

Journal of the House

TWENTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Tuesday, February 14, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Reps. Flora and Kuether were excused on verified illness.
Rep. Kilpatrick was excused on excused absence by the Speaker.
Present later: Rep. Kilpatrick.

Prayer by Chaplain Chamberlain:

O God of perfect love, you invite us to love others as you first loved us. You show us the way, the truth, and the life and invite us to understand that there is nothing that you will not do for us. Thank you, Lord, for the gift of your love and for all that flows from it.

On this Valentine's Day, when we share hearts and flowers and chocolates and cards to express our affection and love for one another, remind us again of the blessing of love and the joy of love. Guide us to a deeper acceptance of the responsibilities of love. Make our love for one another an agape love that is self-giving. Help us to love one another as you first loved us.

Hear our special prayer this day for those whose duties keep them away from home and those they love: for the men and women in our military in foreign lands, for legislators away from family, and for all others who give of themselves in service to us. For these acts of sacrifice and love, we give you thanks. Amen.

The Pledge of Allegiance was led by Rep. Storm.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2899, An act concerning animals; relating to feral swine; penalties; amending K.S.A. 2005 Supp. 47-1809 and repealing the existing section, by Committee on Agriculture.

HB 2900, An act concerning oil refineries; providing for certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; relating to certain permits; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2901, An act concerning certain pipelines; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2006 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2902, An act concerning certain nitrogen fertilizer plants; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2903. An act concerning cellulosic alcohol plants; providing certain income tax credits, income tax deductions and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2904. An act concerning electric generation facilities; providing certain income tax credits and property tax exemptions relating thereto; providing for issuance of bonds and other financing for certain purposes; exempting certain facilities from certain siting requirements; amending K.S.A. 66-1,158, 66-1,159, 66-1,159a, 66-1,161, 66-1,162, 66-1,169a and 66-1,169b and K.S.A. 2005 Supp. 66-1,160 and 79-32,117 and repealing the existing sections, by Committee on Utilities.

HB 2905. An act supplementing the Kansas consumer protection act; relating to certain contracts for sale of home heating oil, kerosene or liquefied petroleum gas; declaring certain acts to be unconscionable acts and providing remedies therefor, by Representative Holland.

HB 2906. An act relating to the Kansas state high school activities association; relating to the powers and duties thereof; concerning debate and music activities, by Representative Holland.

HB 2907. An act concerning law enforcement continuing education and training; concerning appropriations for fiscal year ending June 30, 2007, for the Kansas law enforcement training commission; income tax credits; amending K.S.A. 74-5601, 74-5607a, 74-5608a, 74-5616 and 74-5619 and K.S.A. 2005 Supp. 74-5602, 74-5607 and 74-5611a and repealing the existing sections, by Representative Brunk.

HB 2908. An act concerning criminal street gangs; relating to criminal activity; amending K.S.A. 2005 Supp. 22-3901 and repealing the existing section, by Representatives Brunk, DeCastro, Dillmore, Faust-Goudeau, Flaharty, Garcia, Goico, Grange, M. Holmes, Huebert, Huy, E. Johnson, Kelley, Kelsey, Landwehr, Loganbill, Mast, McCreary, McLeland, O'Neal, Pauls, Pottorff, Powers, Sawyer, Swenson, Thull, Treaster, Ward and Watkins.

HB 2909. An act concerning taxation; relating to homestead property tax refunds; definition of income; amending K.S.A. 2005 Supp. 79-4502 and repealing the existing section, by Representative Burgess.

CORRECTION OF REFERENCE

Speaker Mays announced **HB 2896** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Governmental Organization and Elections, should be corrected to be referred to Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2892, HB 2897.**

Environment: **HB 2890.**

Insurance: **HB 2889.**

Judiciary: **HB 2891, HB 2893, HB 2895, HB 2898; HCR 5039.**

Select Committee on Veterans Affairs: **HB 2894.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2880** from Committee on Appropriations and referral to Committee on Judiciary.

Also, the withdrawal of **HB 2223** from Committee on Health and Human Services and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2256** from Committee on Appropriations and rereferral to Committee on Health and Human Services.

