

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 17, 2006, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Reps. Henry, Winn and Yonally were excused on excused absence by the Speaker.

Prayer by the Rev. Richard Edds, pastor, First Southern Baptist Church, El Dorado, and guest of Rep. Grange:

Our Heavenly Father, We humble ourselves before You today, to praise your holy name and exalt you as the Lord of Lords and King of Kings, the Sovereign Ruler and Creator of the Universe.

O Lord, You established these United States as a Christian Nation, as one nation under God, founded on biblical principles that all men are created equal, to know truth, righteousness, and justice for all. I pray that You would turn America back to her biblical heritage as a God-fearing nation. You promised that if we humble ourselves, turn from our wicked ways, confess our sins, and seek your face, that You would hear our prayer, forgive our sin, and heal our land.

I pray that these men and women of the House of Representatives would personally humble themselves before You and acknowledge their total dependence upon you. I ask you to bless their marriages with genuine love and harmony, placing a hedge of protection around their marriages and families from the evil of immorality and divorce. I ask you to bless their finances and business as they serve as representative of their district. I ask that you bless their health to serve faithfully with integrity.

Grant them the discipline to build godly character in their own lives and the lives of their children, as the highest standard of behavior. Knowing that character is doing what is right, as you define right, regardless of the cost. Bless them with the fear of the Lord which is the beginning of wisdom and knowledge of the Holy One is understanding. I ask you grant them wisdom and discernment to understand the issues of the day from a higher perspective, protecting traditional marriage, the family and the unborn. Give them courage not to sacrifice the budget at the altar of education, not fund the budget from gambling or other vices. Help them to remember that the balance of power in government was taken from Isaiah 33:22, "For the LORD is our judge, the LORD is our lawgiver, the LORD is our king; it is he who will save us."

I pray that you would bless their leadership that Kansas would be a state filled with your light that cannot be hidden, as a city set on a hill, that we may live peaceful and quiet lives in all godliness and holiness. May their eyes be fixed upon you that they do your will in all things. I pray these things in the name of our Lord and Savior Jesus Christ. Amen!

The Pledge of Allegiance was led by Rep. Crow.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SCR 1624**.
 Appropriations: **SB 382, SB 549**.
 Federal and State Affairs: **SCR 1623**.
 Governmental Organization and Elections: **SB 575**.
 Insurance: **Sub. SB 539**.
 Taxation: **HB 3016, HB 3017; SB 585**.
 Select Committee on Veterans Affairs: **HB 3015**.

COMMUNICATIONS FROM STATE OFFICERS

From Phill Kline, Attorney General, pursuant to K.S.A. 50-628 and K.S.A. 50-109, 2004 Annual Report, Consumer Protection & Antitrust Division.

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

MESSAGES FROM THE SENATE

Announcing passage of **HB 2595, HB 2645, HB 2663, HB 2756**.

Announcing passage of **HB 2554**, as amended; **HB 2875**, as amended by **S. Sub. for HB 2875**.

The Senate nonconcur in House amendments to **H. Sub. for SB 207**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

Also, announcing passage of **SB 578**.

Also, the Senate nonconcur in House amendments to **SB 481**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 578.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 207**.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 481**.

Speaker Mays thereupon appointed Reps. Decker, Horst and Storm as conferees on the part of the House.

PERSONAL PRIVILEGE

There being no objection, the following remarks of Rep. Knox are spread upon the journal:

For you, brethren, have been called to liberty; only do not use liberty as an opportunity for the flesh, but through love serve one another. For all the law is fulfilled in one word, even in this; "You shall love your neighbor as yourself."

But if you bite and devour one another, beware lest you be consumed by one another! I say then: Walk in the spirit, and you shall not fulfill the lust of the flesh. For the flesh lusts against the Spirit, and the Spirit against the flesh; and these are contrary to one another, so that you do not do the things that you wish. But if you are led by the Spirit, you are not under the law.

Now the works of the flesh are evident, which are adultery, fornication, uncleanness, lewdness, idolatry, sorcery, hatred, contentions, jealousies, outburst of wrath, selfish ambitions, dissensions, heresies, envy, murders, drunkenness, revelries, and the like; of which I

tell you beforehand, just as I also told you in time past, that those who practice such things will not inherit the kingdom of God.

