

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 25, 2004, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. D. Williams was excused on excused absence by the Speaker.
Present later: Rep. D. Williams.

Prayer by Chaplain Chamberlain:

Yahweh, Jehovah, Elohim, Creator, Redeemer, Sustainer . . . Your names are many, O Lord, but you are one God. We call to you in many languages, but you are one God. We call to you from many nations and from every race, but you are one God. Hear our prayer this day and let it be joined with the prayers of all the world in praise and thanksgiving to you for your being and your love for each one of us.

As we enter this season of reflection, confession and penance for many of us, guide us with your firm, steady and just hand. Show us the ways in which we have divided what you created as one, a world of all your children. Show us the ways in which we have sought to care for ourselves at the expense of others. Show us the ways in which we have wounded you through our actions and our inactions. Lead us to acknowledge our sin and ask your forgiveness. And then, because you are a God of grace, forgiveness and new beginnings, tell us again of your love for us, your hope for us and your promise to us.

We your children turn to you, for you alone are holy, you alone are most high, you alone are our God. Amen.

The Pledge of Allegiance was led by Rep. Kauffman.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2912**.

Taxation: **HB 2909, HB 2910, HB 2911**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2563, An act concerning motor vehicles; pertaining to reporting of accidents; amending K.S.A. 8-1606 and 8-1611 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutch-

ins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed, as amended.

HB 2604. An act concerning watercraft, relating to dealers; requiring licensing; providing for dealer certificates of number; amending K.S.A. 32-1102 and 32-1112 and K.S.A. 2003 Supp. 32-1172 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 19; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burroughs, Campbell, Carlin, Carter, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Barbieri-Lightner, Burgess, Compton, Dahl, Dreher, Faber, Freeborn, Howell, Huebert, Huntington, Kassebaum, Long-Mast, Loyd, Neighbor, Newton, Powell, Powers, Schwartz.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed.

HB 2695. An act relating to littering; providing for criminal littering; creating a traffic infraction of littering; amending K.S.A. 8-2118 and 21-3722 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 54; Nays 70; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Burroughs, Campbell, Carlin, Cox, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Gatewood, Gilbert, Hayzlett, Henry, Holland, Huff, Jack, D. Johnson, E. Johnson, Lane, Larkin, Mason, McKinney, J. Miller, Minor, Myers, Neighbor, Novascone, O'Neal, Patterson, Phelps, Reardon, Rehorn, Reitz, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Svaty, Swenson, Thimesch, Thull, Vickrey, J. Williams, Wilson, Yonally.

Nays: Barbieri-Lightner, Brunk, Burgess, Carter, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Flora, Freeborn, Goering, Goico, Gordon, Grant, Henderson, Hill, Holmes, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Light, Loganbill, M. Long, Long-Mast, Loyd, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, Newton, O'Malley, Osborne, Ostmeyer, Owens, Pauls, Pottorff, Powell, Powers, Ruff, Schwab, Schwartz, Shultz, Siegfried, Storm, Tafanelli, Toelkes, Ward, Wilk, Winn, Yoder.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2695** establishes two new crimes: littering and criminal littering. The flaw in this bill is that conduct which would constitute criminal littering is, by definition, conduct that could be charged under the less serious offense of littering. The Supreme Court, applying the *State v. McAdams* rule, will require prosecutors to charge all such cases as littering, rendering the criminal littering provisions null and void, which will require that we revisit this issue in the future. Rather than taking the long way around the barn, we ought to get this right in the first place. I vote no on **HB 2695**.—JEFF GOERING, BRENDA K. LANDWEHR, KEVIN YODER, LEE TAFANELLI, JOE HUMERICKHOUSE

HB 2707, An act designating K-4 highway in Wabaunsee county as the Maisie DeVore highway, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 5; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Landwehr, Neufeld, Ostmeyer, Powers.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed.

HB 2725, An act concerning county jails; relating to the costs of maintaining inmates; amending K.S.A. 2003 Supp. 19-1930 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Henderson, Jack, Klein, Light, Loyd, Rehorn, Scoggins-Waite, Ward.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed.

HB 2731, An act concerning hunting; relating to voluntary contributions to Kansas Farmers and Hunters Feeding the Hungry; amending K.S.A. 32-980 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Jack, Loyd.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed.

HB 2745. An act relating to the registration of certain fleet motor vehicles, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dreher, Howell, Klein, Powers, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: D. Williams.

The bill passed, as amended.

HB 2746. An act concerning motor vehicles; relating to export certificate of titles; amending K.S.A. 2003 Supp. 8-135 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Gatewood.
 Present but not voting: None.
 Absent or not voting: D. Williams.
 The bill passed.

HB 2793, An act concerning drainage districts; relating to the powers and duties of the governing body thereof; amending K.S.A. 2003 Supp. 24-639 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeier, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Rehorn, Ward.
 Present but not voting: None.
 Absent or not voting: D. Williams.
 The bill passed, as amended.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Cox in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2602**, **HB 2833**, **HB 2871** be passed.

Sub. HB 2647 be passed over and retain a place on the calendar (see further action, Committee of the Whole, afternoon session).

On motion of Rep. Thimesch to amend **HB 2773**, Rep. Yonally requested a ruling on the amendment being germane to the bill. The Rules Chair ruled it germane. The question then reverted back to the motion of Rep. Thimesch and the bill be amended on page 1, in line 14, before "Section" by inserting "New";

On page 2, before line 1, by inserting:

"New Sec. 2. (a) No land located in a township shall be annexed pursuant to subsection (a) (1) of K.S.A. 12-520, and amendments thereto, unless the city adopts a resolution stating its intent to annex such land. Such resolution shall be published at least once in a newspaper of general circulation within the city and in the area sought to be annexed. If within 30 days after the publication of such resolution, a petition requesting the appointment of an annexation review board signed by at least 40% of the landowners in the area sought to be annexed is filed with the city clerk, no land shall be annexed unless such annexation, or portion thereof, is approved by an annexation review board as provided by this section.

