

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Thursday, February 16, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 120 members present.
Rep. Kuether was excused on verified illness.
Reps. Shultz, Weber and Wilk were excused on legislative business.
Rep. Sawyer was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of all creation, our Redeemer and Sustainer, hear our prayers of thanksgiving and praise as we stand before you today. For you are the God who has spoken to your people throughout the ages, who has liberated them, guided them, and forgiven them. Praise be your holy name.

Lord, sometimes you have spoken in thunder, but not all thunder is you. Sometimes you have spoken in a still small voice, but not every whisper is yours. Sometimes you have spoken in dreams, but some dreams are not of your making. Lord, you have even spoken through the mouth of an ass, but not every mule-headed encounter is holy.

O God who speaks, outside the silence in this chamber there is a cacophony of voices: thunder and whispers and dreams and, yes Lord, even some mule-headed braying. Send your spirit of discernment upon these servants so that they may hear your voice amid all the clamor; so that they may do your will even when the thunder roars, and the whispers seek to destroy, and the dreams turn out to be nightmares, and even when the donkeys bray and kick up their heels. And, having heard your voice, may they do your will. Amen

The Pledge of Allegiance was led by Rep. Grant.

INTRODUCTION OF GUESTS

Rep. Treaster introduced the Buhler High School Debate Team who won the 4 A State Debate Championship. Members are Andy Berg, Connor Bridge, Landon Elliott, Joey Ralph, Meriah Forbes, and Chelsea Corkins. They were accompanied to the House by Gary Minor. Rep. Treaster presented each of them with certificates.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2953, An act concerning limitations on testamentary power; amending K.S.A. 59-602 and repealing the existing section, by Committee on Appropriations.

HB 2954, An act concerning the conveyance of certain state property located in Miami county to the city of Osawatimie, Kansas, by the secretary of social and rehabilitation services, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:
Appropriations: **HB 2949**, **HB 2950**.

Commerce and Labor: **HB 2948**.
 Federal and State Affairs: **HB 2952**.
 Transportation: **HB 2951**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **SB 352** from Committee on Financial Institutions and referral to Committee on Judiciary.

Also, the withdrawal of **HCR 5035** from Committee on Higher Education and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 221, SB 374, SB 379, SB 381, SB 384, SB 386, SB 392, SB 405, SB 464, SB 495, SB 510**.

Announcing passage of **HB 2608, HB 2628, HB 2629, HB 2630, HB 2631**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 221, SB 374, SB 379, SB 381, SB 384, SB 386, SB 392, SB 405, SB 464, SB 495, SB 510.

CONSENT CALENDAR

No objection was made to **HB 2798** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2676, An act concerning certain restrictive covenants, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 14; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Dahl, Davis, Decker, 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, Lane, Light, Loganbill, Long, Loyd, Lukert, Masterson, 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, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Trimmer, Vickrey, Watkins, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Brown, Carter, Cox, Crow, DeCastro, Dillmore, Landwehr, Mah, Mast, McLeland, Thull, Treaster, Ward.

Present but not voting: None.

Absent or not voting: Kuether, Sawyer, Shultz, Weber, Wilk.

The bill passed.

HB 2681, An act concerning sales taxation; relating to local retailers' sales tax in Atchison county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 7; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Beamer, Bethell, Brunk, Burgess, 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, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, 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, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Brown, Carter, M. Holmes, Huebert, Huy, Kinzer.

Present but not voting: None.

Absent or not voting: Kuether, Sawyer, Shultz, Weber, Wilk.

The bill passed.

HB 2703, An act relating to crimes and punishment; concerning nuclear generating facilities; relating to armed nuclear security guards; amending K.S.A. 2005 Supp. 21-3721 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 27; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Coloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, George, Goico, Gordon, Grange, Hayzlett, 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, 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, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Swenson, Tafanelli, Thull, Vickrey, Watkins, Wolf, Yoder, Yonally.

