

# Journal of the House

THIRTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 22, 2005, 11:00 a.m.

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

Prayer by Chaplain Chamberlain:

Loving and forgiving God, in a season of reflection and renewal we stand before you, our creator and our judge. We confess that we have not always lived as you would have us live. We have not always thought or spoken or acted in the way that leads to your kingdom on earth. We confess that we have often put our needs, our well-being, and our desires ahead of the things that you tell us are important.

We know too, Lord, that you are a loving and a forgiving God who washes away the sins of the world. It is you who forgive us and redeem us to your purpose.

We thank you that, despite our sinfulness, your will still triumphs in the world, for you work through our brokenness and human frailty to bring grace and healing to your creation.

Bring your grace into our life this day as we live to the fullest the life that you have given to us. May your will reign, especially in the work that is done by your servants who stand here today. Make them ready to do your will, proclaim your glory and share your love. Amen.

The Pledge of Allegiance was led by Rep. Horst.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2494**, An act concerning property taxation; relating to exemption for certain residential housing for elderly persons; amending K.S.A. 2004 Supp. 79-201 and 79-201b and repealing the existing sections, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2491**.

Committee of the Whole: **HR 6020**.

Education: **HB 2492**.

Taxation: **HB 2488**, **HB 2489**, **HB 2490**.

Select Committee on School Finance: **HB 2493**.

## COMMUNICATIONS FROM STATE OFFICERS

From Marilyn Scafe, Chairperson, Kansas Parole Board, pursuant to K.S.A. 22-3710, Annual Report of the Kansas Parole Board for fiscal year 2004.

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

#### CONSENT CALENDAR

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

No objection was made to **HB 2203, HB 2243; SB 41** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2178** 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

**HB 2178**, An act concerning the Kansas senior care act; relating to preventative health services; amending K.S.A. 75-5927 and K.S.A. 2004 Supp. 75-5928 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, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2118**, An act concerning cemetery corporations; relating to the disclosure of certain records; amending K.S.A. 17-1312e and repealing the existing section, was considered on final action.

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

Nays: McKinney.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2157.** An act concerning employment security law; relating to disqualification from receipt of benefits; amending K.S.A. 2004 Supp. 44-706 and repealing the existing section, was considered on final action.

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

Nays: Lane.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2252.** An act relating to school districts; concerning the changing of member district boundaries; amending K.S.A. 72-6769 and repealing the existing section, 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, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Faber, Freeborn.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2268.** An act concerning the uniform interstate enforcement of domestic violence protection orders act; amending K.S.A. 2004 Supp. 21-3843 and repealing the existing section, was considered on final action.

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

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2297.** An act amending the interstate motor fuel use act; relating to certain exemptions; amending K.S.A. 79-34,120 and repealing the existing section, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed.

**HB 2330.** An act concerning the radiologic technologists practices act; amending K.S.A. 2004 Supp. 65-7303, 65-7304, 65-7306, 65-7310, 65-7314 and 65-7315 and repealing the existing sections, was considered on final action.

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

Nays: Neufeld.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

**HB 2336.** An act concerning the regulation of optometrists; amending K.S.A. 65-1501a and 74-1505 and K.S.A. 2004 Supp. 65-1505 and 65-1509 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Aurand, Carter, Dahl, Freeborn, Hill, Humerickhouse, Hutchins, Kinzer, Light, Judy Morrison, Neufeld, Pilcher-Cook, Powell, Schwab, Schwartz.

Present but not voting: None.

Absent or not voting: Henderson, Showalter.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Novascone, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2104** be passed.

Committee report recommending a substitute bill to **Sub. HB 2088** be adopted; also, on motion of Rep. Mast be amended on page 3, in line 29, following "person" by inserting: ", other than by a licensed funeral director or assistant funeral director,"; in line 30, by striking "severity level 2 person felony" and inserting "class A misdemeanor"; and **Sub. HB 2088** be passed as amended.

Committee report to **HB 2234** be adopted; also, on motion of Rep. Pilcher-Cook to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2053** be adopted; and the bill be passed as amended.

Committee report to **HCR 5005** be adopted; and the resolution be adopted as amended.

