

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 28, 2005, 9:30 a.m.

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

Prayer by the Rev. Kirk Sherman, associate pastor, First Assembly of God, Fredonia, and guest of Rep. Knox:

Dear heavenly father,

We come to you today and say thank you for all you have done in our lives, for your goodness and your mercy. I thank you for all these men and women who have sacrificed their time and energy to make this great state a better place for our families and our futures. I ask you to bless each representative here today. Bless their families. Bless the people they represent across this state. Grant them peace today. Grant them wisdom. Help them to keep their focus off of political parties and agendas and vote with convictions set forth in your word and through the spiritual ideals that this great country was founded on. Help these representatives to be constantly reminded of the responsibilities they have had entrusted to them by the people of this state and lay aside ambitions and desires for personal gain. Continue to help them to be people who pursue honor, trust and integrity. We ask you to walk with us today and guide our steps. In your precious name, Amen.

The Pledge of Allegiance was led by Rep. Long.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2538, An act concerning adult care homes; providing for assessments on certain nursing facilities; prescribing powers, duties and functions for the secretary of aging; creating the quality assurance assessment fund; providing for implementation and administration, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Committee of the Whole: **HB 2537**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Mast, **HR 6033**, A resolution commending 60 years of cooperative efforts by the state of Kansas and The American Legion and Veterans of Foreign Wars, was adopted.

There being no objection, the following remarks of Rep. Mast are spread upon the Journal:

Who can measure the value of a veteran? It is an unsurmountable question, because we cannot begin to measure the value of the freedom that we take for granted each day. I have the honor of standing here with men who have fought in foreign lands to ensure our freedom

and the freedom of others. They have served our country and fought to ensure the freedom of individuals in far away lands.

There are currently 246,359 veterans in Kansas. One is a veteran of World War I. Ten thousand are veterans of World War II and 4,426 are veterans of the Korean War. We have 18,000 Vietnam Veterans in Kansas and 11,000 veterans of the Persian Gulf War.

It is a privilege to acknowledge in a small way what these veterans mean to us and how much we appreciate their service and sacrifice.

Rep. Mast introduced the following veterans. Darrell Bencken, Jeff Lawson and Tom Farr, Topeka VFW; Gene Heiman, Garden City American Legion; Ron O'Leary, Topeka American Legion; Ernie Cooper, Olathe American Legion; Chuck Yunker, Tecumseh American Legion; and Lee Stolfus, Emporia, veteran of World War II, the Korean War and the Vietnam War.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Larkin, **HR 6034**, A resolution in memory of Justice Robert Gernon, was adopted.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Technology Enterprise Corporation (KTEC), 2004 Annual Report.

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

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 151**.

The Senate adopts conference committee report on **SB 215**.

The Senate adopts conference committee report on **HB 2026**.

The Senate adopts conference committee report on **Sub. HB 2457**.

Announcing adoption of **HCR 5019**.

The Senate accedes to the request of the House for a conference on **SB 142** and has appointed Senators Huelskamp, O'Connor and Francisco as third conferees on the part of the Senate.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor, together with the enrolled copy of **SB 123**, An act concerning the state treasurer; authority to charge certain fees,

which was received on April 8, 2005 and was read before the Senate on April 27, 2005.

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto Senate Bill 123. Senate Bill 123 codifies into law funding the State Treasurer's Office through "banking fees," fees charged on warrants issued by other state agencies. This funding mechanism was first implemented in the FY 2004 budget as a response to my request for the State Treasurer's Office to become a self-supporting agency. In my FY 2004 budget, I recommended a new plan to fund this office, one that would not place an unnecessary burden upon other state agencies. However, the State Treasurer rejected that plan. In the FY 2005 budget, and again in the FY 2006 budget the Legislature approved last week, "banking fees" fully fund the State Treasurer's office.

I believe the State Treasurer's Office should operate with funding that is not simply shifted from other state agencies, but generated from fees on services the Treasurer's Office delivers to the people of Kansas.

The veto of this legislation in no way jeopardizes the funding of the Treasurer's Office. Full funding of the State Treasurer's office is provided under the FY 2006 budget. This

measure, however, does allow the State Treasurer's Office, the office of the Governor, and the legislature to further discuss how best to fund the Treasurer's Office.

KATHLEEN SEBELIUS
Governor

Dated: April 8, 2005

A motion was made that **SB 123** be passed notwithstanding the Governor's veto. By a vote of 30 Yeas and 10 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative, the motion prevailed and the bill passed.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6036—

By Representatives Pilcher-Cook, Brown, Carlson, Carter, Grant,
Kinzer, Mays, Merrick and Siegfried

A RESOLUTION memorializing the Congress of the United States regarding
the benefits of specialty hospitals.