(b) The mayor shall convene a review board composed of the following persons:

(1) The mayor of the city desiring to annex such land or the mayor's designee.
 (2) A landowner in the area sought to be annexed appointed by majority vote of the landowners in the area sought to be annexed.

(3) A hearing officer from the office of administrative hearings within the department of administration or such officer's designee.

(c) The review board shall determine whether the proposed annexation is in the public interest and in the best interest of the city, county and other political subdivisions in the area sought to be annexed. The governing bodies of the city, county and other political

subdivisions in the area sought to be annexed shall assist the board in making its decision. Such governing bodies shall provide all relevant information and records requested by the review board. In making its determination the review board shall be guided, but not be limited to, by its findings with respect to the following factors:

- (1) The immediate and prospective populations of the area to be annexed.
- (2) The assessed valuation of the area to be annexed, and its relationship to population.
- (3) The history of and prospects for construction of improvements in the area to be annexed.
- (4) The needs and possibilities for geographical expansion of the city.
- (5) The present and anticipated need for governmental services in the area proposed to be annexed, including but not limited to, water supply, sewage and garbage disposal, zoning, streets and alleys, curbs, sidewalks, police and fire protection, playgrounds, parks and other municipal services, and transportation and drainage.
- (6) The relative capabilities of the city, county, and other political subdivisions in the area sought to be annexed to provide or obtain governmental services when needed.
- (7) The existence of benefit districts within the area proposed to be annexed, and the impact of annexation upon such districts.
- (8) The elimination of isolated unincorporated areas existing without adequate economical governmental services.
- (9) The immediate and potential revenues that would be derived by the city as a result of annexation, and their relation to the cost of providing service to the area.
- (d) The board shall make its determination either approving or disapproving the annexation, or a portion thereof, within 90 days of the appointment of the first member of the annexation review board. The board specifically shall state its reasons and findings for its determination. Such findings need not include specific data on every finding made, but shall indicate that all factors listed in subsection (c) were considered. A copy of the board's determination shall be filed with the mayor of the city seeking to make such annexation and with the board of county commissioners.
- (e) The city may annex the land sought to be annexed to the extent approved by the annexation review board under subsection (d).
- (f) All costs incurred pursuant to this section shall be paid by the city if the annexation is not approved. If the annexation of a part, but not all, of the land sought to be annexed is approved by the board, the city shall pay costs in an amount which is proportionate to the amount approved to be annexed. All costs incurred pursuant to this section shall be paid by the landowners whose land is annexed pursuant to the approval of the board.

Sec. 3. K.S.A. 12-520 is hereby amended to read as follows: 12-520. (a) ~~Except as hereinafter provided;~~ The governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

- (1) *Subject to the provisions of section 2, and amendments thereto,* the land is platted, and some part of the land adjoins the city.
- (2) The land is owned by or held in trust for the city or any agency thereof.
- (3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county.
- (4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.
- (5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.
- (6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.
- (7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 *et seq.*, and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) Any owner of land annexed by a city under the authority of this section, within 30 days next following the publication of the ordinance annexing the land, may maintain an action in the district court of the county in which the land is located challenging the authority of the city to annex the land, *the reasonableness of the annexation* and the regularity of the proceedings had in connection therewith.

Sec. 4. K.S.A. 12-520 is hereby repealed.”;

By renumbering the remaining section accordingly;

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

“AN ACT concerning cities and townships; relating to the boundaries thereof; amending K.S.A. 12-520 and repealing the existing section.”; and **HB 2773** be passed as amended.

Committee report to **HB 2767** be adopted; also, on motion of Rep. Landwehr be amended on page 1, in line 29, by striking “21” and inserting “60”; and **HB 2767** be passed as amended.

Committee report to **HB 2795** be adopted; also, on motion of Rep. Loyd to amend, the motion did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2636**, **HB 2638**, **HB 2727** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2730** be amended on page 1, in line 13, by striking all after “1.”; by striking all in lines 14 through 22 and inserting the following: “(a) Aggravated endangering a child is endangering a child, as defined in K.S.A. 21-3608, and amendments thereto, and permitting such child to be in an environment where.”;

Also on page 1, in line 23, by striking “(A)” and inserting “(1)”; in line 27, by striking “or” ; in line 28, by striking “(B)” and inserting “(2)”; in line 31, by striking the period, and inserting “; or

(3) a loaded and unsecured firearm is present and readily accessible by an unattended child under the age of 14 who has not been issued a certificate of completion of an approved hunter education course.

(b) Aggravated endangering a child is a severity level 9, person felony.

(c) This section shall be part and supplemental to the Kansas criminal code.”;

Also on page 1, by striking all in lines 32 through 40;

On page 2, by striking all of line 2;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 9, after “to” by inserting “aggravated”; in line 10, by striking all after “child” and inserting a period; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2742** be amended on page 3, in line 39, after “(7)” by inserting “The commissioner of juvenile justice or any agents designated by the commissioner.

(8)”;

On page 4, in line 16, after “(7)” by inserting “The commissioner of juvenile justice or any agents designated by the commissioner.

(8)”;

On page 9, in line 14, after “jurisdiction” by inserting “, after in camera inspection,”; in line 18, following the period by inserting “The court shall specify the terms of disclosure and impose appropriate limitations.”; by striking all in lines 19 through 24;

On page 10, in line 9, after “The”, by inserting “commissioner of”; also in line 9, by striking “authority”; and the bill be passed as amended.

Committee on **Economic Development** recommends **HB 2539** be passed.

Committee on **Economic Development** recommends **HB 2713** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2713,” as follows:

“Substitute for HOUSE BILL No. 2713

By Committee on Economic Development

“AN ACT concerning athletic competitions; establishing an athletic commission, boxing commissioner, athletic fee fund, powers and duties; prohibitions and complaint procedure; amending K.S.A. 21-1801 and repealing the existing section; also repealing K.S.A. 12-5101, 12-5102, 12-5103, 12-5104, 12-5105, 12-5106, 12-5107, 12-5108, 12-5109, 12-5110, 12-5111, 12-5112, 12-5113, 12-5114, 12-5115, 12-5116, 12-5117, 12-5118, 12-5119, 12-5120, 12-5121, 12-5122, 12-5123, 12-5124, 12-5125 and 12-5126.”; and the substitute bill be passed.

