

# Journal of the House

THIRTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 21, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 121 members present.  
Rep. Powers was excused on verified illness.  
Reps. Burgess, Ruiz and Sawyer were excused on excused absence by the Speaker.  
Present later: Rep. Burgess.  
Prayer by Chaplain Brubaker:

Our Heavenly Father, today is Ash Wednesday — a day when we focus on the fact that we have all sinned and fall short of the glory of God. It is a day for us to bow in humility and confess our sins to you. It is a day to remind us that our lives are just a pinpoint on the timeline of mankind. My prayer for all of us today is “. . . if my people, who are called by my name, will humble themselves and pray and seek my face and turn from their wicked ways, than will I hear from heaven and will forgive their sin and will heal their land.” (II Chronicles 7:14) In Christ’s name I pray. Amen.

The Pledge of Allegiance was led by Rep. Treaster.

## INTRODUCTION OF GUESTS

Rep. Kiegerl introduced Karla Reed of Gardner, winner of the Milken National Education Award. Rep. Kiegerl also presented her with a House certificate.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2546**, An act repealing K.S.A. 2006 Supp. 75-53,119; concerning the Kansas foster child educational assistance act, by Committee on Appropriations.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Judiciary: **HB 2545**.

## CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2015** from Committee on Education and referral to Committee on Education Budget.

## COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Public Broadcasting Council, in accordance with K.S.A. 75-4924, Annual Report to the Kansas Legislature, fiscal year 2008.

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

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 17, SB 88, SB 107, SB 178, SB 179; Sub. SB 208; SB 219, SB 220, SB 235, SB 242, SB 288, SB 326.**

Announcing passage of **HB 2152**, as amended.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 17, SB 88, SB 107, SB 178, SB 179; Sub. SB 208; SB 219, SB 220, SB 235, SB 242, SB 288, SB 326.**

**CONSENT CALENDAR**

No objection was made to **HB 2385** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2096, HB 2202, HB 2294** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2096**, An act concerning the state board of pharmacy; relating to meetings; amending K.S.A. 74-1606 and 74-1608 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, Bowers, Brown, Brunk, 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, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, 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, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Burgess, Powers, Ruiz, Sawyer.

The bill passed.

**HB 2202**, An act concerning alcoholic liquors; relating to farm wineries; amending K.S.A. 2006 Supp. 41-2623 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, 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, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, 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: McKinney.

Present but not voting: None.  
 Absent or not voting: Burgess, Powers, Ruiz, Sawyer.  
 The bill passed.

**HB 2294.** An act concerning the Kansas propane safety and licensing act; relating to licensure and training; amending K.S.A. 55-1812 and repealing the existing section, 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, Bowers, Brown, Brunk, 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, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, 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, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Burgess, Powers, Ruiz, Sawyer.  
 The bill passed.

**Sub. HB 2129.** An act concerning elections; relating to certain crimes; amending K.S.A. 25-2407 and repealing the existing section, 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, Bowers, Brown, Brunk, 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, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, 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, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Burgess, Powers, Ruiz, Sawyer.  
 The substitute bill passed.

**HB 2140.** An act designating English as the official language of the state of Kansas and concerning its use by state agencies and political or taxing subdivisions; establishing the English as the official language competitive grant program and making appropriations therefor, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gor-

don, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Master-son, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Garcia, Henderson, Kuether, McCray-Miller, Owens, Peterson, Winn.

Present but not voting: None.

Absent or not voting: Burgess, Powers, Ruiz, Sawyer.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2140**. This bill is like a Chinese lantern. It is pretty on the surface but it is deceptive in its purpose, void of substance within, and sheds no light on anything. Kansans deserve better lawmaking than that. I vote no.—TIM OWENS

MR. SPEAKER: This legislation is needed because it recognizes the importance of promoting English language classes, as well as the training and educational services that are offered to non-native speakers. It is essential before funds can be appropriated by the Legislature. This bill will encourage the development of English proficiency by providing our residents the means to accomplish this difficult learning process.

As a person who can say that English is my second language, I want to provide other non-native speakers the opportunity to experience the positive effects that knowing English can have in a person's life. I vote yes on **HB 2140**.—MIKE KIEGERL

#### PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, I protest the passage or adoption of **HB 2140**.

Restrictions on multilingualism are based on and foster an atmosphere of intolerance and xenophobia. Language restrictions are based on the assumption that limited English speaking persons do not want to learn English. This legislation could lead to a more general backlash towards anyone who looks different or even speaks with an accent. This almost represents kind of a green light for discrimination against immigrants generally, and against US citizens who may appear to be foreign, regardless of their immigration status.

I vote "NO" on "principle" because this bill still sends the wrong message to *all* Kansans! This bill appears to be divisive, non-welcoming, and unfriendly. I'd like to state unequivocally that I believe English is critical to the success in this nation, and I strongly support English language acquisition. However, the real issue here is there are waiting lines for Adult English classes all over Kansas. Funding these classes is the right thing to do, which is why I supported the Amendment, but do not support the underlined bill that is still a bad idea and could open doors to future bad legislation. I really hope monies will be appropriated to the Adult English classes. According to the last US Census, more than 92% of our country's population speak English, confirming that the problem Official English laws are designed to address, simply does not exist! I vote no on **HB 2140**.— DELIA GARCIA, MELODY MCCRAY-MILLER

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Siegfried, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2318**, **HB 2476** be passed.