WHEREAS, The growth of specialty hospitals has risen from the demand of patients, physicians, nurses and insurers for a more efficient, cost effective and patient friendly health-care system; and

WHEREAS, Patients are demanding more input into their own care; and

WHEREAS, Studies show that patient and physician satisfaction rates are highest when care is provided in a specialty hospital environment; and

WHEREAS, The Hospital Salary and Benefits Report of 2004-2005 reported that 98% of patients would recommend a surgical hospital to others; and

WHEREAS, Patient care is more intimate and personal because of a lower nurse to patient ratio at specialty hospitals: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Kansas House of Representatives memorializes the Congress of the United States to support and encourage the use of specialty hospitals; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to each member of the Kansas congressional delegation.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2537; SB 304, SB 298; H. Sub. for SB 273; SB 118; HB 2026; Sub. HB 2457.**

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 2311, Rep. Aurand moved that House Rule 3905, relating to printing of appropriations bills, be suspended for the purpose of considering **H. Sub. for SB 272.** The motion prevailed.

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 2537** be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 273** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 272** be adopted; also, on motion of Rep. Neufeld be amended on page 22, following line 33, by inserting the following:

“(h) On the effective date of this act, the director of accounts and reports shall transfer \$170,000 from the state general fund to the bridge maintenance fund of the department of wildlife and parks in order to reverse a transfer out of BEST savings during the fiscal year ending June 30, 2005.”;

Also, on further motion of Rep. Neufeld, **H. Sub. for SB 272** be amended on page 22, following line 33, by inserting the following:

“(h) On July 1, 2005, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$717,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks for the purpose of financing the cost of capital improvements, operations and general expenses of the department of wildlife and parks and management units within the agency.

(i) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or of any other provisions of law to the contrary, expenditures may be made from the department access road fund for salaries and wages and other operating expenditures of the department of wildlife and parks, including executive services, administrative services, parks and public lands, and capital improvements.”;

Also, on further motion of Rep. Neufeld, **H. Sub. for SB 272** be amended on page 12, in line 3, by adding \$2,839,997 to the dollar amount and by adjusting the dollar amount in line 3 accordingly;

Also, on motion of Rep. DeCastro, **H. Sub. for SB 272** be amended on page 12, in line 3, by adding \$1,800,000 to the dollar amount and by adjusting the dollar amount in line 3 accordingly;

Also, on motion of Rep. Henry to amend **H. Sub. for SB 272**, the motion did not prevail.

Also, on motion of Rep. Landwehr, **H. Sub. for SB 272** be amended on page 12, following line 5, by inserting the following material:

“For the fiscal year ending June 30, 2006 \$1,350,000
Provided, That the eligibility criteria for child care assistance during the fiscal year ending June 30, 2006, shall be reduced from 185% of the federal poverty level to 170% of the federal poverty level.”;

Also, on further motion of Rep. Landwehr, **H. Sub. for SB 272** be amended on page 14, in line 13, before the period, by inserting “: *Provided*, That all such expenditures by the board of nursing from such funds for fiscal year 2006 and fiscal year 2007 to pay for the costs of completing such clinical programs shall be for payments to postsecondary educational institutions or proprietary schools, as defined by K.S.A. 74-3201b and amendments thereto, which are located in Kansas for clinical programs offered in Kansas”;

Also, on further motion of Rep. Landwehr, **H. Sub. for SB 272** be amended , on page 40, following line 14, by inserting the following:

“(b) In addition to the other purposes for which expenditures may be made by the judicial branch from the state general fund or any special revenue fund for fiscal year 2006 as authorized by section 93 of 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature, notwithstanding the provisions of K.S.A. 2004 Supp. 38-1552a or any other statute, expenditures may be made by the judicial branch from the state general fund or any special revenue fund for fiscal year 2006 to continue the pilot projects initiated pursuant to K.S.A. 2004 Supp. 38-1552a in accordance with the same provisions and guidelines prescribed therefor during fiscal year 2005.”;

Also, on motion of Rep. Siegfried, **H. Sub. for SB 272** be amended on page 15, in line 30, by adding \$130,990 to the dollar amount and by adjusting the dollar amount in line 30 accordingly; following line 30, by inserting the following material to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the Kansas state school for the blind from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2006, as authorized by section 116 of 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the Kansas state school for the blind from moneys appropriated from the state general fund or any special revenue fund for the year ending June 30, 2006, (1) to pay to each person employed by the Kansas state school for the blind, as defined by K.S.A. 76-11a04 and amendments thereto, compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher

employed by unified school district no. 233, Olathe, Kansas, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the blind or (2) if no such teacher is employed by such school district during that time period, then to pay compensation such person employed by the Kansas state school for the blind shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher employed by unified school district no. 233, Olathe, Kansas, during such time period.”;