But the fruit of the spirit is love, joy, peace, longsuffering, kindness, goodness, faithfulness, gentleness, self-control. Against such there is no law. Galatians 5:13-23

CONSENT CALENDAR

No objection was made to **SB 394**, **SB 417**, **SB 470**, **SB 558** appearing on the Consent Calendar for the first day.

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

No objection was made to **SB 495** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 495. An act concerning the credit union administrator; relating to the appointment thereof; amending K.S.A. 17-2233 and repealing the existing section, was considered on final action.

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

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, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: Carter, Henry, Huebert, Winn, Yonally.

The bill passed.

HB 2957. An act making and concerning appropriations for the fiscal years ending June 30, 2006, June 30, 2007, and June 30, 2008, 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, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 8; Present but not voting: 0; Absent or not voting: 5.

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, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: Flora, Henderson, Kirk, Kuether, Peck, Peterson, Powers, Ward.

Present but not voting: None.

Absent or not voting: Carter, Henry, Huebert, Winn, Yonally.
The bill passed, as amended.

HB 2958, An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, 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, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 7; Present but not voting: 0; Absent or not voting: 5.

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, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: Flora, Henderson, Kuether, Peck, Peterson, Powers, Ward.

Present but not voting: None.

Absent or not voting: Carter, Henry, Huebert, Winn, Yonally.

The bill passed, as amended.

HB 2968, An act making and concerning appropriations for the fiscal year ending June 30, 2007, 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; amending K.S.A. 55-193 and K.S.A. 2005 Supp. 2-223, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 32; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, George, Goico, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Loganbill, Long, Mah, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Thull, Trimmer, Vickrey, Watkins, Weber, Williams, Wolf, Yoder.

Nays: Burroughs, Cox, Craft, Faust-Goudeau, Flaharty, Flora, Garcia, Gatewood, Gordon, Henderson, Holland, Huff, Huntington, Hutchins, Kirk, Krehbiel, Kuether, Lane, Loyd, Lukert, McKinney, Menghini, Owens, Peck, Peterson, Phelps, Powers, Storm, Svaty, Treaster, Ward, Wilk.

Present but not voting: None.

Absent or not voting: Carter, Henry, Winn, Yonally.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2104** and asked for a conference.

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

On motion of Rep. Neufeld, the House nonconcurrent in Senate amendments to **HB 2786** and asked for a conference.

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

On motion of Rep. D. Johnson, the House nonconcurrent in Senate amendments to **HB 2833** and asked for a conference.

Speaker Mays thereupon appointed Reps. D. Johnson, F. Miller and Svaty as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2813; SB 554** be passed.

HB 2754; SB 375, SB 329, SB 139 be passed over and retain a place on the calendar.

Committee report to **HB 2880** be adopted; also, on motion of Rep. Brunk be amended on page 29, after line 20, by inserting the following:

“New Sec. 22. For tax years commencing after December 31, 2005, any business firm which contributes, gifts or donates to the Kansas law enforcement training center to be used by the center for the purpose of providing programs and courses of instruction for full time police officers and law enforcement officers designed to fulfill the continuing education and training requirements of such officers pursuant to K.S.A. 74-5607a, and amendments thereto, shall be allowed a credit against the tax imposed by the Kansas income tax act. The amount of such credit shall not exceed 50% of the total amount contributed during the taxable year by the business firm pursuant to this section. In no event shall the total amount of credits allowed under this section in any one tax year exceed the amount of money that the Kansas law enforcement training commission has certified is necessary to provide such continuing education and training programs and courses of instruction for the fiscal year following such tax year. The credit allowed by this section shall be deducted from the taxpayer's income tax liability imposed by the Kansas income tax act for the taxable year in which the contributions are made by the taxpayer. If the amount of the credit allowed by this section exceeds the taxpayers' income tax liability imposed by the Kansas income tax act for such taxable year, such excess may be carried over for credit in the same manner in the succeeding taxable years until the total amount of such credit is used. As used in this section, “business firm” means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the Kansas income tax act and any individual subject to the state income tax imposed by the Kansas income tax act.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 12, before “amending” by inserting “income tax credits;”; and **HB 2880** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2594** be adopted; also, on motion of Rep. Krehbiel to refer the substitute bill to Committee on Federal and State Affairs, the motion did not prevail.

