

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 24, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Theodore A. Inman, pastor, Highland Park United Methodist Church, Topeka:

O Bounteous and Gracious Creator of the heavens and the earth, we laud and magnify your precious name. We are grateful that you have brought us to yet another day complete with challenges and opportunities. Though sleep was a precious commodity last night, empower these legislators with your strength to do well their appointed tasks. For this we are thankful.

Let us not dwell on past errors, but move ahead with great resolve to do what is right and true. For, even when we fail, you remain faithful and constant.

O God of compassion and vision beyond the sight scope of human seeing, help us to call upon your new vision for decisions impacting our future.

So much of the work feels like tedium, yet we find the root of tedium in *unto God*. Move us to see the profound in even the repetitive and simple.

Guide these chosen ones to do all in their synergistic efforts to protect and educate the children of this great state and thereby insure a finer future. Order all things so that the important matters may be clearly visible through your grace.

Bless, O Lord, these legislators, protect them, sustain them in both this sacred work which they undertake and in the personal matters. Encourage any who are downtrodden and lift their spirits for the sake of the work and the blessing of your people. May our partnership in legislation continue to be a singular striving for the common good. These mercies we pray in the name of our Lord and Savior, Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. Kelsey.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **SB 570, SB 571, SB 573, SB 583.**

Federal and State Affairs: **HR 6020.**

Judiciary: **SB 568.**

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution appearing on the calendar as "To be Referred" were referred to committees as indicated:

Governmental Organization and Elections: **SB 546, SB 580.**

Taxation: **HCR 5045.**

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2541** and has appointed Senators Brungardt, Reitz and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2576** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2658** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2772** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The President announced the appointment of Senator Gilstrap as a member of the conference committee on **HB 2732** to replace Senator Hensley.

The Senate nonconcurs in House amendments to **H. Sub. for SB 93**, requests a conference and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 271**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 305**, requests a conference and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 388**, requests a conference and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 408**, requests a conference and has appointed Senators Vratil, Bruce and Haley as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 480**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 497**, requests a conference and has appointed Senators Huelskamp, Peterson and Betts as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 498**, requests a conference and has appointed Senators Huelskamp, O'Connor and Betts as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 93**.

Speaker Mays thereupon appointed Reps. C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 271**.

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 305**.

Speaker Mays thereupon appointed Reps. Sloan, E. Johnson and Carlin as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 388**.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 408**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 480**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 497**.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Flaharty as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 498**.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2819** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Jim Morrison, the House nonconcurrred in Senate amendments to **HB 2285** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, Mast and Kirk as conferees on the part of the House.

On motion of Rep. D. Johnson, the House nonconcurrred in Senate amendments to **HB 2432** and asked for a conference.

Speaker Mays thereupon appointed Reps. D. Johnson, F. Miller and Svaty as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **Sub. HB 2513** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

On motion of Rep. Decker, the House nonconcurrred in Senate amendments to **HB 2578** and asked for a conference.

Speaker Mays thereupon appointed Reps. Decker, Horst and Storm as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2649** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, Mast and Kirk as conferees on the part of the House.

On motion of Rep. Dahl, the House nonconcurrred in Senate amendments to **HB 2671** and asked for a conference.

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **HB 2691** and asked for a conference.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **HB 2692** and asked for a conference.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Ruff, the House nonconcurrred in Senate amendments to **HB 2696** and asked for a conference.

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrred in Senate amendments to **Sub. HB 2706** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrent in Senate amendments to **HB 2709** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurrent in Senate amendments to **HB 2710** and asked for a conference.

Speaker Mays thereupon appointed Reps. Freeborn, Burgess and Flora as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrent in Senate amendments to **HB 2748** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurrent in Senate amendments to **HB 2752** and asked for a conference.

Speaker Mays thereupon appointed Reps. Jim Morrison, Mast and Kirk as conferees on the part of the House.

On motion of Rep. D. Johnson, the House nonconcurrent in Senate amendments to **HB 2798** and asked for a conference.

Speaker Mays thereupon appointed Reps. D. Johnson, F. Miller and Svaty as conferees on the part of the House.

On motion of Rep. Vickrey, the House nonconcurrent in Senate amendments to **HB 2809** and asked for a conference.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

On motion of Rep. Gordon, the House nonconcurrent in Senate amendments to **HB 2856** and asked for a conference.

Speaker Mays thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrent in Senate amendments to **HB 2893** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. D. Johnson, the House nonconcurrent in Senate amendments to **HB 2899** and asked for a conference.

Speaker Mays thereupon appointed Reps. D. Johnson, F. Miller and Svaty as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrent in Senate amendments to **HB 2916** and asked for a conference.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2819, An act concerning corrections; relating to time limits for transfer of certain offenders to reception and diagnostic unit; amending K.S.A. 2005 Supp. 75-5220 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

Sub. HB 2023, An act concerning sales taxation; relating to retailers' sales tax, authority of cities; excise tax, limitations; amending K.S.A. 12-195b, as amended by section 3 of 2006 House Bill No. 2698, and K.S.A. 2005 Supp. 12-187, as amended by section 1 of 2006 House Bill No. 2698, 12-189, as amended by section 2 of 2006 House Bill No. 2698, and 12-194, and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 16; Present but not voting: 1; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Burgess, Burroughs, Carlin, Carlson, Carter, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, 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, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Olson, Otto, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder.

Nays: Brunk, Colloton, Cox, Davis, Gordon, Huy, Kirk, Landwehr, Loyd, O'Malley, Owens, Powers, S. Sharp, Shultz, Storm, Yonally.

Present but not voting: Masterson.

Absent or not voting: None.

The substitute bill passed, as amended.

Sub. for Sub. HB 2689, An act concerning sales taxation; relating to authority for countywide retailers' sales tax in certain counties; 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 97; Nays 28; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Aurand, Brown, Brunk, Carter, Edmonds, Gordon, Hayzlett, M. Holmes, Huebert, Huy, Kelley, Kinzer, Knox, Landwehr, Mast, McCreary, Merrick, Judy Morrison, Neufeld, Oharah, Olson, Pilcher-Cook, Powell, Powers, Schwartz, S. Sharp, Watkins, Weber.

Present but not voting: None.

Absent or not voting: None.
The substitute bill passed, as amended.

HB 2792. An act relating to abortions; concerning minors; amending K.S.A. 65-6704 and 65-6705 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 27; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlson, Carter, Coloton, Craft, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Landwehr, Light, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, 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, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder.

Nays: Ballard, Carlin, Cox, Crow, Davis, Faust-Goudeau, Flaharty, Flora, Garcia, Hawk, Henderson, Huff, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Menghini, Ruiz, Sawyer, S. Sharp, Sloan, Storm, Winn, Yonally.

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

Sub. HB 2986. An act concerning school districts and the powers and duties thereof; relating to the state board of education and the powers and duties thereof; relating to school finance; providing for an early high school graduation incentive program; amending K.S.A. 2005 Supp. 46-1131, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6414, 72-6414a, 72-6414b, 72-6421, 72-6426, 72-6433, 72-6434, 72-6442b, 72-64c01, 72-64c04, 72-8204c, 72-8814, 72-9509, 79-2926 and 79-2927a and repealing the existing sections; also repealing K.S.A. 2005 Supp. 72-6449, 72-64b01, 72-64b02, 72-64b03, 72-64b04, 72-64c02 and 75-2320, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 61; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kilpatrick, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Judy Morrison, O'Malley, Owens, Pauls, Peterson, Phelps, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Ward, Williams, Winn, Wolf, Yoder, Yonally.

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

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

EXPLANATIONS OF VOTE

MR. SPEAKER: This school finance bill does not provide enough funds, this year, to get the court to release our case. In the out years it is not funded and gives Post Audit and the courts an open invitation continue to run our schools. I can not vote for a plan to get me past the next election and hope Santa will come through later. This bill is so bad you would

think it was voted on by congress in Washington. Mr. Speaker, I vote no on **Sub. HB 2986**.—BILL OTTO

MR. SPEAKER: **Sub. HB 2986** is true March Madness. The carrier of the amendment said there is no provision to pay for this ill conceived plan. It quite obviously “busts the budget.” Additionally, it fails to comply with our own Post Audit study. It masquerades as an adequate 3 year plan, but ignores Wichita, leaving us approximately \$100,000,000 short of the Study.

It seem disingenuous to ignore the Post Audit study, then require more studies. What is the point if there is no intention of following it? This plan is neither adequate or fiscally responsible. It just spends money without solving problems. I vote no on **Sub. HB 2986**.—STEVE BRUNK

MR. SPEAKER: I vote no on **Sub. HB 2986**. Funding for the amount of increases in the bill is not available to be spent. Property taxes would need to go to 44 mills, sales tax be raised to 7.3% or an income tax surtax of 21.9% (figures from legislative research) would be necessary. We hurt the families of the very children we are educating. When we put a tax burden on young families that are excessive we damage the foundational structure in children’s lives. Parents should not be required to work two jobs to meet their tax burden. Parents should be at home reading, playing and loving their children.—KATHE DECKER, GARY HAYZLETT, LANA GORDON, WILLA DECASTRO, MIKE O’NEAL, BRENDA LANDWEHR, MIKE KIEGERL, STEVE HUEBERT

MR. SPEAKER: **Sub. HB 2986** is a compilation of contradictions. It is a compromise that truly compromises the future of all Kansas. The proponents of this bill have no idea how to pay for it. Their best answer is “we’ll fix it next year.” Take that home to your voters. In addition the collation completely left out the state’s largest district, Wichita USD 259. Again, \$30 million is \$100 million short of the \$130 million that our auditors called for. Therefore, Mr. Speaker, I vote no on **Sub. HB 2986**.—JASON WATKINS, JOE MCLELAND, DICK KELSEY, TY MASTERSON

MR. SPEAKER: I’m curious as to why Johnson County legislators would agree to a plan whereby Johnson County receives 8.7% of the new revenues yet provides approximately 30% of tax revenue. I vote no on **Sub. HB 2986**.—ERIC CARTER, LANCE KINZER, MARY PILCHER-COOK

MR. SPEAKER: The House of Representatives has risen to the bait and directed we continue to fill the government trough without identifying where the cash is to be obtained. When asked for the funding sources, we were told:

“I don’t know,” “Maybe we will raise taxes,” and “Perhaps Gambling could help provide the money.”

