

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 23, 2005, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. Showalter was excused on verified illness.
Rep. Henderson was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of community; God who created man and woman and families; God who calls us all to fellowship and oneness in grace: we gather as many, and as one, as we lift our prayers to you today.

We confess, Lord, that your commandments are hard to hear as we look around our world and in our lives. How can it be that we are to love all enemies? How are we to reason together? How can it be that we are to put aside our own well-being for the well-being of others when we live in a world that is awash in sin? Who will protect us if we do not protect ourselves? Who will make sure that we get our fair share? Who will be our advocate if not ourselves? Dare we trust in you to be our ever-present help in every circumstance?

Help us to live the new life you promise, O God of new beginnings. Help us in everything that we do to look to you and, more importantly, to trust in you. For it is by your strength and through your wisdom that we live and breathe and find our joy. Amen.

The Pledge of Allegiance was led by Rep. Weber.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2500**.
Federal and State Affairs: **HB 2495**; **HCR 5013**.
Health and Human Services: **HB 2496**, **HB 2497**.
Judiciary: **HB 2499**.
Taxation: **HB 2494**.
Select Committee on School Finance: **HB 2498**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 175**, **SB 176**.
Also, announcing passage of **SB 13**, **SB 52**, **SB 56**, **SB 63**, **SB 71**, **SB 72**, **SB 91**, **SB 110**, **SB 158**, **SB 181**, **SB 195**, **SB 234**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:
SB 13, **SB 52**, **SB 56**, **SB 63**, **SB 71**, **SB 72**, **SB 91**, **SB 110**, **SB 158**, **SB 175**, **SB 176**, **SB 181**, **SB 195**, **SB 234**.

CONSENT CALENDAR

No objection was made to **HB 2349** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2203**, **HB 2243**; **SB 41** 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 2203, An act concerning nonprofit medical and hospital service corporations; relating to termination of health insurance coverage for cause; amending K.S.A. 40-19c06 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Loyd, Showalter.

The bill passed.

HB 2243, An act concerning certain joint water districts; relating to transfers of assets, liabilities and territory; amending K.S.A. 80-1616 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

SB 41, An act relating to motor vehicles; concerning the manufacturing of license plates; amending K.S.A. 8-147 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

HB 2016, An act concerning arbitration; relating to the validity of an agreement; amending K.S.A. 5-401 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, DeCastro, Decker, Edmonds, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Krehbiel, Landwehr, Light, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Ballard, Beamer, Burgess, Burroughs, Carlin, Crow, Dahl, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, Grant, Hawk, Henry, Holland, D. Johnson, Kirk, Knox, Kuether, Lane, Larkin, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Judy Morrison, Otto, Pauls, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Ward, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2016**. It is poor public policy to require Kansas workers, as a condition of employment, to sign away their right to access the courts when they believe they have been treated unfairly or their employer has acted illegally. Yesterday we considered the impact of **HB 2016** on farmers. I have the same concerns for employees that would be forced to arbitrate disputes of sexual harassment, alleged hostile work environments, and discrimination—gender-based, racial and age. The arbitration could be binding, the outcome secret and with no right of appeal.—DALE SWENSON

MR. SPEAKER: I voted no on **HB 2016** because it is not arbitration if one side can make it unenforceable by not paying their fee.—BILL OTTO

MR. SPEAKER: It isn't subjecting employment contracts to arbitration that is so problematic, even though bargaining positions will not be equal, it is what goes with it and will be embedded in all arbitration provisions that is objectionable — waivers of governing law (contract and dispute will be governed by the law of a state other than Kansas), and waivers of venue (dispute will be conducted in a location, in or out of Kansas, other than where the employee or employer reside or do business, or where the dispute occurs). The disadvantage to unsuspecting Kansans will be profound, the injustice great. I vote no on **HB 2016**.—WARD LOYD

HB 2053. An act concerning agriculture; relating to livestock; disposition of certain animals, indemnity by state; premises registration and animal identification and tracking system; amending K.S.A. 47-612 and 47-615 and K.S.A. 2004 Supp. 47-617 and 47-674 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 29; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, Goico, Gordon, Grange, Grant, Hawk, Henry, Hill, Holland, C. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Loyd, Mah, Mays, McKinney, Menghini, F. Miller, M. Miller, Jim Morrison, Myers, Newton, O'Malley, O'Neal, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Wilk, Williams, Yoder, Yonally.