Also, roll call was demanded on motion to recommend **Sub. HB 2594** favorably for passage.

On roll call, the vote was: Yeas 39; Nays 75; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Bethell, Burgess, Carlin, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gordon, Hawk, Henderson, Hill, Horst, Huff, Huntington, Kirk, Kuether, Lane, Loyd, McKinney, M. Miller, Jim Morrison, O'Malley, Pauls, Pottorff, Ruff, Ruiz, Sawyer, B. Sharp, Sloan, Storm, Watkins, Yoder.

Nays: Aurand, Beamer, Brown, Brunk, Burroughs, Carlson, Carter, Colloton, Craft, Dahl, DeCastro, Faber, Gatewood, George, Grant, Hayzlett, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Long, Lukert, Mah, Mast, Masterson, Mays, McCreary, McLeland, Menghini, Merrick, F. Miller, Judy Morrison, Myers, Neufeld,

Oharah, Olson, Otto, Owens, Peck, Phelps, Pilcher-Cook, Powell, Powers, Proehl, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Weber, Wilk, Williams, Wolf.

Present but not voting: None.

Absent or not voting: Decker, Edmonds, Goico, Grange, Henry, Light, Loganbill, O'Neal, Peterson, Winn, Yonally.

The motion to recommend **Sub. HB 2594** favorably for passage did not prevail.

Committee report recommending a substitute bill to **Sub. HB 2396** be adopted; and the substitute bill be passed.

On motion of Rep. Knox, **SB 344** be amended on page 8, preceding line 24, by inserting: "New Sec. 6. (a) The secretary of transportation shall work in conjunction with the board of education of any school district having a school located adjacent to a rural school zone to determine the appropriate maximum speed limit in and the appropriate signage for any such rural school zone.

(b) As used in this section, "rural school zone" means that portion of highway located outside of any city which provides entrances and exits to any school located adjacent to such highway.";

By renumbering the remaining sections accordingly;

In the title, in line 11, preceding "amending" by inserting "relating to rural school zones"; and **SB 344** be passed as amended.

Committee report to **SB 350** be adopted; also, on motion of Rep. Sloan be amended on page 8, in lines 25 and 26, by striking "unaffiliated" and inserting "nonaffiliated"; in line 27, by striking all after "entity"; by striking all in lines 28 through 30; in line 31, by striking "tomer,"; also in line 31, by striking "unaffiliated" and inserting "nonaffiliated";

On page 9, in line 2, by striking "unaffiliated" and inserting "nonaffiliated"; in line 3, by striking all after "entity"; by striking all in lines 4 through 6; in line 7, by striking all before "and"; also in line 7, by striking "unaffiliated" and inserting "nonaffiliated";

Also, on further motion of Rep. Sloan, **SB 350** be amended on page 11, in line 11, by striking all after "in"; in line 12, by striking "tion" and inserting "both directions";

Also, on motion of Rep. Krehbiel, **SB 350** be amended on page 11, in line 17, by striking "telephone" and inserting "telecommunications"; in line 22, by striking "telephone" and inserting "telecommunications";

Also, on further motion of Rep. Krehbiel, **SB 350** be amended on page 11, in line 32, after the period, by inserting "The commission shall resume price regulation of business services in any exchange meeting the conditions of subsection (q)(1)(B) by placing it in the appropriate service basket, as approved by the commission, upon a determination by the commission that the following condition is not met: There are at least two nonaffiliated telecommunications carriers or other entities, at least one of which shall be a facilities-based carrier or entity and not more than one of which shall be a provider of commercial mobile radio services, providing local telecommunications service to business customers. The commission shall resume price regulation of residential services in any exchange meeting the conditions of subsection (q)(1)(B) by placing it in the appropriate service basket, as approved by the commission, upon a determination by the commission that the following condition is not met: There are at least two or more nonaffiliated telecommunications carriers or other entities, at least one of which shall be a facilities-based carrier or entity and not more than one of which shall be a provider of commercial mobile radio services, providing local telecommunications service to residential customers.";

Also, on motion of Rep. Jim Morrison to amend **SB 350**, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 261** be adopted; and the bill be passed as amended.