(**Sub. HB 2713** was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2630** be amended on page 9, after 10 by inserting two additional sections to read as follows:

“Sec. 2. K.S.A. 72-6441 is hereby amended to read as follows: 72-6441. (a) (1) The board of any district to which the provisions of this subsection apply may levy an ad valorem tax on the taxable tangible property of the district each year for a period of time not to exceed two years in an amount not to exceed the amount authorized by the state board of tax appeals under this subsection for the purpose of financing the costs incurred by the state that are directly attributable to assignment of ancillary school facilities weighting to enrollment of the district. The state board of tax appeals may authorize the district to make a levy which will produce an amount that is not greater than the difference between the amount of costs directly attributable to commencing operation of one or more new school facilities and the amount that is financed from any other source provided by law for such purpose, including any amount attributable to assignment of school facilities weighting to enrollment of the district for each school year in which the district is eligible for such weighting. If the district is not eligible, or will be ineligible, for school facilities weighting in any one or more years during the two-year period for which the district is authorized to levy a tax under this subsection, the state board of tax appeals may authorize the district to make a levy, in such year or years of ineligibility, which will produce an amount that is not greater than the actual amount of costs attributable to commencing operation of the facility or facilities.

(2) The board of tax appeals shall certify to the state board of education the amount authorized to be produced by the levy of a tax under subsection (a).

(3) The state board of tax appeals may adopt rules and regulations necessary to properly effectuate the provisions of this subsection, including rules relating to the evidence required in support of a district’s claim that the costs attributable to commencing operation of one or more new school facilities are in excess of the amount that is financed from any other source provided by law for such purpose.

(4) The provisions of this subsection apply to any district that (A) commenced operation of one or more new school facilities in the school year preceding the current school year or has commenced or will commence operation of one or more new school facilities in the current school year or any or all of the foregoing, and (B) is authorized to adopt and has adopted a local option budget in an amount ~~equal to the state prescribed percentage that is:~~ *(i) At least 25% of the amount of state financial aid determined for the district in the current school year if the new school facilities were completed, contracted for or financed by bonds issued prior to July 1, 2004; or (ii) at least 30% of the amount of state financial aid determined for the current school year if the new school facilities were completed, contracted for or financed by bonds issued on or after July 1, 2004,* and (C) is experiencing extraordinary enrollment growth as determined by the state board of education.

(b) The board of any district that has levied an ad valorem tax on the taxable tangible property of the district each year for a period of two years under authority of subsection (a) may continue to levy such tax under authority of this subsection each year for an additional period of time not to exceed three years in an amount not to exceed the amount computed by the state board of education as provided in this subsection if the board of the district determines that the costs attributable to commencing operation of one or more new school facilities are significantly greater than the costs attributable to the operation of other school facilities in the district. The tax authorized under this subsection may be levied at a rate which will produce an amount that is not greater than the amount computed by the state board of education as provided in this subsection. In computing such amount, the state board shall (1) determine the amount produced by the tax levied by the district under authority of subsection (a) in the second year for which such tax was levied and add to such amount the amount of general state aid directly attributable to school facilities weighting that was received by the district in the same year, and (2) compute 75% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the first year of the three-year period for which the district may levy a tax under authority of this subsection, and (3) compute 50% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the second year of the three-year period for which the district may levy a tax under authority of this subsection, and (4) compute 25% of the amount of the sum obtained under (1), which computed amount is the amount the district may levy in the third year of the three-year period for which the district may levy a tax under authority of this subsection.

(c) The proceeds from the tax levied by a district under authority of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state school district finance fund.

Sec. 3. K.S.A. 2003 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{3}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades

nine through 12 is at least $\frac{3}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than 5,500 preschool-aged at-risk pupils to be counted in any school year.

(e) "Enrollment" means: (1) For districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this clause (1), the number of pupils regularly enrolled in the district on September 20; (2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or (3) the number of pupils as determined under K.S.A. 72-6447, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget ~~and budgeted therein the total amount authorized for the school year in an amount that is: (1) At least 25% of the amount of state financial aid determined for the district in the current school year if the new school facilities were completed, contracted for or financed by bonds issued prior to July 1, 2004; or (2) at least 30% of the amount of state financial aid determined for the current school year if the new school facilities were completed, contracted for or financed by bonds issued on or after July 1, 2004.~~ School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means: (1) Any secure public or private facility which is used for the lawful custody of accused or adjudicated juvenile offenders and which shall not be a jail;

(2) any level VI treatment facility licensed by the Kansas department of health and environment which is a psychiatric residential treatment facility for individuals under the age of 21 which conforms with the regulations of the centers for medicare/medicaid services and the joint commission on accreditation of health care organizations governing such facilities; and

(3) the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.;"

By renumbering the remaining sections accordingly.

Also on page 9, in line 11, by striking "is" and inserting "and 72-6441 and K.S.A. 2003 Supp. 72-6407 are";

On page 1, in the title, in line 10, after "and" by inserting "72-6441 and K.S.A. 2003 Supp. 72-6407 and"; also in line 10, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2480** be passed.

Committee on **Environment** recommends **HB 2583** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2583," as follows:

“Substitute for HOUSE BILL No. 2583

By Committee on Environment

“AN ACT concerning certain recreational trails; amending K.S.A. 2003 Supp. 58-3212, 58-3213 and 58-3215 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2583** was thereupon introduced and read by title.)

