

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 1, 2005, 9:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Showalter was excused on verified illness.
Rep. Novascone was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Francis E. Stockton, pastor, United Methodist Church, Osage City, and guest of Rep. Humerickhouse:

Creator God

We thank you for Kansas. We thank you for the fertile earth, the rolling hills and majestic vistas. Your creative powers are on display in the Flint Hills, the High Prairie, the Little Balkans, the river valleys and all the great variety that is Kansas.

We thank you for the people who first cared for Kansas, even before we had a name we had native peoples who loved the land and raised their prayers of thanksgiving to you. We thank you for the pioneers who came and added their thanks for the great land we call Kansas.

We thank you for the sturdy people who farm Kansas soil and bring food and other products to our homes. We thank you for the factory workers and those who produce both things to buy and a strong economy that allows us to buy those products. We thank you for those who teach our children and heal our bodies. We thank you for those who nourish our spirits and guide our journeys, both spiritual and geographical. Kansas is great, Lord, because Kansans are great. We thank you for our place in your creation. Lord, where do we fit in your plans for Kansas?

Lord we thank you for the future. You have given us new canvas on which to paint. You have given us bright children to teach and direct. They turn their faces to you for help and hope. They ask us for direction and support.

Lord we thank you for your trust in us who would be stewards of your creation. Teach us how to love and serve your land, your people, and your creation. Make us quick to love and slow to judge. And Lord, give us a portion of your creativity as we strive to serve the great variety of people, variety of places, and variety of issues that will confront us in this place today. Amen.

The Pledge of Allegiance was led by Rep. Thull.

INTRODUCTION OF GUESTS

There being no objection, the following remarks by Rep. Phelps are spread upon the Journal:

I rise before you to present the 2005 3-A State Champion Thomas More Prep-Marian High School basketball team from Hays. The Monarchs picked up their first state title in school history with a 63-57 upset of No. 1 seeded Minneapolis in the title game of the Class 3A State Championships in Hutchinson.

TMP-Marian finished the season with 10 straight wins, which is a pretty amazing feat when one considers the fact that they were 6-7 at one point during the season.

Members of the team are: Chase Schippers, Kyle Hammerschmidt, Nolan Hoffman, Cameron Stremel, Greg Diehl, T.J. Schmidt, Tucker Mall, Nick Felder, Josh Post, Eli Nsabindora, Brandon Bieker, and Eric Thomas. The team is accompanied by Head Coach Joe Hertel; Assistants, Chris Drees and Tom Drees, as well as team manager Nathan Geist.

Rep. Phelps presented the members of the team and coaches with House certificates.

Rep. Hayzlett introduced the Sublette High School girls basketball team who won the 2A State Championship two years in a row, with a perfect record of 52-0 for the two years. The team was accompanied to the House by coaches Barry Lucas and Bob Lamborn and by Superintendent Rex Bruce.

Rep. Hayzlett presented House certificates to the team members and the coaches.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **SB 304**.

Federal and State Affairs: **HB 2533; HCR 5018**.

Governmental Organization and Elections: **SB 164**.

Select Committee on Healthcare: **Sub. SB 306**.

COMMUNICATIONS FROM STATE OFFICERS

From Howard Fricke, Secretary, Kansas Department of Commerce, as required by K.S.A. 74-50,118(b), Annual Report on the Kansas Enterprise Zone Program.

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

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Schwartz, **HR 6032**, A resolution congratulating and commending Kendra Wecker, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HCR 5013, A concurrent resolution concerning endorsement of the participation of Taiwan in the World Health Organization, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 19; 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, Faust-Goudeau, Flower, Freeborn, 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, Knox, Krehbiel, Larkin, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Swenson, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Edmonds, Faber, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Henderson, Kirk, Kuether, Landwehr, Lane, Light, Loganbill, Peck, Ruff, Sawyer, Svaty, Ward.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

The resolution was adopted, as amended.

HCR 5014, 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, 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, Henderson, 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, 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: Novascone, Showalter.

The resolution was adopted.

HR 6021. A resolution urging the Secretary of the Kansas Department of Health and Environment to review the data regarding cervical cancer and human papillomavirus, to evaluate current methods of public education and access to regular cervical cancer screening and to consider options for increasing screening accuracy, 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, Henderson, 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, 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: Novascone, Showalter.

The resolution was adopted.

HR 6024. A resolution concerning information provided to royalty interest owners by oil and gas producers, 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, Henderson, 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, 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: Novascone, Showalter.

The resolution was adopted.

SB 26. An act concerning legal holidays; amending K.S.A. 35-107 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 16; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Brunk, Carter, Faber, Gatewood, Huebert, Kelley, Kiegerl, Kilpatrick, Landwehr, Lane, McCreary, McLeland, Merrick, Neufeld, Powell, Schwartz.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

The bill passed.

SB 295. An act concerning taxation; relating to retailers' sales tax in Neosho county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, 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, Henderson, Henry, Hill, Holland, C. 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, 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: Aurand, Carter, M. Holmes.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

The bill passed.

SCR 1604. A concurrent resolution concerning healthy eating and physical activity in public elementary and secondary schools, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico,

Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Carter, Faber, Huebert, Kilpatrick, Lane, Merrick, Neufeld, Schwab, Watkins.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

The resolution was adopted.

SCR 1609, A concurrent resolution urging Congress to provide funding to the Kansas Department of Transportation to improve and upgrade the department's radio communication system, 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, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, 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: Novascone, Showalter.

The resolution was adopted.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House concurred in Senate amendments to **HB 2264**, An act relating to public health; concerning the department of health and environment; concerning infectious and contagious diseases; use of quarantine and isolation; requiring tuberculosis evaluations for certain students who enter college or university classrooms; relating to the director of health; amending K.S.A. 75-5603 and repealing the existing section.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, 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, 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: Kuether.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

On motion of Rep. Landwehr, the House concurred in Senate amendments to **HB 2301**, An act creating the Senator Stan Clark pregnancy maintenance initiative program; making appropriations for the department of health and environment — division of health for the fiscal year ending June 30, 2006.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, 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, 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, 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, Yoder, Yonally.

Nays: Cox, Flaharty, Henderson, Kuether, Winn.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **HB 2338** and asked for a conference.

Speaker Mays thereupon appointed Reps. Neufeld, Landwehr and Gatewood as conferees on the part of the House.

On motion of Rep. Vickrey, the House concurred in Senate amendments to **HB 2083**, An act concerning certain municipalities; relating to the consolidation of cities and counties; relating to land adjoining cities; amending K.S.A. 12-520 and repealing the existing section. (The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, 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, Henderson, Henry, 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, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Carter, Hill, Schwab.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2124; Sub. SB 257** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 195** be adopted; also, on motion of Rep. Ruff be amended on page 15, in line 16, by striking "possession,"; in line 33, by striking "or possession"; in line 42, by striking "possession,"; in line 43, by striking "possessing,"; and the substitute bill be passed as amended.