My friends and colleagues in this chamber evidently went to a different business school than I. Perhaps their life experiences have given them a far greater wisdom than I possess. I vote no on **Sub. HB 2986**.—JOHN C. GRANGE, DONALD L. DAHL, LARRY POWELL, BONNIE HUY

MR. SPEAKER: I vote No on **Sub. HB 2986**. Growing up on a farm my daddy used to say “You can’t fatten a pig by weighing it.” Just like you can’t fatten/satisfy the K thru 12 lobbyists (i.e. pig) by sticking it to the Kansas taxpayers. These Kansas taxpayers will “weigh in” at the ballot box come November. This is a “pig in a poke” and I vote no on **Sub. HB 2986**.—BECKY HUTCHINS

MR. SPEAKER: **Sub. HB 2986** is not the answer to education. The House Leadership had a plan that adequately addressed the needs of the education needs of the state. This counterfeit is irresponsible spending that creates a huge hole to fill in the near future. The proponents of this bill refused to attempt to have the courts release the unconstitutional power of the purse. It is obvious that this bill is an attempt to force Kansas to be the first state in the nation to have state owned and operated casinos. Mr. Speaker, I vote no on **Sub. HB 2986**.—PEGGY MAST

MR. SPEAKER: I vote yes on **Sub. HB 2986**. Even though I do not believe this bill, as amended, should be the final answer to the school finance funding issue, it is late in the session and we need to get the process moving. While I am supportive of a multi-year plan; I prefer a two-year plan that is more clearly fundable with existing funds. I also believe the eventual “popping of the lid” on the LOB has the potential of breaking the state. It would be my hope that the bill will be improved as it moves through the process.—DEENA HORST

MR. SPEAKER: I have two reasons for opposition. First, this will force increased taxes on all the property owners in my district. Second, the method of making this law was unethical. It became apparent very early during “debate” that there would be no real debate or compromise, as the final outcome of this debate had already been determined by a secret deal made behind closed doors. Where were the public hearings on the amended plan? Where were the open meetings? I was not invited to participate. I will not support making law by cutting deals behind closed doors. I vote no on **Sub. HB 2986**.—MITCH HOLMES

HB 3012, An act relating to schools; allowing for school districts to create shared schools by interlocal agreement; concerning operations and financing thereof, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, 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, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, 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, 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: DeCastro, Huebert, Landwehr, McLeland.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 3017, An act concerning income taxation; relating to credits; employers who employ certain members of the Kansas army and air national guard or a Kansas unit of the reserved forces of the United States; establishing the pluripotent non-embryonic adult stem cell research fund and the Kansas umbilical cord bank fund and providing income tax credits for contributions to such funds, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, 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, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, 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: Cox, Flora, Kirk, Kuether.

Present but not voting: None.

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

H. Sub. for SB 52. An act relating to purchases and payments by certain state educational institutions; providing for a pilot project relating thereto, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 15; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, 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, Kuether, Light, Loganbill, 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, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Burroughs, Cox, Edmonds, Freeborn, Gatewood, Humerickhouse, Krehbiel, Landwehr, Lane, Long, McKinney, Ruff, Ruiz, B. Sharp, Wilk.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

H. Sub. for SB 180. An act concerning court fees and costs; amending K.S.A. 38-1511, 38-1613, 59-104, 60-1621, 60-2001, 60-2005, 60-2203a, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 8-2107, 8-2110, 20-1a04, 20-362, 20-367, 23-108a, 28-110, 28-170 and 28-172a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 61; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Cox, Craft, Dahl, Decker, Faber, Freeborn, George, Gordon, Grange, Hayzlett, Hill, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Malley, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Proehl, Roth, Schwab, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Watkins, Weber, Wilk, Wolf, Yoder.

Nays: Ballard, Bethell, Burroughs, Carlin, Colloton, Crow, Davis, DeCastro, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goico, Grant, Hawk, Henderson, Henry, Holland, C. Holmes, Huy, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Myers, O'Neal, Owens, Pauls, Peterson, Phelps, Pottorff, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams, Winn, Yonally.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

H. Sub. for SB 196. An act concerning protection of certain personal information; restricting disclosure or use of certain information; prohibiting certain acts and providing penalties and remedies for violations; amending K.S.A. 12-4516a, 50-702, 60-4104 and 60-4105 and K.S.A. 2005 Supp. 21-4018, 21-4603d and 22-2410 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

H. Sub. for SB 217, An act concerning the state board of pharmacy; relating to distributor licensure; study of pedigrees for prescription drugs; amending K.S.A. 65-1627, 65-1645, 65-1655, 65-1660, 65-4117, 65-4118, 65-4119, 65-4121, 65-4122, 65-4131 and 65-4137 and K.S.A. 2005 Supp. 65-1626, 65-1643 and 65-4116 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

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, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, 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, 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: Kelley, Mast, Pilcher-Cook, Watkins.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

H. Sub. for Sub. SB 260, An act concerning workforce development; relating to older Kansans, was considered on final action.

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

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, 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, Winn, Wolf, Yoder, Yonally.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: None.
The substitute bill passed.

H. Sub. for SB 270, An act concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; retirants from school employment; early retirement incentive programs; employment after retirement; minimum benefits for certain retirants; amending K.S.A. 72-5395, 72-5436, 74-4915b, 74-4915c and 74-4950j and K.S.A. 2005 Supp. 72-5413 and 74-4914 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 4; Absent or not voting: 0.

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, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, 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, 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, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: Flaharty, Hawk, Landwehr, Storm.

Absent or not voting: None.

The substitute bill passed, as amended.

SB 324, An act concerning economic development; amending K.S.A. 2005 Supp. 74-50,154, 74-99c02, 74-99c05 and 74-99c09 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 74-99c06, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 337, An act concerning courts; relating to compensation for certain judicial personnel; evaluating the performance of judges and justices; establishing the commission on judicial performance; increasing docket fees; amending K.S.A. 59-104, 60-1621, 60-2001, 61-2704 and 61-4001 and K.S.A. 2005 Supp. 20-367, 21-4619, 22-2410, 28-172a, 75-3120g and 75-3120k and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 26; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, Dillmore, Faber, 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, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, McKinney, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, O'Malley, O'Neal, Olson, Otto, Owens, Pauls, 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, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Carlson, DeCastro, Decker, Edmonds, Freeborn, Huebert, Hutchins, Huy, Kelley, Knox, Krehbiel, Landwehr, Masterson, Mays, McCreary, McLeland, Myers, Neufeld, Oharah, Peck, Pilcher-Cook, Powers, S. Sharp, Watkins.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 352. An act concerning the uniform commercial code; relating to secured transactions; amending K.S.A. 2005 Supp. 84-9-705 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 365. An act concerning taxation; enacting the Kansas estate tax act; property tax exemptions, machinery and equipment; tax reduction assistance, payment to counties; homestead property tax refunds; amending K.S.A. 2005 Supp. 79-201w, 79-213 and 79-4508 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 79-15,100, 79-15,101, 79-15,102, 79-15,103, 79-15,105, 79-15,109, 79-15,111, 79-15,112, 79-15,113, 79-15,116, 79-15,117, 79-15,118, 79-15,119, 79-15,125, 79-15,128, 79-15,129, 79-15,130, 79-15,131, 79-15,132, 79-15,133, 79-15,134, 79-15,135, 79-15,136, 79-15,137, 79-15,138, 79-15,139, 79-15,140, 79-15,141, 79-15,142, 79-15,143, 79-15,144 and 79-15,145, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 17; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Freeborn, Gatewood, George, Goico, Gordon, Grange, 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, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morri-

son, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Vickrey, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: Burroughs, Feuerborn, Flaharty, Flora, Garcia, Grant, Henderson, Kirk, Kuether, Lane, Menghini, Peterson, Ruiz, B. Sharp, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 366. An act concerning crimes, punishment and criminal procedure; relating to justified use of force; relating to departure sentencing; concerning criminal street gangs; amending K.S.A. 21-3211, 21-3212 and 21-3213 and K.S.A. 2005 Supp. 21-4716 and 22-3901 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, 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, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, 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: Dillmore, Kirk, Mah, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 404. An act concerning sales taxation; relating to sales of new motor vehicles, taxation of rebates; exemptions; amending K.S.A. 2005 Supp. 79-3602, 79-3606 and 79-3692 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 6; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, 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, Knox, Krehbiel, Landwehr, 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, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Davis, Flora, Kirk, Kuether, Lane, Sloan.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 414. An act concerning public utilities; relating to natural gas; enacting the gas safety and reliability policy act, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 417. An act concerning vessels; imposing certain requirements; prohibiting certain acts; providing penalties for certain violations; amending K.S.A. 32-1110, 32-1111, 32-1119, 32-1125, 32-1128 and 32-1180 and K.S.A. 2005 Supp. 32-1102, 32-1173 and 74-7336 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 43; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Beamer, Bethell, Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Huntington, D. Johnson, E. Johnson, Kelsey, Kinzer, Kirk, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mays, McCreary, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, Oharah, Olson, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Aurand, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kiegerl, Kilpatrick, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, F. Miller, Neufeld, O'Neal, Otto, Owens, Peck, Pilcher-Cook, Powell, Powers, Schwartz, S. Sharp, Tafanelli, Watkins, Weber, Wolf.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: We are using Missouri's boater safety laws as a model for Kansas. Are Missouri's boating laws any better than their roads? Do we want our boater safety laws to look like Missouri's roads? I vote no on **SB 417**. P.S. Boats that are now being taxed by the US Coast Guard will also be taxed by Kansas. Is that double taxation?—JOE MCLELAND

MR. SPEAKER: I vote no on **SB 417** because the problem with boat safety is alcohol not little flags. This is extra regulation that will not make us safer. It is time to go after the drunk boater.—BILL OTTO

MR. SPEAKER: I vote NO on **SB 417**. The fiscal note estimated **SB 417** will raise approximately \$34,416 for FY 2007 from the 17 percent of fines, penalties and forfeitures. Those monies would be deposited into the Boating Fee Fund. If you have boaters in your district, they're going to love you if they get sited for not having all the "bells and whistles."

not to mention the lights and flags, on their boats. People want less government intrusion in their lives, not more. I vote NO on **SB 417**.— BECKY HUTCHINS, BONNIE HUY

H. Sub. for SB 435, An act concerning law libraries; relating to fee increase authority; amending K.S.A. 2005 Supp. 20-3129 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 29; Present but not voting: 0; Absent or not voting: 0.

Yeas: Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, 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, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kirk, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, McCreary, McKinney, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Wolf, Yonally.