Committee on **Ethics and Elections** recommends **HB 2811** be amended on page 1, by striking all in lines 18 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking “New Sec. 16.” and inserting “Section 1.”;

And by renumbering the remaining sections accordingly;

Also on page 7, in line 11, by striking “2001” and inserting “2004”; in line 38, by striking all after “(b)”;

by striking all in lines 39 through 43;

On page 8, by striking all in lines 1 through 5; in line 6, by striking all before “such” and inserting “Each”; in line 11, by striking “(e)” and inserting “(c)”;

in line 12, by striking all after “of” where it first occurs; by striking all in line 13; in line 14, by striking all before the period and inserting “Sedgwick county, Kansas”;

On page 9, in line 39, by striking all after “31.”; by striking all in line 40; in line 41, by striking all before the period and inserting “(a) Sections 1 through 16, and amendments thereto, shall be known and may be cited as the municipal judge election act.

(b) This act shall apply to the city of Wichita, Kansas”;

On page 1, in the title, in line 11, by striking the semicolon; by striking all in lines 12 through 14; in line 15, by striking all before the period; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2732** be passed.

Committee on **Health and Human Services** recommends **HB 2735** be passed.

Committee on **Health and Human Services** recommends **HB 2760** be amended on page 1, in line 42, by striking “15” and inserting “25”;

On page 2, in line 29, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Higher Education** recommends **HB 2626** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2626,” as follows:

“Substitute for HOUSE BILL No. 2626

By Committee on Education

“AN ACT relating to education; relating to tuition and fee waivers for former prisoners of war; concerning residents for fee purposes; amending K.S.A. 2003 Supp. 75-4364 and 76-729 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2626** was thereupon introduced and read by title, and having been referred separately, is now in Committee on **Appropriations**.)

Committee on **Judiciary** recommends **HB 2577** be passed.

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

“Substitute for HOUSE BILL No. 2594

By Committee on Judiciary

“AN ACT concerning agriculture; relating to duty of care of livestock producers.”; and the substitute bill be passed.

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

Committee on **Judiciary** recommends **HB 2614** be amended on page 1, after line 12, by inserting the following:

“Section 1. K.S.A. 2003 Supp. 20-302b is hereby amended to read as follows: 20-302b.

(a) A district magistrate judge shall have the jurisdiction and power, in any case in which a violation of the laws of the state is charged, to conduct the trial of traffic infractions, cigarette

or tobacco infractions or misdemeanor charges, to conduct the preliminary examination of felony charges and to hear felony arraignments subject to assignment pursuant to K.S.A. 20-329 and amendments thereto. Except as otherwise provided, in civil cases, a district magistrate judge shall have jurisdiction over actions filed under the code of civil procedure for limited actions, K.S.A. 2003 Supp. 61-2801 *et seq.*, and amendments thereto, and concurrent jurisdiction, powers and duties with a district judge. Except as otherwise specifically provided in subsection (b), a district magistrate judge shall not have jurisdiction or cognizance over the following actions:

(1) Any action, other than an action seeking judgment for an unsecured debt not sounding in tort and arising out of a contract for the provision of goods, services or money, in which the amount in controversy, exclusive of interests and costs, exceeds \$10,000. The provisions of this subsection shall not apply to actions filed under the code of civil procedure for limited actions, K.S.A. 2003 Supp. 61-2801 *et seq.*, and amendments thereto. In actions of replevin, the affidavit in replevin or the verified petition fixing the value of the property shall govern the jurisdiction. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code or to issue support orders as provided by paragraph (6) of this subsection;

(2) actions against any officers of the state, or any subdivisions thereof, for misconduct in office;

(3) actions for specific performance of contracts for real estate;

(4) actions in which title to real estate is sought to be recovered or in which an interest in real estate, either legal or equitable, is sought to be established. Nothing in this paragraph shall be construed as limiting the right to bring an action for forcible detainer as provided in the acts contained in K.S.A. 2003 Supp. 61-3801 through 61-3808, and amendments thereto. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to hear any action pursuant to the Kansas probate code;

(5) actions to foreclose real estate mortgages or to establish and foreclose liens on real estate as provided in the acts contained in article 11 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto;

(6) actions for divorce, separate maintenance or custody of minor children. Nothing in this paragraph shall be construed as limiting the power of a district magistrate judge to: (A) *Except as provided in subsection (e)*, hear any action pursuant to the Kansas code for care of children or the Kansas juvenile justice code; (B) establish, modify or enforce orders of support, including, but not limited to, orders of support pursuant to the Kansas parentage act, K.S.A. 23-9,101 *et seq.*, 39-718b, 39-755 or 60-1610 or K.S.A. 23-4,105 through 23-4,118, 23-4,125 through 23-4,137, 38-1542, 38-1543 or 38-1563, and amendments thereto; or (C) enforce orders granting visitation rights or parenting time;

(7) habeas corpus;

(8) receiverships;

(9) change of name;

(10) declaratory judgments;

(11) mandamus and quo warranto;

(12) injunctions;

(13) class actions;

(14) rights of majority; and

(15) actions pursuant to K.S.A. 59-29a01 *et seq.* and amendments thereto.

(b) Notwithstanding the provisions of subsection (a), in the absence, disability or disqualification of a district judge, a district magistrate judge may:

(1) Grant a restraining order, as provided in K.S.A. 60-902 and amendments thereto;

(2) appoint a receiver, as provided in K.S.A. 60-1301 and amendments thereto; and

(3) make any order authorized by K.S.A. 60-1607 and amendments thereto.

(c) In accordance with the limitations and procedures prescribed by law, and subject to any rules of the supreme court relating thereto, any appeal permitted to be taken from an order or final decision of a district magistrate judge shall be tried and determined *de novo* by a district judge, except that in civil cases where a record was made of the action or proceeding before the district magistrate judge, the appeal shall be tried and determined on the record by a district judge.

(d) *Except as provided in subsection (e)*, upon motion of a party, the chief judge may reassign an action from a district magistrate judge to a district judge.