On motion of Rep. B. Sharp, **SB 304** be referred to Committee on Economic Development.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **H. Sub. for SB 195; HB 2124; Sub. SB 257** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 195, An act concerning firearms; relating to the definition thereof; disposition; regulation; training of certain persons; amending K.S.A. 21-4206, 74-5607 and 79-5212 and K.S.A. 2004 Supp. 21-3110, 60-4117, 79-3235, 79-3617, 79-5205 and 79-5211 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flora, Flower, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, 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, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Svaty, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder.

Nays: Colloton, Crow, Flaharty, Garcia, Hill, Huff, Huntington, Kirk, Kuether, O'Malley, Owens, Pottorff, S. Sharp, Storm, Yonally.

Present but not voting: None.

Absent or not voting: Novascone, Showalter, Swenson.

The substitute bill passed, as amended.

HB 2124, An act concerning certificates of title on vehicles; relating to security interest on vehicles registered by a federally recognized Indian tribe; amending K.S.A. 2004 Supp. 8-135 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, Henderson, 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, 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: Novascone, Showalter.
 The bill passed.

Sub. SB 257. An act concerning health and health care; relating to health benefit plans and health savings accounts; income tax credits for certain employer contributions thereto; amending K.S.A. 40-2239, 40-2242 and 40-2246 and K.S.A. 2004 Supp. 40-2240 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, 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: Novascone, Showalter.
 The substitute bill passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 189, by Representative Colloton, congratulating the Leawood Chamber of Commerce for providing a successful model of support for businesses and communities in Kansas;

Request No. 190, by Representative Sloan, congratulating John "Willey" Frick, II on attaining the rank of Eagle Scout;

Request No. 191, by Representative Henderson, congratulating Elizabeth A. Swift on her retirement after 38 years at UMB;

Request No. 192, by Representative Jim Morrison, commending Victor Hildyard, MD for his outstanding medical service;

Request No. 193, by Representative Ballard, Davis and Holland, congratulating Mary Davidson on receiving the Helen Fluker Open and Accessible Government Award;

Request No. 194, by Representative Holland, congratulating Leola Summy on her 100th birthday;

Request No. 195, by Representative D. Johnson and Phelps, congratulating John Brethour on 45 years of service to K-State and the beef cattle industry of Kansas;

Request No. 196, by Representative Mast, commending Austin Michael Hills on attaining the rank of Eagle Scout;

Request No. 197, by Representative Jim Morrison, commending Joseph Rainwater on his innovation and leadership in being the first to bring cardiology medical care to rural Kansas;

Request No. 198, by Representative Mast, in memory of Timothy Michael Schierling;

Request No. 199, by Representative D. Johnson, congratulating Dr. Earl Merkel on being chosen the 2005 Kansas Family Physician of the Year;

Request No. 200, by Representative Kiegerl, honoring Sgt. Greg Scott for his lifetime contribution to highway safety;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Schwartz as a member of the conference committee on **SB 266** to replace Rep. Landwehr.

On motion of Rep. Aurand, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 10**.

The Senate adopts conference committee report on **SB 48**.

The Senate adopts conference committee report on **Sub. SB 103**.

The Senate adopts conference committee report on **SB 108**.

The Senate adopts conference committee report on **SB 116**.

The Senate adopts conference committee report on **SB 119**.

The Senate adopts conference committee report on **SB 225**.

The Senate adopts conference committee report on **SB 254**.

The Senate adopts conference committee report on **S. Sub. for HB 2016**.

The Senate adopts conference committee report on **HB 2058**.

The Senate adopts conference committee report on **HB 2072**.

The Senate adopts conference committee report on **HB 2268**.

The Senate adopts the conference committee report to agree to disagree on **SB 181** and has appointed Senators Vratil, D. Schmidt and Hensley as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2116** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2338** and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The President announced the appointment of Senator Barone as a member of the conference committee on **SB 266** to replace Senator Kelly.

Also, the Senate reconsidered their action on **SB 147** and the bill remains in conference.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 215**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

DONALD DAHL

L. CANDY RUFF

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. Dahl, the conference committee report on **SB 215** was adopted. Speaker Mays thereupon appointed Reps. Dahl, Novascone and Ruff as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 24**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 5, by striking all in lines 27 through 43;

On page 6, by striking all in lines 1 through 5; in line 6, by striking “, 12-520a and 12-531” and inserting “and 12-520a”;

By renumbering the remaining sections accordingly;

In the title, in line 11, by striking “, 12-520a and 12-531” and inserting “and 12-520a”;

And your committee on conference recommends the adoption of this report.

JENE VICKREY

BONNIE HUY

TOM HOLLAND

Conferees on part of House

TIM HUELSKAMP

KAY O'CONNOR

ANTHONY HENSLEY

Conferees on part of Senate

On motion of Rep. Vickrey, the conference committee report on **H. Sub. for SB 24** was adopted.

On roll call, the vote was: Yeas 86; Nays 37; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Brown, Burgess, Burroughs, Carlson, Carter, Cox, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Flaharty, Flower, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Jack, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Loganbill, Long, Mah, Mast, Mays, McCreary, McKinney, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Neufeld, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Powell, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn.

Nays: Bethell, Brunk, Carlin, Colloton, Craft, Crow, Dillmore, Feuerborn, Flora, Gatewood, Hawk, C. Holmes, Huff, Huntington, D. Johnson, E. Johnson, Kirk, Kuether, Larkin, Light, Loyd, McLeland, Menghini, Myers, Newton, O'Malley, O'Neal, Owens, Peterson, Phelps, Pottorff, Powers, Storm, Thull, Treaster, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 36**, submits the following report:

The House recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 36** was adopted.

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, Henderson, 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, 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: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 75**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, in line 39, after "(e)" by inserting "In any action exempted under subsection (b), all discovery and other proceedings shall be stayed during the pendency of any motion to dismiss unless the court finds upon the motion of any party that discovery is necessary to preserve evidence or to prevent undue prejudice to that party. (f)";

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 75** was adopted.

On roll call, the vote was: Yeas 104; Nays 19; 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, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Feuerborn, Flower, Freeborn, 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, Knox, Krehbiel, Landwehr, Larkin, Light, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Roth, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Crow, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Kirk, Kuether, Lane, Loganbill, Menghini, Peterson, Powers, Ruiz, Sawyer, Swenson, Ward, Winn.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 78**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 21, in line 24, by striking all following "6."; by striking all in line 25, in line 26, by striking all preceding "K.S.A.";

On page 22, in line 27, following "member" by inserting "who receives an annual salary of \$50,000 or more"; following line 29, by inserting the following:

"Sec. 7. K.S.A. 45-217 is hereby amended to read as follows: 45-217. As used in the open records act, unless the context otherwise requires:

(a) "Business day" means any day other than a Saturday, Sunday or day designated as a holiday by the congress of the United States, by the legislature or governor of this state or by the respective political subdivision of this state.

(b) "*Clearly unwarranted invasion of personal privacy*" means revealing information that would be highly offensive to a reasonable person, including information that may pose a risk to a person or property and is not of legitimate concern to the public.