Nays: Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Kirk, Lane, McKinney, Pauls, Peterson, Phelps, Ruiz, Svaty, Treaster, Trimmer, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kuether, Sawyer, Shultz, Weber, Wilk.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I certainly hope that Wolf Creek is never attacked by Terrorists. However, if it is we need to make sure that the facility has hired the absolute best security guards. If we truly want Wolf Creek to be safe, removing Wolf Creek's liability over the actions of its guards is not an incentive for the employer to hire the very best guards. In fact, it is the exact opposite. I vote no on **HB 2703**.—JOSH SVATY, ED TRIMMER

HB 2708, An act regulating traffic; concerning auxiliary driving lamps; amending K.S.A. 8-1728 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 10; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, 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, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Light, Loganbill, Long, Loyd, Lukert, Mast, 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, Schwartz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Williams, Winn, Wolf, Yonally.

Nays: Carter, Flora, Huy, Lane, Mah, Masterson, Schwab, Thull, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Goico, Kuether, Sawyer, Shultz, Weber, Wilk.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Gordon, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2709, HB 2704, HB 2722** be passed.

Committee report to **HB 2657** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2342** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2695** be adopted; and the substitute bill be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2836** be amended on page 1, in line 21, by striking "but" and inserting ". Eggs"; in line 41, by striking "grocery store" and inserting "retailers";

On page 5, in line 43, after "or" by inserting "a"; also in line 43, after "renewal" by inserting "of such license";

On page 6, in line 12, by striking "feed" and inserting "food"; in line 14, by striking "this section" and inserting "the Kansas egg law";

On page 7, in line 7, after "except" by inserting "as"; in line 11, by striking "retail store" and inserting "retailer"; also in line 11, by striking "repackage" and inserting "repack"; in lines 13 and 15, by striking "repackaging" and inserting "repacking"; in lines 18, 19 and 24, by striking "repackaged" and inserting "repacked"; in lines 25 and 26, by striking "retail store" and inserting "retailer"; also in line 26, by striking "repackaged" and inserting "repacked"; in line 30, by striking "repackaged" and inserting "repacked"; in line 33, by striking "re-"; in line 34, by striking "packaged" and inserting "repacked"; also in line 34, by striking "retail store" and inserting "retailer"; in line 37, by striking "Stores" and inserting "Retailers"; also in line 37, by striking "repackage" and inserting "repack"; in line 38, by striking "store" and inserting "retailer"; also in line 38, by striking "repackaged" and inserting "repacked"; in line 40, by striking "store" and inserting "retailer";

On page 9, in line 7, by striking ". registration"; in line 15, by striking "Balut labeling must be unequivocally clear" and inserting "Each container of balut shall be clearly and conspicuously labeled";

On page 1, in the title, in line 10, by striking "registra-"; in line 11, by striking "tion;"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2578** be amended on page 1, in line 24, after "licensure" by inserting "and full endorsement"; in line 31, after "licensed" by inserting "and fully-endorsed"; in line 40, by striking all after the first "student"; in line 41, by striking all before "may" and inserting "and";

On page 2, in line 5, by striking all after the period; by striking all in line 6 and 7; in line 9, by striking "\$2,500" and inserting "\$3,000"; in line 12, by striking "three" and inserting "five"; in line 26, after "licensure" by inserting "and full endorsement"; in line 34, by striking "two" and inserting "three"; in line 39, by striking "two" and inserting "three";

On page 3, in line 4, by striking all after "(6)"; in line 5, by striking all before "repay"; in line 6, before the period by inserting "if the person fails to satisfy the obligation under any agreement";

On page 4, in line 18, after "to" by inserting "be fully-endorsed and"; in line 23, after "teach" by inserting "or to be fully-endorsed"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2712** be amended on page 2, in line 8, after the period, by inserting "The parent's consent to the revised IEP may be made by telephone, if the telephone consent is documented by and signed by an IEP team member or by e-mail or fax. At the time of consideration of an amendment or modification of the child's current IEP, the parent shall be informed of the parent's right to an IEP team meeting."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2727** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2727," as follows:

“Substitute for HOUSE BILL No. 2727

By Committee on Federal and State Affairs

“AN ACT concerning state officers and employees; amending K.S.A. 75-5532 and 75-5534 and K.S.A. 2005 Supp. 75-5531 and 75-5533 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2727** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **SB 62**, as amended by Senate Committee, be amended on page 1, in line 16, by striking “foster”; in line 17, by striking “parents” and inserting “caregivers”; in line 18, by striking “foster parents” and inserting “caregivers”; in line 19, by striking “foster parents” and inserting “caregivers”; in line 32, by striking “foster parents” and inserting “caregivers”; in line 33, by striking “foster parents” and inserting “caregivers”; in line 37, by striking “acting as a foster parent”; in line 40, by striking “as a foster child”; in line 41, by striking “as a foster child”;

On page 2, in line 2, by striking “as a foster child”; in line 5, by striking all after “as”; in line 6, by striking “ents,” and inserting “caregivers”; by striking all in lines 9 and 10; in line 11, by striking all before “and”; in line 12, by striking “(7)” and inserting “(6)”; in line 17, by striking “60” and inserting “50”; in line 20, after the semicolon by inserting “and”; in line 21, by striking “100%” and inserting “130%”; in line 22, by striking “; and”; by striking all in line 23; in line 24, by striking all before the period; in line 35, by striking all after “of”; in line 36, by striking all before “of” and inserting “subsections (a)(1), (a)(2) and (a)(3)”; also in line 36, after the period by inserting “A relative qualifying for the program pursuant to this section shall be considered a grandparent for purposes of this act.”; in line 37, by striking “the last quarter of fiscal year 2006” and inserting “January 1, 2007.”; in line 40, by striking all after “in”; by striking all in line 41; in line 42, by striking all before “Grandpar-” and inserting “the amount of \$200 per grandchild per month but not to exceed a total of \$600 per month. Such reimbursements shall not be considered income in determining eligibility for public assistance benefits under other state programs and, to the extent allowed by federal law, under federal programs.”;

On page 3, by striking all in lines 12 through 14; in line 15, by striking “(c)” and inserting “(b)”; in line 17, by striking “(d)” and inserting “(c)”; in line 18, after the second “care” by inserting a comma; also in line 18, after “allowances” by inserting “, parenting skills training, childhood immunizations and other health screening”; in line 19, by striking “child care”; in line 20, by striking “child care”; in line 21, by striking all after the period; by striking all in lines 22 and 23; in line 24, by striking “(e) shall” and inserting “(d) may”; in line 26, by striking “(f) shall” and inserting “(e) may”; in line 29, after “Sec. 7.” by inserting “(a) The secretary, on or before the first day of the regular legislative session, shall report annually to the legislature:

(1) The number of children participating in the program and the breakdown of where these children were placed, with either a grandparent or other close relative;

(2) the number of children moved from a foster care placement or other state custody to a grandparent or other close relative;

(3) an overview of the moneys spent on the program; and

(4) the cost-savings analysis of implementing the program by having the children placed with a grandparent or other close relative instead of being placed in state custody.

(b)”;

Also on page 3, also in line 29, by striking “shall” and inserting “may”; in line 31, by striking “(a)”; in line 42, by striking all after “(c)”; by striking all in line 43;

On page 4, by striking all in lines 1 through 6; in line 7, by striking “(b)”; also in line 7, by striking “foster parents” and inserting “caregivers”;

In the title, in line 10, by striking “foster parents” and inserting “caregivers”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2824** 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 **Financial Institutions** recommends **HB 2735** be amended on page 2, in line 11, by striking “reflected in an independent” and inserting “determined through an

automated”; in line 12, before the period, by inserting “. As used in this paragraph (c), “automated valuation model” means an automated system that is used to derive a property value through the use of publicly available property records and various analytic methodologies such as comparable sales prices, home characteristics and historical home price appreciations. Automated valuation models must be validated by an independent credit rating agency. An automated valuation model provider shall not accept a property valuation assignment when the assignment itself is contingent upon the automated valuation model provider reporting a predetermined property valuation, or when the fee to be paid to the automated valuation model provider is contingent upon the property valuation reached or upon the consequences resulting from the property valuation assignment”;

