

Journal of the House

FORTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 18, 2005, 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. Kilpatrick, Light and Yonally were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Dear Lord and Father of humankind, you are a God of bountiful blessing and grace. You provide everything that we need for our own well-being and for the care of others. You call us to be stewards of the treasure that we possess but which ultimately belongs to you.

As your servants in this house seek to be good stewards of your treasure, protect them from self-serving temptation. Guard them from the easy answers that fail to answer your call to self-giving care for others. Guide them through the difficult decisions that they encounter so that at the end of the day, they may be found in the light of your will.

Lord, you never promised us easy answers, and the questions seem to be getting harder. We confess that we are part of the problem when we seek position, or power, or personal reward before the things that you desire for us all. Strip away the things that divide us and remind us of our common love of freedom and the ideals upon which our nation was founded. Strengthen what is best in us and sweep away all that threatens your kingdom. For we look only to you, our Rock and our Redeemer. Amen.

The Pledge of Allegiance was led by Rep. Huff.

PRESENTATION OF PETITIONS

The following petition was presented and filed:

HP 2001, by Rep. Mays, a petition requesting the next state budget to NOT raise taxes in Kansas, submitted by Anton Epp, Goessel, and 3,100 others from throughout the state.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2528**.
Commerce and Labor: **Sub. SB 33**.
Education: **SB 44**.
Governmental Organization and Elections: **HB 2529**.
Health and Human Services: **SB 263**.
Insurance: **SB 268**.
Transportation: **SCR 1609**.
Utilities: **HB 2530**.

MESSAGES FROM THE GOVERNOR

HB 2059 approved on March 18, 2005.

MESSAGES FROM THE SENATE

Announcing passage of **SB 217, SB 243, SB 277, SB 278.**

Announcing passage of **HB 2183, HB 2323, HB 2325, HB 2327.**

Announcing passage of **HB 2016**, as amended by **S. Sub. for HB 2016; HB 2122**, as amended; **HB 2314**, as amended; **HB 2315**, as amended; **HB 2347**, as amended; **HB 2387**, as amended.

Also, announcing passage of **Sub. SB 85.**

Announcing passage of **HB 2031.**

Announcing passage of **HB 2077**, as amended; **HB 2262**, as amended; **HB 2409**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 85, SB 217, SB 243, SB 277, SB 278.

CONSENT CALENDAR

No objection was made to **SB 8** appearing on the Consent Calendar for the first day.

No objection was made to **SB 50** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2331. An act concerning school districts; relating to the provision of special education and related services; amending K.S.A. 72-962, 72-963, 72-963a, 72-964, 72-965, 72-966, 72-971, 72-973, 72-974, 72-984, 72-985, 72-986, 72-987, 72-988, 72-990, 72-993, 72-994 and 72-996 and repealing the existing sections; also repealing K.S.A. 72-991 and 72-992, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, 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, 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, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Kilpatrick, Light, Yonally.

The bill passed, as amended.

HB 2481. An act making and concerning appropriations for the fiscal years ending June 30, 2005, June 30, 2006, June 30, 2007, June 30, 2008, and June 30, 2009 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 81; Nays 41; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Larkin, Loyd, Mast, Mays, McCreary, McLeland, Merrick, F.

Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, Weber, Wilk, Yoder.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, Kirk, Kuether, Lane, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Peterson, Phelps, Ruff, Ruiz, Sawyer, B. Sharp, Showalter, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kilpatrick, Light, Yonally.

The bill passed, as amended.

HB 2482, 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; amending K.S.A. 2004 Supp. 2-223, 55-193, 75-2319, 75-6702, 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 67; Nays 55; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Roth, Schwab, Schwartz, Shultz, Siegfried, Vickrey, Watkins, Weber, Yoder.