Committee report to **HB 2016** be adopted; also, roll call was demanded on motion of Rep. Gatewood to amend on page 1, after line 35, by inserting the following:

"Sec. 2. K.S.A. 2004 Supp. 16-1505 is hereby amended to read as follows: 16-1505. Any swine purchasing contract, swine marketing contract or swine production contract between a contractor and a swine production facility owner or swine marketing pool or swine producer shall contain language providing for resolution of contract disputes by either mediation or arbitration. *Such contract shall not require mediation or arbitration to be the sole action for resolving a contract dispute.* If there is a contract dispute the parties may submit the disputed issue to an arbitrator or mediator selected by the parties pursuant to the contract provisions. All arbitration proceedings held pursuant to this act shall follow the procedures set forth in K.S.A. 5-201 *et seq.*, and amendments thereto. If the parties cannot agree upon a mediator or arbitrator, either party may make a written request to the secretary of agriculture for mediation or arbitration services to facilitate resolution of the dispute.

New Sec. 3. (a) As used in this section: (1) "Agricultural commodities" means a material produced for use in or as food, feed, seed or fiber and includes crops for fiber, food, oilseeds, seeds, livestock, livestock products, poultry, poultry products or by-products of the farm for the same or similar use;

(2) "integrator" means a person who in the ordinary course of business buys agricultural commodities grown or raised in this state or who contracts with a producer to grow or raise agricultural commodities in this state;

(3) "person" means any individual, partnership, association or corporation or any organized group of persons, whether incorporated or not, or family farm corporation, authorized farm corporation, limited liability agricultural company, limited agricultural partnership,

family trust, authorized trust or testamentary trust, all as defined in K.S.A. 17-5903 and amendments thereto, or an agent or employee of such person;

(4) “producer” means a person who produces or causes to be produced agricultural commodities by contracting with an integrator to provide management, labor, machinery, facilities or any other production input for the production of agricultural commodities; and

(5) “secretary” means the secretary of agriculture.

(b) Any contract for the production of agricultural products between an integrator and a producer shall contain language providing for resolution of contract disputes by either mediation or arbitration. Such contract shall not require mediation or arbitration to be the sole action for resolving a contract dispute. If there is a contract dispute the parties may submit the disputed issue to an arbitrator or mediator selected by the parties pursuant to the contract provisions. All arbitration proceedings held pursuant to this section shall follow the procedures set forth in K.S.A. 5-201 et seq., and amendments thereto. If the parties cannot agree upon a mediator or arbitrator, either party may make a written request to the secretary of agriculture for mediation or arbitration services to facilitate resolution of the dispute.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 36, by striking “is” and inserting “and K.S.A. 2004 Supp. 16-1505 are”;

Also on page 1, in the title, in line 11, after “5-401” by inserting “and K.S.A. 2004 Supp. 16-1505”; also in line 11, by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 53; Nays 64; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Beamer, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Grant, Hawk, Henry, Holland, Huebert, Huy, Jack, E. Johnson, Kirk, Kuether, Lane, Larkin, Loganbill, Long, Mah, Mast, Mays, McCreary, McKinney, Menghini, F. Miller, M. Miller, Pauls, Peck, Phelps, Ruff, Ruiz, Sawyer, B. Sharp, Shultz, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Williams, Winn.

Nays: Aurand, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Edmonds, Flower, Freeborn, Garcia, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Light, Loyd, McLeland, Merrick, Jim Morrison, Judy Morrison, Newton, Novascone, O’Malley, O’Neal, Oharah, Olson, Otto, Owens, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, S. Sharp, Siegfried, Sloan, Watkins, Weber, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Decker, Henderson, Landwehr, Myers, Neufeld, Peterson, Powers, Showalter.