COMMUNICATIONS FROM STATE OFFICERS

From William V. Minner, Executive Director, Kansas Human Rights Commission, Annual Report Fiscal Year 2005.

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

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2352** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **HB 2634**, **HB 2678**, **HB 2705**, **HB 2856** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2806** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2806, An act amending the uniform consumer credit code; relating to mortgages; amending K.S.A. 2005 Supp. 16a-3-308a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed.

HB 2541, An act concerning marriage; relating to the ages of the parties; amending K.S.A. 2005 Supp. 23-106 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kiegerl, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Winn, Wolf, Yoder, Yonally.

Nays: Huy.

Present but not voting: None.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I'm somewhat conflicted by **HB 2541**. Although I do not embrace underage marriages, my youngest sister was married at 15 to a 23 year old with my mother's unenthusiastic consent. They have raised five children and she and her husband just celebrated their 50th wedding anniversary. Loretta Lynn was married at 13 with her parent's consent to a much older man and remained married to him until his death. Many of these marriages do work out. Again government is interfering with the rights of parents to raise their children. After much thought and consideration, I vote no.— BONNIE HUY

HB 2585, An act relating to school districts; relating to changing board member district boundaries; amending K.S.A. 72-6769 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Garcia, George, Goico, Gordon, Grange, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Beamer, Cox, Davis, Faber, Freeborn, Gatewood, Grant, Trimmer.

Present but not voting: None.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed.

HB 2592, An act concerning municipalities; relating to utilities services; also repealing K.S.A. 2005 Supp. 12-631k, 12-631z, 12-6,124, 12-860, 14-569 and 19-2765b, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, 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, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, 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, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dillmore, Faber, Lane, McKinney, Owens, Pauls, Thull, Treaster.

Present but not voting: None.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed, as amended.

HB 2669, An act concerning automatic enrollment retirement plans; relating to the withholding of wages; amending K.S.A. 44-319 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed, as amended.

SB 269. An act concerning real estate brokers and salespersons; relating to licensure; relating to escrow accounts; relating to prohibited acts; amending K.S.A. 58-3039, 58-3062, 58-3077 and 58-30,113 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: Watkins.

Absent or not voting: Flora, Kilpatrick, Kuether.

The bill passed, as amended.

SB 372. An act regulating traffic; concerning the width of certain vehicles; amending K.S.A. 8-1902 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, 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, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Ward.
 Present but not voting: None.
 Absent or not voting: Flora, Kilpatrick, Kuether.
 The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2619** be adopted; also, on motion of Rep. Siegfried be amended on page 3, in line 5, by striking "100%" and inserting "80%"; in line 17, by striking "80%" and inserting "60%"; in line 30, by striking "60%" and inserting "40%"; in line 43, by striking "40%" and inserting "20%";

On page 4, in line 5, by striking all after "(6)"; by striking all in lines 6 through 17; in line 18, by striking "(7)"; in line 20, by striking "1, 2013" and inserting "15, 2012";

Also, on further motion of Rep. Siegfried, **HB 2619** be amended on page 2, in line 27, by striking "tax"; in line 28, by striking all before "by" and inserting "taxes levied"; in line 31, by striking "tax receipts for ad"; in line 32, by striking "valorem taxes imposed" and inserting "taxes levied"; in line 35, by striking all after "distribution"; by striking all in lines 36 and 37; in line 38, by striking "ment"; in line 40, by striking "tax"; in line 41, by striking all before "by" and inserting "taxes levied";

On page 3, in line 1, by striking "tax receipts for ad"; in line 2, by striking "valorem taxes imposed" and inserting "taxes levied"; in line 5, by striking all after "distribution"; by striking all in lines 6 and 7; in line 8, by striking "ment"; in line 11, by striking all before "by" and inserting "levied"; in line 14, by striking "tax receipts" and inserting "taxes levied"; in line 18, by striking all after "distribution"; by striking all in line 19; in line 20, by striking all before "as"; in line 24, by striking all before "by" and inserting "levied"; in line 27, by striking "tax receipts" and inserting "taxes levied"; in line 31, by striking all after "distribution"; by striking all in line 32; in line 33, by striking all before "as"; in line 37, by striking all before "by" and inserting "levied"; in line 40, by striking "tax receipts" and inserting "taxes levied";