Nays: Ballard, Burroughs, Carlin, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Huntington, Jack, D. Johnson, Kirk, Kuether, Lane, Larkin, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Showalter, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Ward, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kilpatrick, Light, Yonally.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2482**. This budget cuts \$2.3 million in state funds to the regents universities. These schools cannot absorb these cuts and will have to increase tuition and fees to make up their budget. This cuts \$1 million from the Department of Revenue to fund auditors that would raise \$12 million in tax revenue. \$12 million in revenue was lost by this cut. By 2008, this budget would leave an ending balance of -7.8% or -\$404 million. A few years ago, we worked hard to get through a budget crisis and we should not put our state in another crisis in the future. —BILL FEUERBORN, EBER PHELPS, JUDITH LOGANBILL, TOM HAWK, VAUGHN L. FLORA, SYDNEY CARLIN, MARGARET LONG

MR. SPEAKER: I vote no on **HB 2482**. This bill cuts \$2.3 million from regents universities to fund K-12 education. We cannot fund one area of education by taking funds from another important part. Because state funding from universities will decrease, tuition and fees will have to increase in order to meet their budgets. In effect, this budget increases the tuition tax on university students to pay for K-12 education. Higher education should never be pitted against public schools. —TOM SAWYER, HAROLD LANE, JOSH SVATY

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2480** be adopted; also, on motion of Rep. Edmonds be amended on page 11, following line 33, by inserting the following:

“(i) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by chapter 123 or chapter 184 of the 2004 Session Laws of Kansas or by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to prepare a report on the costs and other matters involved in increasing the rates paid during fiscal year 2006 for the state medicaid program and the state children’s health insurance program to the level of the rates paid by the federal medicare program and to report back to the committee on appropriations of the house of representatives during the 2005 regular session of the legislature during consideration of the omnibus appropriation bill and the omnibus reconciliation spending limit bill for the 2005 regular session.”; and **HB 2480** be passed as amended.

On motion of Rep. Bethell, **HB 2496** be amended on page 1, in line 13, preceding “K.S.A.” by inserting “On July 1, 2005,”;

On page 2, preceding line 28, by inserting the following:

“Sec. 2. K.S.A. 48-3403 is hereby amended to read as follows: 48-3403. (a) A licensee who desires to engage in or practice an occupation or profession in this state after release from military service shall submit, within six months after such release, but not later than two weeks after engaging in or practicing such occupation or profession in this state after such release, the renewal fee required by law for the current license period with a completed renewal application, and thereupon, the licensee shall be deemed to have complied with all requirements of law relating to payment of licensure renewal fees. A licensee who submits the renewal fee and completed renewal application in accordance with this section shall not be charged any late payment fees or penalties. The license of a licensee who fails to renew the license pursuant to this section may be canceled, revoked or suspended in accordance with the applicable law.

(b) A licensee who is required by law to obtain continuing education as a condition prerequisite to renewal of a license shall be given a one-year period of time for fulfillment of such continuing education requirement, such period of time to commence on the date exempt from such continuing education requirement until completion of the next full licensure period so long as the licensee submits the renewal fee and completed renewal application in accordance with subsection (a).

Sec. 3. K.S.A. 48-3403 is hereby repealed.”; And by renumbering sections accordingly;

Also on page 2, in line 28, preceding “K.S.A.” by inserting “On July 1, 2005,”; in line 30, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 9, following “concerning” by inserting “licensure and licenses; relating to”; also in line 9, by striking “definitions” and inserting “continuing education requirements” in line 10, following “K.S.A.” by inserting “48-3403 and”; also in line 10, by striking “section” and inserting “sections”; and **HB 2496** be passed as amended.

Committee report to **HB 2231** be adopted; and the bill be passed as amended.

On motion of Rep. Mast, **HB 2503** be amended on page 3, in line 16, by striking the word “bimanual” and inserting “bi-annual”;

Also, roll call was demanded on motion to recommend **HB 2503** favorably for passage.

On roll call, the vote was: Yeas 83; Nays 35; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Col-loton, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Flower, Freeborn, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Larkin, Long, Loyd, Mast, Mays, McCreary, McKinney, McLeland, Mer-rick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone,

O'Malley, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Ruff, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Svaty, Swenson, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

Nays: Ballard, Carlin, Cox, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Hawk, Henderson, Hill, Holland, Huff, Huntington, D. Johnson, Kirk, Kuether, Lane, Loganbill, Mah, Menghini, M. Miller, Roth, Ruiz, Sawyer, S. Sharp, Showalter, Sloan, Storm, Thull, Ward, Winn.

Present but not voting: None.

Absent or not voting: Kilpatrick, Krehbiel, Light, O'Neal, Peterson, Powers, Yonally.

The motion prevailed and **HB 2503** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2320**, **HB 2338** be passed.