The motion of Rep. Gatewood did not prevail, and **HB 2016** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on Agriculture recommends **HB 2054** be amended on page 1, in line 31, by striking all after “fowl”; in line 32, by striking all before the period;

On page 3, in line 35, after the stricken material by inserting “(1)”; in line 36, by striking “(1)” and inserting “(A)”; in line 41, by striking “(2)” and inserting “(B)”;

On page 4, after line 3, by inserting the following:

“(2) As used in the Kansas pet animal act, “adequate veterinary medical care” shall not apply to United States department of agriculture licensed animal breeders or animal distributors, except that the commissioner or licensed veterinarian may assure that such animal breeders or animal distributors have a documented program of adequate veterinary medical care. The commissioner or licensed veterinarian shall not require changes in such documented program.”;

On page 5, in line 9, by striking “\$225” and inserting “\$300”; in line 11, by striking “\$450” and inserting “\$600”; in line 13, by striking “\$113” and inserting “\$150”; in line 15, by striking “\$750” and inserting “\$1,000”; in line 17, by striking “\$113” and inserting “\$150”; in line 19, by striking “\$75” and inserting “\$100”; in line 25, after “section” by inserting “, except that the commissioner shall not fix such license and permit fees in an amount which

results in an increase in receipts or revenue from the previous fiscal year which exceeds \$80,000"; in line 26, by striking "may" and inserting "shall"; in line 29, by striking "may" and inserting "shall"; also in line 29, by striking "different"; and the bill be passed as amended.

Committee on **Agriculture** recommends **HB 2103** be amended on page 1, in line 27, by striking "installed" and inserting "manufactured"; also in line 27, by striking "the" the last time it appears; in line 28, by striking "effective date of this act" and inserting "1994"; in line 29, after "products" by inserting "where volumes of aggregate products weighed on such vehicle scales average less than 100,000 tons per year"; and the bill be passed as amended.

Committee on **Agriculture** recommends **HB 2280** be amended on page 1, in line 14, by striking "New";

On page 2, by striking all in lines 4 through 43;

By striking all on pages 3 through 5;

On page 6, by striking all in lines 1 through 26; in line 27, by striking "5" and inserting "2";

On page 1, in the title, in line 9, by striking the third semicolon; by striking all in line 10; in line 11, by striking all before the period; and the bill be passed as amended.

Committee on **Agriculture** recommends **HB 2341** be amended on page 1, in line 15, after the comma by inserting "including, but not limited to, application of fertilizers, storage of fertilizers, transportation of fertilizers and disposal of fertilizers within the state of Kansas,"; in line 30, after "(b)" by inserting "Nothing in this section shall be construed to preempt or otherwise limit the authority of any city, county or political subdivision therein to adopt and enforce zoning regulations, fire codes or hazardous waste disposal restrictions. (c)"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2299** be amended on page 2, in line 21, by striking "eight" and inserting "nine"; in line 27, after "association" by inserting "; one member shall be appointed by the Kansas occupational therapy association"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2129, HB 2180, HB 2262, HB 2304, HB 2380, HB 2418** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2038** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2038," as follows:

"Substitute for HOUSE BILL No. 2038

By Committee on Corrections and Juvenile Justice

"AN ACT concerning multidisciplinary teams for adults."; and the substitute bill be passed.

(**Sub. HB 2038** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2051** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2051," as follows:

"Substitute for HOUSE BILL No. 2051

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to offender release notification; amending K.S.A. 22-4704 and 22-4705 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2051** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2087** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2087," as follows:

"Substitute for HOUSE BILL No. 2087

By Committee on Corrections and Juvenile Justice

"AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft, identity fraud and vital records fraud; amending K.S.A. 21-3830 and 65-2434 and K.S.A. 2004 Supp. 21-4018 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2087** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2386** be amended on page 2, in line 30, after “officer” by inserting “or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision”; in line 35, after “officer” by inserting “or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision”; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2387** be amended on page 1, in line 25, after “autopsy” by inserting “, preliminary autopsy report or death certificate or the prisoner was regularly attended by a licensed physician”; in line 40, after “autopsy” by inserting “, preliminary autopsy report or death certificate or the inmate or juvenile was regularly attended by a licensed physician”; and the bill be passed as amended.