Also on page 15, in line 36, by adding \$330,732 to the dollar amount and by adjusting the dollar amount in line 36 accordingly; following line 36, by inserting the following material to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or any special revenue fund for the fiscal year ending June 30, 2006, as authorized by section 117 of 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature, expenditures shall be made by the Kansas state school for the deaf from moneys appropriated from the state general fund or any special revenue fund for the year ending June 30, 2006, (1) to pay to each person employed by the Kansas state school for the deaf, as defined by K.S.A. 76-11a04 and amendments thereto, compensation for such employment at a rate that is not less than the rate of compensation that is paid to a teacher employed by unified school district no. 233, Olathe, Kansas, who has comparable or substantially the same levels of education and experience as the person employed by the Kansas state school for the deaf, or (2) if no such teacher is employed by such school district during that time period, then to pay compensation such person employed by the Kansas state school for the deaf shall be paid compensation at a rate that is not less than the rate of compensation that would be paid to such a teacher employed by unified school district no. 233, Olathe, Kansas, during such time period.”;

Also, on motion of Rep. Sloan, **H. Sub. for SB 272** be amended on page 18, in line 29, by adding \$7,500 to the dollar amount which reads \$144,727 and by adjusting the dollar amount in line 29, which reads \$144,727 accordingly.;

Also, roll call was demanded on motion of Rep. Treaster to amend **H. Sub. for SB 272** on page 2, following line 32, by inserting the following:

“Business health partnership
For the fiscal year ending June 30, 2006..... \$500,000”;

On roll call, the vote was: Yeas 102; Nays 21; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Brown, Brunk, Carter, Edmonds, Flower, Humerickhouse, Hutchins, E. Johnson, Kelley, Kinzer, Knox, Krehbiel, McLeland, Merrick, F. Miller, Neufeld, Olson, Pilcher-Cook, Powell, Schwab, Siegfried.

Present but not voting: None.

Absent or not voting: Davis, Showalter.

The motion of Rep. Treaster prevailed.

Also, on motion of Rep. Holland, **H. Sub. for SB 272** be amended on page 30, following line 20, by inserting the following:

“(b) During the fiscal year ending June 30, 2006, no expenditures shall be made by the secretary of state from moneys appropriated for the implementation of the federal help America vote act of 2002 for the purpose of purchasing electronic voting machines unless

such machines print a contemporaneous paper record copy of each electronic ballot and allow each voter to confirm such voter's selections before the voter casts such voter's ballot.”;

Also, roll call was demanded on motion of Rep. Feuerborn to amend **H. Sub. for SB 272** on page 22, after line 33, by inserting the following:

“(h) The director of accounts and reports shall not make the transfer of \$717,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks which was authorized to be made on July 1, 2005, by section 38 of 2005 House Substitute for Senate Bill No. 272.”;

On roll call, the vote was: Yeas 63; Nays 58; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Beamer, Burroughs, Carlin, Colloton, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Huff, Huntington, Huy, Jack, Kelley, Kirk, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Newton, Novascone, O'Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, M. Holmes, Huebert, Humerickhouse, Hutchins, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Roth, Schwab, Schwartz, Shultz, Siegfried, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Davis, Grant, Horst, Showalter.

The motion of Rep. Feuerborn prevailed.

Also, on motion of Rep. McCreary, **H. Sub. for SB 272** be amended on page 24, after line 22, by inserting the following:

“(d) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of environment from the contamination remediation or use attainability accounts, or both, of the state water plan fund for fiscal year 2006 as authorized by section 99 of chapter 123 of the 2004 Session Laws of Kansas or section 109 of 2005 Senate Bill No. 225, expenditures may be made by the above agency from such accounts of the state water plan fund for fiscal year 2006 for additional landfill site analyses after the secretary of health and environment has certified such purpose and need to the governor therefor: *Provided*, That expenditures for such purpose from such accounts of the state water plan fund for fiscal year 2006 shall not exceed \$50,000; *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation imposed on such accounts of the state water plan fund for fiscal year 2006.”;

Also, on motion of Rep. Feuerborn, **H. Sub. for SB 272** be amended on page 21, in line 37, by adding \$717,000 to the dollar amount and by adjusting the dollar amount in line 37 accordingly;

Also, on motion of Rep. Neufeld, **H. Sub. for SB 272** be amended on page 21, following line 7, by inserting the following:

“(c) On the effective date of this act, the amount of \$1,654,514 authorized by section 26(b) of 2005 Senate Bill No. 225 to be transferred by the director of accounts and reports from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund on June 30, 2005, is hereby increased to \$2,030,471.”;

Also, on motion of Rep. Kelley, **H. Sub. for SB 272** be amended on page 40, following line 37, by inserting the following:

“Sec. 83. On and after the effective date of this act, during the fiscal year ending June 30, 2005, and during the fiscal year ending June 30, 2006, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2005 and fiscal year 2006 by chapter 123 or 184 of the 2004 Session Laws of Kansas or by 2005 Senate Bill No. 225 or by this or other appropriation act of the 2005 regular session of the legislature for media advertising by any agency of the

state of Kansas unless such advertising includes a disclosure that such advertising is funded, in whole or in part, by state taxpayers dollars, as the case may be.”

And by renumbering sections accordingly; and **H. Sub. for SB 272** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **H. Sub. for SB 272** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 272, 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; amending K.S.A. 2004 Supp. 82a-953a and section 187 of 2005 Senate Bill No. 225 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 82a-953a, as amended by section 186 of 2005 Senate Bill No. 225, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, 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, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Flora, Kuether, Svaty.

Present but not voting: None.

Absent or not voting: Davis, Showalter.

The substitute bill passed, as amended.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Krehbiel, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **SB 298** be adopted; also, on motion of Rep. Svaty be amended on page 22, following line 2, by inserting:

“Sec. 14. K.S.A. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

(1) The manufacture of domestic table wine and domestic fortified wine and the storage thereof;

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, clubs, drinking establishments and caterers;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee;

(4) the serving *free of charge* on the licensed premises *and at special events, monitored and regulated by the division of alcoholic beverage control*, of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments; and

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a farm winery licensee, the director may issue not to exceed ~~two~~ *three* winery outlet licenses to the farm winery licensee. A winery outlet license shall allow:

(1) The sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of wine manufactured by the licensee; and

(2) the serving on the licensed premises of samples of wine manufactured by the licensee or imported under subsection (f), if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments.

(c) Not less than 60% of the products utilized in the manufacture of domestic table wine and domestic fortified wine by a farm winery shall be grown in Kansas except when a lesser proportion is authorized by the director based upon the director's findings and judgment. The label of domestic wine and domestic fortified wine shall indicate that a majority of the products utilized in the manufacture of the wine at such winery were grown in Kansas.

(d) A farm winery having a capacity of ~~50,000~~ *100,000* gallons per year or more which sells wine to any distributor shall be required to comply with all provisions of article 4 of chapter 41 of the Kansas Statutes Annotated and of K.S.A. 41-701 through 41-705 and 41-709, and amendments thereto, in the same manner and subject to the same penalties as a manufacturer.

(e) A farm winery or winery outlet may sell domestic wine and domestic fortified wine in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 12 noon and 6 p.m. on Sunday. If authorized by subsection (a), a farm winery may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (f) and serve and sell domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor. If authorized by subsection (b), a winery outlet may serve samples of domestic wine, domestic fortified wine and wine imported under subsection (f) at any time when the winery outlet is authorized to sell domestic wine and domestic fortified wine.

(f) The director may issue to the Kansas state fair or any bona fide group of grape growers or wine makers a permit to import into this state small quantities of wines. Such wine shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such wine shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of wine to be imported, the quantity to be imported, the tasting programs for which the wine is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of wine pursuant to this subsection and the conduct of tasting programs for which such wine is imported.

(g) A farm winery license or winery outlet license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(h) No farm winery or winery outlet shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premise supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(i) Whenever a farm winery or winery outlet licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and order forfeiture of all fees paid for the license, after a hearing before the director for that purpose in accordance with the provisions of the Kansas administrative procedure act.

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

By renumbering sections accordingly;

Also on page 22, in line 3, before “K.S.A.” by inserting “K.S.A. 41-308a and”;

In the title, in line 13, after “41-302” by inserting “, 41-308a”;

Also, on motion of Rep. Sloan to amend **SB 298**, the motion did not prevail.

Also, on motion of Rep. Burroughs, **SB 298** be amended on page 22, following line 2, by inserting:

“New Sec. 14. (a) It shall be unlawful for any person to:

(1) Use any alcohol without liquid machine to inhale alcohol vapor or otherwise introduce alcohol in any form into the human body; or

(2) purchase, sell or offer for sale an alcohol without liquid machine.

(b) Violation of this section is a class A nonperson misdemeanor.