Nays: Aurand, Brown, Carlson, Carter, Edmonds, Faber, Freeborn, Huebert, Hutchins, Huy, Kelley, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Mast, Masterson, Mays, McLeland, Merrick, Olson, Pilcher-Cook, Powers, Schwab, S. Sharp, Siegfried, Weber, Yoder.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 442, An act concerning insurance; pertaining to allowing certain lienholders and mortgagees to be shown on the application for insurance; eliminating requirements for multiple sureties; pertaining to continuation of certain group policies; amending K.S.A. 19-621, 32-950, 40-955, 40-3209, 41-805, 58-2802, 68-1402, 75-110 and 78-102 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

Sub. SB 449, An act concerning commerce; enacting the video competition act; amending K.S.A. 2005 Supp. 17-1902 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: My vote is yes on **Sub. SB 449**, as I support the concept of competitive video service. The times and technology have changed, and public policy should follow. However, in so voting I express my concern over the constitutionality of this measure, because it would appear to confer on existing cable franchisees to unilaterally abrogate a contract, it willingly and knowingly negotiated and entered into. It cannot be right that one party to a contract can enforce it and accept its benefits until a better deal comes along, and then walk away.—WARD LOYD

H. Sub. for SB 475, An act concerning economic development; creating the state affordable airfare fund to support certain programs; providing for certain studies and reports, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 25; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carter, Colloton, Cox, Craft, Crow, DeCastro, Decker, Dillmore, Faust-Goudeau, Flaharty, Garcia, Gatewood, George, Goico, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kirk, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Owens, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Storm, Swenson, Tafanelli, Thull, Treaster, Trimmer, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Beamer, Carlin, Carlson, Dahl, Davis, Edmonds, Faber, Feuerborn, Flora, Freeborn, Gordon, Horst, Kelley, Kinzer, Knox, Mast, F. Miller, Otto, Peck, Pilcher-Cook, Roth, S. Sharp, Sloan, Svaty, Vickrey.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **H. Sub. for SB 475** (Affordable Air Fares). This bill is about economic development. It will help keep businesses in Kansas and help recruit new businesses. We know that businesses choose to locate their companies based on the convenience and cost of doing business. Affordable Air Fares are important to Kansas. This bill is a partnership between the state and local communities to benefit Kansas. It's about business attraction, retention and jobs, creating opportunities for leisure travel for Kansas families, and encouraging travel and tourism to Kansas.—JOANN POTTORFF

SB 499, An act concerning open records; pertaining to certain exceptions to the requirement of disclosure thereof; amending K.S.A. 2005 Supp. 45-229 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

SB 505. An act concerning records; relating to electronic access to court records; exemption from fees; use of moneys in the judiciary technology fund; amending K.S.A. 20-1a12 and K.S.A. 2005 Supp. 22-4504, 22-4506 and 22-4507 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, 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, Winn, Wolf, Yoder, Yonally.

Nays: Burroughs.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 506. An act concerning persons required to register pursuant to the Kansas offender registration act; providing for an annual driver's license or identification card; residency restrictions; juvenile offenders required to register; sexually violent predators; registration requirements; amending K.S.A. 59-29a02, 59-29a07 and 59-29a11 and K.S.A. 2005 Supp. 8-243, 8-247, 22-4904, 22-4905, 22-4906, 22-4909 and 74-9501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Kreh-

biel, 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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Of course I vote yes on **SB 506**, in support of public safety, and the registration and supervision of both violent and sex offenders. But I have concerns that the many obligations being here imposed on registrants may have crossed the line of that needed to promote safety, and become retributive. If the statutory scheme is so punitive either in purpose or effect as to negate our intent to deem it civil, it violates the Ex Post Facto Clause of the US Constitution, and will be struck down. That is a consequence to be avoided.—WARD LOYD

H. Sub. for SB 522, An act concerning health insurance; providing the insured certain appeal rights regarding adverse health care decisions, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

Sub. SB 539, An act concerning casualty insurance companies; relating to certain requirements regarding filing rates, forms and premiums; amending K.S.A. 40-955 and K.S.A. 2005 Supp. 40-216 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

SB 547. An act enacting the pharmacy benefits manager registration act, was considered on final action.

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

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, 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, 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, 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: Hill, Landwehr, Schwab.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 574. An act concerning adult care home administrators; amending K.S.A. 2005 Supp. 65-3506 and 65-3508 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

SB 575. An act enacting the Topeka/Shawnee county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 15; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, 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, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Mah, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, 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, Winn, Wolf, Yoder, Yonally.

Nays: Edmonds, Freeborn, Huebert, Huntington, Knox, Krehbiel, Lukert, Mast, Merrick, Neufeld, Oharah, Olson, Pilcher-Cook, Powers, S. Sharp.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

H. Sub. for SB 579, An act concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases and disorders; assistance for certain expenses; amending K.S.A. 65-180 and repealing the existing section, was considered on final action.

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

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, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: S. Sharp.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Cox, the House concurred in Senate amendments to **HB 2662**, An act relating to banks and trust companies; concerning the regulation thereof; amending K.S.A. 9-805, 9-1118, 9-1703, 9-1704, 9-1706 and 9-1707 and repealing the existing sections.

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, 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, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Brown.

Present but not voting: None.

Absent or not voting: Sawyer, Thull, Ward.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2761**, An act concerning compensation for victims of crime; amending K.S.A. 2005 Supp. 74-7305 and repealing the existing section.

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, 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, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Sawyer, Thull, Ward.

On motion of Rep. D. Johnson, the House concurred in Senate amendments to **HB 2836**, An act concerning agriculture; relating to the Kansas egg law; requirements; definitions; unlawful acts; enforcement and penalties; fees; amending K.S.A. 2-2502, 2-2503, 2-2505, 2-2507 and 2-2508 and K.S.A. 2005 Supp. 2-2501 and repealing the existing sections.

On roll call, the vote was: Yeas 117; Nays 5; 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, 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, Kelsey, Kiegerl, Kilpatrick, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, 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, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Kelley, Kinzer, Landwehr, Mast, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Sawyer, Thull, Ward.

MESSAGE FROM THE SENATE

Announcing passage of **SB 545**, **SB 588**.

Announcing passage of **HB 2676**, **HB 2720**, **HB 2735**.

Announcing passage of **HB 2105**, as amended by **S. Sub. for HB 2105**; **HB 2366**, as amended by **S. Sub. for HB 2366**; **HB 2529**, as amended; **HB 2553**, as amended; **HB 2582**, as amended; **HB 2583**, as amended; **HB 2585**, as amended; **Sub. HB 2727**, as amended; **HB 2874**, as amended; **HB 2949**, as amended.

The Senate accedes to the request of the House for a conference on **HB 2878** and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate concurs in House amendments to **SB 386**.

The Senate concurs in House amendments to **SB 544**.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 278**, requests a conference and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The President announced the appointment of Senator Hensley as a member of the conference committee on **HB 2541** to replace Senator Gilstrap.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 545, SB 588.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 278**.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2306, the following bills were withdrawn from the Calendar under the heading of General Orders and referred to committee as indicated:

Appropriations: **H. Sub. for SB 422; SB 512, SB 528.**

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 1** be adopted; also, on motion of Rep. Pilcher-Cook to amend, Rep. Grange requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. Rep. Gordon challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained.

The question then reverted back to the motion of Rep. Pilcher-Cook to amend. On motion of Rep. Burroughs to refer **H. Sub. for SB 1** to Committee on Federal and State Affairs, the motion was withdrawn.

On motion of Rep. Krehbiel to strike the enacting clause on **H. Sub. for SB 1**, roll call was required.

On roll call, the vote was: Yeas 63; Nays 52; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Ballard, Bethell, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, DeCastro, Dillmore, Edmonds, Faust-Goudeau, Flaharty, Flora, Garcia, Gordon, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Huntington, D. Johnson, Kirk, Krehbiel, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, Mays, McKinney, Menghini, M. Miller, Jim Morrison, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, B. Sharp, S. Sharp, Sloan, Storm, Svaty, Swenson, Treaster, Trimmer, Wilk, Winn, Wolf, Yonally.

Nays: Beamer, Brown, Brunk, Burgess, Carlson, Carter, Dahl, Decker, Faber, Freeborn, Gatewood, George, Goico, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Hutchins, Huy, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Mast, Masterson, McCreary, McLeland, Merrick, F. Miller, Myers, O'Malley, O'Neal, Oharah, Olson, Otto, Peck, Pilcher-Cook, Powell, Powers, Schwab, Shultz, Siegfried, Tafaneli, Vickrey, Watkins, Weber, Williams, Yoder.

Present but not voting: None.

Absent or not voting: Feuerborn, Landwehr, Light, Judy Morrison, Neufeld, Ruff, Sawyer, Schwartz, Thull, Ward.

The motion to strike the enacting clause to **H. Sub. for SB 1** prevailed.

Committee report recommending a substitute bill to **H. Sub. for SB 431** be adopted; also, on motion of Rep. Weber to amend, Rep. Davis requested a ruling on the amendment being germane to the bill. The request was subsequently withdrawn.

The question reverted back to the motion of Rep. Weber and **H. Sub. for SB 431** be amended on page 19, after line 37, by inserting the following:

“Sec. 12. K.S.A. 8-262 is hereby amended to read as follows: 8-262. (a) (1) Any person who drives a motor vehicle on any highway of this state at a time when such person’s privilege so to do is canceled, suspended or revoked or while such person’s privilege to obtain a driver’s license is suspended or revoked pursuant to K.S.A. 8-252a, and amendments thereto, shall be guilty of a: (A) Class B nonperson misdemeanor on the first conviction; ~~and~~ (B) class A nonperson misdemeanor on the second conviction ~~or~~; and (C) *nonperson felony on the third or subsequent conviction.*

(2) No person shall be convicted under this section if such person was entitled at the time of arrest under K.S.A. 8-257, and amendments thereto, to the return of such person’s driver’s license.

(3) Except as otherwise provided by subsection (a)(4) *or* (c), every person convicted under this section shall be sentenced to at least five days’ imprisonment and fined at least \$100 and upon a second ~~or subsequent~~ conviction shall not be eligible for parole until completion of five days’ imprisonment.

(4) *Except as otherwise provided by subsection (c), if a person: (A) Is convicted of a violation of this section, committed while the person’s privilege to drive or privilege to obtain a driver’s license was suspended or revoked for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of any city or resolution of any county or a law of another state, which ordinance or law prohibits the acts prohibited by that statute; and (B) is or has been also convicted of a violation of K.S.A. 8-1567, and amendments thereto, or of a municipal ordinance or law of another state, which ordinance or law prohibits the acts prohibited by that statute, committed while the person’s privilege to drive or privilege to obtain a driver’s license was so suspended or revoked, the person shall not be eligible for suspension of sentence, probation or parole until the person has served at least 90 days’ imprisonment, and any fine imposed on such person shall be in addition to such a term of imprisonment.*

(b) The division, upon receiving a record of the conviction of any person under this section, or any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section, upon a charge of driving a vehicle while the license of such person is revoked or suspended, shall extend the period of such suspension or revocation for an additional period of 90 days.