(e) *Upon motion of a party for a petition or motion filed under the Kansas code for care of children requesting termination of parental rights pursuant to K.S.A. 38-1581 through 38-1587, and amendments thereto, the chief judge shall reassign such action from a district magistrate judge to a district judge.*”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 19, by striking all after “(c)”;

by striking all in lines 20 and 21; in line 22, by striking “(d)”;

also in line 22, after “county” by inserting “or counties comprising the judicial district”;

in line 24, after “judge” by inserting “who is regularly admitted to practice law in Kansas”;

Also on page 1, in line 25, by striking “is” and inserting “and K.S.A. 2003 Supp. 20-302b are”;

Also on page 1, in line 9, after “salary” by inserting “and jurisdiction”;

in line 10, after “and” by inserting “K.S.A. 2003 Supp. 20-302b and”;

also in line 10, by striking “section” and inserting “sections”;

and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2618** be amended on page 2, in line 17, before the period by inserting “, except those judges who are scheduled to be on the retention ballot in the November 2004 election shall run for a six-year term”;

also in line 17, by striking “such judge” where it appears for the final time and inserting “the term of office of all judges”;

in line 18, by striking “term of office”;

and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2738** be amended on page 2, in line 8, by striking “. A late fee of” and inserting “, in an amount not to exceed”;

in line 10, by striking all after “payment”;

by striking all in lines 11 and 12; in line 13, by striking all before the period; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2712**, **HB 2774** be passed.

Committee on **Tourism and Parks** recommends **HB 2668** be amended on page 1, by striking all in lines 12 through 24 and inserting:

“Section 1. (a) The secretary of wildlife and parks, by rules and regulations adopted in accordance with K.S.A. 32-805, and amendments thereto, shall establish a subunit within deer management units 7 and 8 and shall provide for a special season in such subunit which shall extend by seven days the time currently provided for taking antlerless deer.

(b) The provisions of this section shall expire on June 30, 2006.”;

In the title, in line 9, by striking “relating to the taking thereof” and inserting “providing for a special season in certain areas”;

and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2913, An act concerning retirement and pensions; relating to the Kansas police and firemen’s retirement system; affiliation; membership; employee and employer contributions; capitol area security patrol, by Committee on Appropriations.

HB 2914, An act concerning investment of certain public moneys; amending K.S.A. 12-1675 and repealing the existing section, by Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

Announcing passage of **SB 183**, **SB 257**, **SB 309**, **SB 330**, **SB 348**, **SB 366**, **SB 373**, **SB 376**, **SB 383**, **SB 385**, **SB 417**, **SB 422**, **SB 423**, **SB 446**, **SB 501**, **SB 524**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 183, **SB 257**, **SB 309**, **SB 330**, **SB 348**, **SB 366**, **SB 373**, **SB 376**, **SB 383**, **SB 385**, **SB 417**, **SB 422**, **SB 423**, **SB 446**, **SB 501**, **SB 524**.

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

AFTERNOON SESSION

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

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. O'Neal in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2605**, **HB 2718**, **HB 2820**, **HB 2759** be passed.

Committee report recommending a substitute bill to **Sub. HB 2647** be adopted; also, on motion of Rep. Wilk be amended on page 3, by striking all in lines 36 through 39;

And by relettering subsections accordingly;

On page 14, in line 12, by striking "emerging industry investment" and inserting "bioscience development and investment";

On page 16, in line 43, by striking "22" and inserting "23";

On page 17, in line 12, by striking "22" and inserting "23"; following line 41, by inserting the following:

"(e) "Bioscience development and investment fund" means the fund created by section 22, and amendments thereto.";

And by relettering subsections accordingly;

On page 18, in line 10, by striking "and private universities and colleges"; also in line 10, after "state" by inserting "of Kansas"; by striking all in lines 17 and 18;

And by relettering subsections accordingly;

On page 33, in line 26 before the period, by inserting "and, in the case of a bioscience development district, with the approval of the bioscience authority";

On page 36, in line 17, by striking "27" and inserting "26";

On page 39, by striking all in lines 26 through 29;

And by relettering subsections accordingly;

On page 44, in line 34, by striking the comma and inserting "and"; also in line 34, by striking "and 74-8905";

On page 1, in the title, in line 11, after "amending" by inserting "K.S.A. 12-1771 and 12-1772 and"; also in line 11, after "Supp." by inserting "12-1770a and"; in line 12, by striking "and 74-8905";

Also, on motion of Rep. Minor, **Sub. HB 2647** be amended on page 5, in line 11, before "All" by inserting "No more than three voting members shall be appointed from any one congressional district.";

Also, on motion of Rep. Gatewood, **Sub. HB 2647** be amended on page 44, preceding line 33, by inserting the following:

"New Sec. 51. (a) Each bioscience company receiving grants, awards, tax credits or any other financial assistance, including financing for any bioscience development project, under the provisions of the bioscience authority act, the emerging industry investment act, the bioscience development financing act, the bioscience research and development voucher program act, or the bioscience research matching funds act, shall repay such financial assistance to the authority, in the amount determined by the authority, if such bioscience company relocates operations outside Kansas within 10 years after receiving such financial assistance. Each such bioscience company shall enter into a repayment agreement with the authority specifying the terms of such repayment obligation.

(b) As used in this section, "bioscience company" has the meaning ascribed thereto by section 3, and amendments thereto, "bioscience development project" has the meaning ascribed thereto by section 25, and amendments thereto, and "authority" means the Kansas bioscience authority as created by section 4, and amendments thereto.";

And by renumbering sections accordingly;

Also, roll call was demanded on motion of Rep. Winn to amend **Sub. HB 2647** on page 35, after line 18, by inserting the following:

"(h) During the construction of any bioscience development project at least 75% of the construction jobs shall be filled by Kansas residents.";

On roll call, the vote was: Yeas 50; Nays 73; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goico, Grant, Henderson, Henry, Holland, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Campbell, Carter, Compton, Cox, Craft, Dahl, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, S. Sharp, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Shultz, D. Williams.

The motion of Rep. Winn did not prevail.

Also, on motion of Rep. Svaty to amend **Sub. HB 2647**, the motion did not prevail.