(c) As used in this section, “alcohol without liquid machine” means a device designed or marketed for the purpose of mixing alcohol with oxygen or another gas to produce a mist for inhalation for recreational purposes.”;

By renumbering sections accordingly; and **SB 298** be passed as amended.

Committee report to **SB 304** be adopted; also, on motion of Rep. Novascone to amend, Rep. Gordon requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the motion of Rep. Novascone, which did not prevail.

Also, on motion of Rep. Burroughs, **SB 304** be amended on page 2, in line 30, after the period by inserting “Such authority to issue bonds for a hall of fame, museum or tourist destination of national significance shall expire on December 31, 2007.”; and **SB 304** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **H. Sub. for SB 273; HB 2537; SB 298, SB 304** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 273, An act concerning the effective date of 2005 Senate Bill No. 225; amending section 198 of 2005 Senate Bill No. 225 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

The substitute bill passed.

HB 2537, An act reconciling amendments to certain statutes; amending K.S.A. 2004 Supp. 19-101a, 44-661, 44-820, 65-5703, 74-2622, 74-32,151, 8-135, as amended by section 1 of 2005 Senate Bill No. 23, 12-187, as amended by section 1 of 2005 Senate Bill No. 58, 12-189, as amended by section 2 of 2005 Senate Bill No. 58, 12-189, as amended by section 3 of this act; 12-192, as amended by section 3 of 2005 Senate Bill No. 58, K.S.A. 12-520, as amended by section 11 of 2005 House Bill No. 2083, K.S.A. 2004 Supp. 12-1770a, as amended by section 1 of 2005 Senate Substitute for House Bill No. 2144, 21-4619, as amended by section 2 of 2005 House Bill No. 2128, 21-4619, as amended by section 9 of this act, K.S.A. 40-3641, as amended by section 5 of 2005 House Bill No. 2326, K.S.A. 2004 Supp. 44-706, as amended by section 5 of 2005 Senate Bill No. 108, 60-1103b, as amended by section 15 of 2005 Senate Bill No. 258, 65-5603, as amended by section 1 of 2005 House Bill No. 2130, 74-50,115, as amended by section 1 of 2005 House Bill No. 2102 and 79-32,117, as amended by section 10 of 2005 House Bill No. 2222, and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, 44-661a, 44-820a, 65-688a, 65-5703a, 74-567a, 74-2622a, 74-32,151a, 74-4911h, 82a-714a, 8-135, as amended by section 1 of 2005 House Bill No. 2124, 12-187, as amended by section 1 of 2005 Senate Bill No. 105, 12-187, as amended by section 1 of 2005 Senate Bill No. 295, 12-189, as amended by section 1 of 2005 Senate Bill No. 13, 12-189, as amended by section 2 of 2005 Senate Bill No. 295, 12-192, as amended by section 3 of 2005 Senate Bill No. 295, 12-520, as amended by section 1 of 2005 House Substitute for Senate Bill No. 24, 12-1770a, as amended by section 1 of 2005 House Bill No. 2140, K.S.A. 2003 Supp. 21-4619, as amended by section 59 of chapter 154 of the 2004 Session Laws of Kansas, K.S.A. 2004 Supp. 21-4619, as amended by section 1 of 2005 House Bill No. 2466, K.S.A. 40-3641, as amended by section 3 of 2005 House Bill No. 2325, K.S.A. 2004 Supp. 44-706, as amended by section 1 of 2005 House Bill No. 2157, 60-1103b, as amended by section 2 of 2005 Senate Bill No. 112, 65-5603, as amended by section 2 of 2005 Senate Bill No. 116, 74-50,115, as amended by section 1 of 2005 House Bill No. 2164 and 79-32,117, as amended by section 1 of 2005 Senate Bill No. 256, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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

The bill passed.

SB 298, An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 41-208, 41-301, 41-302, 41-308a, 41-710, 41-712, 41-714 and 41-2704 and K.S.A. 2004 Supp. 19-101a, 41-303, 41-347 and 41-719 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 44; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Bethell, Brown, Burgess, Burroughs, Carlson, Carter, Colloton, Cox, Craft, Crow, DeCastro, Decker, Dillmore, Edmonds, Faber, Flaharty, Garcia, George, Goico, Gordon, Hawk, Henderson, Hill, M. Holmes, Horst, Huff, Huntington, Jack, D. Johnson, E. Johnson, Kiegerl, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Larkin, Loganbill, Long, Loyd, Mah, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, Jim Morrison, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Pauls, Peterson, Phelps, Pilcher-Cook, Pottorff, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Wilk, Winn, Yoder.