(c) *The person found guilty of a nonperson felony on a third or subsequent conviction of this section shall be sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours’ imprisonment.*

~~(c)~~ (d) For the purposes of determining whether a conviction is a first, second, *third* or subsequent conviction in sentencing under this section, “conviction” includes a conviction of a violation of any ordinance of any city or resolution of any county or a law of another state which is in substantial conformity with this section.

Sec. 13. K.S.A. 8-287 is hereby amended to read as follows: 8-287. Operation of a motor vehicle in this state while one’s driving privileges are revoked pursuant to K.S.A. 8-286 and amendments thereto is a class A nonperson misdemeanor: *on a first or second conviction and a nonperson felony upon a third or subsequent conviction. The person found guilty of*

a nonperson felony on a third or subsequent conviction of this section shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto, to serve the remainder of the minimum sentence only after such person has served 48 consecutive hours' imprisonment.

Sec. 14. K.S.A. 2005 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

4SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-262, 8-287, 8-1567 and ~~and~~ subsection (b)(3) of K.S.A. 21-3412a, and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto, shall be as provided by the specific mandatory sentencing

requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-262, 8-287, 8-1567, subsection (b)(3) of K.S.A. 21-3412a and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2) (B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.";

And by renumbering the remaining sections accordingly;

Also on page 19, in line 38, after "K.S.A." where it first appears by inserting "8-262, 8-287,"; in line 39, after "21-4619," by inserting "21-4704,";

In the title, in line 10, after "K.S.A." where it first appears by inserting "8-262, 8-287,"; in line 11, after "21-4619," by inserting "21-4704,";

Also, on motion of Rep. Kilpatrick, **H. Sub. for SB 431** be amended on page 19, after line 37, by inserting the following:

"New Sec. 12. (a) Counterfeiting United States currency is, with the intent to defraud:

(1) Manufacturing United States currency;

(2) counterfeiting, causing to be counterfeited or willingly aiding or assisting in counterfeiting United States currency; or

(3) making, scanning, recording, reproducing, transmitting or having in the person's control, custody or possession an analog, digital or electronic image of United States currency.

(b) As used in this section, "counterfeiting" means to forge, materially alter or falsely make.

(c) Counterfeiting United States currency is a severity level 5, nonperson felony.

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

And by renumbering the remaining sections accordingly;

Also, roll call was demanded on further motion of Rep. Kilpatrick to amend **H. Sub. for SB 431** on page 19, following line 37, by inserting:

"Sec. 12. Section 3 of 2006 House Bill No. 2754 is hereby amended to read as follows: Sec. 3. Any person who is required to register as provided in this act and who violates any of the provisions of this act, including any duty set out in sections 4 through 7 of 2006 House Bill No. 2754, and amendments thereto, is guilty of a severity level 5, person felony. *Any violation of any of the provisions of such act, including all duties set out in K.S.A. 22-4904 through K.S.A. 22-4907, and amendments thereto, which continues for more than 30 consecutive days shall upon the 31st consecutive day constitute a new and separate offense and a new and separate offense shall occur upon the completion of every 30 days thereafter so long as the offense is ongoing.*";

By renumbering the remaining sections accordingly;

Also on page 19, in line 40, before "are" by inserting "and section 3 of 2006 House Bill No. 2754";

In the title, in line 12, before "and" by inserting "and section 3 of 2006 House Bill No. 2754";

On roll call, the vote was: Yeas 110; Nays 4; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Dahl, Davis, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, 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, Knox, Krehbiel, Kuether, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Cox, Flaharty, Kirk, Lane.

Present but not voting: None.

Absent or not voting: Carter, DeCastro, Feuerborn, Landwehr, Light, Neufeld, Peterson, Sawyer, Schwartz, Thull, Ward.

The motion of Rep. Kilpatrick prevailed.

Also, on motion of Rep. Kuether, **H. Sub. for SB 431** be amended on page 19, after line 37, by inserting the following:

"New Sec. 12. (a) Subject to appropriation acts, there is hereby created a program to target areas in the state with the highest incidences of crime. Such program shall enlist community members to work with law enforcement officials to make neighborhoods safer. The program shall identify neighborhoods that needed intensive action and allocate grants and resources to such neighborhoods.

(b) The program shall bring together representatives, including but not limited to, the following: The department of corrections, the juvenile justice authority, Kansas bureau of investigation, the office of judicial administration, court service officers, community corrections, federal law enforcement officials, community leaders, local officials and community policing officers to form local teams. This collaborative approach shall foster cooperation, trust, assistance and coordination among participating local, state and federal agencies.

(c) To become part of this program, neighborhoods are required to develop a crime control and prevention strategy incorporating six core elements:

(1) Community mobilization;

- (2) community policing;
- (3) community probation;
- (4) community maintenance, including nuisance abatement, rapid response to abandoned cars and littered lots and removal of drug houses;
- (5) youth prevention activities; and
- (6) local coordination, with the designation of a senior local official to coordinate the program activities.

(d) Grant applications shall be approved by the Kansas criminal justice coordinating council based on the community's ability to demonstrate that such community has experienced a disproportionate amount and fear of crime and is willing to mobilize a coordinated community response by creating original solutions.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Peck, **H. Sub. for SB 431** be amended on page 19, after line 37, by inserting the following:

“Sec. 12. K.S.A. 2005 Supp. 21-3413 is hereby amended to read as follows: 21-3413. (a) Battery against a law enforcement officer is a battery, as defined in K.S.A. 21-3412 and amendments thereto.

~~(a) (1) Committed against (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) 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~~

~~(2) committed against a 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 state correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;~~

~~(B) committed against a juvenile correctional facility officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;~~

~~(C) committed against a juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;~~

~~(D) committed against a city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or~~

~~(6) committed against a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.~~

(b) Battery against a law enforcement officer as defined in subsection (a)(1) is a class A person misdemeanor. Battery against a law enforcement officer as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5) 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) is a severity level 5, person felony.

(c) As used in this section:

(1) “Correctional institution” means any institution or facility under the supervision and control of the secretary of corrections.

(2) "State correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, working at a correctional institution.

(3) "Juvenile correctional facility officer or employee" means any officer or employee of the juvenile justice authority or any independent contractor, or any employee of such contractor, working at a juvenile correctional facility, as defined in K.S.A. 38-1602 and amendments thereto.

(4) "Juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-1602 and amendments thereto.

(5) "City or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, working at a city holding facility or county jail facility.

Sec. 13. K.S.A. 2005 Supp. 21-3415 is hereby amended to read as follows: 21-3415. (a) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (a)(1)(A) of K.S.A. 21-3414 and amendments thereto, committed against: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (a)(1)(B) or (a)(1)(C) of K.S.A. 21-3414 and amendments thereto, committed against: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(3) intentionally causing, with a motor vehicle, bodily harm to: (A) A uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; or (B) a uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty.

(b) (1) Aggravated battery against a law enforcement officer as described in subsection (a)(1) or (a)(3) is a severity level 3, person felony.

(2) Aggravated battery against a law enforcement officer as described in subsection (a)(2) is a severity level 4, person felony.

(3) A person convicted of aggravated battery against a law enforcement officer shall be subject to the provisions of subsection (g) of K.S.A. 21-4704 and amendments thereto.

Sec. 14. K.S.A. 2005 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

4SENTENCING RANGE - NONDRUG OFFENSES

Category Severity Level	A	B	C	D	E	F	G	H	I
	3 + Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felonies	3 + Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felonies	2 + Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	19 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5

LEGEND
Presumptive Probation
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) (1) *The sentence for the violation of subsection (a)(2) or (a)(3) of K.S.A. 21-3413, and amendments thereto, shall be presumed imprisonment.*

(2) ~~The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. In regard to the sentence imposed pursuant to this paragraph,~~ the court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and, subsection (b)(3) of K.S.A. 21-3412a, and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a and subsections (b)(3) and (b)(4) of K.S.A. 21-3710, and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2) (B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.";

And by renumbering the remaining sections accordingly;

Also on page 19, in line 39, after "12-4516," by inserting "21-3413, 21-3415,"; also in line 39, after "21-4619," by inserting "21-4704,";

In the title, in line 11, after "12-4516," by inserting "21-3413, 21-3415,"; also in line 11, after "21-4619," by inserting "21-4704,";

Also, on motion of Rep. M. Holmes, **H. Sub. for SB 431** be amended on page 19, after line 37, by inserting the following:

"New Sec. 12. (a) Battery against a mental health employee is a battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against a mental health employee by

a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee's duty.

(b) Battery against a mental health employee is a severity level 5, person felony.

(c) As used in this section "mental health employee" means an employee of the department of social and rehabilitation services working in the state security program located at Larned state hospital and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto, at the sexually violent predator program located in Larned.

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

And by renumbering the remaining sections accordingly; and **H. Sub. for SB 431** be passed as amended.

Roll call was demanded on motion of Rep. Edmonds to amend **Sub. SB 323** on page 1, in line 32, by striking "section"; in line 33, by striking "2" and inserting "sections 2 and 7"; in line 38, before "if" by inserting "and not subject to the provisions of section 7, and amendments thereto.,";

On page 6, by striking all in lines 19 and 20;

On page 9, in line 5, after "in" by inserting "K.S.A. 26-501 through 26-518, inclusive and"; in line 6, by striking "7 of this act" and inserting "2 and 7"; in line 23, by striking "through" where it appears for the second time; in line 24, by striking "3" and inserting "2 and 7";

On page 12, after line 21, by inserting the following:

"New Sec. 7. (a) The taking of private property by eminent domain for the purpose of selling, leasing or otherwise transferring such property to any private entity by a municipality is authorized if the following conditions are satisfied:

(1) The municipality demonstrates that no reasonable and prudent alternative to such taking is available to satisfy the public purpose that the taking and transfer is intended to advance; and:

(2) The municipality has prepared an economic development project plan pursuant to subsection (b).

(b) For any proposed project undertaken pursuant to subsection (a) for which property is anticipated to be acquired by eminent domain, the municipality shall prepare an economic development project plan. The economic development project plan shall contain supporting documentation and findings that the proposed project:

(1) Is within the corporate boundaries of the municipality and will benefit the municipality as a whole;

(2) will provide significant job growth; and

(3) will result in new capital investment in the municipality that is either greater than 1% of the municipality's total assessed valuation of taxable real property or \$10,000,000.