Nays: Brown, Brunk, Burroughs, Dahl, Dillmore, Faber, George, Hayzlett, M. Holmes, Kinzer, Landwehr, Long, Mast, McCreary, McLeland, Merrick, Judy Morrison, Neufeld, Novascone, Oharah, Olson, Peck, Powell, Powers, Siegfried, Vickrey, Watkins, Weber, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

Sub. HB 2088. An act concerning the uniform vital statistics act; amending K.S.A. 65-2409a, 65-2412 and 65-2434 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flower, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Larkin, Light, Loyd, Mast, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Colloton, Cox, Crow, Flaharty, Flora, Gordon, Hawk, Huntington, Jack, Kirk, Kuether, Lane, Loganbill, Long, Mah, Menghini, Storm, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The substitute bill passed, as amended.

HB 2104. An act concerning the uniform commercial code; concerning securities interests in oil and gas production; amending K.S.A. 2004 Supp. 84-9-324 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison,

Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

HB 2234. An act relating to state educational institutions; concerning tuition; amending K.S.A. 2004 Supp. 76-729 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

HCR 5005. A concurrent resolution urging the United States Department of Agriculture to reconsider the United States rule on cattle imports from Canada, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Loganbill, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Brown, Kinzer, Light, Long, Merrick, Neufeld, Powell.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The resolution was adopted, as amended.

On motion of Rep. Aurand, the House resolved 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 2242** be passed.

On motion of Rep. Huy, **Sub. HB 2113** (committee report previously adopted, see HJ, p. 186) be amended on page 2, in line 34, by striking all after "paid"; by striking all in lines 35 through 38; in line 39, by striking all before the second "the" and inserting "from the amount owed to"; also in line 39, after "court" by inserting "as";

On page 3, in line 2, by striking all after "(d)"; by striking all in lines 3 through 7; in line 8, by striking "(e)"; by striking all in lines 12 through 26; in line 27, before "amounts" by inserting "(e) All"; also in line 27, after "amounts" by inserting ", minus the cost of collections,"; in line 32, after "is" by inserting "fully"; in line 33, by striking "(h)" and inserting "(f)"; in line 34, by striking "subparagraphs (g)(1) and (g)(2)" and inserting "debts owed to the court and restitution"; in line 36, by striking "as provided under subsection (g)(1)"; in line 38, by striking "as pro-"; in line 39, by striking all before the period;

On page 5, in line 16, by striking all after "law"; in line 17, by striking all before the period; and **Sub. HB 2113** be passed as amended.

HB 2152, HB 2285, HB 2284 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2114** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 52; Nays 70; Present but not voting: 0; Absent or not voting: 3.

Yeas: Beamer, Carlin, Colloton, Craft, Crow, Dahl, Decker, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Gatewood, George, Grant, Hawk, Hayzlett, Hill, C. Holmes, Horst, Huebert, Huntington, Hutchins, Jack, D. Johnson, Kelsey, Kiegerl, Kinzer, Kirk, Knox, Loyd, Mah, Mast, Mays, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Malley, O'Neal, Owens, Pauls, Peck, Ruff, Shultz, Storm, Swenson, Vickrey, Weber, Williams.

Nays: Aurrand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Cox, Davis, DeCastro, Dillmore, Edmonds, Flora, Garcia, Goico, Gordon, Grange, Henry, Holland, Huff, Humerickhouse, Huy, E. Johnson, Kelley, Kilpatrick, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Novascone, Oharah, Olson, Otto, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Svaty, Thull, Treaster, Ward, Watkins, Wilk, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Henderson, M. Holmes, Showalter.

The motion to recommend **Sub. HB 2114** favorably for passage did not prevail.

Committee report recommending a substitute bill to **Sub. HB 2142** be adopted; and the substitute bill be passed.

Committee report to **HB 2155** be adopted; and the bill be passed as amended.

Committee report to **HB 2364** be adopted; and the bill be passed as amended.

Committee report to **HB 2139** be adopted; and the bill be passed as amended.

On motion of Rep. Larkin, **HR 6020** be referred to Committee on Taxation.

Committee report to **HB 2160** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2116** be passed.

Committee on **Appropriations** recommends **HB 2477** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Appropriations** recommends **HB 2478** be amended on page 1, following line 39, by inserting new material to read as follows:

"Sec. 2. K.S.A. 2004 Supp. 20-3006 is hereby amended to read as follows: 20-3006. (a) Persons who are appointed as judges of the court of appeals pursuant to K.S.A. 20-3005 and amendments thereto shall commence the duties of office upon appointment, and each judge shall have all the rights, privileges, powers and duties prescribed by law for the office of judge of the court of appeals. ~~The initial term of office for the person serving as judge of the court of appeals in position 11 and position 12 shall expire January 8, 2007. The initial~~

term of office for the person serving as judge of the court of appeals in position 13 and position 14 shall expire January 12, 2009.

