

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Wednesday, February 8, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Winn was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of the seasons of our world and the seasons of our lives, praise be your holy name this day!

How quickly things change, Lord. One day we are seeing jonquils preparing to bloom and the next day there is threat of snow. One day it's springtime in January and the next it's truly winter. We suspect that there are more changes to come—at least that is the way it has always been.

What is true in the world is true in our lives: one day we look in the mirror and we look like we remember our parents looking or our grandparents. We realize that the trivial things that used to be important to us have faded as the truly important things have become part of our existence. Maturing is such a humbling experience.

Perhaps that is true of our work here as well, we come enjoying a warm spring of hope and possibilities and are then sometimes hit with a cold blast of reality. We think that we're past some difficulty and then the winds change. Legislating is such a humbling experience.

Remind us, O Lord, that you are our God in season and out of season and that your grace and love for us is changeless. Amen.

The Pledge of Allegiance was led by Rep. Faber.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2856, An act concerning the department of commerce; relating to the IMPACT program repayment fund; amending K.S.A. 2005 Supp. 74-50,107 and repealing the existing section, by Committee on Economic Development.

HB 2857, An act concerning the homestead property tax refund act; relating to computation of amount of claim; amending K.S.A. 2005 Supp. 79-4508 and repealing the existing section, by Representatives Mah, Ballard, Carlin, Crow, Dillmore, Feuerborn, Flaharty, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Kirk, Kuether, Loganbill, Long, Menghini, M. Miller, Pauls, Phelps, Ruiz, Sawyer, B. Sharp, Thull, Treaster, Trimmer, Ward and Winn.

HB 2858, An act concerning service contracts; pertaining to the definition thereof; amending K.S.A. 2005 Supp. 40-201a and repealing the existing section, by Committee on Insurance.

HB 2859, An act concerning the homestead property tax refund act; relating to computation of amount of claim; amending K.S.A. 2005 Supp. 79-4508 and repealing the existing section, by Committee on Taxation.

HB 2860, An act relating to tuition at state educational institutions; concerning the fixing of tuition rates, by Committee on Federal and State Affairs.

HB 2861, An act concerning public assistance; relating to persons convicted of a controlled substance related felony, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5036—

By Committee on Governmental Organization and Elections

A PROPOSITION to revise article 10 of the constitution of the state of Kansas, relating to redistricting of legislative districts, state board of education districts and congressional districts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 10 of the constitution of the state of Kansas is hereby revised to read as follows:

“Article 10. — LEGISLATIVE, STATE BOARD OF
EDUCATION AND CONGRESSIONAL REDISTRICTING

“§ 4. **Redistricting required; basis.** (a) Kansas house of representatives districts, Kansas senate districts, state board of education districts and United States congress districts shall be redistricted in 2012 and every 10th year thereafter, as provided by this article.

(b) Redistricting of Kansas house of representatives districts, Kansas senate districts, state board of education districts and congressional districts shall be based upon the population of the state of Kansas as established by the most recent actual enumeration of population taken and published by the United States bureau of the census.

“§ 5. **Establishment of redistricting commission.** (a) A redistricting commission shall be established to recommend to the legislature redistricting plans for Kansas house of representatives districts, Kansas senate districts, state board of education districts and United States congress districts.

(b) The redistricting commission shall consist of five members who shall be retired judges of the Kansas court of appeals or retired justices of the Kansas supreme court. One member each shall be appointed by the president of the Kansas senate, the minority leader of the Kansas senate, the speaker of the Kansas house of representatives and the minority leader of the Kansas house of representatives. Such members shall be appointed not later than the 10th legislative day of the regular legislative session in the year before the year when redistricting is required. The fifth member shall be the chairperson of the commission and shall be selected by the members appointed pursuant to this subsection from nominees submitted pursuant to subsection (d). The legislature shall provide by law for legislative staff to call a meeting of the voting members of the commission for the purpose of selecting the chairperson. If the chairperson is not selected within 20 legislative days after the last of the four voting members is appointed, the chief justice of the Kansas supreme court, within 30 legislative days after the last of the four voting members is appointed, shall select the chairperson from among persons nominated pursuant to subsection (d).