Committee report to **SB 434** be adopted; also, on motion of Rep. Pauls be amended on page 2, in line 7, by striking "2007" and inserting "2008"; and the bill be passed as amended.

Committee report to **SB 479** be adopted; also, on motion of Rep. Pauls be amended on page 6, after line 4, by inserting the following:

"Sec. 3. K.S.A. 2005 Supp. 41-727 is hereby amended to read as follows: 41-727. (a) Except with regard to serving of alcoholic liquor or cereal malt beverage as permitted by K.S.A. 41-308a, 41-308b, 41-727a, 41-2610, 41-2652, 41-2704 and 41-2727, and amend-

ments thereto, and subject to any rules and regulations adopted pursuant to such statutes, no person under 21 years of age shall possess, consume, obtain, purchase or attempt to obtain or purchase alcoholic liquor or cereal malt beverage except as authorized by law.

(b) Violation of this section by a person 18 or more years of age but less than 21 years of age is a class C misdemeanor for which the minimum fine is \$200.

(c) Any person less than 18 years of age who violates this section is a juvenile offender under the Kansas juvenile justice code. Upon adjudication thereof and as a condition of disposition, the court shall require the offender to pay a fine of not less than \$200 nor more than \$500.

(d) In addition to any other penalty provided for a violation of this section: (1) The court may order the offender to do either or both of the following:

(A) Perform 40 hours of public service; or

(B) attend and satisfactorily complete a suitable educational or training program dealing with the effects of alcohol or other chemical substances when ingested by humans; and

(2) upon a first conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 30 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 30 days whether or not that person has a driver's license.

(3) Upon a second conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for 90 days. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for 90 days whether or not that person has a driver's license.

(4) Upon a third or subsequent conviction of a violation of this section, the court shall order the division of vehicles to suspend the driving privilege of such offender for one year. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for one year whether or not that person has a driver's license.

(e) This section shall not apply to the possession and consumption of cereal malt beverage by a person under the legal age for consumption of cereal malt beverage when such possession and consumption is permitted and supervised, and such beverage is furnished, by the person's parent or legal guardian.

(f) Any city ordinance or county resolution prohibiting the acts prohibited by this section shall provide a minimum penalty which is not less than the minimum penalty prescribed by this section.

(g) *A law enforcement officer may request a person under 21 years of age to submit to a preliminary screening test of the person's breath to determine if alcohol has been consumed by such person if the officer has reasonable grounds to believe that the person has alcohol in the person's body. No waiting period shall apply to the use of a preliminary breath test under this subsection. 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 for violation of this section. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results or a refusal to submit to a preliminary breath test shall be admissible in court in any criminal action, but are not per se proof that the person has violated this section. The person may present to the court evidence to establish the positive preliminary screening test was not the result of a violation of this section.*

(h) This section shall be part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 65-1,107 is hereby amended to read as follows: 65-1,107. The secretary of health and environment may adopt rules and regulations establishing:

(a) The procedures, testing protocols and qualifications of authorized personnel, instruments and methods used in laboratories performing tests for the presence of controlled substances included in schedule I or II of the uniform controlled substances act or metabolites thereof;

(b) the procedures, testing protocols, qualifications of personnel and standards of performance in the testing of human breath for law enforcement purposes, including procedures for the periodic inspection of apparatus, equipment and devices, other than preliminary screening devices, approved by the secretary of health and environment for the testing of human breath for law enforcement purposes;

(c) the requirements for the training, certification and periodic testing of persons who operate apparatus, equipment or devices, other than preliminary screening devices, for the testing of human breath for law enforcement purposes;

(d) criteria for preliminary screening devices for testing of breath for law enforcement purposes, based on health and performance considerations; and