(b)(1) Not less than 60 days prior to the holding of the general election next preceding the expiration of the term of any judge of the court of appeals, the judge may file in the office of the secretary of state a declaration of candidacy for retention in office. If a declaration is not filed as provided in this section, the position held by the judge shall be vacant upon the expiration of the judge's term of office. If such declaration is filed, the judge's name shall be submitted at the next general election to the electors of the state on a separate judicial ballot, without party designation, reading substantially as follows:

"Shall _____ (Here insert name of judge.), Judge of the Court of Appeals, be retained in office?"

(2) If a majority of those voting on the question votes against retaining the judge in office, the position which the judge holds shall be vacant upon the expiration of the judge's term of office. Otherwise, unless the judge is removed for cause, the judge shall remain in office for a term of four years from the second Monday in January following the election. At the expiration of each term, unless by law the judge is compelled to retire, the judge shall be eligible for retention in office by election in the manner prescribed in this section.

(3) If a majority of those voting on the question votes against the judge's retention, the secretary of state, following the final canvass of votes on the question, shall certify the results to the clerk of the supreme court. Any such judge who has not been retained in office pursuant to this section shall not be eligible for nomination or appointment to the office of judge of the court of appeals prior to the expiration of four years after the expiration of the judge's term of office.

(4) Election laws applicable to the general election of other state officers shall apply to elections upon the question of retention of judges of the court of appeals pursuant to this section, to the extent that they are not in conflict with and are consistent with the provisions of this act.;

By renumbering the remaining sections accordingly;

Also on page 1, in line 40, by striking "is" and inserting "and 20-3006 are";

On page 1, in the title, in line 10, following "20-3002" by inserting "and 20-3006"; also in line 10, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2004** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2004," as follows:

"Substitute for HOUSE BILL No. 2004

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of trafficking and aggravated trafficking and prescribing the penalties therefor."; and the substitute bill be passed.

(**Sub. HB 2004** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2261** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2261," as follows:

"Substitute for HOUSE BILL No. 2261

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to searches without a search warrant; amending K.S.A. 8-1001 and repealing the existing section; also repealing K.S.A. 22-2501."; and the substitute bill be passed.

(**Sub. HB 2261** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2385** be amended on page 1, in line 19, after "evidence" by inserting "satisfying the foundational requirements regarding the admission of photographs"; and the bill be passed as amended.

Committee on **Economic Development** recommends **HB 2232** be amended on page 1, in line 26, before "All" by inserting "Of the members appointed by the governor, one shall be appointed from each United States congressional district."; and the bill be passed as amended.

Committee on **Economic Development** recommends **HB 2443** be amended on page 1, after line 25, by inserting the following:

“(c) The secretary of commerce is hereby authorized to adopt rules and regulations to implement and administer the provisions of this act.”; and the bill be passed as amended.

Committee on **Economic Development** recommends **HB 2444** be amended on page 2, after line 5, by inserting the following:

“(g) The secretary of commerce is hereby authorized to adopt rules and regulations to implement and administer the provisions of this act.”; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2390** be passed.

Committee on **Governmental Organization and Elections** recommends **HB 2230** be amended on page 1, by striking all in lines 31 and 32; in line 33, by striking “(3)” and inserting “(2)”; also in line 33, by striking “landowners” and inserting “board of county commissioners”; in line 34, by striking the period and inserting the following: “; and

(3) one member selected by the six members appointed and selected pursuant to paragraphs (1) and (2).”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2077, HB 2158, HB 2337** be passed.

Committee on **Health and Human Services** recommends **HB 2417** be amended on page 4, preceding line 34, by inserting the following:

“(24) The president of the Kansas chiropractic association or the president’s designee.

(25) A representative from organizations that provide services and programs to youth and young adults selected by the secretary of health and environment.

(26) A representative appointed from the Kansas academy of family physicians.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2305, HB 2323** be passed.

Committee on **Insurance** recommends **HB 2241** be amended on page 2, in line 7, by striking all following the period; by striking all in lines 8 through 11; in line 19, by striking all following “be”; in line 20, by striking all preceding “admissible”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2325** be amended on page 1, in line 21, following “synthetic” by inserting “guaranteed”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2326** be amended on page 1, in line 33, by striking “Amount” and inserting “Any amount”; in line 35, following “damages” by inserting “, unless such damages were covered under the policy of the insolvent insurer”; in line 36, by striking all following “(3)”; by striking all in lines 37 through 43;

On page 2, in line 1, by striking “(5) any first party claim by an insured that is” and inserting “any claim by”; in line 15, by striking “*Provided*”; in line 36, by striking “\$300,000” and inserting “does not exceed the first \$300,000 of any claim”;