(c) "Criminal investigation records" means records of an investigatory agency or criminal justice agency as defined by K.S.A. 22-4701 and amendments thereto, compiled in the process of preventing, detecting or investigating violations of criminal law, but does not include police blotter entries, court records, rosters of inmates of jails or other correctional or detention facilities or records pertaining to violations of any traffic law other than vehicular homicide as defined by K.S.A. 21-3405 and amendments thereto.

(d) "Custodian" means the official custodian or any person designated by the official custodian to carry out the duties of custodian of this act.

(e) "Official custodian" means any officer or employee of a public agency who is responsible for the maintenance of public records, regardless of whether such records are in the officer's or employee's actual personal custody and control.

(f) (1) "Public agency" means the state or any political or taxing subdivision of the state or any office, officer, agency or instrumentality thereof, or any other entity receiving or expending and supported in whole or in part by the public funds appropriated by the state or by public funds of any political or taxing subdivision of the state.

(2) "Public agency" shall not include:

(A) Any entity solely by reason of payment from public funds for property, goods or services of such entity; (B) any municipal judge, judge of the district court, judge of the court of appeals or justice of the supreme court; or (C) any officer or employee of the state or political or taxing subdivision of the state if the state or political or taxing subdivision does not provide the officer or employee with an office which is open to the public at least 35 hours a week.

(f) (1) "Public record" means any recorded information, regardless of form or characteristics, which is made, maintained or kept by or is in the possession of any public agency including, but not limited to, an agreement in settlement of litigation involving the Kansas public employees retirement system and the investment of moneys of the fund.

(2) "Public record" shall not include records which are owned by a private person or entity and are not related to functions, activities, programs or operations funded by public funds or records which are made, maintained or kept by an individual who is a member of the legislature or of the governing body of any political or taxing subdivision of the state.

(3) "Public record" shall not include records of employers related to the employer's individually identifiable contributions made on behalf of employees for workers compensation, social security, unemployment insurance or retirement. The provisions of this subsection shall not apply to records of employers of lump-sum payments for contributions as described in this subsection paid for any group, division or section of an agency.

~~(g)~~ (h) “Undercover agent” means an employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee’s identity or employment by the public agency is secret.

Sec. 8. ~~From and after January 1, 2006:~~ (a) Each not-for-profit entity that receives public funds in an aggregated amount of \$350 or more per year shall be required to document the receipt and expenditure of such funds. Subject to the provisions of subsection (b), each not-for-profit entity which receives public funds in an aggregated amount of \$350 or more per year, shall, upon request, make available to any requester a copy of documentation of the receipt and expenditure of ~~all~~ such public funds received by such not-for-profit entity. If such not-for-profit entity’s accounting practice does not segregate public funds from other fund sources, the not-for-profit entity’s entire accounting of its expenditures and receipts shall be open to the public. *The reporting requirements of this section shall commence on the first day of the fiscal year of such not-for-profit entity which occurs on or after July 1, 2005, and continue for each fiscal year thereafter.*

(b) (1) Except as provided in paragraph (3), any not-for-profit entity that receives public funds that is required by law or the terms of a grant, contract or other agreement to file a written financial report which includes the receipt of public funds and the expenditure of such funds with an agency of the United States, an agency of this state or any political or taxing subdivision thereof, shall be deemed to have fulfilled the requirements of this section upon filing such report. Otherwise an itemized invoice or statement by the not-for-profit entity of the amount of public funds received and the expenditure ~~thereof~~ therefor shall be deemed to have complied with the requirements of this section when such itemized invoice or statement is filed with an agency of the United States, an agency of this state or any political or taxing subdivision thereof, that provided the public funds to the not-for-profit entity.

(2) Any report referred to in paragraph (1) of this subsection, shall be deemed to be a public record of the agency of this state or any political or taxing subdivision thereof and subject to inspection or disclosure in accordance with the Kansas open records act.

(3) Any not-for-profit entity which receives public funds may file in the office of the secretary of state or make available for review in such not-for-profit entity’s office, a copy of the detailed audit or accounting of public funds received by such not-for-profit entity.

(c) Each not-for-profit entity may charge and require advance payment of a reasonable fee for providing access to or furnishing copies of documentation of the receipt and expenditure of public funds as required by this section. Such fee shall be determined in the same manner as for a public agency pursuant to K.S.A. 45-219 and amendments thereto. A fee for copies of documentation of the receipt and expenditure of public funds which is equal to or less than \$.25 per page shall be deemed a reasonable fee.

(d) The provisions of this section shall not apply to any:

- (1) Health care provider;
- (2) individual person;
- (3) for profit corporation; or
- (4) partnership.

(e) For the purposes of this section: (1) “Health care provider” shall have the meaning ascribed to it in K.S.A. 65-4915 and amendments thereto. Health care provider shall also include any:

(A) Not-for-profit dental service corporation doing business in this state pursuant to K.S.A. 40-19a01 et seq. and amendments thereto;

(B) not-for-profit medical and hospital corporation doing business in this state pursuant to K.S.A. 40-19c01 et seq. and amendments thereto;

(C) indigent health care clinic as such term is defined in K.S.A. 75-6102 and amendments thereto; and

(D) adult care home as such term is defined in K.S.A. 39-923 and amendments thereto.

(2) “Public funds” means any moneys received from the United States, the state of Kansas or any political or taxing subdivision thereof, or any officer, board, commission or agency thereof.

Sec. 9. K.S.A. 45-217 and 45-229 and K.S.A. 2004 Supp. 45-221, 45-221g, 45-221h, 46-247, 66-1236, 75-4319 and 75-4319b are hereby repealed.”;

By renumbering the remaining section accordingly;

In the title, in line 13, following “concerning” by inserting “public information; relating to”; in line 14, following the semicolon, by inserting “relating to open meetings; relating to”; in line 15, by striking “compensation of certain” and inserting “documents filed by certain”; in line 16, preceding “45-229” by inserting “45-217 and”; in line 17, following “46-247” by inserting a comma;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
 BONNIE HUY
 TOM HOLLAND
Conferees on part of House

TIM HUELSKAMP
 KAY O’CONNOR
 DONALD BETTS, JR.
Conferees on part of Senate

On motion of Rep. Vickrey, the conference committee report on **SB 78** was adopted.

On roll call, the vote was: Yeas 121; Nays 2; 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, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O’Malley, O’Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, S. Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Lane, Schwab.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 161**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, preceding line 24, by inserting the following:

“New Section 1. (a) If an adult offender or juvenile offender has been sentenced to perform community service work by the court, and such offender is performing such services for a governmental entity, private not-for-profit corporation, or charitable or social service organization, such governmental entity, private not-for-profit corporation, or charitable or social service organization or any employee or volunteer of such entities shall not be liable for damages in a civil action for injuries suffered by such offender or for acts or omissions by such offender unless such governmental entity, private not-for-profit corporation, or charitable or social service organization or any employees or volunteers of such entities actions constitute willful or wanton misconduct or intentionally tortious conduct. The provisions of this section shall not apply to damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103, and amendments thereto.