(c) No economic development project plan shall be approved unless a public hearing has been conducted concerning the proposed project plan. The governing body of the condemning authority shall adopt a resolution fixing the date for the public hearing. The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution fixing the date of the hearing. Copies of the resolution shall be sent by certified mail, return receipt requested, to each owner and occupant of land within the proposed economic development project area, whose address is known or can, with reasonable diligence, be ascertained, not more than 10 days following the date of the adoption of the resolution. The resolution shall be published once in a newspaper generally circulated in the proposed project plan area. If no newspapers are circulated in the proposed project plan area, then the resolution shall be published once in a newspaper generally circulated in the county where the lands are situated. The resolution shall be published not less than one week and not more than two weeks preceding the date fixed for the public hearing. A sketch clearly delineating the proposed project plan area in sufficient detail to advise the reader of the particular land proposed to be included within the proposed economic development project area shall be published with the resolution. No defect in any notice nor in any service thereof shall invalidate any proceeding. Following the public hearing, a $\frac{2}{3}$ majority vote of the total membership of the governing body of the municipality, including any vacant positions, is required to adopt the economic development project plan.

(d) After approval of the economic development project plan, a $\frac{2}{3}$ majority vote of the total membership of the governing body of the municipality, including any vacant positions, is required to authorize the use of eminent domain to acquire land for the project. The municipality shall prepare a detailed report establishing that the municipality, after good-faith negotiations with the property owner, was unable to acquire the property.

(e) The taking of private property by eminent domain for the purpose of selling, leasing or otherwise transferring such property to any private entity, pursuant to this section, is subject to the provisions of K.S.A. 26-501, 26-504 and 26-513, and amendments thereto, unless otherwise provided in this act.”;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 22, after “3” by inserting “and 7”;

On roll call, the vote was: Yeas 42; Nays 78; Present but not voting: 0; Absent or not voting: 5.

Yeas: Burroughs, Colloton, Cox, Craft, Crow, Davis, Dillmore, Edmonds, Faust-Goudeau, Flora, Gordon, Hawk, Henderson, Hill, Huff, Huntington, Kiegerl, Kirk, Lane, Loganbill, Long, Loyd, Mah, Menghini, M. Miller, O’Malley, Owens, Phelps, Powers, Proehl, Roth, Ruff, Ruiz, B. Sharp, S. Sharp, Sloan, Storm, Wilk, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Dahl, DeCastro, Decker, Faber, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Oharah, Olson, Otto, Pauls, Peck, Pilcher-Cook, Pottorff, Powell, Schwab, Schwartz, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Williams.

Present but not voting: None.

Absent or not voting: Kuether, Peterson, Sawyer, Thull, Ward.

The motion of Rep. Edmonds did not prevail.

Also, on motion of Rep. Hawk, **Sub. SB 323** be amended on page 6, in line 19, by striking “compensation”;

On page 9, in line 6, by striking “7” and inserting “8”; in line 24, by striking “3” and inserting “and 7”;

On page 12, after line 21, by inserting the following:

“New Sec. 7. The provisions of this act shall not apply to the exercise of eminent domain, pursuant to the provisions of K.S.A. 12-1773, and amendments thereto, within a redevelopment district created pursuant to K.S.A. 12-1771, and amendments thereto, if such redevelopment district was created prior to the effect date of this act.”;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 22, by striking “3” and inserting “and 7”;

Also, on motion of Rep. Yonally, **Sub. SB 323** be amended on page 12, following line 23, by inserting:

“Sec. 8. K.S.A. 12-1306 is hereby amended to read as follows: 12-1306. Whenever it shall become necessary in any city to condemn or appropriate land within or without the limits of ~~said the city~~ for public parks for the use and benefit of the people of ~~said city~~, and ~~shall be so declared necessary by the council or by any board of city commissioners of said city~~ *the city and the governing body of the city declares it necessary* to condemn or appropriate any private property, ~~where for which~~ the purchase price cannot be agreed upon with the owner of ~~said such~~ property, ~~said council or city commissioners shall then the governing body of the city shall~~ cause a survey to be made by ~~some competent engineer and said a licensed land surveyor and such~~ survey and description of ~~said the~~ land so required shall be filed with the city clerk, ~~and~~. Thereupon ~~said council or board of city commissioners governing body of the city~~ shall make an order declaring the necessity of such appropriation and the purposes for which the ~~same~~ land is to be condemned or appropriated and a description of the ~~same~~ land as shown by ~~said the~~ survey, and all other and further proceedings necessary for the condemnation and appropriation of ~~said the~~ land shall be had and conducted as provided by law.

Sec. 9. K.S.A. 19-1414 is hereby amended to read as follows: 19-1414. Any survey made by ~~any county surveyor or his deputy, or by any city engineer,~~ *licensed land surveyor* shall be evidence in any court in this state, but shall not be conclusive.

Sec. 10. K.S.A. 24-438 is hereby amended to read as follows: 24-438. Whenever it shall be deemed necessary to construct any levee across the right of way of any railroad company, and such railroad company shall be entitled to compensation therefor, the board of directors shall have the power to make such crossing or to condemn and appropriate so much of such right of way or land as may be necessary for that purpose in the manner hereinafter provided; and whenever it shall be deemed necessary to appropriate any private property for use by the district in widening, deepening or otherwise improving any natural watercourse to prevent the overflow thereof, or for the construction of any levee, canal, drain; or other work, the board of directors shall cause a survey and description of the land so required out of the right of way or lands of such railroad company or out of the lands of any private owner to be made by ~~some competent engineer~~ *a licensed land surveyor* and filed with its secretary, and thereupon shall make an order declaring that the appropriation of such land is necessary and setting forth for what purpose the same is to be used. The board of directors, as soon as practicable thereafter, shall proceed to exercise the power of eminent domain in accordance with ~~K.S.A. 26-501 to 26-516, inclusive~~ *the eminent domain procedure act*.

Sec. 11. K.S.A. 24-467 is hereby amended to read as follows: 24-467. Whenever it shall be deemed necessary to construct any ditch, levee, dike, jetty, riprap or other protective structure across or upon the land of any individual or corporation whether within or outside the territorial limits of the drainage district and such individual or corporation shall be entitled to compensation therefor, the board of directors shall have the power to construct such ditch, levee, dike, jetty, riprap or other protective structure or to condemn and appropriate so much of such land as may be necessary for that purpose in the manner hereinafter provided; and whenever it shall be deemed necessary to appropriate any private property for use by the district in widening, deepening or otherwise improving any natural watercourse to prevent the overflow thereof or for the construction of any ditch, dike, levee, jetty, riprap, canal, drain or other work, the board of directors shall cause a survey and description of the land so required out of the lands of any private owner (individual or corporation) to be made by ~~some competent engineer~~ *a licensed land surveyor* and filed with its secretary, and thereupon shall make an order declaring that the appropriation of such land is necessary and setting forth for what purpose the same is to be used; and shall then proceed to exercise the power of eminent domain in accordance with ~~K.S.A. 26-501 to 26-516, inclusive~~ *the eminent domain procedure act*.

Sec. 12. K.S.A. 26-201 is hereby amended to read as follows: 26-201. A city shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto. ~~Provided, but~~ cities shall not have the right to acquire a fee simple title to property condemned solely for street purposes. Whenever it shall be deemed necessary by the governing body of any city to appropriate private property for the use of the city for any purpose whatsoever, the governing body shall by resolution declare such necessity and authorize a survey and description of the land or interest to be condemned to be made by ~~some competent engineer~~ *a licensed land surveyor* and filed with the city clerk. Such resolution shall be published once in the official city newspaper. Upon the filing of the survey and description of the land or interest to be condemned the governing body shall by ordinance authorize and provide for the acquisition of such land or interest, setting forth such condemnation, the interest to be taken and for what purpose the same is to be used. If in the opinion of the governing body any property is specially benefited by the proposed improvement such property shall be designated as the benefit district and the same shall be fixed by the ordinance authorizing and providing for the acquisition of the land or interest. The governing body, as soon as practicable after passage of the ordinance authorizing and providing for the appropriation of such land or interest and the fixing of the benefit district, if any is fixed, shall proceed to exercise the power of eminent domain in accordance with ~~K.S.A. 26-501 to 26-516 inclusive and amendments thereto~~ *the eminent domain procedure act*.

Sec. 13. K.S.A. 49-406 is hereby amended to read as follows: 49-406. (a) No operator shall engage in surface mining unless such operator possesses a valid permit issued by the

secretary designating the area of land affected by the operation. The permit shall authorize the operator to engage in surface mining upon the area of land described in such permit and shall be valid for a period not to exceed five years from the date of its issuance unless sooner revoked or suspended as herein provided. All surface mining conducted under such permit shall comply with the requirements of the surface mining control and reclamation act of 1977 (public law 95-87) and the regulations issued thereunder. It shall be the duty of each producer holding a permit within the state of Kansas to file an annual statement setting forth the full amount of coal mined or taken from each source or deposit and to identify the specific source or deposit from which taken. Such statement shall be filed with the secretary upon forms provided by the department not later than 30 days after the end of each calendar year. All operators shall apply for new permits within two months following approval of the state reclamation program by the secretary of the interior, pursuant to the final program provisions of the national surface mining control and reclamation act of 1977 (public law 95-87), who expect to operate a mine or mines after the expiration of eight months following such approval of this act.

(b) The application for the permit shall include:

(1) Five copies of a United States geological survey topographic map on which the operator has indicated the location of the area of land affected, the course which would be taken by drainage from the area of land affected to the nearest stream or streams to which such drainage would normally flow, the name of the applicant and the date.

(2) The owner or owners of the surface of the area of land to be affected by the permit and the owner or owners of all surface area within 500 feet of any part of the affected area.

(3) All persons with any interest in the coal to be mined.

(4) The source of the applicant's legal right to mine the coal or other minerals affected by the permit.

(5) The permanent and temporary post-office address of the applicant.

(6) Whether the applicant or any person, firm, partnership or corporation associated with the applicant holds or has held any other permits under this act; and, if so, an identification of such permits.

(7) The written consent of the applicant and such other persons, if any, necessary to grant such access to the secretary and the secretary's designee to the area of land affected under application from the date of application until the expiration of any permit granted under such application and thereafter for such time as is necessary to assure compliance with all provisions of this act or any rule or regulation promulgated hereunder.