On page 4, in line 34, by striking “releasing the insured”; by striking all in lines 38 and 39;

On page 5, in line 26, by striking all following “recover”; by striking all in lines 27 through 32; in line 33, by striking “(2)” and inserting “from”;

On page 6, following line 12, by inserting:

“(c) The provisions of this section, as amended, shall apply to all claims, whether currently pending or brought after July 1, 2005.”;

On page 8, by striking all in lines 2 through 4 and inserting:

“The provisions of this section, as amended, shall apply to all claims, whether currently pending or brought after July 1, 2005.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2357** be amended on page 3, in line 34, by striking “(1)” and inserting “1”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2352** be amended on page 1, in line 35, before “Proceedings” by inserting the following:

“(a)”;

Also on page 1, in line 37, before “The” by inserting the following:

“(b)”;

Also on page 1, in line 39, by striking “(a)” and inserting “(1)”; in line 41, by striking “(b)” and inserting “(2)”;;

On page 2, in line 3, by striking “(c)” and inserting “(3)”; in line 5, by striking “(d)” and inserting “(4)”; in line 8, by striking “(e)” and inserting “(5)”; in line 9, by striking “(f)” and inserting “(6)”; in line 11, by striking “(g)” and inserting “(7)”; in line 13, by striking “(h)” and inserting “(8)”; in line 16, by striking “(i)” and inserting “(9)”; in line 18, by striking “(j)” and inserting “(10)”; after line 19, by inserting the following:

“(c) Nothing in this code shall be construed to permit discrimination on the basis of disability.

(1) The disability of a parent shall not constitute a basis for a determination that a child is a child in need of care, for the removal of custody of a child from the parent, or for the termination of parental rights without a specific showing that there is a causal relation between the disability and harm to the child.

(2) In cases involving a parent with a disability, determinations made under this code shall consider the availability and use of accommodations for the disability, including adaptive equipment and support services.”;

On page 5, after line 29, by inserting the following:

“(z) “Reasonable efforts” means the exercise of reasonable diligence and care to utilize all available services related to meeting the needs of the child and the child’s family. In determining reasonable efforts to be made and in making such reasonable efforts, the child’s safety and welfare shall be the paramount consideration. In support of its determination of whether reasonable efforts have been made, the court shall enter findings, including a brief description of the preventive or reunification efforts. The state of Kansas shall have the burden of demonstration reasonable efforts. The court shall weigh the harmful effects of removal against the need to insure the child’s safety and welfare. Reasonable efforts shall not be required if a parent has been found by a court to have: (1) Committed one of the following crimes or to have violated the law of another state prohibiting such crimes or to have aided and abetted, attempted, conspired or solicited the commission of one of these crimes: Murder in the first degree, K.S.A. 21-3401, and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, and amendments thereto, or a felony battery that resulted in bodily injury; or (2) subjected the child or another child to aggravated circumstances.”;

And by relettering the remaining subsections accordingly;

On page 8, in line 20, by striking “(c)” and inserting “(d)”;

On page 10, in line 13, after the period by inserting “Pursuant to a written agreement between the secretary and the county or district attorney, the attorneys for the secretary may perform the duties of the county or district attorney after disposition has been determined by the court.”;

On page 14, in line 6, after “(b)” by inserting “If the secretary or a provider who contracts with the secretary is the custodian of the child and changes the placement of the child from one school district to another or to another school within the same district, the secretary or contract provider shall have the authority and it shall be the duty of the secretary or contract provider to transfer, or make provision for the transfer, of all school records of such child to the district or school to which the child is transferred. Such school records shall be transferred at the same time that the child is transferred or as soon as possible thereafter.

(c)”;

On page 18, after line 5, by inserting the following:

“(3) An officer or employee of the department or a person who contracts with the department to provide services pursuant to the code who willfully and knowingly makes a false report pursuant to this section or makes a report that such person knows lacks factual foundation is a class B misdemeanor.”;

On page 27, in line 6, by striking “rea-”; in line 7, by striking “sonable efforts” and inserting “due diligence”; in line 10, by striking “a rea-”; in line 11, by striking “sonable” and inserting “an attempt”; also in line 11, by striking “effort” and inserting “with due diligence”; in line 16, by striking “reasonable efforts” and inserting “due diligence”;

On page 30, in line 23, after the period by inserting “If a child is in protective custody, the department shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody.”;

On page 32, in line 27, by striking “The” and inserting “If the”;

On page 33, after line 20 by inserting the following:

“(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to section 72, and amendments thereto.”;