Committee on **Appropriations** recommends **SB 46** 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 **Corrections and Juvenile Justice** recommends **SB 148** be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 82** be amended on page 1, in line 32, after "thereto;" by inserting "(14) unlawful voluntary sexual relations, as defined in K.S.A. 21-3522, and amendments thereto;"; also in line 32, by striking "(14)" and inserting "(15)";

On page 2, by striking all in lines 31 through 34; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 147** be amended on page 1, in line 30, by striking "(5)" and inserting "(6)";

On page 2, in line 1, by striking "(5)" and inserting "(6)"; in line 2, by striking all after "(2)"; in line 3, by striking all before "a"; in line 10, by striking "(5)" and inserting "(6)"; in line 11, by striking "crime" and inserting "felony, as defined in K.S.A. 21-3105, and amendments thereto;"; in line 13, after "(5)" by inserting "Except as provided in subsection (6), a prosecution for any misdemeanor, as defined in K.S.A. 21-3105, and amendments thereto, not governed by subsections (1), (2) or (3) must be commenced within two years after it is committed.

(6)";

On page 3, in line 7, by striking "(6)" and inserting "(7)"; in line 12, by striking "(7)" and inserting "(8)"; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2470** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2470," as follows:

"Substitute for HOUSE BILL No. 2470

By Committee on Governmental Organization and Elections

"AN ACT concerning municipalities; relating to consolidation and reorganization; relating to changes in boundaries; amending K.S.A. 18-202 and K.S.A. 2004 Supp. 19-205 and repealing the existing sections."; and the substitute bill be passed.

(Sub. **HB 2470** was thereupon introduced and read by title.)

Committee on **Governmental Organization and Elections** recommends **HB 2506** be amended on page 1, in line 20, before the semicolon, by inserting: ", or any successor entity thereof"; in line 22, after the comma, by inserting: "of the subcabinet on natural resources when the subcabinet is meeting to discuss issues relating to the Kansas water authority"; in line 23, by striking "any number of individuals representing" and inserting: "a representative of"; in line 25, before the comma, by inserting: "when the subcabinet on natural resources is meeting for the purpose of discussing issues relating to the Kansas water authority"; in line 27, by striking "two or more of the state agencies"; in line 28, by striking "included within"; in line 29, by striking all after "of" where it appears for the first time; in line 30, by striking all before "the"; also in line 30, after "resources" by inserting: "for the purpose of discussing issues relating to the Kansas water authority"; in line 34, by striking all after "(c)"; by striking all in lines 35 through 38 and inserting: "The request for a notice of the date, time and place of a meeting of the subcabinet on natural resources, which is meeting to discuss issues relating to the Kansas water authority, authorized under subsection (b) of

K.S.A. 75-4318 and amendments thereto shall be made to the office of the governor.”; in line 40, by striking “Kansas register” and inserting: “statute book”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **SB 24** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 24,” as follows:

“HOUSE Substitute for SENATE BILL No. 24

By Committee on Governmental Organization and Elections

“AN ACT concerning cities; relating to annexation; amending K.S.A. 12-520 and 12-520a and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 24** was thereupon introduced and read by title.)

Committee on **Governmental Organization and Elections** recommends **SB 142** be amended on page 3, by striking all in lines 19 through 43;

On page 4, by striking all in lines 1 through 33;

And by renumbering sections accordingly;

Also on page 4, in line 34, by striking “25-1132 and 25-1136 and K.S.A.”;

On page 1, in the title, in line 11, by striking “25-1132 and 25-1136 and K.S.A.”; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 102** be amended on page 1, by striking all in lines 14 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 24 and inserting:

“Section 1. K.S.A. 60-3802 is hereby amended to read as follows: 60-3802. In any action for personal injury or death, in which the claimant demands judgment for damages in excess of \$150,000, evidence of collateral source benefits received or evidence of collateral source benefits which are reasonably expected to be received in the future shall be admissible.

