

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 15, 2007, 10:30 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair. The roll was called with 120 members present.
Reps. Neufeld and Powers were excused on verified illness.
Reps. Horst and Pottorff were excused on legislative business.
Rep. Henry was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord, you have promised us in the Psalms, "I will instruct you and teach you in the way you should go; I will counsel you and watch over you. Do not be like the horse or the mule, which have no understanding but must be controlled by bit and bridle or they will not come to you. Many are the woes of the wicked, but (*my*) unfailing love surrounds the man who trusts in (*Me*)." (Ps. 32:8-10) Lord, help us to be teachable today and to trust that your love and wisdom is the foundation of all our actions and decisions.

We pray for Rep. Jerry Henry whose two sons have had surgeries this week. Bring healing to their bodies and strength to Jerry and his whole family. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Holland.

INTRODUCTION OF GUESTS

Rep. Swanson introduced Rhonda Gierhan who is instructor of an eighth grade technology class from Clay Center Community Middle School in attendance at the Capitol today. He also introduced their principal, Kristen Ryan.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2529, An act concerning income tax; relating to withholding thereof; publicly traded partnerships; amending K.S.A. 2006 Supp. 79-32,100e and repealing the existing section, by Committee on Taxation.

HB 2530, An act concerning consumer protection; relating to health care providers; amending K.S.A. 50-635 and repealing the existing section, by Committee on Appropriations.

HB 2531, An act concerning the pharmacy act of the state of Kansas; amending K.S.A. 65-1627 and 65-1655 and K.S.A. 2006 Supp. 65-1626 and 65-1643 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **HB 2526**; **Sub. SB 89**; **SB 146**, **SB 190**, **SB 191**, **SB 192**.

Appropriations: **SB 165**.

Commerce and Labor: **SB 83**.
 Elections and Governmental Organization: **HB 2523; SB 73**.
 Energy and Utilities: **HB 2522**.
 Federal and State Affairs: **HB 2528**.
 Health and Human Services: **SB 81, SB 106, SB 176**.
 Insurance and Financial Institutions: **HR 6009; SB 121, SB 137, SB 154**.
 Judiciary: **HB 2527; SB 41, SB 74, SB 76, SB 87, SB 97**.
 Taxation: **HB 2524, HB 2525**.

MESSAGES FROM THE GOVERNOR

HB 2002, HB 2039, HB 2041, HB 2303 approved on February 14, 2007.

CONSENT CALENDAR

Objection was made to **HB 2357** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2307** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2010, An act enacting the revised uniform anatomical gift act; amending K.S.A. 58-654, 59-3075 and 65-3219 and K.S.A. 2006 Supp. 8-243, 8-247, 8-1325 and 65-1728 and repealing the existing sections; also repealing K.S.A. 65-3209, 65-3210, 65-3211, 65-3212, 65-3213, 65-3214, 65-3215, 65-3216, 65-3217 and 65-3218, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Horst, Neufeld, Pottorff, Powers.

The bill passed, as amended.

HB 2093, An act concerning the special education teacher service scholarship; amending K.S.A. 2006 Supp. 74-32,202, 74-32,203, 74-32,204 and 74-32,206 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan,

Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Horst, Neufeld, Pottorff, Powers.

The bill passed, as amended.

HB 2159. An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6448 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Horst, Neufeld, Pottorff, Powers.

The bill passed.

Sub. HB 2171. An act concerning sales taxation; relating to refund claims; requirements and procedures; penalties; amending K.S.A. 2006 Supp. 79-3609, 79-3615, 79-3650 and 79-3702 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge, Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Watkins.

Present but not voting: None.

Absent or not voting: Henry, Horst, Neufeld, Pottorff, Powers.

The substitute bill passed.

Sub. HB 2278. An act concerning electric and natural gas public utilities; relating to financing of energy conservation equipment, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge,

Holland, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Henry, Horst, Neufeld, Pottorff, Powers.

The substitute bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Schwartz in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Schwartz, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2274** be passed.

Committee report to **HB 2373** be adopted; and the bill be passed as amended.

Committee report to **HB 2267** be adopted; also, on motion of Rep. McCray-Miller be amended on page 2, in line 39, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee report to **HB 2168** be adopted; and the bill be passed as amended.

Committee report to **HB 2006** be adopted; also, roll call was demanded on motion of Rep. Neighbor to amend on page 1, by striking all in lines 13 through 40 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 21-3440 is hereby amended to read as follows: 21-3440.