Also, on motion of Rep. J. Miller to amend **Sub. HB 2647**, Rep. Wilk requested the question be divided. The question was divided and on Part A, **Sub. HB 2647** be amended on page 4, in line 41, by striking "five" and inserting "seven";

Also, on Part B, **Sub. HB 2647** be amended on page 8, in line 26, after "discussion", by striking the comma and inserting "and"; in line 27, by striking "and action";

Also, on motion of Rep. Holland to amend **Sub. HB 2647**, Rep. Wilk requested a ruling on the amendment being germane to the bill. Rep. Holland subsequently withdrew the amendment.

Also, roll call was demanded on motion of Rep. Wilson to amend **Sub. HB 2647** on page 35, after line 18, by inserting the following:

"(h) During the construction of any bioscience development project at least 65% of the construction jobs shall be filled by Kansas residents.";

On roll call, the vote was: Yeas 53; Nays 69; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Horst, Howell, Huy, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Neighbor, Pauls, Phelps, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Bethell, Boyer, Brunk, Campbell, Carter, Compton, Cox, Craft, Dahl, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Osborne, D. Williams.

The motion of Rep. Wilson did not prevail.

Also, on motion of Rep. Powers to amend **Sub. HB 2647**, Rep. Wilk requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. McKinney to amend **Sub. HB 2647**, the motion was withdrawn, and the substitute bill be passed as amended.

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

Committee report to **HB 2772** be adopted; also, on motion of Rep. Ward to amend, Rep. Brunk requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Ward to amend, which did not prevail, and **HB 2772** be passed as amended.

Committee report to **HB 2657** be adopted; and the bill be passed as amended.

Committee report to **HB 2770** be adopted; and the bill be passed as amended.

Committee report to **HB 2717** be adopted; and the bill be passed as amended.

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

Committee report to **HB 2306** be adopted; also, on motion of Rep. Wilson to amend, the motion did not prevail. Also, on motion of Rep. Shultz to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2719** be adopted; also, on motion of Rep. Ruff to amend, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2593** be adopted; also, on motion of Rep. Neufeld be amended on page 1, in line 26, by striking "Nothing"; by striking all in line 27; in line 28, by striking "all acts" and inserting "The livestock commissioner is authorized to perform any functions necessary"; and **Sub. HB 2593** be passed as amended.

On motion of Rep. Schwartz, **HB 2622** be amended on page 2, in line 4, before "\$10" by inserting "\$5 per day, or commencing on July 1, 2002, and ending June 30, 2006, a penalty of"; in line 27, before "an" by inserting "commencing July 1, 2002, and ending on June 30, 2006,";

On page 3, in line 31, before "\$150" by inserting "\$130, or commencing July 1, 2002, and ending on June 30, 2006, such fee shall not exceed";

On page 5, in line 16, before "\$140" by inserting "\$112, or commencing July 1, 2002, and ending June 30, 2006, the application fee per category shall be"; in line 19, before "\$15" by inserting "\$10, or commencing July 1, 2002, and ending June 30, 2006, an additional fee of";

On page 6, in line 21, before "\$50" by inserting "\$35, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 7, in line 31, before "\$40" by inserting "\$25, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 8, in line 29, before "\$50" by inserting "\$35, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 9, in line 18, before "\$35" by inserting "\$25, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed"; in line 27, before "\$35" by inserting "\$25, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 10, in line 34, before "\$25" by inserting "\$10, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 11, in line 32, before "\$60" by inserting "\$50, or commencing July 1, 2002, and ending June 30, 2006, such fee shall not exceed";

On page 12, in line 1, before "\$.28" by inserting "\$.20, or commencing July 1, 2002, and ending June 30, 2006, an inspection fee of"; in line 14, before "\$10" by inserting "\$1, or commencing July 1, 2002, and ending June 30, 2006, a penalty of"; in line 33, before "\$30" by inserting "\$25, or commencing July 1, 2002, and ending June 30, 2006, a fee of"; in line 43, before "\$.07" by inserting "\$.05, or commencing July 1, 2002, and ending June 30, 2006, the rate of";

On page 13, in line 24, before "\$75" by inserting "\$55 plus \$10 for each additional point of diversion, or commencing July 1, 2002, and ending June 30, 2006, shall be";

On page 14, in line 30, before "\$25" by inserting "\$10, or commencing July 1, 2002, and ending June 30, 2006, such certification shall be"; in lines 35 and 40, before "\$155" by inserting "\$120, or commencing July 1, 2002, and ending June 30, 2006, a license fee of";

On page 15, in line 3, before "\$35" by inserting "\$25, or commencing July 1, 2002, and ending June 30, 2006, a license fee of"; in lines 10 and 15, before "\$65" by inserting "\$50, or commencing July 1, 2002, and ending June 30, 2006, a license fee of"; in lines 32 and 40, before "\$.015" by inserting "\$.01, or commencing July 1, 2002, and ending June 30, 2006, a fee of";

On page 16, in lines 2 and 8, before “\$.015” by inserting “\$.01, or commencing July 1, 2002, and ending June 30, 2006, a fee of”; in line 17, before “\$.01” by inserting “\$.0075, or commencing July 1, 2002, and ending June 30, 2006, a fee of”; in lines 25 and 34, before “\$1.50” by inserting “\$1, or commencing July 1, 2002, and ending June 30, 2006, a fee of”;

On page 17, after line 36, by inserting the following:

“Acre Feet	Fee
0 to 100	\$100
101 to 320	\$150
More than 320	\$150 + \$10 for each additional 100 acre feet or any part thereof

Commencing July 1, 2002, and ending June 30, 2006, the application fee shall be fixed by this section for the appropriate category of acre feet in accordance with the following”;

On page 18, after line 18, by inserting the following:

“Storage-Acre Feet	Fee
0 to 250	\$100
More than 250	\$100 + \$10 for each additional 250 storage-acre feet or any part thereof

Commencing July 1, 2002, and ending June 30, 2006, the application fee shall be fixed by this section for the appropriate category of storage-acre feet in accordance with the following”;

On page 19, after line 28, by inserting the following:

(1) Application to change a point of diversion 300 feet or less	\$50
(2) Application to change a point of diversion more than 300 feet	100
(3) Application to change the place of use	100
(4) Application to change the use made of water	150

Commencing July 1, 2002, and ending June 30, 2006, the application fee shall be set forth in the schedule below”;

Also on page 19, in line 40, before “not” by inserting “\$150, or commencing July 1, 2002, and ending June 30, 2006, a fee of”; in line 43, before “not” by inserting “\$250, or commencing July 1, 2002, and ending June 30, 2006, a fee of”;

On page 20, in line 43, before “\$400” by inserting “\$200, or commencing July 1, 2002, and ending June 30, 2006, a fee of”;

On page 21, in line 8, before “\$100” by inserting “\$50, or commencing July 1, 2002, and ending June 30, 2006, a fee of”; in lines 13 and 29, before “\$200” by inserting “\$100, or commencing July 1, 2002, and ending June 30, 2006, a fee of”;

On page 22, in lines 6 and 8, before “\$100” by inserting “\$50, or commencing July 1, 2002, and ending June 30, 2006, a fee of”;

On page 23, in lines 22 and 24, before “\$100” by inserting “\$50, or commencing July 1, 2002, and ending June 30, 2006, a fee of”; and **HB 2622** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2777** be adopted; and the substitute bill be passed.

Committee report to **HB 2869** be adopted; and the bill be passed as amended.

HB 2693, HB 2653, HB 2393, HB 2489, HB 2490 be passed over and retain a placed on the calendar.

Committee report to **HB 2790** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2435** be adopted; and the substitute bill be passed.

Committee report to **HB 2235** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2698** be adopted; and the substitute bill be passed.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. M. Long offered a motion, in accordance with House Rule 2303, that the House reconsider its adverse action in not passing **HB 2695**

under that order of business, Final Action on Bills and Concurrent Resolutions (see previous action under Final Action, morning session). The motion prevailed.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2695, An act relating to littering; providing for criminal littering; creating a traffic infraction of littering; amending K.S.A. 8-2118 and 21-3722 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 33; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Crow, Davis, DeCastro, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, Owens, Patterson, Phelps, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Barbieri-Lightner, Brunk, Craft, Dahl, Decker, Dillmore, Goering, Goico, Gordon, Huebert, Humerickhouse, Huy, Kassebaum, Kauffman, Landwehr, Long-Mast, Loyd, McLeland, F. Miller, Neufeld, O'Malley, O'Neal, Osborne, Ostmeier, Pauls, Pottorff, Powell, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Yoder.

Present but not voting: None.

Absent or not voting: Neighbor, Storm.

The bill passed.

REPORT OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2595** be amended on page 1, in line 30, by striking "All" and inserting "Subject to appropriations therefor, all"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2639** be amended on page 1, in line 24, before "while" by inserting "or a juvenile offender in the custody of a juvenile justice authority's correctional institution,"; also in line 24, after "inmate" by inserting "or juvenile offender"; in line 25, after "inmate's" by inserting "or juvenile offender's"; in line 26, before the colon, by inserting "or possessing, attempting to possess, using or attempting to use by an inmate or juvenile offender"; in line 32, after "inmate's" by inserting "or juvenile offender's"; in line 34, after "inmate's" by inserting "or juvenile offender's"; in line 39, after "inmate's" by inserting "or juvenile offender's"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2649** be amended on page 1, in line 31, by striking the first comma and inserting "or"; also in line 31, by striking " , 65-4160 or 65-4162" and inserting "or K.S.A. 2003 Supp. 21-3412a"; in line 40, by striking "K.S.A. 65-4160 or 65-4162,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2815** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2815," as follows:

"Substitute for HOUSE BILL No. 2815

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to aggravated indecent solicitation of a child; amending K.S.A. 21-3511 and K.S.A. 2003 Supp. 22-3303 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2815** was thereupon introduced and read by title).

Committee on **Corrections and Juvenile Justice** recommends **HB 2862** be amended on page 1, by striking all in line 43;

On page 2, by striking all in lines 1 through 21;

And by renumbering the remaining sections accordingly;

On page 3, after line 6, by inserting the following:

“Termination of jurisdiction pursuant to this section shall have no effect on the juvenile offender’s continuing responsibility to pay restitution pursuant to subsection (d) of K.S.A. 38-1663, and amendments thereto.”;

On page 4, in line 30, by striking “or” and inserting a comma; in line 31, after “(2)” by inserting “or (4)”;

On page 5, by striking all in lines 22 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking all in lines 1 through 8;

And by renumbering the remaining sections accordingly;

On page 10, in line 32, after “or” by inserting “, upon approval by the victim as set forth in the journal entry.”;

On page 12, by striking all in line 31; in line 32, by striking “and provide the commissioner with” and inserting “deliver to the officer having the offender in charge forthwith”; in line 35, after the period by inserting “Within three business days of receipt of the order of commitment and the judgement form or journal entry, the officer having the offender in charge shall forward certified copies to the commissioner.”;

On page 13, in line 35, before “juvenile” by inserting “a”;

On page 14, in line 40, by striking “The total number of days a juvenile”; by striking all in lines 41 through 43;

On page 15, by striking all in lines 1 through 6 and inserting “The maximum amount of good time credit a juvenile offender may receive is 15% of such placement sentence imposed by the court.”;

On page 17, in line 39, by striking “38-1616,”; in line 40, by striking “21-3826,”;

Also on page 1, in the title, in line 9, by striking “38-1616,”; in line 11, by striking “21-3826,”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2807** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2807,” as follows:

“Substitute for HOUSE BILL No. 2807

By Committee on Education

“AN ACT relating to school finance; making certain appropriations therefor; amending K.S.A. 72-979, 72-6405, 72-6408, 72-6441, 72-8187, 72-8190 and 79-5105 and K.S.A. 2003 Supp. 10-1116a, 72-6407, 72-6417, 72-6428, 72-6431, 72-8251 and 79-201x and repealing the existing sections; also repealing K.S.A. 72-6410, 72-6411, 72-6412, 72-6413, 72-6414, 72-6415, 72-6416, 72-6421, 72-6422, 72-6433, 72-6433b, 72-6435, 72-6442, 72-6443, 72-6444 and 72-9509 and K.S.A. 2003 Supp. 72-6425, 72-6434, 72-9609 and 79-201y.”; and the substitute bill be passed.