Nays: Aurand, Beamer, Brunk, Carlin, Dahl, Davis, Faust-Goudeau, Feuerborn, Flora, Flower, Freeborn, Gatewood, Grange, Grant, Hayzlett, Henry, Holland, C. Holmes, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kelsey, Kilpatrick, Kuether, Lane, Light, Mast, M. Miller, Judy Morrison, Myers, Neufeld, Newton, Owens, Peck, Powell, Treaster, Vickrey, Ward, Watkins, Weber, Williams, Yonally.

Present but not voting: None.

Absent or not voting: Showalter.

The bill passed, as amended.

SB 304. An act concerning the development finance authority; regarding authority to issue bonds; amending K.S.A. 2004 Supp. 74-8905 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 30; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Bethell, Brunk, Carter, Dahl, Decker, Dillmore, Edmonds, Faber, Hayzlett, Huebert, Hutchins, Huy, Kelley, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Light, Mast, McLeland, Merrick, F. Miller, Myers, Neufeld, Peck, Pilcher-Cook, Schwab, Shultz, Watkins.

Present but not voting: None.

Absent or not voting: Showalter.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Powell, the House proceeded to reconsider **HB 2014**, An act concerning the Kansas water authority; amending K.S.A. 2004 Supp. 74-2622 and repealing the existing section; also repealing K.S.A. 2004 Supp. 74-2622a.

The Governor's objection of **HB 2014** having been read, (see HJ, page 888) the question being, shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 83; Nays 41; Present but not voting: 0; Absent or not voting: 1.

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, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Pow-

ers, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Vickrey, Watkins, Weber, Wilk, Yoder, Yonally.

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

Present but not voting: None.

Absent or not voting: Showalter.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Mast, the House proceeded to reconsider **HB 2503**, An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions.

The Governor's objection of **HB 2503** having been read, (see HJ, page 889) the question being, shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 82; Nays 42; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, 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, Kilpatrick, Kinzer, Knox, Landwehr, Larkin, Light, Long, Mast, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Pilcher-Cook, Powell, Powers, Ruff, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Svaty, Swenson, Vickrey, Watkins, Weber, Wilk, Williams, Yoder.

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

Present but not voting: None.

Absent or not voting: Showalter.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS

The message from the Senate having been received announcing that the Senate has reconsidered the veto by the Governor of 2005 **SB 123**, An act concerning the state treasurer; authority to charge certain fees, and determined that such bill pass notwithstanding the Governor's veto, Rep. Schwab moved that the House reconsider the veto of 2005 **SB 123** (see Message from the Senate, morning portion of this Journal).

The Governor's objection of **SB 123** having been read, the question being, shall the bill pass notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 82; Nays 42; Present but not voting: 0; Absent or not voting: 1.

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, Kilpatrick, Kinzer, Knox, Krehbiel, Light, Loyd, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley,

O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Swenson, Vickrey, Watkins, Weber, Wilk, Yoder, Yonally.

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

Present but not voting: None.

Absent or not voting: Showalter.

A two-thirds majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 72**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 72**, submits the following report:

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

On page 2, by striking all in lines 42 and 43;

By striking all on pages 3 through 13 and inserting the following:

“New Sec. 2. (a) Trafficking is:

(1) Recruiting, harboring, transporting, providing or obtaining, by any means, another person knowing that force, fraud, threat or coercion will be used to cause the person to engage in forced labor or involuntary servitude; or

(2) benefitting financially or by receiving anything of value from participation in a venture that has engaged in acts set forth in subsection (a)(1).

(b) Trafficking is a severity level 2, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

New Sec. 3. (a) Aggravated trafficking is:

(1) Trafficking, as defined in section 1, and amendments thereto:

(A) Involving the commission or attempted commission of kidnapping, as defined in K.S.A 21-3420, and amendments thereto;

(B) committed in whole or in part for the purpose of the sexual gratification of the defendant or another; or

(C) resulting in a death; or

(2) recruiting, harboring, transporting, providing or obtaining, by any means, a person under 18 years of age knowing that the person, with or without force, fraud, threat or coercion, will be used to engage in forced labor, involuntary servitude or sexual gratification of the defendant or another.

(b) Aggravated trafficking is a severity level 1, person felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.”;

And by renumbering the remaining sections accordingly;

On page 14, in line 1, by striking “19-1910, 19-4444,”; also in line 1, by striking the third comma; in line 2, by striking all before “hereby” and inserting “is”;

In the title, in line 14, by striking all after the semicolon; by striking all in line 15; in line 16, by striking “19-1910, 19-”; in line 17, by striking “4444,”; also in line 17, by striking “, 21-4603d and 21-4729”; in line 18, by striking “sections” and inserting “section”;

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

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. Loyd, the conference committee report on **SB 72** was adopted.
Call of the House was demanded.