Also on page 33, in line 31, after the period by inserting “For a child under an order for informal supervision who remains in the custody of such child’s parent, such one-year period may be extended if no party objects, upon hearing, for up to an additional one year, with reviews by the court occurring at least every six months.”;

On page 34, in line 37, before “guardian” by inserting “parties, the”;

On page 36, in line 5, by striking “at the adjudicatory hearing” and inserting “at all proceedings under this code”;

On page 51, in line 6, by striking “first class mail” and inserting “return receipt delivery”; in line 10, by striking “paragraph (1)” and inserting “this subsection”; in line 11, by striking all after “any”; in line 12, by striking all before the period and inserting “party or interested party who could not be located by the exercise of due diligence in the initial notice of the filing of a petition for a child in need of care”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2457** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2457,” as follows:

“Substitute for HOUSE BILL No. 2457

By Committee on Judiciary

“AN ACT concerning civil procedure; relating to service of process; amending K.S.A. 2004 Supp. 60-304 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2457** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2298**, **HB 2315**, **HB 2409** be passed.

Committee on **Transportation** recommends **HB 2310** be amended on page 2, in line 14, preceding “distinguished” by inserting “combat medical badge, army combat infantry badge, navy/marine corps combat action ribbon, army”; in line 17, preceding “distinguished” by inserting “combat medical badge, army combat infantry badge, navy/marine corps combat action ribbon, army”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2279** be amended on page 3, following line 6, by inserting the following:

“New Sec. 6. No political or taxing subdivision providing sewage disposal services or solid waste collection and disposal services shall refuse to contract with a tenant for provision of such services to property occupied by such tenant.”;

By renumbering sections accordingly; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2465** be amended on page 1, in line 32, by striking “90 days” and inserting “120 business days”; in line 33, after “subsection” by inserting “unless the application is part of a rate case or the utility and the commission agree to waive the time limit of 120 business days”; in line 41, by striking “60” and inserting “90”; and the bill be passed as amended.

Committee on **Utilities** recommends **HR 6019** be amended on page 1, in line 15, by striking “serving the State of Kansas” and inserting “providing services in Kansas and under the jurisdiction of the Commission”; in line 20, by striking “July 1, 2005” and inserting “January 1, 2006”; and the resolution be adopted as amended.

Committee on **Wildlife, Parks and Tourism** recommends **HB 2253** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 17; in line 18, by striking “Sec. 2.” and inserting “Section 1.”;

By renumbering the remaining sections accordingly;

Also on page 2, in line 23, by striking “(b)” and inserting “(1)”; in line 25, by striking “(c)” and inserting “(2)”; in line 27, by striking “(d)” and inserting “(3)”; also in line 27, by striking “conviction” and inserting “and any subsequent convictions”; in line 29, after the period, by inserting a new paragraph as follows:

“All charges arising from the same set of circumstances shall constitute one conviction for the purposes of this section.

(b) Any conviction for a wildlife violation that is a class C misdemeanor that occurs before July 1, 2005, shall not be considered for purposes of this section.”;

Also on page 2, in line 40, by striking “\$250” and inserting “\$500”;

On page 3, in line 2, by striking “\$500 or” and inserting “\$1,000 and”; in line 3, by striking “, or both” and inserting “. A third conviction shall be a class B nonperson misdemeanor”; in line 7, by striking “\$500 or” and inserting “\$1,000 and”; in line 8, by striking “, or both” and inserting “. A fourth conviction shall be a class A nonperson misdemeanor”; in line 9, by striking “conviction” and inserting “or subsequent convictions”; in line 12, by striking “\$500 or” and inserting “\$1,000 and”; in line 13, by striking “, or both” and inserting “. A fifth or subsequent conviction shall be a class A nonperson misdemeanor.

All charges arising from the same set of circumstances shall constitute one conviction for the purposes of this subsection.

Any conviction for a wildlife violation that occurs before July 1, 2005, shall not be considered for purposes of this subsection”;

On page 4, preceding line 21, by inserting new material to read as follows:

“Sec. 4. K.S.A. 32-1002 is hereby amended to read as follows: 32-1002. (a) Unless and except as permitted by law or rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto, it is unlawful for any person to:

- (1) Hunt, fish, furharvest or take any wildlife in this state by any means or manner;
- (2) possess, any wildlife, dead or alive, at any time or in any number, in this state;
- (3) purchase, sell, exchange, ship or offer for sale, exchange or shipment any wildlife in this state;
- (4) take any wildlife in this state for sale, exchange or other commercial purposes;
- (5) possess any seine, trammel net, hoop net, fyke net, fish gig, fish spear, fish trap or other device, contrivance or material for the purpose of taking wildlife; or
- (6) take or use, at any time or in any manner, any game bird, game animal, coyote or furbearing animal, whether pen-raised or wild, in any field trial or for training dogs.