(b) As used in this section, “community service work” means public or community service performed by a person (1) as a result of a contract of diversion or immediate intervention

entered into by such person as authorized by law, (2) pursuant to the assignment of such person by a court to a community corrections program, (3) as a result of suspension of sentence or as a condition of probation pursuant to court order, (4) in lieu of a fine imposed by court order or (5) as a condition of placement ordered by a court pursuant to K.S.A. 38-1663, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 31, by striking “Employee” ; by striking all in lines 32 through 35 and inserting “Employee” does not include an individual or entity for actions within the scope of section 1, and amendments thereto.”; in line 36, by striking all after “(e)” ; by striking all in lines 37 through 43;

On page 3, by striking all in line 1; in line 2, by striking “(f)” ;

On page 4, in line 5, by striking “(g)” and inserting “(f)” ; in line 10, by striking “(h)” and inserting “(g)” ; in line 14, by striking “(i)” and inserting “(h)” ; in line 16, by striking “(j)” and inserting “(i)” ; after line 20, by inserting the following:

“Sec. 3. K.S.A. 2004 Supp. 75-6104 is hereby amended to read as follows: 75-6104. A governmental entity or an employee acting within the scope of the employee’s employment shall not be liable for damages resulting from:

- (a) Legislative functions, including, but not limited to, the adoption or failure to adopt any statute, regulation, ordinance or resolution;
- (b) judicial function;
- (c) enforcement of or failure to enforce a law, whether valid or invalid, including, but not limited to, any statute, rule and regulation, ordinance or resolution;
- (d) adoption or enforcement of, or failure to adopt or enforce, any written personnel policy which protects persons’ health or safety unless a duty of care, independent of such policy, is owed to the specific individual injured, except that the finder of fact may consider the failure to comply with any written personnel policy in determining the question of negligence;
- (e) any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee, whether or not the discretion is abused and regardless of the level of discretion involved;
- (f) the assessment or collection of taxes or special assessments;
- (g) any claim by an employee of a governmental entity arising from the tortious conduct of another employee of the same governmental entity, if such claim is (1) compensable pursuant to the Kansas workers compensation act or (2) not compensable pursuant to the Kansas workers compensation act because the injured employee was a firemen’s relief association member who was exempt from such act pursuant to K.S.A. 44-505d, and amendments thereto, at the time the claim arose;
- (h) the malfunction, destruction or unauthorized removal of any traffic or road sign, signal or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction or removal. Nothing herein shall give rise to liability arising from the act or omission of any governmental entity in placing or removing any of the above signs, signals or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;
- (i) any claim which is limited or barred by any other law or which is for injuries or property damage against an officer, employee or agent where the individual is immune from suit or damages;
- (j) any claim based upon emergency management activities, except that governmental entities shall be liable for claims to the extent provided in article 9 of chapter 48 of the Kansas Statutes Annotated;
- (k) the failure to make an inspection, or making an inadequate or negligent inspection, of any property other than the property of the governmental entity, to determine whether the property complies with or violates any law or rule and regulation or contains a hazard to public health or safety;
- (l) snow or ice conditions or other temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the governmental entity;

(m) the plan or design for the construction of or an improvement to public property, either in its original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval and if the plan or design was prepared in conformity with the generally recognized and prevailing standards in existence at the time such plan or design was prepared;

(n) failure to provide, or the method of providing, police or fire protection;

(o) any claim for injuries resulting from the use of any public property intended or permitted to be used as a park, playground or open area for recreational purposes, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing such injury;

(p) the natural condition of any unimproved public property of the governmental entity;

(q) any claim for injuries resulting from the use or maintenance of a public cemetery owned and operated by a municipality or an abandoned cemetery, title to which has vested in a governmental entity pursuant to K.S.A. 17-1366 through 17-1368, and amendments thereto, unless the governmental entity or an employee thereof is guilty of gross and wanton negligence proximately causing the injury;

(r) the existence, in any condition, of a minimum maintenance road, after being properly so declared and signed as provided in K.S.A. 68-5,102, and amendments thereto;

~~(s) any claim for damages arising from the performance of community service work other than damages arising from the operation of a motor vehicle as defined by K.S.A. 40-3103, and amendments thereto;~~

~~(t) any claim for damages arising from the operation of vending machines authorized pursuant to K.S.A. 68-432 or K.S.A. 75-3343a, and amendments thereto;~~

~~(t) (t) providing, distributing or selling information from geographic information systems which includes an entire formula, pattern, compilation, program, device, method, technique, process, digital database or system which electronically records, stores, reproduces and manipulates by computer geographic and factual information which has been developed internally or provided from other sources and compiled for use by a public agency, either alone or in cooperation with other public or private entities;~~

~~(u) any claim arising from providing a juvenile justice program to juvenile offenders, if such juvenile justice program has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice. The provisions of this section do not apply to community service work within the scope of section 1, and amendments thereto;~~

~~(v) performance of, or failure to perform, any activity pursuant to K.S.A. 74-8922, and amendments thereto, including, but not limited to, issuance and enforcement of a consent decree agreement, oversight of contaminant remediation and taking title to any or all of the federal enclave described in such statute;~~

~~(w) any claim arising from the making of a donation of used or excess fire control, fire rescue, or emergency medical services equipment to a fire department, fire district, volunteer fire department, medical emergency response team or the Kansas forest service if at the time of making the donation the donor believes that the equipment is serviceable or may be made serviceable. This subsection also applies to equipment that is acquired through the Federal Excess Personal Property Program established by the Federal Property and Administrative Services Act of 1949 (P.L. 81-152; 63 stat. 377; 40 United States Code Section 483). This subsection shall apply to any breathing apparatus or any mechanical or electrical device which functions to monitor, evaluate, or restore basic life functions, only if it is recertified to the manufacturer's specifications by a technician certified by the manufacturer; or~~

~~(x) any claim arising from the acceptance of a donation of fire control, fire rescue or emergency medical services equipment, if at the time of the donation the donee reasonably believes that the equipment is serviceable or may be made serviceable and if after placing the donated equipment into service, the donee maintains the donated equipment in a safe and serviceable manner.~~

The enumeration of exceptions to liability in this section shall not be construed to be exclusive nor as legislative intent to waive immunity from liability in the performance or failure to perform any other act or function of a discretionary nature.”;

And by renumbering the remaining sections accordingly;

Also on page 4, in line 21, by striking “is” and inserting “and 75-6104 are”;

In the title, in line 10, by striking “tort claims” and inserting “civil procedure”; in line 12, after “75-6102” by inserting “and 75-6104”; also in line 12, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O’NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O’Neal, the conference committee report on **SB 161** was adopted.

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, Gattewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, 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: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2016**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2016, as follows:

On page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 43 and inserting the following:

“Section 1. K.S.A. 8-1343a is hereby amended to read as follows: 8-1343a. As used in K.S.A. 8-1343 through 8-1347, and amendments thereto, “passenger car” means a motor vehicle, *manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts*, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds.

Sec. 2. K.S.A. 8-2502 is hereby amended to read as follows: 8-2502. As used in this act, “passenger car” means a motor vehicle, *manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or*

assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation.