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

Yeas: Aurand, Ballard, 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, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, 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, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Beamer, Faber, Freeborn, Hayzlett, Humerickhouse, Hutchins, Light, Neufeld, Schwartz, Weber.

Present but not voting: None.

Absent or not voting: Kiegerl, Showalter.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on the Conference Committee Report on **SB 72**. I did support the original **SB 72** creating the crimes of trafficking and aggravated trafficking, however I do not support the provision put in the conference committee report that raises the threshold amount for a felony offense of giving a worthless check from \$500 to \$1000.—SHARON SCHWARTZ, BECKY HUTCHINS, JOE HUMERICKHOUSE

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2026**, submits the following report:

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

On page 3, in line 14, by striking "and"; in line 15, before the period, by inserting "; and in fiscal year 2009, \$5,500,000"; in line 17, by striking "2008" and inserting "2009"; in line 31, by striking "and 2007" and inserting ", 2007 and 2008";

On page 4, following line 9, by inserting:

"New Sec. 3. (a) As used in this section:

(1) "VoIP provider" means any provider of voice over internet protocol service (hereafter referred to as VoIP) other than a business which: (A) Does not provide such service to customers outside its business organization; or (B) provides VoIP service as a customer product secondary to the primary product sold by the business.

(2) "PSAP" has the meanings provided in the wireless enhanced 911 act.

(b) Each VoIP provider shall direct to the appropriate PSAP dispatcher any emergency 911 calls made by users of its VoIP service.;"

By renumbering sections 3 through 6 as sections 4 through 7;

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

KARIN S. BROWNLEE
NICK JORDAN
LAURA KELLY
Conferees on part of Senate

CARL DEAN HOLMES
CARL C. KREHBIEL
ANNIE KUETHER
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on **HB 2026** was adopted.

On roll call, the vote was: Yeas 74; Nays 49; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Carlin, Colloton, Cox, Craft, Crow, Davis, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Huntington, Jack, Kelsey, Kirk, Knox, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, Menghini, M. Miller, Judy Morrison, Myers, O'Malley, Otto, Owens, Peterson, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Williams, Winn, Yoder.

Nays: Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Dahl, DeCastro, Faber, Flower, George, Goico, Grange, Hayzlett, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kilpatrick, Kinzer, Landwehr, McLeland, Merrick, F. Miller, Jim Morrison, Neufeld, Newton, Novascone, O'Neal, Oharah, Olson, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Schwab, S. Sharp, Shultz, Siegfried, Watkins, Weber, Wilk, Yonally.

Present but not voting: None.

Absent or not voting: Kiegerl, Showalter.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2457**, submits the following report:

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

On page 6, in line 4, before the colon by inserting “, the supersedeas bond shall be set at the full amount of the judgment. If the appellant proves by a preponderance of the evidence that setting the supersedeas bond at the full amount of the judgment will result in the appellant suffering an undue hardship or a denial of the right to an appeal, then the court may reduce the amount of the supersedeas bond as follows”; in line 5, by striking “exceeds” and inserting “is less than or equal to”; also in line 5, by striking all after “\$1,000,000”; in line 6, by striking “\$100,000,000”; also in line 6, by striking “not exceed \$1,000,000” and inserting “be set at the full amount of the judgment”; in line 8, by striking all after “judgment”; in line 9, by striking all before the period and inserting “exceeds \$1,000,000 in value, the supersedeas bond shall be set at a total of \$1,000,000 plus 25% of any amount in excess of \$1,000,000”; in line 11, by striking “paragraph (A)” and inserting “paragraph (A)(i) or (A)(ii)”;

On page 7, in line 27, by striking all after the first comma; in line 28, by striking all before the last “the”;

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

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL

JEFF JACK

JANICE L. PAULS

Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **Sub. HB 2457** was adopted.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, 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, 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: Burroughs, Crow, Peterson.

Present but not voting: None.

Absent or not voting: Kiegerl, Showalter.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Kinzer, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, to suspend the rules for the purpose of considering **HB 2314**, the motion did not prevail.

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 2539, An act concerning crimes, punishment and criminal procedure; relating to methamphetamine; amending K.S.A. 2-1218, 21-2501a, as amended by section 9 of 2005 Senate Bill No. 27, and 65-7013 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6037—

By Representatives Horst, Roth and Svaty

A RESOLUTION congratulating and commending the Brown Mackie College men's basketball team and Coach Francis Flax for winning the 2005 National Junior College Athletic Association Division II basketball championship.