(c) Each member of the redistricting committee shall be a qualified voter of the state of Kansas. A person shall not be eligible to serve as a member of the commission if such person:

(1) Holds or, within the preceding 24 months, has held any federal, state or local office;

(2) is a relative or employee of any Kansas legislator, member of the Kansas state board of education or representative for Kansas to the United States house of representatives;

(3) is or, within the preceding 24 months, has been a registered lobbyist registered in the state of Kansas; or

(4) is an officer of any political party.

(d) On or before the 10th legislative day of the regular legislative session in the year before the year when redistricting is required, the supreme court nominating commission shall nominate and submit to legislative staff, as provided by statute, six qualified voters of the state of Kansas from among whom the chairperson of the redistricting commission shall be selected. Not more than three of the nominees shall be members of any one political party.

(e) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment.

(f) The redistricting commission shall meet on call of the chairperson of the commission.

(g) Members of the redistricting commission shall receive compensation and reimbursement of expenses in the same manner and amounts as provided for legislators attending meetings of the legislature. The legislature shall provide for legislative staff to staff the commission and shall provide for office space, equipment and materials adequate for the commission to carry out its duties.

(h) The terms of members of the redistricting commission shall expire on July 1 of the year when redistricting occurs pursuant to this article and the commission shall be inactive until reestablishment of the commission at the time of the next redistricting pursuant to this article.

”§ 6. Commission procedure and recommendations. (a) The redistricting commission shall establish such rules and procedures as necessary to carry out the commission’s functions. Such rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members regarding matters before the commission. *Ex parte* communications with members of the commission in relation to the merits of matters before the commission shall be prohibited.

(b) All meetings of a majority of a quorum of the commission or subcommittees of the commission shall be open to the public.

(c) In recommending redistricting plans, the redistricting commission shall consider the following, in descending order from highest to lowest priority: Equality of population as required by law; protection of voting rights of racial, ethnic and language minority groups as required by law; preservation of political subdivisions; contiguity and compactness of districts; and avoidance of placing more than one incumbent in a district.

In recommending congressional redistricting plans, the commission shall not divide any city between two or more districts unless necessary to achieve equality of population as required by law or to protect voting rights of racial, ethnic and language minority groups, as required by law. In recommending Kansas house of representatives districts and Kansas senate districts, the commission shall ensure that the number of counties and cities divided between two or more districts is as small as possible and that, when such districts would divide political subdivisions, preference is given to dividing the most populous subdivisions.

(d) Except as expressly provided in this subsection, the commission shall not intentionally develop districts that favor or discriminate against any candidate, political party or other person or group of persons. To ensure compliance with the provisions of this subsection, political affiliation of voters, election results and demographic data other than that required to comply with federal law shall not be considered by the commission in recommending any redistricting plan.

“§ 7. Proposed plans; legislative action; court review and action. (a) Prior to release by the United States bureau of the census of the population data upon which redistricting is based, the redistricting commission shall meet for orientation, education and training of commission members. Within 30 days after such release of the population data, the commission shall establish a schedule of public hearings. Such hearings shall be held within 90 days after release of such data and at least one

hearing shall be held in each state board of education district. On or before September 1 of the year before the year when redistricting is required, the commission shall make public an official report of the public hearing conducted by the commission.