Sec. 2. K.S.A. 60-3802 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, in line 9, by striking all following “concerning”; in line 10, by striking all preceding “and” and inserting “civil procedure; relating to collateral source benefits; amending K.S.A. 60-3802”; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 140** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 140,” as follows:

“HOUSE Substitute for SENATE BILL No. 140

By Committee on Insurance

“AN ACT concerning arbitration; relating to the validity of an agreement; amending K.S.A. 5-401 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 140** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 39** be amended on page 2, in line 17, after the period by inserting “The state of Kansas and all cities and counties in this state are hereby exempt, in any civil action in which such state, city or county is involved, from paying service of process fees prescribed herein.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 75** be amended on page 1, in line 14, by striking all after “Section 1.”; by striking all in line 15; in line 16, by striking “(b)” and inserting “(a)”; also in line 16, by striking “(c)” and inserting “(b)”; in line 25, by striking “(c)” and inserting “(b)”; also in line 25, by striking “(b)” and inserting “(a)”; in line 38, by striking “(d)” and inserting “(c)”; in line 42, after “consumption” by striking the quotation mark; also in line 42, after “food” by inserting a quotation mark;

On page 2, in line 12, by striking “(e)” and inserting “(d)”; also in line 12, by striking “(c)” and inserting “(b)”; in line 18, by striking “(c)(2)” and inserting “(b)(2)”; in line 23, by striking “(c)(2)” and inserting “(b)(2)”; by striking all in lines 25 through 36; in line 37, by striking “(g)” and inserting “(e)”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 161** be amended on page 1, by striking all in lines 13 through 21 and inserting the following:

“Section 1. K.S.A. 2004 Supp. 75-6102 is hereby amended to read as follows: 75-6102. As used in K.S.A. 75-6101 through 75-6118, and amendments thereto, unless the context clearly requires otherwise:

(a) “State” means the state of Kansas and any department or branch of state government, or any agency, authority, institution or other instrumentality thereof.

(b) “Municipality” means any county, township, city, school district or other political or taxing subdivision of the state, or any agency, authority, institution or other instrumentality thereof.

(c) “Governmental entity” means state or municipality.

(d) “Employee” means any officer, employee, servant or member of a board, commission, committee, division, department, branch or council of a governmental entity, including elected or appointed officials and persons acting on behalf or in service of a governmental entity in any official capacity, whether with or without compensation and a charitable health care provider. Employee includes any steward or racing judge appointed pursuant to K.S.A. 74-8818, and amendments thereto, regardless of whether the services of such steward or racing judge are rendered pursuant to contract as an independent contractor, but does not otherwise include any independent contractor under contract with a governmental entity except (1) employees of the United States marshal’s service engaged in the transportation of inmates on behalf of the secretary of corrections, (2) a person who is an employee of a nonprofit independent contractor, other than a municipality, under contract to provide educational or vocational training to inmates in the custody of the secretary of corrections and who is engaged in providing such service in an institution under the control of the secretary of corrections provided that such employee does not otherwise have coverage for such acts and omissions within the scope of their employment through a liability insurance contract of such independent contractor; (3) a person who is an employee or volunteer of a nonprofit program, other than a municipality, who has contracted with the commissioner of juvenile justice or with another nonprofit program that has contracted with the commissioner of juvenile justice to provide a juvenile justice program for juvenile offenders in a judicial district provided that such employee or volunteer does not otherwise have coverage for such acts and omissions within the scope of their employment or volunteer activities through a liability insurance contract of such nonprofit program; and (4) a person who contracts with the Kansas guardianship program to provide services as a court-appointed guardian or conservator. “Employee” also includes an employee of an indigent health care clinic. “Employee” also includes former employees for acts and omissions within the scope of their employment during their former employment with the governmental entity. “Employee” also includes any member of a regional medical emergency response team, created under the provisions of K.S.A. 48-928, and amendments thereto, in connection with authorized training or upon activation for an emergency response. *“Employee” includes private not-for-profit corporations or charitable or social service organizations for claims arising from the performance of community service work when the court has assigned persons to perform community service work for such entity.*

(e) “Community service work” means public or community service performed by a person (1) as a result of a contract of diversion 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.

(f) “Charitable health care provider” means a person licensed by the state board of healing arts as an exempt licensee or a federally active licensee, a person issued a limited permit by the state board of healing arts, a physician assistant licensed by the state board of healing arts or a health care provider as the term “health care provider” is defined under K.S.A. 65-4921, and amendments thereto, who has entered into an agreement with:

(1) The secretary of health and environment under K.S.A. 75-6120, and amendments thereto, who, pursuant to such agreement, gratuitously renders professional services to a person who has provided information which would reasonably lead the health care provider to make the good faith assumption that such person meets the definition of medically indigent person as defined by this section or to a person receiving medical assistance from

the programs operated by the department of social and rehabilitation services, and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto;