Sec. 3. K.S.A. 8-1344 is hereby amended to read as follows: 8-1344. (a) Every driver as defined in K.S.A. 8-1416, and amendments thereto, who transports a child under the age of ~~14~~ 18 years in a passenger car as defined in K.S.A. 8-1343a, and amendments thereto, on a highway as defined in K.S.A. 8-1424, and amendments thereto, shall provide for the protection of such child by properly using:

~~(a)~~ (1) For a child under the age of four years ~~an appropriate~~ child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213 ~~in effect on July 1, 1997; or~~

(2) for a child four years of age, but under the age of eight years and who weighs less than 80 pounds or is less than 4 feet 9 inches in height, an appropriate child passenger safety restraining system that meets or exceeds the standards and specifications contained in federal motor vehicle safety standard no. 213; or

~~(b)~~ (3) for a child ~~four~~ eight years of age but under the age of ~~14~~ 18 years or who weighs more than 80 pounds or is more than 4 feet 9 inches in height, a safety belt manufactured in compliance with federal motor vehicle safety standard no. 208; ~~except that if the number of children subject to this requirement exceeds the number of passenger securing locations available for use by children affected by this requirement, and all of those securing locations are in use by children, then there is not a violation of this section.~~

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

(c) The provisions of subsection (a)(2) shall not apply in any seating position where only a lap belt is available.

Sec. 4. K.S.A. 8-1345 is hereby amended to read as follows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of ~~\$20~~ \$60. The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) ~~Ten dollars of~~ The \$60 fine provided for in subsection (a) ~~and court costs assessed under K.S.A. 28-172a, and amendments thereto;~~ shall be waived if the driver convicted of violating subsection ~~(a)~~ (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, provides proof to the court that such driver has purchased or acquired ~~an~~ the appropriate and approved child passenger safety restraining system.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was ~~14~~ 18 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) From and after the effective date of this act, and prior to July 1, 2006, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2) of K.S.A. 8-1344, and amendments thereto.

Sec. 5. K.S.A. 8-1343a, 8-1344, 8-1345 and 8-2502 are hereby repealed.

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

On page 1, in the title, by striking all in lines 9 through 11 and inserting the following:

“AN ACT concerning motor vehicles; relating to the child passenger safety act and the safety belt use act; amending K.S.A. 8-1343a 8-1344, 8-1345 and 8-2502 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

On motion of Rep. Loyd to adopt the conference committee report to **S. Sub. for HB 2016**, the motion did not prevail, and the conference committee report was not adopted.

On roll call, the vote was: Yeas 55; Nays 68; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Burgess, Carlin, Colloton, Craft, Crow, Davis, Decker, Dillmore, Feuerborn, Flaharty, Garcia, Gatewood, Goico, Grant, Hawk, Henderson, Henry, Hill, Holland, Huff, Huntington, Jack, Kirk, Larkin, Loganbill, Loyd, Mah, Mast, McKinney, Menghini, M. Miller, Jim Morrison, Newton, O'Malley, O'Neal, Owens, Pauls, Phelps, Ruff, Sawyer, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Watkins, Wilk, Winn, Yoder, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burroughs, Carlson, Carter, Cox, Dahl, DeCastro, Edmonds, Faber, Faust-Goudeau, Flora, Flower, Freeborn, George, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Long, Mays, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neufeld, Oharah, Olson, Otto, Peck, Peterson, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruiz, Schwab, Schwartz, B. Sharp, Shultz, Ward, Weber, Williams.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 77**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 43, by striking “or pedestrian stop”;

On page 3, in line 8, by striking “attorney general’s office” and inserting “Kansas human rights commission”;

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

PETE BRUNGARDT
ROGER P. REITZ
DONALD BETTS, JR.
Conferees on part of Senate

On motion of Rep. Loyd, the conference committee report on **Sub. SB 77** was adopted. Call of the House was demanded.

On roll call, the vote was: Yeas 93; Nays 30; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Brown, Brunk, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Huntington, Huy, Jack, D. Johnson, Kelsey, Kirk, Knox, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mays, McCreary, McKinney, McLeland, Menghini, M. Miller, Jim Morrison, Judy Morrison, Myers, Newton, O'Malley, O'Neal, Oharah, Olson, Owens, Pauls, Peterson, Phelps, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Beamer, Bethell, Burgess, Carlson, Carter, Dahl, Edmonds, Faber, Hayzlett, M. Holmes, Huebert, Humerickhouse, Hutchins, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Krehbiel, Mast, Merrick, F. Miller, Neufeld, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Watkins.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

EXPLANATION OF VOTE

MR. SPEAKER: We Vote No on **H. Sub. for SB 77**. Abuse of authority by law enforcement directed against racial groups is repugnant. Concern over racial profiling is understandable and legitimate. Unfortunately this particular bill does not merely prohibit racial profiling. It also applies to factors such as national origin. If for example law enforcement has information that a person of a particular national origin is plotting a terrorist attack, but has not other information allowing them to identify a specific individual, then stopping a person of that national origin and merely frisking them becomes impermissible profiling. In a post 9-11 world such a restriction is not reasonable.—LANCE KINZER, KASHA KELLEY, S. MIKE KIEGERL, MICHAEL B. BURGESS, RICHARD CARLSON, SCOTT SCHWAB, PEGGY MAST, MARY PILCHER COOK, VIRGIL PECK, JR.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Henry as a member of the conference committee on **SB 118** to replace Rep. Feuerborn.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2058**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 7, following "12-1541" by inserting ", and amendments thereto,"; in line 17, following "12-1541" by inserting ", and amendments thereto,"; following line 42, by inserting the following:

"Sec. 3. K.S.A. 12-1617 is hereby amended to read as follows: 12-1617. ~~The powers of the cities of the first, second and third classes within this state to impose license or occupation taxes upon peddlers and venders shall not be construed so as to apply to, or create the power to impose license taxes or occupation taxes upon producers and growers, or their agents or employees engaged in the sale of farm, garden or aquaculture products, or fruits grown within this state.~~

(a) *As used in this section, "fee" means any license or occupation fee, charge or tax, vending or peddling fee, charge or tax, transient merchant license fee, charge or tax or any other similar fee, charge or tax.*

(b) *A city may require any producer, grower or agent or employee of such grower engaged in the sale of agricultural, farm, garden or aquacultural products grown by such growers within this state to obtain a peddler's, vendor's or transient merchant's license or permit.*

Such license or permit shall be valid for a period of time of not less than six months from the date of issuance.

(c) No city shall impose any fee against any producer, grower, or agent or employee of such grower, engaged in the sale of agricultural, farm, garden or aquacultural products grown by such growers residing within this state.