On page 4, in line 1, by striking all after "distribution"; by striking all in line 2; in line 3, by striking all before "as"; in line 7, by striking all before "by" and inserting "levied"; in line 10, by striking "tax receipts" and inserting "taxes levied"; in line 14, by striking all after "distribution"; by striking all in line 15; in line 16, by striking all before "as"; in line 20, by striking "1" and inserting "15";

Also, on motion of Rep. Powell to amend **HB 2619**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Mah to amend **HB 2619** on page 8, after line 43, by inserting the following:

"Sec. 5. K.S.A. 2005 Supp. 79-4508 is hereby amended to read as follows: 79-4508. (a) (1) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act *by a claimant other than a claimant as described in subsection (a)(2)* shall be computed by deducting the amount computed under column (2) from the amount of claimant's property tax accrued and/or rent constituting property tax accrued.

(1)		(2)
Claimants household income		Deduction from property tax accrued and/or rent constituting property tax accrued
At least	But not more than	
\$0	\$3,000	\$0
3,001	4,000	12%
4,001	26,300 27,000	12% plus 4% of every \$1,000, or fraction thereof, of income in excess of \$4,001

(2) Commencing in the tax year beginning after December 31, 2005, the amount of any claim pursuant to this act *by a claimant who is a person who is 65 years of age or older*

shall be computed by deducting the amount computed under column (2) from the amount of the claimant's property tax accrued or rent constituting property tax accrued, or both.

(1)		(2)
Claimants household income		Deduction from property tax accrued or rent constituting property tax accrued, or both
At least	But not more than	
\$0	\$3,000	\$0
3,001	4,000	6%
4,001	50,000	6% plus 2% of every \$1,000, or fraction thereof, of income in excess of \$4,001

(b) The director of taxation shall prepare a table under which claims under this act shall be determined. The amount of claim for each bracket shall be computed only to the nearest \$1.

(c) The claimant may elect not to record the amount claimed on the claim. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of the allowable claim.

(d) In the case of all tax years commencing after December 31, 2004, the upper limit threshold amount prescribed in ~~this section~~ subsections (a)(1) and (a)(2), shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.”;

And by renumbering sections accordingly;

On page 9, in line 1, by striking “and” and inserting a comma; also in line 1, after “79-213” by inserting “and 79-4508”;

On page 1, in the title, in line 10, by striking “property”; also in line 10, after “to” by inserting “property tax”; in line 12, before “amending” by inserting “homestead property tax refund act, computation of claims;”; in line 13, by striking “and” the first time it appears and inserting a comma; also in line 13, after “79-213” by inserting “and 79-4508”;

On roll call, the vote was: Yeas 114; Nays 4; Present but not voting: 3; Absent or not voting: 4.

Yeas: Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, 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, Williams, Winn, Wolf, Yonally.

Nays: Aurand, Cox, Wilk, Yoder.

Present but not voting: McCreary, Myers, Neufeld.

Absent or not voting: Flora, Humerickhouse, Kuether, Peterson.

The motion of Rep. Mah prevailed.

Also, on motion of Rep. Grant to amend **HB 2619**, the motion did not prevail. Also, on motion of Rep. Loganbill to amend, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Lane to amend **HB 2619** on page 8, after line 43, by inserting the following:

“Sec. 5. K.S.A. 2005 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2005 and 2006~~ 2007 and 2008, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of ~~\$20,000~~ \$30,000 of its appraised valuation.”;

And by renumbering sections accordingly;

On page 9, in line 1, after “79-201w” by inserting “, 79-201x”;

On page 1, in the title, in line 12, before “amending” by inserting “school ad valorem tax levy;”; in line 13, after “79-201w” by inserting “, 79-201x”;

On roll call, the vote was: Yeas 69; Nays 50; Present but not voting: 2; Absent or not voting: 4.