WHEREAS, The Brown Mackie College men's basketball team won the 2005 National Junior College Athletic Association Division II men's basketball championship with a thrilling 77 to 65 victory over Kirkwood, Iowa, in the championship game at Danville, Illinois, on March 26. This is the school's second championship having won the championship in 1999; and

WHEREAS, The Brown Mackie "Lions" basketball team finished the season with a record of 35 wins and one loss; and

WHEREAS, Named to the all-tournament team were point guard Dominic Bishop and guard Oliver Lafayette. Center James Williams was named the tournament's most valuable player; and

WHEREAS, The success of this team was due to its excellent teamwork, strong competitive spirit and determination to win. The team also had the enthusiastic support of the school's administrators, faculty and students: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Brown Mackie College men's basketball team and Coach Flax be congratulated and commended for winning the 2005 National Junior College Athletic Association Division II basketball championship; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send 12 enrolled copies of this resolution to Francis Flax, Brown Mackie College, 2106 South 9th Street, Salina, KS 67401.

HOUSE RESOLUTION No. 6038—

By Representatives Landwehr, Watkins, M. Miller and Carlin

A RESOLUTION memorializing the Congress of the United States to continue funding of the TRiO and GEARUP educational programs.

WHEREAS, The purpose of the federally authorized and funded TRiO Upward Bound and Talent Search programs and GEARUP programs is to increase the number of low-income and first generation students who are prepared to enter and succeed in post-secondary education; and

WHEREAS, TRiO Upward Bound and Talent search programs in Kansas receive \$6,774,687 of federal funding to positively affect the lives of over 6,800 Kansas students, and GEARUP programs receive \$10,390,845 of federal funding and an additional amount of nonfederal funding of \$2,500,000 to positively affect the lives of 13,343 Kansas students; and

WHEREAS, These programs have proven to be highly successful in helping these students complete their K-12 education and succeed in postsecondary educational programs; and

WHEREAS, The federal administration's 2006 budget proposal eliminates these programs with the intent of shifting the funding to begin new initiatives. Such initiatives are unproven and may not provide the positive outcomes of these existing programs, thereby putting many of these 20,000 plus students in jeopardy of being educationally disenfranchised: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the body urges congress to continue the funding of these programs which so dramatically affect the lives of our citizens, and entreats the Kansas congressional delegation to work diligently toward that end; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas congressional delegation.

HOUSE RESOLUTION No. 6039—

By Representatives Larkin and Schwartz

A RESOLUTION in memory of Maj. Gen. (Ret) James F. Rueger.

WHEREAS, Maj. Gen. (Ret) James F. Rueger of Beattie, and the former Adjutant General for the state of Kansas, died April 16 at the age of 67; and

WHEREAS, General Rueger was appointed the Adjutant General December 1, 1990, and served in this capacity until February 9, 1999. He gave 42 years of service to the Kansas National Guard commencing in 1957, including six years as an enlisted man. He was activated for federal service twice, in 1961 for the Berlin crisis and in 1968 for the Vietnam war; and

WHEREAS, Among the many decorations and recognitions he received were the naming of the softball complex at 2801 SW Kansas Avenue in Topeka in his name in 1999 and induction into the Kansas National Guard Hall of Fame in 2004. He also served as the President of the National Guard Association of Kansas; and

WHEREAS, A graduate of Kansas State University, General Rueger owned and operated a farm in Marshall County and was a substitute art and social science instructor at Marysville High School; and

WHEREAS, Survivors include his wife, Kathie, of rural Beattie; a daughter, Jennifer Anne Rueger, of Topeka; a son, John Whitten Rueger, of Olathe and two grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor the memory of this patriotic Kansan and express our deepest sympathy to his family and friends; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide three enrolled copies of this resolution to Mrs. James Rueger, 1966 Cherokee Road, Beattie, KS 66406.

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

Speaker pro tem Merrick called the House to order.

MESSAGE FROM THE SENATE

Announcing passage of **SB 117, SB 296.**

Announcing passage of **HB 2108, HB 2320, HB 2399.**

Announcing passage of **HB 2482**, as amended by **S. Sub. for HB 2482; HB 2507**, as amended by **S. Sub. for HB 2507.**

Announcing adoption of **HCR 5014.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 117, SB 296.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2507.**

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2482** and asked for a conference.

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

On motion of Rep. Neufeld, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2507** and asked for a conference.

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

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

Speaker pro tem Merrick called the House to order.

MESSAGE FROM THE SENATE

The Senate nonconcurrred in House amendments to **H. Sub. for SB 272**, requests a conference and has appointed Senators Umbarger, Barnett and Barone as conferees on the part of the Senate.

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 272.**

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

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Friday, April 29, 2005.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