(b) On or before December 1 of the year before the year when redistricting is required, the redistricting commission shall make public proposed plans for redistricting Kansas house of representatives districts, Kansas senate districts, Kansas state board of education districts and United States congress districts. On or before the first day of the regular legislative session in the year when redistricting is required, the redistricting commission shall introduce in the house of representatives a bill redistricting congressional districts in accordance with the plan proposed pursuant to subsection (a) and shall introduce in the senate a bill redistricting Kansas senate districts, Kansas house of representatives districts and state board of education districts in accordance with the plans proposed pursuant to subsection (a). Such bills shall not be subject to amendment by either house of the legislature and each such bill shall be acted upon by each house not earlier than five legislative days nor later than 10 legislative days after such bill is introduced in such house.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 21 legislative days after rejection of the bill by either house of the legislature or veto of the bill by the governor, shall introduce another bill redistricting such districts. Either the house of representatives or the senate may transmit to the commission a letter stating the reasons why the bill was not enacted and the commission shall take such reasons into consideration in introducing a bill pursuant to this subsection, subject to the requirements of subsection (c) of section 6. Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the senate president and the minority leader of the senate. Introduction of a bill pursuant to this subsection shall be in the same house as introduction of the original bill pursuant to subsection (b). Such bill shall not be subject to amendment by either house and shall be acted upon by each house not earlier than five legislative days nor later than 10 legislative days after the bill is introduced in such house.

(d) If a bill introduced pursuant to subsection (c) is not enacted, the redistricting commission, within 21 legislative days after rejection of the bill by either house of the legislature or veto of the bill by the governor, shall introduce another bill redistricting such districts. Either the house of representatives or the senate may transmit to the commission a letter stating the reasons why the bill was not enacted but the commission shall not be required to take such reasons into consideration in introducing a bill pursuant to this subsection. Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the senate president and the minority leader of the senate. Introduction of a bill pursuant to this subsection shall be in the same house as introduction of the original bill pursuant to subsection (b). Such bill shall be subject to amendment by each house, subject to the requirements of subsection (c) of section 6. Such bill shall be acted upon by each house not earlier than seven legislative days nor later than 21 legislative days after the bill is introduced in such house.

(e) Redistricting bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election and thereafter until again such districts are redistricted, except that the senate districts shall be effective for the next following regular election at which all senators are elected.

(f) If no bill becomes law to redistrict any districts as required by this article or if a law redistricting any districts as required by this article is declared invalid by the Kansas supreme court, the supreme court shall redistrict such districts in accordance with law, making as little change as practicable in the existing districts and taking into consideration only the requirements of this constitution and federal law. The legislature shall make staff and technical resources available to the supreme court for use in redistricting such districts.

(g) The Kansas supreme court shall have original jurisdiction in all proceedings concerning the validity of any law redistricting any districts as required by this article. The redistricting commission or the attorney general may file an action in the Kansas supreme court to determine the validity of any law redistricting any districts as required by this article.

“§ 8. **Implementing legislation.** The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions.”

Sec. 2. The following statement shall be printed on the ballot with the revision as a whole:

“*Explanatory statement.* This revision of article 10 of the state constitution would govern redistricting of legislative, state board of education and congressional districts. Under the revision a redistricting commission would be established to recommend redistricting plans to the legislature. The legislature would enact a plan which would be subject to review by the state supreme court. There would be strict deadlines for legislative action and if no plan is adopted by the deadline, the state supreme court would redistrict the districts. Redistricting would be based on the most recent census taken by the U.S. bureau of the census without adjustment.

“A vote for this proposition would change the procedure for redistricting of legislative, state board of education and congressional districts and the population data on which legislative and state board of education redistricting is based.

“A vote against this proposition would continue the current procedures and basis for redistricting.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2006 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2833, HB 2834, HB 2835, HB 2836.**

Appropriations: **HB 2847.**

Commerce and Labor: **HB 2837, HB 2839, HB 2841.**

Federal and State Affairs: **HB 2838, HB 2848, HB 2849, HB 2850.**

Governmental Organization and Elections: **HB 2840.**

Health and Human Services: **HB 2852, HB 2853, HB 2855.**

Taxation: **HB 2851.**

Transportation: **HB 2845, HB 2854.**

Utilities: **HB 2842, HB 2843, HB 2844.**

Wildlife, Parks and Tourism: **HB 2846.**

CONSENT CALENDAR

No objection was made to **HB 2583** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2595, HB 2673** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2595. An act designating the Anthony 9/11 memorial as the Kansas 9/11 memorial, 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, Ed-

monds, 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, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Master-son, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Winn.

The bill passed.