On page 8, after line 18, by inserting the following:

“New Sec. 2. No lender, as defined in K.S.A. 58-2237, and amendments thereto, or any person acting on behalf of a lender shall disclose to an appraiser or other person engaged to determine the appraised value of real estate, the amount of a proposed real estate loan or the preferred or required value of any real estate intended to secure such loan.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 9, by striking all after “AN ACT”; in line 10, by striking “definitions” and inserting “relating to real estate loans; concerning the appraised value”; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2874** be amended on page 6, in line 16, after “who” by inserting “knowingly”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2829** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2829,” as follows:

“Substitute for HOUSE BILL No. 2829

By Committee on Health and Human Services

“AN ACT concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions.”;

and the substitute bill be passed.

(**Sub. HB 2829** was thereupon introduced and read by title.)

Committee on **Higher Education** recommends **HB 2745** be amended on page 1, in line 22, by striking all after “utilize”; in line 23, by striking all before the first comma and inserting “proceeds of the surtax provided for in subsection (e) of K.S.A. 79-32,110”; in line 26, by striking by striking “Two mills of such increase” and inserting “Two-thirds of such surtax”; also in line 26, by striking all after “used”; in line 27, by striking “loan fund”; in line 32, by striking “One mill of the increased mill levy” and inserting “One-third of the surtax”; also in line 32, by striking all after “used”; in line 33, by striking “revolving loan fund”;

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

On page 3, by striking all in lines 1 through 4 and inserting the following:

“Sec. 3. K.S.A. 2005 Supp. 79-32,110 is hereby amended to read as follows: 79-32,110.

(a) *Resident Individuals*. Except as otherwise provided by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns*.

If the taxable income is:	The tax is:
Not over \$30,000	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000	\$2,925 plus 6.45% of excess over \$60,000

(2) *All other individuals*.

(A) For tax year 1997:

If the taxable income is:	The tax is:
Not over \$20,000	4.1% of Kansas taxable income
Over \$20,000 but not over \$30,000	\$820 plus 7.5% of excess over \$20,000

Over \$30,000	\$1,570 plus 7.75% of excess over \$30,000
(B) For tax year 1998, and all tax years thereafter:	
If the taxable income is:	The tax is:
Not over \$15,000	3.5% of Kansas taxable income
Over \$15,000 but not over \$30,000	\$525 plus 6.25% of excess over \$15,000
Over \$30,000	\$1,462.50 plus 6.45% of excess over \$30,000

(b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas taxable income of every nonresident individual, which tax shall be an amount equal to the tax computed under subsection (a) as if the nonresident were a resident multiplied by the ratio of modified Kansas source income to Kansas adjusted gross income.

(c) *Corporations.* A tax is hereby imposed upon the Kansas taxable income of every corporation doing business within this state or deriving income from sources within this state. Such tax shall consist of a normal tax and a surtax and shall be computed as follows:

- (1) The normal tax shall be in an amount equal to 4% of the Kansas taxable income of such corporation; and
- (2) the surtax shall be in an amount equal to 3.35% of the Kansas taxable income of such corporation in excess of \$50,000.

(d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable income of estates and trusts at the rates provided in paragraph (2) of subsection (a) hereof.

(e) *In addition to the tax imposed pursuant to subsections (a) and (b), for tax year 2006, and all tax years thereafter, a surtax shall be imposed on resident individuals and nonresident individuals in the amount of 3.65% of the tax due pursuant to subsections (a) and (b), computed without regard to any applicable income tax credits.*;

Also on page 3, by striking all in lines 5 and 6 and inserting the following:
 “Sec. 4. K.S.A. 2005 Supp. 79-32,110 is hereby repealed.”; in line 7, by striking “Sec. 6.” and inserting “Sec. 5.”;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking “ing fund” and inserting “income taxation, surtax”; in line 11, by striking “ K.S.A. 76-6b02 and K.S.A. 2005 Supp. 76-6b01” and inserting “K.S.A. 2005 Supp. 79-32,110”; in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Higher Education** recommends **SB 139**, as amended by House Committee, be further amended on page 2, in line 7, after the period, by inserting “The state assessment scores of students in KAMS shall be included in the state assessment scores of the school district which the student last attended but nothing herein shall preclude the use of such assessments by KAMS.