Sec. 4. K.S.A. 19-2233 is hereby amended to read as follows: 19-2233. (a) The provisions of ~~this~~ *the transient merchant licensing act* shall not apply to:

(1) Sales at wholesale to retail merchants by commercial travelers or selling agents in the usual course of business;

(2) sales or displays at trade shows, expositions or conventions;

(3) sales of goods, wares or merchandise by sample catalogue or brochure for future delivery;

(4) sales or displays at fairs, conventions or shows operated primarily for purposes of amusement, entertainment, recreation or education;

(5) sales or displays at sales, fairs, auctions or bazaars operated by church, religious or charitable organizations;

(6) garage sales held on premises devoted to residential use;

(7) sales or displays at sales or shows of crafts or items made by hand and sold, offered for sale or displayed by the individual making such crafts or handmade items;

(8) sales of agricultural *or farm, garden or aquacultural* products, except nursery products and foliage plants, sold or offered for sale by the individual raising or producing such products *and such person's agents or employees*;

(9) sales to the owner or legal occupant of residential premises, at such premises pursuant to an invitation issued by such owner or legal occupant;

(10) sales or displays at sales, bazaars or concessions sponsored or operated by public or private schools or educational institutions;

(11) sales of paraphernalia used in the celebration of any nationally recognized holiday;

(12) sales or displays at flea markets or at sales, exchanges or shows of antique or other personal property having an enhanced value by reason of its age or unique characteristics;

(13) retail sales of fireworks;

(14) sales or displays at fairs or expositions sponsored by the state, a county or another governmental entity or a convention or tourism committee created pursuant to either K.S.A. 12-1695 or 12-16,101, and amendments thereto;

(15) sales or displays at sales, exchanges or shows of collectibles or hobby or investment items of personal property, including but not limited to pets, gems and minerals, stamps, coins, photographs and photographic equipment, guns and belt buckles;

(16) sales or displays in connection with, and at the site of, athletic tournaments, events, contests or expositions;

(17) events sponsored by nonprofit organizations; or

(18) any person who has a permanent business location in this state for not less than six months in each year but who may carry on a transient business at locations in this state other than at the person's permanent business location.

(b) The exemption provided by subsection (a) shall apply regardless of whether the transient merchant is sponsoring or operating the activity giving rise to the exemption or is participating in the activity as a seller or exhibitor.

(c) A transient merchant not otherwise exempted from the provisions of this act shall not be relieved or exempted from the provisions of this act by reason of temporary association with any local dealer, auctioneer, trader, contractor or merchant or by conducting temporary or transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor or merchant.”;

By renumbering sections accordingly;

Also on page 3, in line 43, by striking “and 12-1542” and inserting “, 12-1542, 12-1617 and 19-2233”;

In the title, in line 14, by striking “municipalities” and inserting “counties”; in line 15, following the semicolon, by inserting “relating to certain license or occupation fees, charges and taxes;”; also in line 15, by striking “and 12-1542” and inserting “, 12-1542, 12-1617 and 19-2233”;

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP
KAY O'CONNOR
DONALD BETTS, JR.
Conferees on part of Senate

JENE VICKREY
BONNIE HUY
TOM HOLLAND
Conferees on part of House

On motion of Rep. Vickrey, the conference committee report on **HB 2058** was adopted.

On roll call, the vote was: Yeas 102; Nays 20; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Beamer, Carlson, Carter, Colloton, Faber, Gatewood, Hayzlett, Hutchins, Jack, Kelley, Kinzer, Mast, F. Miller, Newton, O'Malley, Peck, Pilcher-Cook, Weber, Williams, Yoder.

Present but not voting: None.

Absent or not voting: Loyd, Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2072**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 9, in line 10, after "(c)" by inserting "(1)"; after line 14, by inserting the following: "(2) So long as a person remains continuously enrolled, exclusive of summer sessions, a person who qualifies to pay resident fees by virtue of being a spouse or dependent of a person in military service shall not lose such status because of a divorce or the death of a spouse.";

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

TOM SLOAN
EVERETT JOHNSON
SYDNEY CARLIN
Conferees on part of House

On motion of Rep. Sloan, the conference committee report on **HB 2072** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Henderson, Henry, Hill,

Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treasurer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Loyd, Neufeld, Novascone, Pottorff, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2268**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 4, by striking all in lines 13 through 24 and inserting the following:

“New Sec. 5. (a) Any individual may, but is not required, to register a foreign protection order in this state. To register a foreign protection order, an individual shall present a certified copy of the order to the sheriff in the county where the protection order will be enforced. Pursuant to K.S.A. 60-3112, and amendments thereto, the sheriff shall contact the issuing jurisdiction to verify the order and request that such jurisdiction enter the order, if it has not already been entered, into the national criminal information center and other appropriate databases.

(b) A fee shall not be charged for the registration of a foreign protection order.

(c) No sheriff's department accepting or registering a foreign protection order under this section may notify or require notification of the party against whom the protection order was filed of its filing or registration unless the individual protected by the protection order requests that the sheriff's department do so and the respondent has not already been notified of such filing or registration.”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
JEFF JACK
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2268** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Gatedwood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treasurer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Loyd, Neufeld, Novascone, Pottorff, Showalter.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2406**, as amended; **HB 2501**, as amended by **S. Sub. for HB 2501**.

The Senate adopts conference committee report on **HB 2128**.

The Senate adopts conference committee report on **HB 2385**.

Announcing adoption of **HCR 5013**, **HCR 5017**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Wilk, the House concurred in Senate amendments to **HB 2406**. An act concerning public improvement districts; relating to procedure; financing; property and sales tax authority.

On roll call, the vote was: Yeas 88; Nays 33; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Burgess, Carlin, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Haylett, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kelsey, Kiegerl, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Newton, O'Malley, O'Neal, Oharah, Olson, Owens, Phelps, Pottorff, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Beamer, Brown, Brunk, Burroughs, Carlson, Carter, Dahl, Edmonds, Faber, Flora, Flower, Freeborn, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kinzer, Knox, F. Miller, Myers, Neufeld, Otto, Pauls, Peck, Peterson, Pilcher-Cook, Powell, Powers, Schwab, Schwartz, Ward.

Present but not voting: None.

Absent or not voting: Kilpatrick, Loyd, Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 142**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JENE VICKREY
MARIO GOICO
Conferees on part of House

TIM HUELSKAMP
KAY O'CONNOR
Conferees on part of Senate

On motion of Rep. Vickrey, the conference committee report on **SB 142** was adopted.

Speaker pro tem Merrick thereupon appointed Reps. Vickrey, Goico and Holland as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2128**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 3, in line 39, by striking “, and amend-”; in line 40, by striking “thereto; (12)”; also in line 40, after “(11)” by inserting “abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; (12)”; in line 41, by striking “(12)” and inserting “(13)”; in line 42, by striking “(13)” and inserting “(14)”;

On page 4, in line 1, by striking “(14)” and inserting “(15)”; in line 2, by striking “(15)” and inserting “(16)”; in line 3, by striking “(16)” and inserting “(17)”; in line 6, by striking “(17)” and inserting “(18)”; in line 8, by striking “(18)” and inserting “(19)”; in line 10, by striking “(19)” and inserting “(20)”;

On page 8, in line 31, by striking “21-”; in line 32, by striking “3509,” also in line 32, by striking “21-3517 when the victim was less”; in line 33, by striking all before “21-3518”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

On motion of Rep. Loyd, the conference committee report on **HB 2128** was adopted.
Call of the House was demanded.