HB 2673. An act concerning oil and gas; requiring information; amending K.S.A. 55-1622 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, 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, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Master-son, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Winn.

The bill passed.

HB 2394. An act concerning the procurement of design and construction services for state public improvements contracts; enacting the Kansas alternative project delivery building construction procurement act, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; 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, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Faber, Gatewood.

Present but not voting: None.

Absent or not voting: Winn.
The bill passed, as amended.

HB 2574, An act concerning the state board of regents; relating to the disposition of property acquired by devise; amending K.S.A. 74-3254 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 17; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Otto, Owens, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Beamer, Carlson, Dahl, Faber, Freeborn, Huebert, Huy, Landwehr, McCreary, McKinney, Olson, Pauls, Peck, Pilcher-Cook, Powers, Siegfried, Ward.

Present but not voting: None.
Absent or not voting: Winn.
The bill passed.

HB 2593, An act concerning the state board of regents; authorizing the board to procure certain insurance; amending K.S.A. 75-4101 and K.S.A. 2005 Supp. 75-6501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 14; 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, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Yoder, Yonally.

Nays: Dillmore, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Kirk, Kuether, Lane, Loganbill, Swenson, Treaster, Trimmer, Wolf.

Present but not voting: None.
Absent or not voting: Winn.
The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no. Rep. Kelsey's amendment may have been misunderstood by this body due to the speed of its passage. His amendment would prevent insurance coverage of an abortion procedure for a woman who needs it to save her life. Let's defeat this bill, bring it back into the committee of the whole and have another look at the Kelsey amendment. I'm pro-life, but sometimes an abortion is the only thing that can save a life, but sometimes an abortion is the only thing that can save a woman's life. I vote no on **HB 2593**.—DALE SWENSON

MR. SPEAKER: On **HB 2593** I vote yes due to the need to assist students and their dependents with options for health care and accident insurance coverage not now available or which they cannot afford. I voted no on the Kelsey amendment as it restricts such benefits

where medical action may be necessary, in appropriate medical judgment, for the preservation of the life or health of the mother, especially so where that woman may have been raped. The life of any woman who may need the medical attention such amendment will prohibit is important, and ought to be preserved and insured.—WARD LOYD

HB 2599, An act concerning the Kansas consumer protection act; relating to dissemination of electronic mail addresses and certain unsolicited facsimile transmissions; prohibiting certain acts and providing remedies and penalties for violations, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 12; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Brunk, Burgess, Carter, Huy, Kiegerl, Kinzer, Mast, Masterson, McLeland, Pilcher-Cook, Powers, S. Sharp.

Present but not voting: None.

Absent or not voting: Winn.

The bill passed, as amended.

HB 2691, An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2005 Supp. 40-2258 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, 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, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Winn.

The bill passed.

SB 349, An act concerning telecommunications; relating to the Kansas universal service fund; amending K.S.A. 66-2008 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faber, Faust-Gou-

deau, Feuerborn, Flaharty, Flora, 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, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Dillmore.

Present but not voting: Krehbiel.

Absent or not voting: Winn.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Hutchins to amend **HB 2581**, Rep. Kirk requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Hutchins to amend on page 1, after line 13, by inserting the following:

"New Section 1. (a) This section may be cited as the children's internet protection act.

(b) As used in this section:

(1) "Electronic material harmful to minors" means any electronic source of print, picture, figure, image, description, film or recording which is harmful to minors, as defined in K.S.A. 21-4301c, and amendments thereto.

(2) "Internet filtering technology" means a device or technology which reduces access or exposure to internet web sites which contain or make reference to electronic material harmful to minors.

(3) "Minor" means any unmarried person under 18 years of age.

(4) "Public library" means any library maintained by a city, county, township or library district, or any combination thereof, and supported in whole or in part by public moneys.

(c) Except as provided by subsection (d), every public library shall require use of internet filtering technology for any of such library's computers while such computer is being used by a minor.

(d) A public library, or an officer, employee or agent thereof, may allow a minor to use a library computer for which internet filtering technology is not provided if the parent or guardian of such minor has given the library written consent for such minor to have access to the internet without use of internet filtering technology.