(b) The provisions of subsections (a)(2) and (a)(3) do not apply to animals sold in surplus property disposal sales of department exhibit herds or animals legally taken outside this state, except the provisions of subsection (a)(3) shall apply to:

- (1) The meat of game animals legally taken outside this state; and
 - (2) other restrictions as provided by rule and regulation of the secretary.
- (c) The provisions of this section shall not be construed to prevent:
- (1) Any person from taking starlings or English and European sparrows; or
 - (2) owners or legal occupants of land from killing any animals when found in or near buildings on their premises or when destroying property, subject to the following: (A) The provisions of all federal laws and regulations governing protected species and the provisions of K.S.A. 32-957 through 32-963, and rules and regulations adopted thereunder; (B) it is unlawful to use, or possess with intent to use, any such animal so killed unless authorized by rules and regulations of the secretary; and (C) such owners or legal occupants shall make reasonable efforts to alleviate their problems with any such animals before killing them.

(d) *A second conviction under the provisions of this section shall be a class B nonperson misdemeanor. A third or subsequent conviction under the provisions of this section shall be a class A nonperson misdemeanor.*

Sec. 5. K.S.A. 32-1003 is hereby amended to read as follows: 32-1003. (a) It is unlawful for any person, unless authorized by law or rules and regulations of the secretary, to:

~~(1)~~ (1) Take any game animal or furbearing animal from a motorboat, airplane, motor vehicle or other water, air or land vehicle unless such person holds a valid handicapped hunting and fishing permit issued to such person pursuant to K.S.A. 32-931 and amendments thereto;

~~(2)~~ (2) provide or receive information concerning the location of any game animal or furbearing animal by radio or other mechanical device for purposes of taking such bird or animal;

~~(3)~~ (3) use sodium fluoroacetate, commonly called formula 1080, except as permitted by rules and regulations of the secretary;

~~(4)~~ (4) use poison, poisonous gas, smoke or ferrets, or any smoke gun or other device for forcing smoke or any other asphyxiating or deadly gas or liquid into the holes, dens, runways or houses of wildlife, except as permitted by rules and regulations of the secretary;

~~(5)~~ (5) fish by placing in or upon any lake, pond, river, creek, stream or any other water, bordering on or within the state of Kansas, any deleterious substance or fishberries;

~~(6)~~ (6) place or explode any dynamite, giant powder, lime, nitroglycerine or any other explosive of any character or kind in any waters of the state of Kansas with the intent to take or stun fish;

~~(7)~~ (7) throw or cast the rays of a spotlight, headlight or other artificial light on any highway, roadway, field, grassland, woodland or forest for the purpose of spotting, locating or taking any wildlife while having in possession or control, either singly or as one of a group of persons, any rifle, pistol, shotgun, bow or other implement whereby wildlife could be taken, except that nothing in this subsection shall be construed to prohibit a person from carrying a weapon while using artificial light for conducting surveillance, actively caring for agricultural equipment or livestock or conducting activities described in subsection (c)(2) of K.S.A. 32-1002 and amendments thereto, when on land under the person's control, if the person owns such land, is in lawful possession of such land or is regularly employed for purposes of livestock or agricultural production or management on such land.

(b) A second conviction under the provisions of this section shall be a class B nonperson misdemeanor. A third or subsequent conviction under the provisions of this section shall be a class A nonperson misdemeanor.

Sec. 6. K.S.A. 2004 Supp. 32-1013 is hereby amended to read as follows: 32-1013. (a) Any landowner or person in lawful possession of any land may post such land with signs stating that hunting, trapping or fishing on such land shall be by written permission only. It is unlawful for any person to take wildlife on land which is posted as provided in this subsection, without having in the person's possession the written permission of the owner or person in lawful possession thereof.

(b) Instead of posting land as provided in subsection (a), any landowner or person in lawful possession of any land may post such land by placing identifying purple paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight inches in length and the bottom of the mark shall be no less than three feet nor more than five feet high. Such paint marks shall be readily visible to any person approaching the land. Land posted as provided in this subsection shall be considered to be posted by written permission only as provided in subsection (a).

(c) A person licensed to hunt or furharvest who is following or pursuing a wounded animal on land as provided in this section posted without written permission of the landowner or person in lawful possession thereof shall not be in violation of this section while in such pursuit, except that the provisions of this subsection shall not authorize a person to remain on such land if instructed to leave by the owner or person in lawful possession of the land. Any person who fails to leave such land when instructed is subject to the provisions of subsection (b) of K.S.A. 21-3728, and amendments thereto.