Committee on **Economic Development** recommends **HB 2144** be amended on page 5, in line 33, by striking “or a”; in line 34, by striking all before the period;

On page 8, in line 2, by striking all before “as” and inserting “motorsports complex”; also in line 2, by striking “(ee)” and inserting “(uu)”; in line 14, before the semicolon by inserting “. A city proposing to finance a major motorsports complex pursuant to this paragraph shall prepare a project plan as required in K.S.A. 12-1780c, and amendments thereto”;

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

“Sec. 3. K.S.A. 2004 Supp. 12-1780b is hereby amended to read as follows: 12-1780b. (a) The governing body of a city may establish one or more special bond projects *or major motorsports complexes* in any area within such city or wholly outside the boundaries of such city. A special bond project *or major motorsports complex* wholly outside the boundaries of such city must be approved by the board of county commissioners through county resolution. The special bond projects *or major motorsports complexes* shall be eligible for financing by special obligation bonds payable from revenues described by subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto. Each special bond project *or major motorsports complex* shall first be approved by the secretary, if the secretary determines that the proposed project *or complex* sufficiently promotes, stimulates and develops the general and economic welfare of the state as described in K.S.A. 12-1770. The secretary may approve a special bond project *or major motorsports complex* located in a redevelopment district established by a city prior to the effective date of this act. A special bond project *or major motorsports complex* shall not be granted to any business that proposes to relocate its business from another area of the state into such city, for the purpose of consideration for a special bond project *or major motorsports complex* and shall not receive any of the benefits provided by K.S.A. 12-1770 *et seq.*, and amendments thereto. A special bond project *or major motorsports complex* shall not be approved by the secretary if the marketing study required by K.S.A. 2004 Supp. 12-1780c, and amendments thereto, indicates a substantial negative impact upon businesses in the project *or complex* market area or the granting of such project *or complex* would cause a default in the payment of any outstanding special obligation bonds as authorized pursuant to subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto.

(b) The maximum maturity of special obligation bonds payable primarily from revenues described by subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, to finance special bond projects *or major motorsports complexes* pursuant to this section shall not exceed 20 years.

(c) A city that owns a building or structure that was financed in whole or in part by special obligation bonds payable from revenues described in subsection (a)(1)(D) of K.S.A. 12-1774, and amendments thereto, may engage a manager to manage such building or structure. The contractual relationship between the city and the manager of such building or structure shall not be deemed a lease to a developer for purposes of paragraph (15) of subsection (q) of K.S.A. 12-1770a, and amendments thereto.

Sec. 4. K.S.A. 2004 Supp. 12-1780c is hereby amended to read as follows: 12-1780c. (a) Any city proposing to undertake a special bond project established pursuant to K.S.A. 2004 Supp. 12-1780b, and amendments thereto, *or a major motorsports complex as defined in K.S.A. 12-1770a, and amendments thereto*, shall prepare a project plan in consultation with the planning commission of the city. Such project plan shall also be prepared in consultation with the planning commission of the county, if any, if a special bond project *or major*



*motorsports complex* is located wholly outside the boundaries of the city. The project plan shall include:

- (1) A summary of the feasibility study done as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;
- (2) a summary of the marketing study done as defined in K.S.A. 12-1770a, and amendments thereto, which will be an open record;
- (3) a reference to the district plan established under K.S.A. 12-1771, and amendments thereto, that identifies the project area that is set forth in the project plan that is being considered;
- (4) a description and map of the location of the facility that is the subject of the special bond project *or major motorsports complex*;
- (5) the relocation assistance plan required by K.S.A. 12-1777, and amendments thereto;
- (6) a detailed description of the buildings and facilities proposed to be constructed or improved; and
- (7) any other information the governing body deems necessary to advise the public of the intent of the special bond project *or major motorsports complex* plan.

(b) *Resolution requirements.* A copy of the project plan shall be delivered to the board of county commissioners of the county and the board of education of any school district levying taxes on property subject to the special bond project *or major motorsports complex*. Upon a finding by the planning commission of the city that the project plan is consistent with the intent of the comprehensive plan for the development of the city, and a finding by the planning commission of the county, if any, with respect to a special bond project *or a major motorsports complex* located wholly outside the boundaries of the city, that the project plan is consistent with the intent of the comprehensive plan for the development of the county, the governing body of the city shall adopt a resolution stating that the city is considering the adoption of the project plan. Such resolution shall:

- (1) Give notice that a public hearing will be held to consider the adoption of the project plan and fix the date, hour and place of such public hearing;
- (2) describe the boundaries of the area subject to the special bond project *or major motorsports complex*; and
- (3) state that the project plan, including a summary of the feasibility study, relocation assistance plan and financial guarantees of the prospective developer and a description and map of the area to be developed are available for inspection during regular office hours in the office of the city clerk.