(e) No public library shall check out or issue any video, DVD, film or other material in a visual medium to:

(1) A person who, under the voluntary movie rating system of the motion picture association of America, would not be admitted to view such video, DVD, film or other material; or

(2) a person who is unaccompanied by a parent or adult guardian and who, under the voluntary movie rating system of the motion picture association of America, would be required to be accompanied by a parent or adult guardian to be admitted to view such video, DVD, film or other material.

(f) The provisions of this section shall not be construed to:

(1) Prohibit any adult from having unfiltered or unrestricted access to the internet or an online service; or

(2) preempt the regulation of obscenity by municipalities.

(g) If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which

can be given effect without the invalid provision or application. To this end the provisions of this act are severable.

New Sec. 2. (a) Prior to receiving any grant-in-aid for calendar year 2007 pursuant to the state grants-in-aid to libraries act, a library shall certify to the state librarian that the library is undertaking action to comply with the provisions of section 1, and amendments thereto.

(b) Prior to receiving any grant-in-aid for calendar year 2008, or any calendar year thereafter, pursuant to the state grants-in-aid to libraries act, a library shall certify to the state librarian that the library is in compliance with the provisions of section 1, and amendments thereto.

(c) If a library fails to submit certification as required by this section, the library shall be ineligible to receive any grant-in-aid pursuant to the state grants-in-aid to libraries act until the library certifies such compliance.

(d) This section shall be part of and supplemental to the state grants-in-aid to libraries act.”;

And by renumbering sections accordingly;

In the title, in line 10, before “amending” by inserting: “enacting the children’s internet protection act; prohibiting certain acts and providing remedies for violations;”

Roll call was demanded.

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

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Malley, O’Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Williams, Wolf, Yoder.

Nays: Aurand, Cox, Crow, Flaharty, Flora, Gordon, Henderson, Hill, Huff, Huntington, Kuether, Phelps, Roth, Sloan, Wilk, Yonally.

Present but not voting: None.

Absent or not voting: Loyd, Winn.

The motion of Rep. Hutchins prevailed.

Also, roll call was demanded on motion of Rep. Ward to amend **HB 2581** by adding new section 3, following subsection (d) of new section 2:

“New Sec. 3. No library shall be required to comply with the provisions of this act until such time as the state of Kansas appropriates sufficient funds to pay for internet filtering technology.”;

On roll call, the vote was: Yeas 69; Nays 53; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, McLeland, Menghini, M. Miller, O’Malley, Owens, Pauls, Peterson, Phelps, Pottorff, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Beamer, Bethell, Brown, Brunk, Carlson, Carter, Dahl, DeCastro, Decker, Edmonds, Freeborn, George, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Mast, Masterson, Mays, McCreary, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Proehl, Schwab, Schwartz, Shultz, Siegfried, Watkins, Weber.

Present but not voting: None.

Absent or not voting: Garcia, Goico, Winn.
The motion of Rep. Ward prevailed; and **HB 2581** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Education** recommends **HB 2585** be passed.

Committee on **Governmental Organization and Elections** recommends **HB 2759** 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 **Taxation** recommends **HB 2681, HB 2794** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **SB 372** be passed.

Committee on **Utilities** recommends **HB 2592** be amended on page 1, preceding line 38, by inserting new material to read as follows:

“(d) A utility owned or operated by a municipality may require a deposit to be paid by a customer, but such deposit shall not exceed the amount of an average expected month’s bill for use of the utility’s service.”;

Also on page 1, in line 38, by striking “(d)” and inserting “(e)”; in line 42, preceding the period by inserting “but does not include any rural water district organized pursuant to K.S.A. 82a-612 et seq., and amendments thereto”;

On page 2, in line 2, by striking “12-1,124” and inserting “12-6,124”;

In the title, in line 11, by striking “12-1,124” and inserting “12-6,124”; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2862, An act concerning water; relating to Cedar Bluff reservoir, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2394, HB 2593, HB 2599 reported correctly engrossed February 7, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 9, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