On roll call, the vote was: Yeas 109; Nays 14; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Brunk, DeCastro, Decker, Freeborn, Goico, Horst, Huebert, Hutchins, Landwehr, McLeland, Olson, Otto, Siegfried, Watkins.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

EXPLANATIONS OF VOTE

MR. SPEAKER: **HB 2128** is a sad example of what the public gets this time of year. Certainly we should not expunge crimes of abuse against children. However neither should we expunge sexual battery when committed by a minor. **HB 2128** is bad policy and I regret being forced to vote on such a bill. I vote no on **HB 2128**.—JASON P. WATKINS

MR. SPEAKER: I vote no on **HB 2128**. A young person just under 18 years of age could be allowed to have sexual battery committed against pre-school and elementary school-aged children expunged. I believe this change could ultimately allow a person who committed such a crime as a teen to, after expungement, as an adult return to acts against children but be “off the radar” when looking for suspects of such crimes. The community should be aware that individuals have been convicted of sex crimes regardless of their age.—DEENA HORST

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2385**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 6, after line 4, by inserting the following:

“Sec. 3. K.S.A. 8-1012 is hereby amended to read as follows: 8-1012. A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person’s breath to determine the alcohol concentration of the person’s breath if the officer has reasonable grounds to believe that the person: (a) Has alcohol in the person’s body; (b) has committed a traffic infraction; or (c) has been involved in a vehicle accident or collision. At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested is a traffic infraction. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action *concerning the operation of or attempted operation of a vehicle* except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001 and amendments thereto.

Sec. 4. K.S.A. 32-1138 is hereby amended to read as follows: 32-1138. A law enforcement officer may request a person who is operating or attempting to operate a vessel within this state to submit to a preliminary screening test of the person’s breath to determine the alcohol concentration of the person’s breath if the officer has reasonable grounds to believe that the person: (a) Has alcohol in the person’s body; (b) has committed a boating law violation; or (c) has been involved in a vessel accident or collision. At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 32-1132 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action *concerning the operation of or attempted operation of a vessel* except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 32-1132 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 32-1132 and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 5, after “8-1001” by inserting “, 8-1012, 32-1138”;

In the title, in line 17, after the semicolon by inserting “preliminary screening tests for alcohol use;”; also in line 17, after “8-1001” by inserting “, 8-1012, 32-1138”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

On motion of Rep. Loyd, the conference committee report on **HB 2385** was adopted.
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, Henderson, 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, 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: Novascone, Showalter.

The House stood at ease until the sound of the gavel.

Speaker pro tem Merrick called the House to order.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Wilk, the House concurred in Senate amendments to **S. Sub. for HB 2501**, An act concerning alcoholic liquor; amending K.S.A. 41-308b and 41-310 and repealing the existing sections.

On roll call, the vote was: Yeas 77; Nays 44; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Brown, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kilpatrick, Kirk, Knox, Kuether, Lane, Larkin, Loganbill, Long, Mah, Mays, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, O'Malley, O'Neal, Olson, Peterson, Phelps, Pottorff, Ruff, Ruiz, Sawyer, Schwab, Schwartz, S. Sharp, Sloan, Storm, Swenson, Thull, Treaster, Vickrey, Ward, Weber, Wilk, Winn, Yoder, Yonally.

Nays: Beamer, Brunk, Carlson, Dahl, Decker, Dillmore, Flower, Freeborn, Gatewood, Hayzlett, C. Holmes, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Krehbiel, Landwehr, Light, Mast, McCreary, F. Miller, Judy Morrison, Myers, Neufeld, Newton, Oharah, Otto, Pauls, Peck, Pilcher-Cook, Powell, Powers, Roth, B. Sharp, Shultz, Siegfried, Svaty, Watkins, Williams.

Present but not voting: None.

Absent or not voting: Loyd, Novascone, Owens, Showalter.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2124**.

The Senate adopts conference committee report on **HB 2203**.

The Senate adopts conference committee report on **HB 2357**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2203**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 4, by striking all in lines 40 through 43;

By striking all of pages 5 and 6;

On page 7, by striking all in lines 1 through 27;

And by renumbering sections accordingly;

Also on page 7, in line 28, by striking the comma preceding "40-19c06" and inserting "and"; also in line 28, by striking ", 40-" where it appears at the end of the line; in line 29, by striking all before "are";

On page 1, in the title, in line 15, by striking all after the semicolon; in line 16, by striking all before "amending"; in line 17, by striking the comma preceding "40-19c06" and inserting "and"; also in line 17, by striking all after "40-19c06"; in line 18, by striking all before "and" where it appears for the last time;

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN

DAVID WYSONG

CHRIS STEINEGER

Conferees on part of Senate

CLARK SHULTZ

ERIC CARTER

NILE DILLMORE

Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2203** was adopted.

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, Henderson, 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, 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: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2357**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 5, in line 32, by striking “insurance company in K.S.A. 40-201” and inserting “insurer in K.S.A. 40-112”;

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

CLARK SHULTZ
ERIC CARTER
NILE DILLMORE
Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2357** was adopted. On roll call, the vote was: Yeas 81; Nays 41; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Cox, Craft, Dahl, DeCastro, Decker, Dillmore, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Grant, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Light, Loyd, Mah, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O’Malley, O’Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Thull, Vickrey, Watkins, Weber, Wilk, Yoder.

Nays: Burroughs, Carlin, Colloton, Crow, Davis, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Hawk, Henderson, Henry, Holland, Jack, E. Johnson, Kirk, Kuether, Lane, Larkin, Loganbill, Long, McKinney, Menghini, M. Miller, Pauls, Peterson, Phelps, Powers, Ruff, Ruiz, Sawyer, Svaty, Swenson, Treaster, Ward, Williams, Winn, Yonally.

Present but not voting: Landwehr.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 27**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 23, after “Section 1.” by inserting “On and after June 1, 2005.”;

On page 3, in line 17, by striking “It shall be unlawful for” and inserting “For”; after line 31, by inserting the following:

“(l) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.”;

Also on page 3, in line 32, after “Sec. 2.” by inserting “On and after June 1, 2005.”;

On page 4, in line 35, after “preparations” by inserting “of ephedrine or pseudoephedrine”; in line 36, by striking all after “form”; in line 37, by striking all before the period;

On page 5, in line 43, by striking “It shall be unlawful for any person to purchase.”;

On page 6, by striking all in lines 1, 2 and 3; in line 4, by striking “(e)”; in line 8, following “licensed” by inserting “or certified”; in line 9, by striking “(f)” and inserting “(e)”; in line 22, by striking “board” and inserting “bureau”;

On page 7, in line 18, following “licensed” by inserting “or certified”; in line 33, following “censed” by inserting “or certified”;

On page 8, in line 23, by striking "65-1643, 65-4113,"; after line 24, by inserting the following:

"Sec. 11. On and after June 1, 2005, K.S.A. 65-1643 and 65-4113 are hereby repealed.";

And by renumbering the remaining section accordingly;

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. Loyd, the conference committee report on **SB 27** was adopted.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, 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, Henderson, Henry, 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, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treasurer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Carter, Shultz.