(4) Nothing herein shall be construed to require the admittance to KAMS of a gifted student or the inclusion of KAMS admittance as a part of a student’s IEP. Admittance to KAMS shall be determined solely pursuant to rules and regulations of the state board of regents.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2562** be passed.

Committee on **Judiciary** recommends **HB 2414** be amended on page 1, in line 13, by striking “2004” and inserting “2005”; in line 14, before “Battery” by inserting “(a)”; also in line 14, by striking all after “is”; in line 15, by striking all before the colon; in line 16, by striking “(a) (1) Committed against” and inserting “(1) Battery, as defined in subsection (a)(2) of K.S.A. 21-3412, and amendments thereto, committed against: (A) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or (B)”; in line 21, after the semicolon, by inserting “or”; in line 22, by striking “committed against a” and inserting “battery, as defined in subsection (a)(1) of K.S.A. 21-3412, and amendments thereto, committed against: (A) A uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer’s duty; or (B) a uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee, a juvenile correctional facility officer or employee or a juvenile detention facility officer or employee, while such officer is engaged in the performance of such officer’s duty; or

(3) battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against (A) A”;

Also on page 1, in line 26, by striking “(3)” and inserting “(B)”;

in line 30, by striking “(4)” and inserting “(C)”;

in line 34, by striking “(5)” and inserting “(D)”;

in line 37, by striking “; or”;

by striking all in lines 38 and 39;

in line 40, by striking all before the period;

in line 43, before “is” by inserting “as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2) or (a)(3)”;

On page 2, in line 21, by striking “2004” and inserting “2005”;

On page 3, in line 7, by striking “2004” and inserting “2005”;

In the title, in line 9, by striking “2004” and inserting “2005”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2606** be amended on page 1, in line 21, after the period, by inserting “For purposes of this section, rural water districts and rural electric cooperatives shall be considered public utilities.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2610** be amended on page 1, in line 37, by striking “-process”;

On page 3, in line 5, by striking “any other connection” and inserting “substantial, continuous and systematic contact”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2626** be amended on page 2, in line 36, by striking “The” and inserting: “Except as provided further, the”;

in line 37, by striking “and” and inserting: “. The law enforcement agency investigating the report shall not give information to the reporting party if the law enforcement agency has reason to believe the missing person is an adult or an emancipated minor and is staying at or has made contact with a domestic violence or sexual assault program and does not expressly consent to the release of this information. Upon location of or contact by the missing person, the law enforcement agency”;

On page 3, in line 28, before the period, by inserting: “, if identification efforts have otherwise failed”;

and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2665** be amended on page 2, in line 3, after the period, by inserting: “The court may consider the best interests of the child and the fitness of the nonconsenting parent in determining whether a stepparent adoption should be granted.”;

On page 3, in line 24, by striking “Shall”;

in line 25, by striking “may”;

by striking all in lines 35 and 36;

and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2596**, **HB 2640** be passed.

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 2955, An act concerning flavored malt beverages; relating to taxation and labeling, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **HB 2845** from Committee on Transportation and referral to Committee on Taxation.

COMMITTEE ASSIGNMENTS

Speaker pro tem Merrick announced that Rep. Ward would replace Rep. Flora on Committee on Utilities.

REPORT ON ENGROSSED BILLS

HB 2703, **HB 2708** reported correctly engrossed February 15, 2006.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1225, under Reports of Standing Committees, **HCR 5019** should be **HCR 5029**.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Friday, February 17, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