(d) A second conviction under the provisions of this section shall be a class B nonperson misdemeanor. A third or subsequent conviction under the provisions of this section shall be a class A nonperson misdemeanor.

By renumbering the remaining sections accordingly;

Also on page 4, in line 21, following "22-2908" by inserting ", 32-1002, 32-1003"; also in line 21, after "Supp." by inserting "32-1013 and";

In the title, in line 10, following "22-2908" by inserting ", 32-1002, 32-1003"; also in line 10, after "Supp." by inserting "32-1013 and"; and the bill be passed as amended.

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.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5014—

By Committee on Transportation

A CONCURRENT RESOLUTION urging the United States Congress to enact a multi-year reauthorization of federal-aid highway, public transit, safety and motor carrier programs.

WHEREAS, A well functioning transportation system is critical to the security, productivity and global competitiveness of the United States; and

WHEREAS, The legislation to reauthorize federal-aid highway, public transit, safety and motor carrier programs is nearly a year and a half overdue; and

WHEREAS, Kansas is in the middle of a ten-year Comprehensive Transportation Program (CTP) that depends on federal funding as a critical financing component; and

WHEREAS, The lack of an adequately funded long-term reauthorization bill and the piecemeal fashion in which funding has been distributed under the short term extensions negatively impacts the ability of the State to plan and carry out the CTP and negatively impacts numerous local transportation programs that depend on federal funding; and

WHEREAS, Further delay will increase the costs of projects and will dilute the purchasing power of federal transportation dollars: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the United States Congress to immediately enact a well-funded, multi-year reauthorization of federal-aid highway, public transit, safety and motor carrier programs; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the Secretary of the United States Department of Transportation and to each member of the Kansas Congressional Delegation.

On motion of Rep. Aurand, the House resolved 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 2262, HB 2129, HB 2180, HB 2418, HB 2304, HB 2138** be passed.

On motion of Rep. Flora to amend **HB 2014**, the motion did not prevail, and the bill be passed.

On motion of Rep. Colloton, **HB 2285** be amended on page 12, in line 29, before the period by inserting "except for a replacement of a hearing instrument that was previously fitted and tested by a licensee";

Also, on motion of Rep. Bethell, **HB 2285** be amended on page 8, in line 15, after "who" by inserting "(1)"; in line 16, after the comma by inserting "or (2) is currently licensed as an audiologist under K.S.A. 65-6501 et seq., and amendments thereto,"; and the bill be passed as amended.

Committee report to **HB 2407** be adopted; and the bill be passed as amended.

Committee report to **HB 2461** be adopted; and the bill be passed as amended.

Committee report to **HB 2144** be adopted; also, on motion of Rep. Brown to amend, the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2466** be adopted; and the bill be passed as amended.

Committee reports to **HB 2247** be adopted; and the bill be passed as amended.

Committee report to **HB 2341** be adopted; and the bill be passed as amended.

Committee report to **HB 2280** be adopted; and the bill be passed as amended.

Committee report to **HB 2103** be adopted; and the bill be passed as amended.

Committee report to **HB 2387** be adopted; and the bill be passed as amended.

Committee report to **HB 2386** be adopted; and the bill be passed as amended.

Committee report to **HB 2263** be adopted; and the bill be passed as amended.

On motion of Rep. Horst, **HB 2284** be amended on page 1, in line 19, after "breastfeed" by inserting "discreetly";

Also, on motion of Rep. Kinzer to amend **HB 2284**, the motion did not prevail.

Also, on motion of Rep. Huy to amend, **HB 2284**, the motion was withdrawn.

Also, on motion of Rep. S. Sharp, **HB 2284** be amended on page 1, preceding line 20, by inserting the following:

"Sec. 2. K.S.A. 43-158 is hereby amended to read as follows: 43-158. The following persons shall be excused from jury service: (a) Persons unable to understand the English language with a degree of proficiency sufficient to respond to a jury questionnaire form prepared by the commissioner;

(b) persons under adjudication of incompetency;

(c) persons who within 10 years immediately preceding have been convicted of or pleaded guilty, or *nolo contendere*, to an indictment or information charging a felony; ~~and~~

(d) persons who have served as jurors in the county within one year immediately preceding; *and*

(e) *a mother breastfeeding her child. Jury service shall be postponed until such mother is no longer breastfeeding the child.*

Sec. 3. K.S.A. 43-158 is hereby repealed."

