which requires, at a minimum, that the excavator comply with the provisions of this act at the proposed excavation site”; in line 26, by striking “work” and inserting “works”;

On page 3, in line 11, after (2), by inserting a space; in line 17, by striking “initial meeting” and inserting “meeting conducted in accordance with subsection (l)(1)”; in line 29, by striking “di-”; in line 30, by striking all before “building” and inserting “subdivided for the purpose of”; in line 31, after “subdivisions”, by inserting “, and for which a surveyor’s plat has been filed of record in the office of the register of deeds in the county where the land is located”; in line 36, by striking all after “any”; by striking all in line 37; in line 38, by striking all before the period and inserting “federal highway, state highway, county road or township road, and the right-of-way associated with such highway or road”;

On page 4, in line 15, by striking “as” and inserting “an”; in line 23, before “K.S.A.”, by inserting “On and after January 1, 2002.”; in line 34, by striking “the” and inserting “The”; in line 41, by striking the comma; in line 42, by striking all before the period;

On page 5, in line 4, by striking "date the excavation starts" and inserting "scheduled excavation start date"; in line 6, by striking "the" and inserting "The"; in line 10, after "type", by inserting "and depth"; in line 12, by striking "the" and inserting "The"; in line 14, before "an", by inserting "at the request of the operator,"; in line 24, by striking "the description of";

On page 6, in line 2, by striking "any" and inserting "Any"; in line 6, by striking "under ground" and inserting "underground" line 13, by striking ", such"; in line 14, by striking all before "that"; in line 15, before "a", by inserting "the excavator shall make"; in line 16, by striking "determine the"; in line 17, by striking "depth of" and inserting "determine that the excavation for the new facility will not interfere with"; in line 23, by striking all after "begin"; in line 24, by striking all before "or" and inserting "on the scheduled excavation start date"; in line 26, by striking all after the period; by striking all in lines 27 through 29; in line 32, by striking all after "activity"; in line 33, by striking all before "disregard" and inserting "with negligent"; in line 43, before "K.S.A.", by inserting "On and after January 1, 2002,";

On page 7, in line 27, before "K.S.A.", by inserting "On and after January 1, 2002,"; in line 31, by striking "is" and inserting "in"; in line 33, before "K.S.A.", by inserting "On and after January 1, 2002,"; in line 41, by striking "the";

On page 8, in line 8, by striking "An audio" and inserting "A"; after line 19, by inserting: "(h) The provisions of this section shall take effect and be in force from and after January 1, 2002.";

Also on page 8, in line 35, after "excavate", by inserting "or before the scheduled excavation start date";

On page 9, after line 38, by inserting:

"(m) The provisions of this section shall take effect and be in force from and after January 1, 2002.";

On page 10, in line 2, by striking "accurate"; in line 7, by striking "an"; in line 8, by striking "accurate" and inserting "a"; in line 18, after "excavate", by inserting "or before the scheduled excavation start date"; in line 37, by striking ", notifies the notification center" and inserting "of a tier 2 facility, notifies such operator"; in line 38, by striking the last "the" and inserting "such"; in line 40, by striking the first "the" and inserting "such"; also in line 40, by striking "notification"; in line 41, by striking "center" and inserting "excavator";

On page 11, after line 10, by inserting the following:

"(k) The provisions of this section shall take effect and be in force from and after January 1, 2002.

New Sec. 10. (a) The board of directors of any rural water district organized or operating under the authority of K.S.A. 82a-612 *et seq.*, and amendments thereto, may elect to exempt the facilities of such district from the provisions of this act by adopting and filing with the state corporation commission, before January 1, 2002, a resolution of the board providing for such exemption. Such board of directors subsequently may elect to make the facilities of such district subject to the provisions of this act by adopting and filing with the state corporation commission, a resolution of the board providing for such facilities to be subject to the provisions of this act.

(b) Once the facilities of a rural water district organized or operating under the authority of K.S.A. 82a-612 *et seq.*, and amendments thereto, are subject to the provisions of this act, the board of directors of such rural water district shall not have authority thereafter to exempt the facilities of such district from the provisions of this act.

(c) This section shall be part of and supplemental to the Kansas underground utility damage prevention act.";

Also on page 11, by renumbering sections 10 and 11 accordingly; in line 11, before "K.S.A.", by inserting "On and after January 1, 2002,"; in line 15, by striking all before "its"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2569. An act relating to taxation; allowing credits for donations to the Kansas Regents Foundation; amending K.S.A. 2000 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

On motion of Rep. Ballou, the House adjourned until 11:00 a.m., Tuesday, March 20, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