(e) a list of preliminary screening devices which are approved for testing of breath for law enforcement purposes and which law enforcement agencies may purchase and train officers to use as aids in determining: (1) Probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto; and (2) violations of K.S.A. 41-727, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 5, after “Sec. 3.” by inserting “K.S.A. 65-1,107 and ”; also in line 5, by striking “and” and inserting a comma; also in line 5, after “8-1012” by inserting “and 41-727”;

In the title, in line 10, by striking all after “concerning”; in line 11, by striking “ing to”; also in line 11, after the first semicolon by inserting “relating to”; also in line 11, after “amending” by inserting “K.S.A. 65-1,107 and”; in line 12, by striking the first “and” and inserting a comma; also in line 12, after “8-1012” by inserting “and 41-727”; and **SB 479** be passed as amended.

On motion of Rep. Storm, **SB 485** be amended on page 2, in line 4, following the period, by inserting “If the hearing officer’s report recommends reinstatement of the student, the student shall be entitled to attend school in accordance with the hearing officer’s report until the school board renders its final decision.”; and the bill be passed as amended.

On motion of Rep. Otto, **SB 346** be amended on page 1, in line 16, by inserting “video or” after “any”;

In the title, in line 9, by inserting “video or” after “concerning”; and the bill be passed as amended.

Committee report to **SB 332** be adopted; also, on motion of Rep. Hutchins to amend, Rep. Horst requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane, and the bill be passed as amended.

Committee report to **SB 374** be adopted; and the bill be passed as amended.

Committee report to **SB 336** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 76** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 35** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 3004** be amended on page 1, in line 39, by striking “include:”; by striking all in lines 40 through 42; in line 43, by striking “(2)” and inserting: “recognize as qualifying for the academic requirement under this section”; also in line 43, by striking all after “placement”;

On page 2, in line 1, by striking all before “by” and inserting “examination grades earned”; in line 2, by striking “under an advance placement program”; in line 5, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2966** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2329** be amended on page 2, following line 19, by inserting:

“Sec. 4. K.S.A. 2005 Supp. 74-4978j is hereby amended to read as follows: 74-4978j. (a) (1) Notwithstanding the provisions of K.S.A. 74-4971 and amendments thereto, on or after the effective date of this act, the Kansas highway patrol shall affiliate with the Kansas police and firemen’s retirement system established under the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto pursuant to the provisions of this act for membership in the system of members of the capitol area security patrol police who have successfully completed the required course of instruction for law enforcement officers approved by the Kansas law

enforcement training center and are certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto. For purposes of such affiliation for membership in the system of members of the capitol ~~area security patrol~~ *police*, the Kansas highway patrol shall be considered a new participating employer. The Kansas highway patrol shall make application for affiliation with such system in the manner provided by K.S.A. 74-4954 and amendments thereto, to be effective on July 1 next following application. The Kansas highway patrol shall affiliate for membership in the system of such members of the capitol ~~area security patrol~~ *police* for participating service credit.

(2) The Kansas highway patrol shall appropriate and pay a sum sufficient to satisfy any obligations as certified by the board of trustees of the retirement system and the employer contributions of the Kansas highway patrol shall be as provided in subsection (1) of K.S.A. 74-4967 and amendments thereto.

(b) (1) Each such member of the capitol ~~area security patrol~~ *police* employed by the Kansas highway patrol on the date of affiliation, may become a member of the Kansas police and firemen's retirement system on the first day of the payroll period of such member, coinciding with or following the entry date of the Kansas highway patrol as provided in this section, only by filing with the board of trustees of the system, on or before the entry date of the Kansas highway patrol as provided in this section, a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become or not to become a member, shall be irrevocable.

(2) Each such member of the capitol ~~area security patrol~~ *police* who is on an authorized leave of absence or is in the military service on the entry date of the Kansas highway patrol as provided in this section may become a member of the Kansas police and firemen's retirement system on the first day of the first payroll period of such member, coinciding with such member's return to active employment and payroll of the Kansas highway patrol, only by filing with the board of trustees of the system within 10 days after such return to active employment a written election to become a member of the system. Failure to file such written election shall be presumed to be an election not to become a member of the system. Such election, whether to become a member or not to become a member, shall be irrevocable.