(a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level ~~4~~3, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2006 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a severity level ~~5~~4, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2006 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a ~~class A person misdemeanor severity level 10, person felony.~~

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. K.S.A. 21-3441 is hereby amended to read as follows: 21-3441. (a) Injury to a pregnant woman by vehicle is injury to a pregnant woman by a person other than the pregnant woman in the unlawful operation of a motor vehicle causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) (1) Injury to a pregnant woman by vehicle while committing a violation of K.S.A. 8-1567 and amendments thereto is a severity level ~~5~~4, person felony.

(2) Injury to a pregnant woman by vehicle while committing a violation of law related to the operation of a motor vehicle other than K.S.A. 8-1567 and amendments thereto is a ~~class A person misdemeanor severity level 10, person felony.~~

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 21-3441 and K.S.A. 2006 Supp. 21-3440 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also, on page 1, in the title, in line 10, by striking “against the unborn children” and inserting “and punishment; relating to injury to a pregnant woman; amending K.S.A. 21-3441 and K.S.A. 2006 Supp. 21-3440 and repealing the existing sections”;

On roll call, the vote was: Yeas 34; Nays 83; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Hawk, Henderson, Hill, Holland, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Peterson, Rardin, Roth, Ruiz, Sawyer, Sharp, Sloan, Storm, Tietze, Winn, K. Wolf, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Goyle, Grange, Grant, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Lukert, Mast, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Judy Morrison, Moxley, Myers, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Powell, Proehl, Rhoades, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Gordon, Henry, Horst, Huntington, Jim Morrison, Neufeld, Pottorff, Powers.

The motion of Rep. Neighbor did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend **HB 2006** on page 1, by striking all in lines 13 through 40 and inserting the following:

“Section 1. K.S.A. 21-3439 is hereby amended to read as follows: 21-3439. (a) Capital murder is the:

(1) Intentional and premeditated killing of any person in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with the intent to hold such person for ransom;

(2) intentional and premeditated killing of any person pursuant to a contract or agreement to kill such person or being a party to the contract or agreement pursuant to which such person is killed;

(3) intentional and premeditated killing of any person by an inmate or prisoner confined in a state correctional institution, community correctional institution or jail or while in the custody of an officer or employee of a state correctional institution, community correctional institution or jail;

(4) intentional and premeditated killing of the victim of one of the following crimes in the commission of, or subsequent to, such crime: Rape, as defined in K.S.A. 21-3502 and amendments thereto, criminal sodomy, as defined in subsections (a)(2) or (a)(3) of K.S.A. 21-3505 and amendments thereto or aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, or any attempt thereof, as defined in K.S.A. 21-3301 and amendments thereto;

(5) intentional and premeditated killing of a law enforcement officer, as defined in K.S.A. 21-3110 and amendments thereto;

(6) intentional and premeditated killing of more than one person as a part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct; ~~or~~

(7) intentional and premeditated killing of a child under the age of 14 in the commission of kidnapping, as defined in K.S.A. 21-3420 and amendments thereto, or aggravated kidnapping, as defined in K.S.A. 21-3421 and amendments thereto, when the kidnapping or aggravated kidnapping was committed with intent to commit a sex offense upon or with the child or with intent that the child commit or submit to a sex offense; *or*

(8) *intentional and premeditated killing of a pregnant woman with the intent to prevent the live birth of such pregnant woman's unborn child and such killing does prevent the live birth of the unborn child.*

(b) For purposes of this section, "sex offense" means rape, as defined in K.S.A. 21-3502 and amendments thereto, aggravated indecent liberties with a child, as defined in K.S.A. 21-3504 and amendments thereto, aggravated criminal sodomy, as defined in K.S.A. 21-3506 and amendments thereto, prostitution, as defined in K.S.A. 21-3512 and amendments thereto, promoting prostitution, as defined in K.S.A. 21-3513 and amendments thereto or sexual exploitation of a child, as defined in K.S.A. 21-3516 and amendments thereto.

(c) Capital murder is an off-grid person felony.

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

Sec. 2. K.S.A. 2006 Supp. 21-3440 is hereby amended to read as follows: 21-3440. (a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level ~~4~~3, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2006 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a severity level ~~5~~4, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, subsections (b)(1) and (b)(2) of K.S.A. 2006 Supp. 21-3412a or K.S.A. 21-3517, and amendments thereto, is a ~~class A person misdemeanor~~ severity level 10, person felony.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 21-3441 is hereby amended to read as follows: 21-3441. (a) Injury to a pregnant woman by vehicle is injury to a pregnant woman by a person other than the pregnant woman in the unlawful operation of a motor vehicle causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) (1) Injury to a pregnant woman by vehicle while committing a violation of K.S.A. 8-1567 and amendments thereto is a severity level ~~5~~4, person felony.