(8) A determination of probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity and quality of water in surface and groundwater systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the department of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area, and particularly upon water availability. This determination shall not be required until hydrologic information on the general area prior to mining is made available from appropriate governmental agencies, but a permit shall not be approved until such information is available and is incorporated into the application. If the secretary finds that the probable total annual production at all locations of any operator will not exceed 100,000 tons, the determination of probable hydrologic consequences, and any statement required by the secretary concerning results of test borings or core samplings, shall, upon written operator request, be performed by a qualified public or private laboratory designated by the secretary, at departmental expense.

(9) Such other information as may be required by the secretary in order to qualify to administer the regulatory programs adopted by the United States department of the interior, office of surface mining reclamation and enforcement, pursuant to the national surface mining control and reclamation act of 1977 (public law 95-87) and federal rules and regulations adopted pursuant thereto.

(c) At the time of submission of the application for a permit, or amendment to a permit, the operator shall submit to the secretary proof of publication which shall contain such data and be in such form as the secretary shall require by regulations consistent with the national

surface mining control and reclamation act of 1977 (public law 95-87), which notice shall be published at least once a week for four consecutive weeks. The secretary, in accordance with regulations consistent with such national act, shall notify appropriate public agencies of the operator's intention to mine, and shall receive and make available for public inspection the written comments or objections of such agencies and any person having an interest possibly affected adversely by proposed operations. The secretary also shall prescribe by regulations consistent with such national act, a system for holding informal conferences in the area of proposed operations with public notice thereof.

(d) The application for a permit shall be accompanied by an enlarged United States geological survey topographic map prepared and certified by a ~~professional engineer licensed land surveyor~~ or geologist containing the following:

(1) An identification of the area to correspond with the application.

(2) The boundaries of surface properties and names of owners on the area of land affected, adjacent deep mines, and the name of the owner or owners of the surface area within 1,000 feet of any part of the area of land affected, and, if known to the operator, the existence of adjacent deep mines.

(3) Be of a scale of not less than 400 feet to the inch and not to exceed 660 feet to the inch.

(4) Show the names and locations of all streams, creeks or other bodies of public water, roads, buildings, cemeteries, oil and gas wells and utility lines on the area to be mined and within 1,000 feet of such area.

(5) Show by appropriate markings the boundaries of the area of land affected, the cropline of the seam or deposit to be mined, and the total number of acres involved in the area of land affected.

(6) Show the date on which the map was prepared, the north point and the quadrangle name.

(7) Show the drainage plan on and away from the area of land affected. Such plan shall indicate the directional flow of water, constructed drainways, natural waterways used for drainage, and the nearest streams or tributaries receiving the discharge.

(8) A verified statement by the operator containing the proposed method of operation, grading, reclamation and conservation plan for the affected area including dates and approximate time of completion, and that the operation will meet the requirements of this act, or any rule or regulation promulgated hereunder.

(9) The certification of the maps by the ~~professional engineer licensed land surveyor~~ or geologist shall read as follows: "I, the undersigned, hereby certify that this map is correct and shows to the best of my knowledge and belief all the information required by the surface mining laws of this state." The certification shall be signed and, in the case of ~~an engineer, the engineer's a licensed land surveyor, the licensed land surveyor's~~ seal affixed.

(10) Such other information as may be required by the secretary in order to qualify to administer the regulatory programs adopted by the United States department of the interior, office of surface mining reclamation and enforcement, pursuant to the national surface mining control and reclamation act of 1977 (public law 95-87) and federal rules and regulations adopted pursuant thereto.

Nothing in this subsection shall be construed to permit the practice of engineering, as defined by K.S.A. 74-7001, and amendments thereto, by a geologist.

(e) The application for a permit shall be accompanied by a plan of reclamation that meets the requirements of this act, and the rules and regulations promulgated hereunder and the requirements necessary for the secretary to qualify to administer the regulatory programs adopted by the United States department of the interior, office of surface mining reclamation and enforcement, pursuant to the national surface mining control and reclamation act of 1977 (public law 95-87) and federal rules and regulations adopted pursuant thereto.

(f) The secretary shall not approve the application for a permit to mine where such mining would constitute a hazard to a residence, public building, school, church, cemetery, commercial or residential building, public road, stream, lake or other property. No surface coal mining operations shall be permitted within 100 feet of the outside right-of-way line of any public road, except where mine access roads or haulage roads join such right-of-way line and except that the secretary may permit such roads to be relocated or the area affected to

lie within 100 feet of such road, if after public notice and opportunity for public hearing in the locality, a written finding is made that the interests of the public and the landowners affected thereby will be protected; or within 300 feet from any occupied dwelling, unless waived by the owner thereof, nor within 300 feet of any public building, school, church, community, or institutional building, public park, or within 100 feet of a cemetery.

(g) (1) A basic fee of \$50 plus a fee in an amount to be fixed by the secretary for every acre and fraction of an acre of land to be affected shall be paid at the time of application.

(2) Each permittee shall be assessed a per ton fee on every ton of coal extracted.

(3) Pursuant to paragraph (2) of this subsection (g), the per ton fee shall be an amount not less than \$.03 and not more than \$.10 per ton of coal extracted each calendar year. This per ton fee shall be paid to the department on a quarterly basis and it shall be due within 30 calendar days after the beginning of each calendar quarter.

(4) Fees established under this subsection shall be fixed by the secretary, subject to restrictions and limitations imposed by this subsection, in amounts deemed necessary to administer and enforce the provisions of the mined-land conservation and reclamation act.

(h) (1) After a surface coal mining and reclamation permit application has been approved but before such a permit is issued, the applicant shall file with the secretary, on a form prescribed and furnished by the department, a bond for performance payable to the state treasurer, and conditional upon faithful performance of all the requirements of this act and the permit. The bond shall cover that area of land within the permit area upon which the operator will initiate and conduct surface coal mining and reclamation operations within the initial term of the permit. As succeeding increments of surface coal mining and reclamation operations are to be initiated and conducted within the permit area, the operator shall file with the department an additional bond or bonds to cover such increments as required by the secretary. The amount of the bond required for each bonded area shall depend upon the reclamation requirements of the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such factors as topography, geology of the site, hydrology, and revegetation potential; and shall be determined by the secretary. The amount of the bond shall be sufficient to assure the completion of the reclamation plan if the work had to be performed by the department in the event of forfeiture and in no case shall the bond for the entire area under one permit be less than \$10,000.

(2) Liability under the bond shall be for the duration of the surface coal mining and reclamation operation and for a period coincident with operator's responsibility for revegetation requirements. Surety bonds shall be executed by the operator and a corporate surety licensed to do business in Kansas.

(3) The amount of the bond required and the terms of each acceptance of the applicant's bond shall be adjusted by the secretary from time to time as affected land acreages are increased or decreased or where the cost of future reclamation changes.

(4) Subject to provision (5), an applicant may elect to satisfy the bonding requirements of this subsection by depositing with the state treasurer cash, negotiable bonds of the United States or of the state of Kansas, negotiable certificates of deposit of any bank organized under the laws of the United States or of the state of Kansas or irrevocable letters of credit of any such bank. The cash deposit or market value of any such securities shall be equal to or greater than the amount of the bond required for the bonded area.

(5) An applicant may elect to satisfy the bonding requirements of this subsection by depositing with the state treasurer cash or any of the securities specified in provision (4) or any combination thereof and a first mortgage on real estate which in the aggregate shall be equal to or greater than the amount of the bond required for the bonded area. The mortgage shall be equal in value to not more than 50% of the amount of the bond and shall be secured by real estate which has an appraised value equal to or greater than twice the amount of the mortgage.

(i) Each permit applicant shall submit to the department as part of the application, a certificate issued by an insurance company licensed to do business in Kansas, certifying that the applicant has a public liability policy in force for all operations under the permit applied for, providing personal injury and property damage insurance in an amount adequate to compensate persons damaged as a result of mining and reclamation operations, including use of explosives, and entitled to compensation under the laws of Kansas. The secretary may

establish, by regulations, the amount of such insurance to be carried. Such policy shall be maintained during the term of the permit and any renewal, and be continued until completion of all operations.

(j) Where one operator succeeds another at any uncompleted operation, either by sale, assignment, lease or otherwise, the secretary may release the first operator from all liability under this act as to that particular operation. If two or more operators have been issued a permit for the same operation and have otherwise complied with the requirements of the act and regulations promulgated pursuant thereto, the successor operator shall assume as part of such operator's obligation under the act, all liability for the reclamation of the area of land affected by the former operator.

(k) A valid permit issued by the secretary may be renewed with respect to areas within boundaries of the existing permit, upon application by the permit holder. The burden shall be upon the applicant, subsequent to fulfillment of public notice requirements of the national surface mining control and reclamation act of 1977 (public law 95-87), to establish, subject to confirmation by written findings of the secretary, that:

- (1) Terms and conditions of the existing permit are satisfactorily met; and
- (2) present mining and reclamation operations are in compliance with environmental protection standards imposed by this act and the national surface mining control and reclamation act of 1977 (public law 95-87); and
- (3) renewal will not substantially jeopardize the operator's continuing responsibility on existing permit areas; and
- (4) the operator has provided evidence that the performance bond in effect for the operation together with any additional bond required by the secretary, will continue in full force and effect for any renewal requested; and
- (5) any additional revised or updated information required by the secretary has been provided.

Prior to approval of any permit renewal, the secretary shall provide notice to any appropriate public authorities.

(l) If a renewal application includes a proposal to extend operations beyond existing permit boundaries, that portion of the application applicable to areas beyond existing permit boundaries shall be subject to all standards applicable to new permits. Permit renewals shall not be issued for terms greater than provided for original permits, and applications for renewal permits shall be made at least 120 days prior to expiration of the existing permit.

(m) Each permit applicant shall file a copy of the application for public inspection at the field office of the department, which copy need not contain information relating to the coal seam itself. Any person with an interest which may be adversely affected shall be furnished with information pertaining to coal seams, test borings, core samplings, or soil samples, if such information is required by the secretary, together with data respecting location of subsurface water and analysis of chemical properties including acid forming properties of the mineral and overburden. Information pertaining only to the analysis of the chemical and physical properties of the coal, excepting information regarding such mineral or elemental content which is potentially toxic in the environment, shall be kept confidential and not made a matter of public record.