(c) (1) *Hearing.* The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing.

(2) A copy of the resolution providing for the public hearing shall be by certified mail, return receipt requested sent to the board of county commissioners of the county and the board of education of any school district levying taxes on property subject to the special bond project *or major motorsports complex*. The resolution shall be published once in the official city newspaper not less than one week nor more than two weeks preceding the date fixed for the public hearing. A description in sufficient detail to advise the reader of the particular proposed special bond project *or major motorsports complex* shall be published with the resolution.

(3) At the public hearing, a representative of the city shall present the city's proposed project plan. Following the presentation of the project plan, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(d) The public hearing records and feasibility study shall be subject to the open records act, K.S.A. 45-215, and amendments thereto.

(e) *Posthearing procedure.* Following the public hearing, the governing body may adopt the project plan by ordinance passed upon a  $\frac{2}{3}$  vote.

(f) Any substantial changes as defined in K.S.A. 12-1770a, and amendments thereto, to the project plan as adopted shall be subject to a public hearing following publication of notice thereof at least twice in the official city newspaper.

(g) Any project shall be completed within 20 years from the date of the approval of the project plan. Kansas resident employees shall be given priority consideration for employment in construction projects located in a special bond project or *major motorsports complex* area.

(h) Any developer of a special bond project or *major motorsports complex* shall commence work on such project or *complex* within two years from the date of adoption of the project plan. Should the developer fail to commence work on the special bond project or *major motorsports complex* within the two-year period, funding for such project or *complex* shall cease and the developer of such project or *complex* shall have one year to appeal to the secretary for reapproval of such project or *complex* and the funding for it. Should the project or *complex* be reapproved, the two-year period for commencement shall apply.

(i) The provisions of this act regarding special bond projects and *major motorsports complexes* shall expire on and after July 1, 2007.;

And by renumbering the remaining sections accordingly;

Also on page 11, in line 11, by striking “and” and inserting a comma; also in line 11, after “12-1774” by inserting “, 12-1780b and 12-1780c”;

In the title, in line 11, by striking “and” where it appears the first time and inserting a comma; also in line 11, after “12-1774” by inserting “, 12-1780b and 12-1780c”; and the bill be passed as amended.

Committee on **Education** recommends that **HB 2247** be amended as recommended by House Committee on Education and the bill, as printed with amendments by House Committee, be further amended:

On page 1, in line 27, by striking “of each year” and inserting “, 2005, and on or before December 31, 2006”; following line 36, by inserting a new paragraph as follows:

“The provisions of this subsection shall expire January 1, 2007.”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2099** be amended on page 3, in line 31, by striking “foreign”; also in line 31, following “union” by inserting “approved to do business in this state under K.S.A. 17-2223a, and amendments thereto.”; following line 34, by inserting the following:

“Sec. 2. K.S.A. 2004 Supp. 17-2223a is hereby amended to read as follows: 17-2223a. (a) Subject to the rules and regulations of the administrator, no credit union, except credit unions organized under the laws of the state of Kansas or the “federal credit union act,” 12 U.S.C. 1751 et seq., and amendments thereto, shall do business in this state until it has received the approval of the credit union administrator.