(2) Injury to a pregnant woman by vehicle while committing a violation of law related to the operation of a motor vehicle other than K.S.A. 8-1567 and amendments thereto is a ~~class A person misdemeanor~~ severity level 10, person felony.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 4. K.S.A. 21-3439 and 21-3441 and K.S.A. 2006 Supp. 21-3440 are hereby repealed.;

And by renumbering the remaining section accordingly;

Also, on page 1, in the title, in line 10, by striking "against the unborn children" and inserting "and punishment; relating to injury to a pregnant woman; amending K.S.A. 21-3439 and 21-3441 and K.S.A. 2006 Supp. 21-3440 and repealing the existing sections";

On roll call, the vote was: Yeas 45; Nays 69; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaherty, Flora, Frownfelter, Garcia, Goyle, Hawk, Henderson, Hill, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Peterson, Phelps, Proehl, Roth, Ruiz, Sharp, Sloan, Spalding, Storm, Tietze, Treaster, Trimmer, Ward, Winn, K. Wolf, Worley.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gatewood, George, Goico, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox,

Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Powell, Rhoades, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Svaty, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Burroughs, Gordon, Grant, Henry, Horst, Humerickhouse, Huntington, Neufeld, Pottorff, Powers, Rardin.

The motion of Rep. Davis did not prevail, and **HB 2006** be passed as amended.

REPORTS OF STANDING COMMITTEES

Agriculture and Natural Resources Budget Committee recommends **HB 2070** be amended on page 2, in line 3, by striking all preceding "from"; following line 17, by inserting the following:

"(e) The chief engineer shall not designate any new intensive groundwater use control areas after the effective date of this act nor expand the boundaries of any such areas existing on the effective date of this act. The provisions of this subsection shall expire on June 30, 2008.";

Also on page 2, in line 20, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2249** be amended on page 1, in line 43, by striking "their"; also in line 43, before "statutory" by inserting "such person's";

On page 2, in line 1, before the period by inserting "to clients and customers"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2293** be amended on page 6, in line 17, by striking "permit holder's" and inserting "person's"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2295** be amended on page 1, in line 23, by striking "may" and inserting "shall"; in line 27, by striking "is authorized" and inserting "shall require the applicant"; in line 30 by striking "may" and inserting "shall"; in line 36, by striking "and juvenile"; in line 37, by striking "adjudications, expungements and nonconvictions";

On page 3, after line 37, by inserting:

"any plea of guilty or nolo contendere to, or any conviction of: (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge;

(4)";

Also, on page 3, in line 41, by striking "(4)" and inserting "(5)";

On page 4, in line 16, by striking "The" and inserting "Except as provided further, within the last 15 years, the"; in line 40, after "subsection" by inserting:

"(b) (1) only if at least 15 years have passed since the applicant entered a plea of guilty or nolo contendere to, has been convicted of, or has completed serving a sentence for the crimes in subsection (b)(1), whichever is later; (B) in subsection";

Also, on page 4, in line 43, by striking "(B)" and inserting "(C)";

On page 5, after line 34, by inserting:

"the licensee has entered a plea of guilty or nolo contendere to, or has been convicted of: (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge;

(3)";

Also, on page 5, in line 38, by striking "(3)" and inserting "(4)"; in line 40, by striking "(4)" and inserting "(5)"; in line 42, by striking "(5)" and inserting "(6)";

On page 7, after line 4, by inserting:

"(n) For purposes of this section, "sentence" means incarceration, confinement in a county jail, confinement in a community correctional services program, house arrest, probation, parole and post-release supervision.

(o) Nothing in this section shall require revocation or nonrenewal of any individual's license on the basis of any plea of guilty or nolo contendere to, or conviction of, any felony

which existed at the time such license was issued and was disclosed to the commission in the individual's application for such license.”;

Also, on page 7, in line 12, by striking “board” and inserting “commission”; in lines 12 and 13, by striking “fingerprinting and” and inserting “administering”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **HB 2004** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2280** be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2532, An act concerning sales taxation; relating to retailers' sales tax; authority of counties; amending K.S.A. 2006 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b and 12-189f, by Committee on Taxation.

HB 2533, An act concerning colleges and universities; relating to tuition, fees and charges; amending K.S.A. 76-719 and repealing the existing section, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2010, HB 2093 reported correctly engrossed February 14, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Friday, February 16, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