Yeas: Ballard, Bethell, Brown, Burgess, Burroughs, Carlin, Carlson, Carter, Crow, Davis, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Garcia, Gatewood, Goico, Grant, Henderson, Henry, Holland, C. Holmes, Huebert, D. Johnson, Kelley, Kilpatrick, Kinzer, Kirk, Knox, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Mast, Masterson, Mays, McKinney, Menghini, M. Miller, Myers, Oharah, Olson, Pauls, Peck, Phelps, Pilcher-Cook, Powers, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, Shultz, Sloan, Svaty, Swenson, Tafaneli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Williams, Winn.

Nays: Aurand, Beamer, Brunk, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Freeborn, George, Gordon, Grange, Hawk, Hayzlett, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, E. Johnson, Kelsey, Kiegerl, Krehbiel, Light, Loyd, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Neufeld, O’Malley, O’Neal, Otto, Owens, Pottorff, Powell, Proehl, Roth, Schwartz, S. Sharp, Siegfried, Storm, Weber, Wilk, Wolf, Yoder, Yonally.

Present but not voting: Huy, F. Miller.

Absent or not voting: Flora, Hill, Kuether, Peterson.

The motion of Rep. Lane prevailed, and **HB 2619** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2525** be adopted; also, on motion of Rep. Brunk be amended on page 3, in line 7, by striking “100%” and inserting “80%”; in line 20, by striking “80%” and inserting “60%”; in line 32, by striking “60%” and inserting “40%”;

On page 4, in line 1, by striking “40%” and inserting “20%”; in line 5, by striking all after “(6)”; by striking all in lines 6 through 16; in line 17, by striking “(7)”; in line 18, by striking “1, 2013” and inserting “15, 2012”;

Also, on further motion of Rep. Brunk, **Sub. HB 2525** be amended on page 2, in line 30, by striking “tax receipts for ad”; in line 31, by striking all before “by” and inserting “taxes levied”; in line 34, by striking “tax receipts for ad”; in line 35, by striking “valorem taxes imposed” and inserting “taxes levied”; in line 38, by striking all after “distribution”; by striking all in line 39; in line 40, by striking all before “as”; in line 43, by striking “tax receipts for ad”;

On page 3, in line 1, by striking all before “by” and inserting “taxes levied”; in line 4, by striking “tax receipts for ad”; in line 5, by striking “valorem taxes imposed” and inserting “taxes levied”; in line 8, by striking all after “distribution”; by striking all in line 9; in line 10, by striking all before “as”; in line 13, by striking “receipts for”; in line 14, by striking all before “by” and inserting “levied”; in line 17, by striking “tax receipts” and inserting “taxes levied”; in line 20, by striking “to the”; by striking all in lines 21 and 22; in line 23, by striking all before “as”; in line 25, by striking “receipts for”; in line 26, by striking all before “by” and inserting “levied”; in line 29, by striking “tax receipts” and inserting “taxes levied”; in line 32, by striking “to the”; by striking all in lines 33 and 34; in line 35, by striking all before “as”; in line 37, by striking “receipts for”; in line 38, by striking all before “by” and inserting “levied”; in line 41, by striking “tax receipts” and inserting “taxes levied”;

On page 4, in line 1, by striking “to the”; by striking all in lines 2 and 3; in line 4, by striking all before “as”; in line 6, by striking “receipts for”; in line 7, by striking all before “by” and inserting “levied”; in line 10, by striking “tax receipts” and inserting “taxes levied”; in line 13, by striking “to the”; by striking all in lines 14 and 15; in line 16, by striking all before “as”; in line 18, by striking “1” and inserting “15”; and **Sub. HB 2525** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2798** 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 **Health and Human Services** recommends **HB 2342** be amended on page 1, in line 14, by striking “and” and inserting “, a physician assistant or”; in line 26, following “practitioner” by inserting “, a physician assistant”;

In the title, in line 9, by striking “nursing” and inserting “physician assistants”; and the bill be passed as amended.

Committee on **Higher Education** recommends **HB 2722** be passed.

Committee on **Higher Education** recommends **HB 2695** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2695,” as follows:

“Substitute for HOUSE BILL No. 2695

By Committee on Higher Education

“AN ACT concerning the Kansas comprehensive grant program; relating to persons eligible for grants thereunder; amending K.S.A. 74-32,120 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2695** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2704** be passed.