(b) The administrator ~~may shall~~ require any such credit union to ~~submit at least every 18 months an examination report made by or under the authority of the national credit union administration or its successor or successors, by any such other appropriate federal or state agency or by an independent auditor or certified public accountant. Such report shall meet the standards which the administrator has established~~ *comply with the provisions of subsection (b) of K.S.A. 17-2206, and amendments thereto.*

(c) If after a hearing or an opportunity for a hearing has been given such credit union in accordance with the provisions of the Kansas administrative procedure act, the administrator determines that such credit union has violated any provision of this act, the administrator may revoke such credit union’s authority to do business in this state.”;

By renumbering the remaining sections accordingly;

On page 4, in line 15, following “17-2244” by inserting “and K.S.A. 2004 Supp. 17-2223a”;

In the title, in line 10, following “17-2244” by inserting “and K.S.A. 2004 supp. 17-2223a”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2145** be amended on page 4, in line 43, by striking “in any manner” and inserting “and who is directly engaged in lending activities”;

On page 5, in line 7, by striking “in any manner” and inserting “and who is directly engaged in lending activities”; in line 8, by striking “or other administrative”; in line 38, by striking “All records held by” and inserting “The record keeping system of”; by striking all in line 40; in line 41, by striking all preceding the period and inserting “sufficient if the licensee, assignee or servicer makes the required information reasonably available”;

On page 9, by striking all in lines 19 through 43;  
 On page 10, by striking all in lines 1 through 11;  
 By renumbering the remaining sections accordingly;  
 On page 11, in line 34, by striking "as"; in line 35, by striking all preceding the period and inserting "directly engaged in lending activities";  
 On page 13, in line 16, by striking "\$10,000" and inserting "\$5,000"; in line 17, following "have" by inserting "knowingly or willfully"; in line 21, by striking "\$10,000" and inserting "\$5,000";  
 On page 14, in line 28, by striking "16a-5-301.,";  
 In the title, in line 12, by striking "16a-5-301.,"; and the bill be passed as amended.  
 Committee on **Utilities** recommends **HB 2463** be amended on page 1, in line 26, by striking "originating or intermediary provider delivering" and inserting "provider originating"; in line 31, following the period, by inserting "The provisions of this section shall not apply to communications subject to commission order setting compensation for expanded local calling plans offered by wireline providers."; by striking all in lines 32 through 36; in line 37, by striking "(d)" and inserting "(c)"; in line 38, by striking "and" and inserting "or"; in line 43, by striking "(e)" and inserting "(d)"; and the bill be passed as amended.  
 Committee on **Wildlife, Parks and Tourism** recommends **HB 2466** be amended on page 7, in line 7, following "after" by inserting "January 1, 2006, and"; and the bill be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were thereupon introduced and read by title:

**HB 2495**, An act concerning smoking; enacting the Kansas public smoking ban act; prohibiting certain acts and providing penalties for violations; repealing K.S.A. 21-4009 through 21-4014, by Committee on Federal and State Affairs.

**HB 2496**, An act concerning the occupational therapy practice act; definitions; amending K.S.A. 65-5402 and repealing the existing section, by Committee on Appropriations.

**HB 2497**, An act concerning restrictions on persons maintaining or residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 65-516 and repealing the existing section, by Committee on Appropriations.

**HB 2498**, An act concerning school districts; relating to certain employee benefits; relating to the investment of certain moneys; amending K.S.A. 72-8414 and repealing the existing section, by Select Committee on School Finance.

**HB 2499**, An act concerning courts; prescribing and fixing certain surcharges; establishing the judicial branch surcharge fund, by Committee on Appropriations.

**HB 2500**, An act relating to consumer protection; concerning refunds, by Committee on Federal and State Affairs.

#### HOUSE CONCURRENT RESOLUTION No. 5013—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION concerning endorsement of the participation of Taiwan in the World Health Organization.

WHEREAS, Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,500,000 people is larger than that of three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life-expectancy levels in Asia; lowering maternal and infant

mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague and polio; and providing hepatitis B vaccinations to children; and

WHEREAS, The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, In recent years, Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, The World Health Organization has allowed observers to participate in the activities of the organization, including the Palestine Liberation Organization in 1974 and the Order of Malta and the Holy See in the early 1950's; and

WHEREAS, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature endorses observer status for Taiwan in the World Health Organization; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States and the Secretary of State of the United States.

#### CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **SB 50** from Committee on Federal and State Affairs and referral to Committee on Judiciary.

#### REPORT ON ENGROSSED BILLS

**HB 2118, HB 2157, HB 2268, HB 2330, HB 2336** reported correctly engrossed February 21, 2005.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Wednesday, February 23, 2005.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