(c) Every such person who is employed as a member of the capitol ~~area security patrol~~ *police* on or after the entry date of the Kansas highway patrol into the Kansas police and firemen's retirement system as provided in this section shall become a member of the Kansas police and firemen's retirement system on the first day of such employment.

(d) If the Kansas highway patrol affiliates as provided in this act and each such member of the capitol ~~area security patrol~~ *police* who elects to become a member as provided in this act, the Kansas highway patrol and each such member shall be subject to the provisions of K.S.A. 74-4951 *et seq.* and amendments thereto as applicable.

(e) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personnel services the amount required to satisfy the employer's obligation under this act as certified by the board of trustees of the system, and shall present the same to the legislature for allowance and appropriations.

(f) The determination of retirement, death or disability benefits shall be computed upon the basis of "credited service" as used in K.S.A. 74-4951 *et seq.*, and amendments thereto, but shall include only participating service with the person's participating employer, commencing on and after the effective date of affiliation by the participating employer with the Kansas police and fireman's retirement system.";

By renumbering the remaining sections accordingly;

Also on page 2, in line 20, by striking "2004" and inserting "2005";

On page 3, in line 35, by striking "2004" and inserting "2005";

On page 4, in line 3, by striking "2004" and inserting "2005"; in line 43, by striking "2004" and inserting "2005";

On page 5, in line 25, by striking "2004" and inserting "2005"

On page 6, in line 13, by striking "2004" and inserting "2005"; in line 28, by striking "2004 Supp." and inserting "2005 Supp. 74-4978j";

In the title, in line 11, by striking "2004 Supp." and inserting "2005 Supp. 74-4978j."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2982** be amended on page 2, in line 28, by striking "at least biannually";

On page 3, by striking all in lines 35 through 43;

On page 4, by striking all in lines 1 through 5; by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 47** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 47," as follows:

"HOUSE Substitute for SENATE BILL No. 47

By Committee on Federal and State Affairs

"AN ACT concerning juveniles; relating to the reduction of racial, geographic and other biases in the juvenile justice system; amending K.S.A. 75-7038, 75-7043, 75-7046 and 75-7048 and K.S.A. 2005 Supp. 75-7007 and 75-7056 and repealing the existing sections."; and the substitute bill be passed.

(H. Sub. for SB 47 was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 384** be amended on page 2, in line 25, after the period by inserting "Moneys deposited in such fund shall be used in collaboration with other research institutions including, but not limited to, members of the midwest cancer alliance and faculty at state educational institutions."; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 107, by Representative D. Johnson, congratulating Morris and Barbara Krug on being named 2005 Master Farmer and Master Farm Homemaker;

Request No. 108, by Representative Tfanelli, honoring John Bower, who served as the Jefferson County Representative from 1953 to 1976;

Request No. 109, by Representative Mays, congratulating Ted and Freda Fisher on their 60th wedding anniversary;

Request No. 110, by Representative Merrick, congratulating Dena'h Gregory on outstanding accomplishments in dance contests;

Request No. 111, by Representative Faust-Goudeau, commending Tommie H. Cribbs on 29 years of service to the Sedgwick County Sheriff's Department;

Request No. 112, by Representative Schwartz, congratulating Travis Lehman on attaining the rank of Eagle Scout;

Request No. 113, by Representative Ballard, in memory of Gordon Parks;

Request No. 114, by Representative Craft, commending Ruby Stevens on teaching about African-American contributions and achievements;

Request No. 115, by Representative Beamer, congratulating the Trego basketball team on winning the 2A state championship;

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.

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 3018, An act concerning the equine industry; creating the equine industry research and promotion board, by Committee on Appropriations.

REPORT ON ENROLLED BILLS

HB 2611, HB 2678, HB 2705, HB 2716, HB 2758, HB 2830, HB 2831, HB 2835, HB 2927 reported correctly enrolled, properly signed and presented to the governor on March 17, 2006.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1441, delete **HB 2698** where it appears at the top of the page and insert **HB 2968**.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Monday, March 20, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