Present but not voting: Hill, Schwab.

Absent or not voting: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 147**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

In the title, in line 14, by striking "the limitation of actions" and inserting "crimes, punishment and criminal procedure; relating to offenses against children";

And your committee on conference recommends the adoption of this report.

WARD LOYD
THOMAS C. OWENS
PAUL T. DAVIS
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. Loyd, the conference committee report on **SB 147** was adopted.

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, Ed-

monds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatedwood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, 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, 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: Novascone, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

ERIC CARTER

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 102** was adopted.

Speaker pro tem Merrick thereupon appointed Reps. O'Neal, Carter and Peterson as second conferees on the part of the House.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 24**.

The Senate adopts conference committee report on **SB 36**.

The Senate adopts conference committee report on **SB 75**.

The Senate adopts conference committee report on **Sub. SB 77**.

The Senate adopts conference committee report on **SB 78**.

The Senate adopts conference committee report on **SB 161**.

The Senate adopts the conference committee report to agree to disagree on **SB 142** and has appointed Senators Huelskamp, O'Connor and Francisco as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **SB 215** and has appointed Senators Vratil, D. Schmidt and Goodwin as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2109** and has appointed Senators Vratil, Donovan and Goodwin as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2109**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
LES DONOVAN
GRETA GOODWIN
Conferees on part of Senate

GARY K. HAYZLETT
JOHN FABER
MARGARET E. LONG
Conferees on part of House

On motion of Rep. Hayzlett, the conference committee report on **HB 2109** was adopted. Speaker pro tem Merrick thereupon appointed Reps. Hayzlett, Faber and Long as second conferees on the part of the House.

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 2534, An act concerning school districts; relating to the use of moneys appropriated by the legislature, by Committee on Appropriations.

HB 2535, An act concerning taxation; relating to county taxing authority; providing revenue for distribution to school districts; school finance; amending K.S.A. 2004 Supp. 12-187, 12-189, 12-192 and 19-101a and repealing the existing sections, by Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6033—

By Representative Mast

A RESOLUTION commending 60 years of cooperative efforts by the state of Kansas and The American Legion and Veterans of Foreign Wars.

WHEREAS, The State of Kansas, through the Kansas Commission on Veterans Affairs (KCVA) and its predecessors, and The American Legion and Veterans of Foreign Wars have a sixty-year historic public-private partnership dedicated to serving veterans of the State of Kansas in obtaining their earned Veterans Administration (VA) benefits; and

WHEREAS, This partnership has assisted hundreds of thousands of veterans while saving Kansas tax revenues through American Legion and Veterans of Foreign Wars provided office space for KCVA personnel in the Department of Veterans Affairs Medical Centers and Regional Office located in the State of Kansas; and

WHEREAS, The American Legion and Veterans of Foreign Wars provides equipment, manuals, training, Veteran Service Representative Accreditation and their respective national Veterans Affairs Appeals networks to Kansas veterans and their families through the Kansas Commission on Veterans Affairs; and

WHEREAS, The American Legion and Veterans of Foreign Wars local volunteer Service Officers provide veterans and their families initial assistance and make referrals to the Kansas Commission on Veterans Affairs Field Offices in filing VA claims; and

WHEREAS, The 512 local community-based posts of The American Legion and Veterans of Foreign Wars routinely provide their facilities for the dissemination of information pertaining to veterans' benefits in support of the Kansas Commission on Veterans Affairs' mission; and

WHEREAS, The members of The American Legion and Veterans of Foreign Wars and their Auxiliaries annually volunteer thousands of hours in Kansas' three Department of Veterans Affairs Medical Centers, the Kansas Soldiers Home at Ft. Dodge, and the Kansas Veterans Home at Winfield, and donate significant sums to provide material support to veterans confined to the aforementioned facilities; and

WHEREAS, The Kansas Commission on Veterans Affairs has traditionally provided adequate staffing in American Legion and Veterans of Foreign Wars offices and other support in their unique public-private partnership: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body commends the Kansas Commission on Veterans Affairs, The American Legion and Veterans of Foreign Wars on their sixty-year history of cooperative service to Kansas veterans and their families; and

Be it further resolved: It is the wish of this legislative body that the public-private partnership described in this resolution between the Kansas Commission on Veterans Affairs, The American Legion and Veterans of Foreign Wars continue for an additional 60 years.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts the conference committee report to agree to disagree on **SB 102** and has appointed Senators Vratil, D. Schmidt and Goodwin as second conferees on the part of the Senate.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Vickrey, Huy and Holland as members of the conference committee on **SB 216** to replace Reps. Jim Morrison, Mast and Kirk.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 27**.

The Senate adopts conference committee report on **SB 147**.

The Senate adopts conference committee report on **HB 2109**.

The Senate adopts conference committee report on **HB 2262**.

The Senate adopts conference committee report on **HB 2386**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 102**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 4, after line 20, by inserting the following:

“New Sec. 4. The provisions of this act shall be considered substantive in nature.

New Sec. 5. The provisions of this act shall expire on July 1, 2008.”;

And by renumbering the remaining sections accordingly;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

ERIC CARTER

Conferees on part of House

JOHN VRATIL

DEREK SCHMIDT

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal to adopt the conference committee report on **SB 102**, the motion did not prevail, and the conference committee report was not adopted.

On roll call, the vote was: Yeas 57; Nays 66; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Dahl, DeCastro, Decker, Edmonds, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Jack, E. Johnson, Kelley,

Kelsey, Kiegerl, Kilpatrick, Knox, Krehbiel, Landwehr, Mast, Mays, McLeland, Merrick, F. Miller, Myers, Neufeld, Newton, O'Malley, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, S. Sharp, Siegfried, Watkins, Weber, Yonally.

Nays: Ballard, Burgess, Burroughs, Carlin, Cox, Craft, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, Huy, D. Johnson, Kinzer, Kirk, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, McCreary, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Ruff, Ruiz, Sawyer, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Wilk, Williams, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Novascone, Showalter.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 102** because I would prefer that all the collateral sources of all parties be revealed to the jury or judge. It also seems appropriate that losses experienced from insurance maximum amounts be awarded with a stipulation that those amounts be used to purchase insurance that restores the amount of loss. I do support not allowing personal windfalls from the awards of such lawsuits. Hopefully, this will be studied and revised in the interim.—DEENA HORST

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 2536, An act making and concerning appropriations for the fiscal years ending June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

Sub. HB 2087; HB 2390 reported correctly engrossed March 31, 2005.

HB 2077, HB 2309, HB 2387 reported correctly re-engrossed March 31, 2005.

REPORT ON ENROLLED BILLS

Sub. HB 2003; HB 2082, HB 2103, HB 2138, HB 2139, HB 2152, HB 2155, HB 2222, HB 2232, HB 2265, HB 2279, HB 2288, HB 2326, HB 2336, HB 2341, HB 2364, HB 2407, HB 2478 reported correctly enrolled, properly signed and presented to the governor on April 1, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, April 27, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