(**Sub. HB 2807** was thereupon introduced and read by title).

Committee on **Environment** recommends **HB 2674** be amended on page 1, after line 14, by inserting the following:

“(a) “Commission” means the state conservation commission.”;

And by relettering subsections accordingly;

Also on page 1, in line 40, by striking “executive director” and inserting “commission”;

On page 2, in line 7, by striking “under this act” and inserting “pursuant to the Kansas development finance authority act”; in line 10, by striking “executive director” and inserting “commission”; in line 28, by striking “executive director” and inserting “commission”; in line 30, by striking “executive director” and inserting “commission”; in line 42, by striking “executive director” and inserting “commission”;

On page 3, in line 5, by striking “executive director” and inserting “commission”; in line 8, by striking “executive director” and inserting “commission”; in line 19, by striking “executive director” and inserting “commission”; in line 23, by striking “executive”; in line 24, by striking “director” and inserting “commission”; in line 25, by striking “executive director” and inserting “commission”; in line 26, by striking “executive director” and inserting “commission”; in line 27, by striking “executive director” and inserting “commission”;

On page 4, in line 7, by striking “executive director” and inserting “commission”; in line 9, by striking “executive director” and inserting “commission”; in line 12, by striking “executive director” and inserting “commission”; in line 24, by striking “executive director” and inserting “commission”; in line 26, by striking “executive director” and inserting “commission”; in line 39, by striking “executive director” and inserting “commission”; in line 40, before the period, by inserting “pursuant to the Kansas development finance authority act and to provide for payment of the bonds. The authority may pledge the agreement or agreements authorized in this section for the payment or redemption of the bonds”; in line 41, by striking “executive director” and inserting “commission”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2697** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2697,” as follows:

“Substitute for HOUSE BILL No. 2697

By Committee on Judiciary

“AN ACT concerning the uniform interstate enforcement of domestic violence protection orders act; amending K.S.A. 2003 Supp. 21-3843 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2697** was thereupon introduced and read by title).

Committee on **Judiciary** recommends **HB 2813** be amended on page 1, in line 31, by striking “failed to renew a license.”; in line 32, after the comma by inserting “had a license cancelled”; in line 33, by striking “board has reason to believe that” and inserting “health care provider is unable or refuses to allow”; also in line 33, by striking “can not”; also in line 33, following “access” by inserting “to”; in line 34, before the comma by inserting “as authorized by law”;

On page 2, in line 5, after the period by inserting “The court may make all additional orders necessary to protect the health care provider’s property interests in the records.”; in line 7, after “shall” by inserting “be a fiduciary and”; in line 27, by striking “may” and inserting “shall”; in line 34, before the period by inserting “relating to the records”; after line 34 by inserting the following:

“(g) Nothing in this act shall prohibit the health care provider or the health care provider’s authorized representative from gaining access and copying a record created by the health care provider.”;

Also on page 2, in line 35, by striking “(g)” and inserting “(h)”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2880** be amended on page 1, in line 27, by striking “spokesman” and inserting “spokesperson”; in line 38, by striking “a majority of”;

On page 2, in line 1, by striking “(a)(3)” and inserting “(b)(3)”; in line 25, by striking “and” where it appears for the last time; in line 27, before the period, by inserting “; and (3) the compensation of county personnel performing comparable duties and responsibilities”;

On page 6, in line 1, by striking “chief justice of the”; also in line 1, by striking all after “court”; in line 2, by striking “justices shall” and inserting “may”; also in line 2, by striking “and regulations”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2585** be amended on page 1, by striking all in lines 13 through 19; after line 19, by inserting the following:

“Section 1. The Topeka convention and visitor’s bureau, inc. shall be and is hereby deemed to be a public body and agency and shall be subject to the open meetings act (K.S.A. 75-4317 *et seq.*, and amendments thereto) and to the open records act (K.S.A. 45-215 *et seq.*, and amendments thereto).”;

Also on page 1, in the title, in line 9, after “subjecting” by inserting “certain”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2615** be amended on page 1, in line 30, by striking “40” and inserting “10”; in line 31, after the period by inserting “The governing body of the city shall grant extensions of such ten-day time period if the owner or agent of the property demonstrates that due diligence is being exercised in abating the

nuisance.”; in line 32, before the comma by inserting “or any extension thereof”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2758** be amended on page 6, in line 24, before the period by inserting “, except as provided by this subsection. Such papers shall be disclosed: To the military dischargee; to such dischargee’s immediate family members and lineal descendants; to such dischargee’s heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable dischargee or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research”;

Also on page 6, after line 24, by inserting the following:

“(48) Information that would reveal the location of a shelter or safe-house or similar place where persons are provided protection from abuse.”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2805** be amended on page 8, in line 7, by striking “, all” and inserting “; (a) All”; in line 12, preceding the period, by inserting “; and (b) all other staff of any city police department and all other staff in the office of the county sheriff on such date, meeting the qualifications established by the county law enforcement agency, may become staff of the law enforcement agency, and upon application shall become staff of the law enforcement agency”; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2889** be amended on page 5, in line 24, by striking “(35)”;

“(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36)”;

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

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2915. An act concerning the legislature; relating to preorganizational meetings of members-elect; election of leaders; amending K.S.A. 46-142 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2916. An act concerning state officers and employees; relating to legal holidays for state service, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2563, HB 2745, HB 2793 reported correctly engrossed February 24, 2004.

Also, **HB 2767, HB 2773, HB 2795** reported correctly engrossed February 25, 2004.

REPORT ON ENROLLED BILLS

HB 2522 reported correctly enrolled, properly signed and presented to the governor on February 25, 2004.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, February 26, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