Sec. 14. K.S.A. 72-8212a is hereby amended to read as follows: 72-8212a. (a) A unified school district may acquire by condemnation, for school purposes, any interest in real property, including fee simple title. If, within 10 years after entry of final judgment under K.S.A. 26-511, and amendments thereto, the school district fails to construct substantial buildings or improvements that are used for school purposes on any real property acquired under this subsection, the school district shall notify the original owners or their heirs or assigns that they have an option to purchase the property from the school district for an amount equal to the compensation awarded for the property under the eminent domain procedures act. Such option shall expire if not exercised within a period of six months after the date of the expiration of the ~~ten-year~~ 10-year period.

(b) A unified school district may acquire by condemnation, for any purpose whatsoever, any reversionary interest held by others in real property which the school district has previously acquired by condemnation, deed or contract if:

(1) The district, or its predecessor districts, has constructed substantial improvements on the property; and

(2) the school district, or its predecessor districts, has held an interest in the property for at least 20 years.

(c) When the board of education of a unified school district considers it necessary to condemn a property interest pursuant to this section, the board shall declare the necessity by resolution and shall authorize a ~~competent engineer~~ *licensed land surveyor* to make a survey and description of the property and the interest to be condemned and to file them with the clerk of the board. The resolution shall be published once in a newspaper having general circulation in the school district. Upon the filing of the survey and description, the board of education shall provide by resolution for the acquisition of the property interest by condemnation. The resolution shall set forth a description of the property, the interest to be condemned and the purpose for which the property is and will be used. The board of education, as soon as practicable after the passage of the resolution, shall proceed to exercise the power of eminent domain in the manner provided by ~~article 5 of chapter 26 of the Kansas Statutes Annotated~~ *the eminent domain procedure act.*;

By renumbering the remaining sections accordingly;

Also on page 12, in line 24, by striking "26-501" and inserting "12-1306, 19-1414, 24-438, 24-467, 26-201, 26-501, 49-406 and 72-8212a";

In the title, in line 11, after the semicolon, by inserting "relating to performance of certain land surveys"; also in line 11, by striking "26-501" and inserting "12-1306, 19-1414, 24-438, 24-467, 26-201, 26-501, 49-406 and 72-8212a";

Also, on motion of Rep. Siegfried, **Sub. SB 323** be amended on page 12, following line 21, by inserting:

"Sec. 7. K.S.A. 2005 Supp. 26-504 is hereby amended to read as follows: 26-504. (a) If the judge to whom the proceeding has been assigned finds from the petition: (1) The plaintiff has the power of eminent domain; and (2) the taking is necessary to the lawful corporate purposes of the plaintiff, the judge ~~shall entertain suggestions from any party in interest relating to the appointment of appraisers and the judge shall enter an order appointing three disinterested residents of the county in which the petition is filed, at least two of the three of whom two appraisers who~~ shall have experience in the valuation of real estate, to view and appraise the value of the lots and parcels of land found to be necessary, and to determine the damages and compensation to the interested parties resulting from the taking. *One such appraiser shall be an appraiser designated by the plaintiff and one shall be an appraiser designated by the defendant or defendants.* Such order shall also fix the time for the filing of the appraisers' report at a time not later than 45 days after the entry of such order except for good cause shown, the court may extend the time for filing by a subsequent order. The granting of an order determining that the plaintiff has the power of eminent domain and that the taking is necessary to the lawful corporate purposes of the plaintiff shall not be considered a final order for the purpose of appeal to the supreme court, but an order denying the petition shall be considered such a final order.

Appeals to the supreme court may be taken from any final order under the provisions of this act. Such appeals shall be prosecuted in like manner as other appeals and shall take precedence over other cases, except cases of a like character and other cases in which preference is granted by statute.

Sec. 8. K.S.A. 26-505 is hereby amended to read as follows: 26-505. After such appointment, the appraisers shall take an oath to faithfully discharge their duties as appraisers. The judge shall instruct the appraisers on matters including, but not limited to, the following: (1) That they are officers of the court and not representatives of the plaintiff or any other party, (2) that they are to receive their instructions only from the judge, (3) the nature of their duties and authority, (4) the basis, manner and measure of ascertaining the value of the land taken and damages resulting from such taking, (5) that, except for incidental contact for the purpose of verifying factual information relating to the subject real estate or to discuss scheduling matters, appraisers shall refrain from any *ex parte* meetings or discussions with representatives of the plaintiff or property owner without first advising the adverse party and providing such party with the opportunity to be present, and (6) that all written material provided to an appraiser or appraisers by a party shall be provided forthwith to the adverse

party. The instructions shall be in writing. Upon the completion of their work the appraisers shall file the report in the office of the clerk of the district court and shall notify the condemner of such filing. The condemner, within three days after receiving such notice, shall mail a written notice of the filing of such report to every person who owns any interest in any of the property being taken, if the address of such person is known, and shall file in the office of the clerk of the district court an affidavit showing proof of the mailing of such notice. The fees and expenses of the appraisers shall be determined and ~~allowed~~ assessed by the court *against the plaintiff*.

Sec. 9. K.S.A. 26-513 is hereby amended to read as follows: 26-513. (a) *Necessity*. Private property shall not be taken or damaged for public use without just compensation.

(b) *Taking entire tract*. If the entire tract of land or interest in such land is taken, the measure of compensation is ~~the fair market value of the property or interest at the time of the taking~~ *200% of the average of the two appraisers' appraisals*.

(c) *Partial taking*. If only a part of a tract of land or interest is taken, the compensation and measure of damages is the difference between the ~~fair market value~~ *200% of the average of the two appraisers' appraisals* of the entire property or interest immediately before the taking, and the ~~value~~ *200% of the two appraisers' appraisals* of that portion of the tract or interest remaining immediately after the taking.

(d) *Factors to be considered*. In ascertaining the amount of compensation and damages, the following nonexclusive list of factors shall be considered if such factors are shown to exist. Such factors are not to be considered as separate items of damages, but are to be considered only as they affect the total compensation and damage under the provisions of subsections (b) and (c) of this section. Such factors are:

- (1) The most advantageous use to which the property is reasonably adaptable.
- (2) Access to the property remaining.
- (3) Appearance of the property remaining, if appearance is an element of value in connection with any use for which the property is reasonably adaptable.
- (4) Productivity, convenience, use to be made of the property taken, or use of the property remaining.
- (5) View, ventilation and light, to the extent that they are beneficial attributes to the use of which the remaining property is devoted or to which it is reasonably adaptable.
- (6) Severance or division of a tract, whether the severance is initial or is in aggravation of a previous severance; changes of grade and loss or impairment of access by means of underpass or overpass incidental to changing the character or design of an existing improvement being considered as in aggravation of a previous severance, if in connection with the taking of additional land and needed to make the change in the improvement.
- (7) Loss of trees and shrubbery to the extent that they affect the value of the land taken, and to the extent that their loss impairs the value of the land remaining.
- (8) Cost of new fences or loss of fences and the cost of replacing them with fences of like quality, to the extent that such loss affects the value of the property remaining.
- (9) Destruction of a legal nonconforming use.
- (10) Damage to property abutting on a right-of-way due to change of grade where accompanied by a taking of land.
- (11) Proximity of new improvement to improvements remaining on condemnee's land.
- (12) Loss of or damage to growing crops.
- (13) That the property could be or had been adapted to a use which was profitably carried on.
- (14) Cost of new drains or loss of drains and the cost of replacing them with drains of like quality, to the extent that such loss affects the value of the property remaining.
- (15) Cost of new private roads or passageways or loss of private roads or passageways and the cost of replacing them with private roads or passageways of like quality, to the extent that such loss affects the value of the property remaining.

(e) *Fair market value*. "*Fair market value*" means the amount in terms of money that a well informed buyer is justified in paying and a well informed seller is justified in accepting for property in an open and competitive market, assuming that the parties are acting without undue compulsion. The fair market value shall be determined by use of the comparable

sales, cost or capitalization of income appraisal methods or any combination of such methods.”;

By renumbering the remaining sections accordingly;

Also on page 12, in line 24, before “and”, by inserting “, 26-505 and 26-513”; in line 25, by striking “and 19-101a” and inserting “, 19-101a and 26-504”;

In the title, in line 12, before the first “and”, by inserting “, 26-505 and 26-513”; in line 12, by striking “and 19-101a” and inserting “, 19-101a and 26-504”

Also, on motion of Rep. Horst, **Sub. SB 323** be amended on page 12, after line 23, by inserting the following:

“Sec. 8. K.S.A. 26-507 is hereby amended to read as follows: 26-507. (a) *Payment of award; vesting of rights.* If the plaintiff desires to continue with the proceeding as to particular tracts ~~it shall the plaintiff,~~ within ~~thirty (30)~~ 30 days from the time the appraisers’ report is filed, shall pay to the clerk of the district court the amount of the appraisers’ award as to those particular tracts and court costs accrued to date, including appraisers’ fees. Such payment shall be without prejudice to plaintiff’s right to appeal from the appraisers’ award. *Except as provided further,* upon such payment being made the title, easement or interest appropriated in the land condemned shall thereupon immediately vest in the plaintiff, and it shall be entitled to the immediate possession of the land to the extent necessary for the purpose for which taken and consistent with the title, easement or interest condemned. *If such property contains a defendant’s personal property, a defendant shall have 30 days from the date such payment is made to the clerk of the district court to remove such personal property from the property.* The plaintiff shall be entitled to all the remedies provided by law for the securing of such possession.

(b) *Abandonment.* If the plaintiff does not make the payment prescribed in subsection (a) ~~hereof~~ for any of the tracts described in the petition, within ~~thirty (30)~~ 30 days, from the time the appraisers’ report is filed, the condemnation is abandoned as to those tracts, and judgment for costs, including the appraisers’ fees together with judgment in favor of the defendant for ~~his~~ the reasonable expenses incurred in defense of the action, shall be entered against the plaintiff. After such payment is made by the plaintiff to the clerk of the court, as provided in subsection (a) ~~hereof~~, the proceedings as to those tracts for which payment has been made can only be abandoned by the mutual consent of the plaintiff and the parties interested in the award.”;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 24, before “and” by inserting “and 26-507”;

In the title, in line 12, before “and” where it appears the first time by inserting “and 26-507”;

Also, on motion of Rep. Goico, **Sub. SB 323** be amended (see further action) on page 2, after line 13, by inserting the following:

“(f) by any municipality for the purpose of acquiring property which is situated within a blighted area pursuant to K.S.A. 12-1770a, and amendments thereto, except that agricultural land, feedlots, public livestock markets or property located outside city limits shall not be deemed a “blighted area”;

(g) by any municipality for the purpose of acquiring property, other than single family residential property, a significant portion of which has been vacant for at least 50% of the preceding five calendar years and which is less than three acres in size and not part of a tax increment financing district.”;

And by relettering the remaining subsection;

Also, on motion of Rep. Sloan, **Sub. SB 323** be amended on page 12, following line 23, by inserting the following:

“Sec. 8. K.S.A. 2005 Supp. 26-508 is hereby amended to read as follows: 26-508. (a) If the plaintiff, or any defendant, is dissatisfied with the award of the appraisers, such party, within 30 days after the filing of the appraisers’ report, may appeal from the award by filing a written notice of appeal with the clerk of the district court ~~and paying the docket fee of a new court action.~~ *The appeal shall be deemed perfected upon the filing of the notice of appeal.* In the event any parties shall perfect an appeal, copies of such notice of appeal shall be mailed to all parties affected by such appeal, within three days after the date of the perfection thereof. An appeal by the plaintiff or any defendant shall bring the issue of

damages to all interests in the tract before the court for trial *de novo*. The appeal shall be docketed as a new civil action ~~and~~, *the docket fee of a new court action shall be collected and the appeal shall be* tried as any other civil action. The only issue to be determined therein shall be the compensation required by K.S.A. 26-513, and amendments thereto.