(2) the secretary of health and environment and who, pursuant to such agreement, gratuitously renders professional services in conducting children's immunization programs administered by the secretary;

(3) a local health department or indigent health care clinic, which renders professional services to medically indigent persons or persons receiving medical assistance from the programs operated by the department of social and rehabilitation services gratuitously or for a fee paid by the local health department or indigent health care clinic to such provider and who is considered an employee of the state of Kansas under K.S.A. 75-6120, and amendments thereto. Professional services rendered by a provider under this paragraph (3) shall be considered gratuitous notwithstanding fees based on income eligibility guidelines charged by a local health department or indigent health care clinic and notwithstanding any fee paid by the local health department or indigent health care clinic to a provider in accordance with this paragraph (3); or

(4) the secretary of health and environment to provide dentistry services defined by K.S.A. 65-1422 et seq., and amendments thereto, or dental hygienist services defined by K.S.A. 65-1456, and amendments thereto, that are targeted, but are not limited to medically indigent persons, and are provided on a gratuitous basis at a location sponsored by a not-for-profit organization that is not the dentist or dental hygienist office location. Except that such dentistry services and dental hygienist services shall not include "oral and maxillofacial surgery" as defined by Kansas administrative regulation 71-2-2, or use sedation or general anesthesia that result in "deep sedation" or "general anesthesia" as defined by Kansas administrative regulation 71-5-1.

(g) "Medically indigent person" means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120, and amendments thereto.

(h) "Indigent health care clinic" means an outpatient medical care clinic operated on a not-for-profit basis which has a contractual agreement in effect with the secretary of health and environment to provide health care services to medically indigent persons.

(i) "Local health department" shall have the meaning ascribed to such term under K.S.A. 65-241, and amendments thereto.

(j) "Fire control, fire rescue or emergency medical services equipment" means any vehicle, firefighting tool, protective clothing, breathing apparatus and any other supplies, tools or equipment used in firefighting or fire rescue or in the provision of emergency medical services.

Sec. 2. K.S.A. 2004 Supp. 75-6102 is hereby repealed.;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking "civil procedure" and inserting "tort claims"; in line 10, before the period by inserting "; amending K.S.A. 2004 Supp. 75-6102 and repealing the existing section"; 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. 156, by Representatives Carlin and Hawk, congratulating Manhattan and Riley County on their sesquicentennial;

Request No. 157, by Representative McKinney, congratulating the members of the Bucklin High School "Red Aces" on winning the state quiz bowl 1A championship;

Request No. 158, by Representative Weber, congratulating Johnnie and Naomi Hartman on their 65th wedding anniversary;

Request No. 159, by Representative George, congratulating Sister Catherine Therese on the 50th anniversary of her vows as a sister of St Joseph;

Request No. 160, by Representative Siegfried, congratulating Juliana Knopp on being accepted in the People Ambassador Program;

Request No. 161, by Representative Judy Morrison, commending Shawnee Mission Medical Center for being named one of the nation's 100 Top Hospitals;

Request No. 162, by Representative Virgil Peck, congratulating Ed Miller on his 92nd birthday;

Request No. 163, by Representative Oharah, congratulating the 2004-05 Ft Scott High School Boys Basketball team on winning the 4A State Championship game;

Request No. 164, by Representative Horst, congratulating the Global Flyer ground crew on the historic flight around the world piloted by Steve Fossett;

Request No. 165, by Representative Horst, congratulating Global Flyer mission control on the historic flight around the world piloted by Steve Fossett;

Request No. 166, by Representative Oharah, congratulating the Kansas Honor Scholars from the University of Kansas;

Request No. 167, by Representative Grant, congratulating Big Brutus Inc. on its 20th anniversary;

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.

REPORT ON ENROLLED BILLS

HB 2027, HB 2052, HB 2078, HB 2097, HB 2098, HB 2099, HB 2123, HB 2130, HB 2154, HB 2157, HB 2164, HB 2171, HB 2215, HB 2330, HB 2418 reported correctly enrolled, properly signed and presented to the governor on March 18, 2005.

REPORT ON ENROLLED RESOLUTIONS

HR 6023 reported correctly enrolled and properly signed on March 17, 2005.

Also, **HCR 5005** reported correctly enrolled and properly signed on March 18, 2005.

Also, **HR 6022, HB 6025** reported correctly enrolled and properly signed on March 18, 2005.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Monday, March 21, 2005.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