And by renumbering the remaining section;

In the title, in line 9, by striking "concerning children;"; also in line 9, before the period by inserting "mothers; concerning right to breastfeed; jury duty while breastfeeding; amending K.S.A. 43-158 and repealing the existing section.";

Also, on motion of Rep. Huy to amend **HB 2284**, the motion did not prevail and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2128** be amended on page 1, in line 13, by striking all after "1."; by striking all in lines 14 through 18 and inserting the following:

"(a) The secretary of social and rehabilitation services shall upon request receive from the KBI such criminal history record information relating to criminal convictions as necessary for the purpose of determining initial and continuing qualification for employment or for participation in any program administered by the secretary for the placement, safety, protection or treatment of vulnerable children or adults.";

Also on page 1, in line 23, after "investigation" by inserting "concerning such employee or individual"; in line 30, by striking "may" and inserting "shall"; also in line 30, by striking "employee."; in line 31, by striking "the individual or the"; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2400** be amended On page 1, by striking all in lines 14 through 43;

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

On page 3, by striking all in lines 1 through 20; in line 21, by striking "New Sec. 3." and inserting "Section 1."; in line 24, following "grants" by inserting "only"; also in line 24, by striking all following "owned"; in line 25, by striking all preceding the period and inserting "water rights"; also in line 25, following the period, by inserting "The irrigation transition assistance program shall expire three years from the effective date of the first fiscal year for which moneys are appropriated therefor."; in line 26, following "conservation" by inserting "commission"; in line 31, by striking "March" and inserting "April"; following line 34, by inserting:

"(d) Water rights returned through participation in the irrigation transition assistance program shall be permanently dismissed by the chief engineer of the division of water resources of the Kansas department of agriculture.

(e) The state conservation commission shall not require that the land to be transitioned to dry land under the irrigation transition assistance program will not be irrigated under any other water right from any water source.";

Also on page 3, by striking all in lines 35 and 36;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 10, by striking all after "program"; in line 11, by striking all before the period; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2281** be amended on page 2, in line 34, after "pictures" by inserting "regardless of physical form or characteristics or storage media";

On page 4, in line 4, by striking all after "value"; by striking all in lines 5 and 6; in line 7, by striking all before the period and inserting: "in accordance with a records retention and disposition schedule developed by the state archivist in cooperation with the governor"; in line 27, by striking "by" and inserting "at"; in line 29, by striking "a director at each depository or facility" and inserting: "an employee of the state historical society";

On page 5, in line 32, by striking all after "until"; by striking all in line 33; in line 34, by striking "(f); or (ii)";

On page 6, in line 33, by striking "is" and inserting "if"; in line 41, by striking "the former governor's" and inserting: "to a representative of the former governor"; in line 42, by striking "representative" and inserting: "by letter from the former governor";

On page 7, by striking all in lines 8 and 9; in line 10, by striking all before "and" where it appears for the last time; in line 11, by striking "(4)" and inserting "(3)"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2366** be amended on page 2, by striking all in lines 1 through 3 and inserting the following:

"The commissioner may, within 30 days after the filing of any form, disapprove such form: (1) If, in the case of any form required to be filed pursuant to subsection (a), the benefits provided therein are unreasonable in relation to the premium charged; or (2) if, in the case of any form required to be filed pursuant to subsection (a) or (b), it contains a provision or provisions which are unjust, unfair, inequitable, misleading, deceptive or encourage misrepresentation of such policy. If the commissioner notifies the insurer which has filed any such form that it does not comply with the provisions of article 22 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, it shall be unlawful thereafter for such insurer to issue such form or use it in connection with any policy. In such notice the commissioner shall specify the reasons for disapproval and state that a hearing will be granted within 20 days after request in writing by the insurer.

Notwithstanding the provisions of subsection (d), an insurer may offer one or more group or individual accident and sickness insurance plans that contain substantial deductible, coinsurance, copayment, out-of-pocket and other cost sharing levels. The insurer shall comply with any state or federal insurance law which requires certain benefits to be provided including the level and extent of benefits to be provided in an accident and sickness insurance policy. Any insurance plan offered under this subsection shall disclose insured financial responsibilities pursuant to K.S.A. 40-2202 and amendments thereto."; 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 2501, An act concerning property taxation; relating to school district ad valorem tax levy and exemption therefrom; amending K.S.A. 2004 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2016, **HB 2053**; **Sub. HB 2088**; **HB 2234** reported correctly engrossed February 22, 2005.

Also, **Sub. HB 2113**; **HB 2139**, **HB 2155**, **HB 2160**, **HB 2364** reported correctly engrossed February 23, 2005.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5005 reported correctly engrossed February 22, 2005.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, February 24, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