(b) This section, as amended by this act, shall be construed and applied prospectively, as well as retroactively to July 1, 2003, and shall apply to all eminent domain proceedings pending on or commenced after July 1, 2003.”;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 25, by striking “and” and inserting a comma; also in line 25, preceding “are” by inserting “and 26-508”; in line 27, by striking “statute book” and inserting “Kansas register”;

In the title, in line 12, by striking “and” where it appears the second time and inserting a comma; also in line 12, following “and” where it appears for the third time by inserting “26-508 and”;

Also, on motion of Rep. Oharah to amend **Sub. SB 323**, the motion was withdrawn.

Also, on motion of Rep. Gordon, having voted on the prevailing side in the adoption of the Goico amendment, the Committee reconsidered its action.

The question then reverted back to the motion of Rep. Goico to amend on page 2, after line 13, by inserting the following:

“(f) by any municipality for the purpose of acquiring property which is situated within a blighted area pursuant to K.S.A. 12-1770a, and amendments thereto, except that agricultural land, feedlots, public livestock markets or property located outside city limits shall not be deemed a “blighted area”;

(g) by any municipality for the purpose of acquiring property, other than single family residential property, a significant portion of which has been vacant for at least 50% of the preceding five calendar years and which is less than three acres in size and not part of a tax increment financing district;”;

And by relettering the remaining subsection;

Roll call was demanded.

On roll call, the vote was: Yeas 50; Nays 68; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Burroughs, Carlin, Colloton, Cox, Craft, Crow, Davis, Edmonds, Faust-Goudeau, Flaharty, Flora, Garcia, Goico, Henderson, Hill, Huff, Huntington, E. Johnson, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Mah, Menghini, M. Miller, Jim Morrison, O'Malley, Olson, Owens, Pauls, Pottorff, Powers, Roth, Ruff, Ruiz, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Swenson, Trimmer, Wilk, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Dahl, DeCastro, Decker, Dillmore, Faber, Feuerborn, Freeborn, Gatewood, George, Gordon, Grange, Hawk, Hayzlett, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, Kelley, Kelsey, Kinzer, Knox, Krehbiel, Landwehr, Light, Lu-kert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Neufeld, O'Neal, Oharah, Otto, Peck, Phelps, Pilcher-Cook, Powell, Proehl, Schwab, Schwartz, Shultz, Svaty, Tafanelli, Treaster, Vickrey, Watkins, Weber, Williams.

Present but not voting: None.

Absent or not voting: Grant, Kiegerl, Kilpatrick, Peterson, Sawyer, Thull, Ward.

The motion of Rep. Goico did not prevail, and **Sub. SB 323** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2306, **SB 329** was withdrawn from the Calendar under the heading General Orders and referred to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **H. Sub. for SB 431; Sub. SB 323** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

H. Sub. for SB 431, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 8-262, 8-287, 21-3719, 31-155 and 65-4151 and K.S.A. 2005 Supp. 12-4516, 21-3413, 21-3415, 21-3436, 21-3608a, 21-3718, 21-3731, 21-4619, 21-4704, 21-4714 and 21-4729 and section 3 of 2006 House Bill No. 2754 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Peterson, Sawyer, Thull, Ward.

The substitute bill passed, as amended.

Sub. SB 323, An act concerning eminent domain; relating to restriction of government authority to take property; relating to performance of certain land surveys; amending K.S.A. 12-1306, 19-1414, 24-438, 24-467, 26-201, 26-501, 26-505 and 26-507 and 26-513, 49-406 and 72-8212a, and K.S.A. 2005 Supp. 12-1773, 19-101a, 26-504 and 26-508 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, 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, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, 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, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Cox, Flora, Kirk, Kuether.

Present but not voting: None.

Absent or not voting: Peterson, Sawyer, Thull, Ward.

The substitute bill passed, as amended.

MESSAGES FROM THE GOVERNOR

HB 2705, HB 2951 approved on March 24, 2006.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2285** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2432** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2513** and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2578** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2649** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2671** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2691** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2692** and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2696** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2706** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2709** and has appointed Senators Donovan, Wilson and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2710** and has appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2748** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2752** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2798** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2809** and has appointed Senators Brungardt, Reitz and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2856** and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2893** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2899** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2916** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

Also, the Senate nonconcur in House amendments to **H. Sub. for SB 52**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 180**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 196**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 217**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 260**, requests a conference and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 270**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 324**, requests a conference and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 337**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 352**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 365**, requests a conference and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 366**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 404**, requests a conference and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 435**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 442**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **Sub. SB 449**, requests a conference and has appointed Senators Brownlee, Jordan and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 475**, requests a conference and has appointed Senators Umbarger, McGinn and Betts as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 505**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 506**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 574**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 579**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 52**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 180**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 196**.

Speaker Mays thereupon appointed Reps. Cox, Humerickhouse and Grant as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 217**.

Speaker Mays thereupon appointed Reps. Jim Morrison, Mast and Holland as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 260**.

Speaker Mays thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 270**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 324**.

Speaker Mays thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 337**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 352**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 365**.

Speaker Mays thereupon appointed Reps. Wilk, Huff and Thull as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 366**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 404**.

Speaker Mays thereupon appointed Reps. Wilk, Huff and Thull as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 435**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 442**.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **Sub. SB 449**.

Speaker Mays thereupon appointed Reps. C. Holmes, Krehbiel and Kuether as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 475**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 505**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 506**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 574**.

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

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 579**.

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

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Kirk as a member of the conference committee on **H. Sub. for SB 217** to replace Rep. Holland.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2105** and asked for a conference.

Speaker Mays thereupon appointed Reps. Neufeld, Landwehr and Henry as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2366** and asked for a conference.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **HB 2949** and asked for a conference.

Speaker Mays thereupon appointed Reps. Neufeld, Powell and Feuerborn as conferees on the part of the House.

On motion of Rep. Vickrey, the House nonconcurrred in Senate amendments to **HB 2529** and asked for a conference.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrred in Senate amendments to **HB 2553** and asked for a conference.

Speaker Mays thereupon appointed Reps. Shultz, Carter and Dillmore as conferees on the part of the House.

On motion of Rep. Vickrey, the House nonconcurrred in Senate amendments to **HB 2582** and asked for a conference.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

On motion of Rep. Neufeld, the House nonconcurrred in Senate amendments to **HB 2583** and asked for a conference.

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

On motion of Rep. Decker, the House nonconcurrred in Senate amendments to **HB 2585** and asked for a conference.

Speaker Mays thereupon appointed Reps. Decker, Horst and Storm as conferees on the part of the House.

On motion of Rep. Edmonds, the House nonconcurrred in Senate amendments to **Sub. HB 2727** and asked for a conference.

Speaker Mays thereupon appointed Reps. Edmonds, Siegfried and Burroughs as conferees on the part of the House.

On motion of Rep. Cox, the House nonconcurrent in Senate amendments to **HB 2874** and asked for a conference.

Speaker Mays thereupon appointed Reps. Cox, Humerickhouse and Grant as conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **SB 303** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 303," as follows:

"HOUSE Substitute for SENATE BILL No. 303

By Committee on Utilities

"AN ACT enacting the Kansas energy development act; concerning certain energy-related industries; 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; relating to certain permits; 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, 66-1,169b, 79-32,120 and 79-32,138 and K.S.A. 2005 Supp. 66-1,160 and 79-32,117 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 303** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 116, by Representative Hutchins, congratulating Pleasant Hill United Methodist Church on its 125th anniversary;

Request No. 117, by Representative Hutchins, congratulating Gerald and Jeri Albright on being named 2005 Kansas Master Farmer and Master Farm Homemaker;

Request No. 118, by Representative D. Johnson, commending Amber Kollman on her service as an intern during the 2006 Legislative Session;

Request No. 119, by House Democratic Caucus, congratulating Representative Valdenia Winn on her selection as a member of an International Round Table on Education Policy at Oxford University;

Request No. 120, by Representative Thull, congratulating the Newton Lady Railers basketball team on winning the 5A state championship;

Request No. 121, by Representatives Hawk and Hill, commending Major General Thomas Romig for his service in the U.S. Army;

Request No. 122, by Representative Peck, congratulating Leon Butterfield on his 90th birthday;

Request No. 123, by Representatives Davis, Ballard and Holland, congratulating Forrest Swall on receiving the Helen Fluker Open and Accessible Government Award;

Request No. 124, by Representative Faust-Goudeau, commending the Wichita Chapter of Links, Inc. on the 31st annual Beautillion;

Request No. 125, by Representative Olson, honoring Casey Mears, Nascar driver;

Request No. 126, by Representative Hutchins, congratulating Sherri Moore on receiving the 2005 Emerging Business of the Year Award;

Request No. 127, by Representative Huff, congratulating Vivian G. Heeter on her 100th birthday;

Request No. 128, by Representative Mast, commending Brenda Holmes on receiving the Acts of Caring Award from the National Association of Counties;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, **SCR 1625**, A concurrent resolution relating to the 2006 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof, was adopted.

REPORT ON ENGROSSED BILLS

HB 2329, HB 2754, HB 2882, HB 2982, HB 3004 reported correctly engrossed March 24, 2006.

REPORT ON ENROLLED BILLS

HB 2560, HB 2572, HB 2575, HB 2616, HB 2669; Sub. HB 2695; HB 2806, HB 2824, HB 2858; S. Sub. for HB 2875 reported correctly enrolled, properly signed and presented to the governor on March 24, 2006.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Wednesday, March 29, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