Committee on **Transportation** recommends **HB 2709** be passed.

Committee on **Wildlife, Parks and Tourism** recommends **HB 2561** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2561,” as follows:

“Substitute for HOUSE BILL No. 2561

By Committee on Wildlife, Parks and Tourism

“AN ACT concerning wildlife and parks; relating to the Kansas wildlife and parks commission; amending K.S.A. 32-805 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2561** was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2910. An act concerning crimes and punishment; relating to criminal possession of a firearm; amending K.S.A. 2005 Supp. 21-4204 and repealing the existing section, by Committee on Judiciary.

HB 2911. An act concerning victims of crime; relating to suicide; amending K.S.A. 2005 Supp. 74-7301 and repealing the existing section, by Committee on Judiciary.

HB 2912. An act concerning crimes and punishment; relating to promoting obscenity; amending K.S.A. 21-4301 and repealing the existing section, by Committee on Judiciary.

HB 2913. An act concerning civil procedure; relating to fees and costs; amending K.S.A. 60-2005 and 61-4001 and K.S.A. 2005 Supp. 28-110 and repealing the existing sections, by Committee on Judiciary.

HB 2914. An act concerning adoption; relating to stepparents; amending K.S.A. 59-2136 and repealing the existing section, by Committee on Judiciary.

HB 2915. An act concerning sales taxation; relating to exemptions; county law libraries; amending K.S.A. 2005 Supp. 79-3606 and repealing the existing section, by Committee on Judiciary.

HB 2916. An act concerning driving under the influence of alcohol or drugs; relating to ignition interlock devices; amending K.S.A. 8-1014 and 8-1015 and K.S.A. 2005 Supp. 8-1001 and repealing the existing sections, by Committee on Judiciary.

HB 2917. An act concerning hunting; relating to sales of over-the-counter archery tags for deer; amending K.S.A. 2005 Supp. 32-937 and repealing the existing section, by Committee on Environment.

HB 2918. An act relating to work-site utility vehicles; concerning the regulation thereof; amending K.S.A. 2005 Supp. 8-126, 8-197, 8-198 and 79-3606 and repealing the existing sections, by Committee on Transportation.

HB 2919. An act concerning cruelty to animals; amending K.S.A. 21-4317 and 47-1706 and K.S.A. 2005 Supp. 21-2511, 21-4310, 21-4311, 21-4704, 22-3717 and 22-4906 and re-

pealing the existing sections; also repealing K.S.A. 21-4314, 21-4315 and K.S.A. 2005 Supp. 21-4316 and 21-4319, by Representatives Sawyer, Carlin, Crow, DeCastro, Dillmore, Flaharty, Hawk, Pauls, Ruff, Storm and Treaster.

HB 2920, An act concerning health care; relating to providing information concerning umbilical cord collection to certain pregnant women; enacting the umbilical cord donation information act, by Representative Pilcher-Cook.

HB 2921, An act concerning crimes and punishment; relating to selling video or computer games to minors; penalty therefor, by Representative Ward.

HB 2922, An act concerning juvenile offenders; relating to driver's license suspensions; amending K.S.A. 38-1663 and repealing the existing section, by Representative Faber.

HB 2923, An act concerning state agencies; providing for energy audits of buildings; relating to certain contracts; imposing certain requirements regarding energy consumption, by Committee on Utilities.

HB 2924, An act concerning electric generation; relating to parallel generation; providing for net metering; repealing K.S.A. 66-1,184, by Committee on Utilities.

HB 2925, An act concerning telecommunications; imposing certain requirements on telecommunications public utilities and providing penalties for failure to comply; providing for issuance of bonds and other financing for certain broadband facilities; providing for certain property tax exemptions for certain broad band facilities, by Committee on Utilities.

HB 2926, An act concerning electric transmission facilities; providing for the creation of an independent transmission company in this state, by Committee on Utilities.

HB 2927, An act concerning cities; relating to the effective date of certain fees imposed under franchise ordinances, by Committee on Utilities.

HB 2928, An act concerning employment; requiring employers to allow leave for certain purposes; providing penalties and remedies for violations, by Representatives Loganbill, Ballard, Crow, Faust-Goudeau, Flaharty, Garcia, Gatewood, Hawk, Henderson, Huntington, Huy, Kelley, Kuether, Long, Mah, Mast, Menghini, Judy Morrison, Pauls, Ruff, S. Sharp, Storm, Svaty, Thull, Trimmer, Winn and Yonally.

HB 2929, An act concerning elections; relating to precinct boundaries; amending K.S.A. 25-26a02 and 25-3801 and repealing the existing sections, by Representative Horst.

HB 2930, An act concerning wildlife and parks; relating to the qualifications of the secretary; amending K.S.A. 2005 Supp. 32-801 and repealing the existing section, by Committee on Wildlife and Parks.

HB 2931, An act concerning eminent domain; amending K.S.A. 26-507 and repealing the existing section, by Representative Horst.

HB 2932, An act concerning utilities; relating to jurisdiction of the state corporation commission; amending K.S.A. 2005 Supp. 66-104 and repealing the existing section, by Representative Kuether.

HB 2933, An act concerning qualifications for the director of the division of health; amending K.S.A. 2005 Supp. 75-5603 and repealing the existing section, by Representatives McKinney and Merrick.

HB 2934, An act concerning energy conservation and efficiency; imposing certain charges and providing for disposition thereof, by Committee on Utilities.

HB 2935, An act concerning crimes and punishment; relating to indecent solicitation of a child and aggravated indecent solicitation of a child; amending K.S.A. 2005 Supp. 21-3510, 21-3511 and 22-3717 and repealing the existing sections, by Representative Yonally.

HB 2936, An act concerning media advertising by state agencies; requiring inclusion of a statement regarding the source of funding therefor; prescribing powers, duties and functions for the secretary of administration, by Representative Kelley.

CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **HB 2868** from Committee on Judiciary and referral to Committee on Insurance.

On motion of Rep. Aurand, the House recessed until 4:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Merrick in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2937, An act concerning school districts; relating to the appointment of superintendents; amending K.S.A. 72-8202b and repealing the existing section, by Representative Weber.

HB 2938, An act concerning motor vehicles; relating to driving while revoked; amending K.S.A. 8-262 and 8-287 and K.S.A. 2005 Supp. 21-4704 and repealing the existing sections, by Representative Weber.

HB 2939, An act concerning landlords and tenants; relating to tenants who are victims of crime, by Representative Yonally.

HB 2940, An act abolishing the Kansas turnpike authority; transferring powers, duties and functions to the Kansas department of transportation, by Representative Swenson.

HB 2941, An act concerning prescription drugs, creating the prescription privacy act, by Representative Swenson.

HB 2942, An act concerning civil procedure; relating to garnishment; amending K.S.A. 60-741 and 61-3515 and repealing the existing sections, by Representative Watkins.

HB 2943, An act concerning the courts; relating to fees; amending K.S.A. 20-101 and repealing the existing section, by Committee on Judiciary.

HB 2944, An act concerning schools and school districts; relating to character development programs; relating to the duties of the state board of education, by Representatives Kelley, Ballard, Beamer, Brown, Brunk, Carlson, Craft, Garcia, Hill, Huebert, Kinzer, Knox, Light, Loganbill, Mah, Mast, Masterson, O'Neal, Otto, Pilcher-Cook, Thull and Watkins.

HB 2945, An act relating to the eligibility of certain aliens for state and local public benefits; concerning verification of claims of legal domicile or residence; providing for exceptions; providing penalties for violations, by Representative Merrick.

HB 2946, An act concerning contracts by the state or a political subdivision thereof; requiring certain provisions in such a contract relating to persons who are authorized workers under federal immigration law, by Representative Merrick.

HB 2947, An act relating to counties; providing for payment in lieu of taxes by the Kansas turnpike authority to certain counties; amending K.S.A. 68-2004 and repealing the existing section, by Representatives McCreary, Dahl, Gordon, Grange, Mah, Mast and Myers.

REPORT ON ENGROSSED BILLS

HB 2592, **HB 2669** reported correctly engrossed February 13, 2006.

REPORT ON ENROLLED BILLS

HB 2698 reported correctly enrolled, properly signed and presented to the governor on February 14, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 15, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