**HB 2316** be passed over and retain a place on the calendar.

Committee report to **HB 2185** be adopted; also, on motion of Rep. Brunk be amended on page 1, in line 31, following "years" by inserting "2006-2007,"; following line 37, by inserting the following:

"(3) Any person who (A) qualifies as a resident of the state of Kansas for fee purposes under the provisions of paragraph (2), (B) attended a state educational institution during academic year 2006-2007 and (C) paid fees as if such person was not a resident of the state of Kansas, such person shall be reimbursed in an amount equal to the difference between the amount the person paid in fees and the amount the person would have paid if such person had been treated as a resident of the state of Kansas. Such reimbursement shall be paid by the state educational institution at which such person was enrolled during academic year 2006-2007.";

On page 3, following line 25, by inserting:

"(8) "Academic year" means the twelve-month period ending June 30.";

Also, on motion of Rep. Gordon to amend **HB 2185**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2425** be adopted; and the bill be passed as amended.

Committee report to **HB 2368** be adopted; also, on motion of Rep. Grange be amended on page 10, after line 29, by inserting the following:

"(n) The department of corrections is hereby authorized and directed to pay the following amount from the central administration operations and parole and postrelease supervision operations account of the state general fund for payment of the final settlement of a claim of wrongful incarceration, to the following claimant:

Alice Buess

2960 SW Butler Road  
Benton, KS 67017 ..... \$37,500.00";

On page 12, after line 19, by inserting the following:

"Sec. 10. The judicial branch is hereby authorized and directed to pay the following amount from the judiciary operations account of the state general fund for payment of the final settlement of a claim of wrongful incarceration, to the following claimant:

Alice Buess

2960 SW Butler Road  
Benton, KS 67017 ..... \$37,500.00";

And by renumbering the remaining sections accordingly ; and **HB 2368** be passed as amended.

Committee report to **HB 2485** be adopted; and the bill be passed as amended.

Committee report to **HB 2210** be adopted; and the bill be passed as amended.

Committee report to **HB 2305** be adopted; also, on motion of Rep. Proehl be amended on page 1, in line 22, by striking "from and"; also in line 22, by striking "pur-"; in line 23, by striking "chase or"; also in line 23, following the first "of" by inserting "new";

On page 10, in line 24, by striking all following "liquids"; by striking all in line 25; in line 26, by striking all preceding the period; in line 29, by striking ", natural"; in line 30, by striking all preceding the comma; in line 36, by striking all following "oil"; in line 37, by striking "thereof"; and the bill be passed as amended..

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2487** be amended on page 3, after line 15, by inserting the following:

"(g) The provisions of this section are part of and supplemental to article 12 of chapter 2 of the Kansas Statutes Annotated, and amendments thereto."; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **SB 83** be amended on page 28, in line 15, by striking "10" and inserting "5"; in line 16, by striking "11 through 20" and inserting "6 through 28"; also in line 16, by striking "75%" and inserting "50%"; in line 17, by striking "21 through 30" and inserting "29 through 51"; also in line 17, by striking all

after “by”; in line 18, by striking all before the period and inserting “40%”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **HB 2440** be amended on page 1, after line 11, by inserting the following:

“Section 1. The provisions of sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas film production investor tax credit act.”;

And by renumbering the remaining sections accordingly;

Also on page 1, by striking all in lines 24 and 25; in line 26, by striking “(c)” and inserting “(b)”;

also in line 26, by striking “is” and inserting “and the secretary of revenue are”;

in line 28, by striking “this act” and inserting “sections 1 through 8, and amendments thereto”;

in line 29, by striking “an accredited” and inserting “any”;

in line 30, after “investor” by inserting “or business entity investor”;

also in line 30, by striking all after “as”;

in line 31, by striking all before the comma and inserting “determined by the secretary”;

On page 2, in line 2, after “Kansas” by inserting “film production”;

also in line 2, by striking “K.S.A. 2006 Supp. 74-8134” and inserting “section 8”;

in line 19, by striking “A” and inserting “For all taxable years commencing after December 31, 2006, a”;

in line 30, by striking all after “credit”;

in line 31, by striking all before the period and inserting “shall be refunded”;

in line 32, by striking “or limited”;

in line 33, by striking “liability corporation”;

also in line 33, by striking “or a partnership” and inserting “, a partnership or a limited liability entity”;

in line 35, by striking all after “of” where it appears for the first time; by striking all in lines 36 and 37;

in line 38, by striking all before the period and inserting “such corporation, the partners of such partnership or the members of such limited liability entity in the same manner as such shareholder, partner or member accounts for their proportionate share of the income or loss of the corporation, partnership or limited liability entity”;

in line 43, by striking all after the period;

On page 3, by striking all in lines 1 through 5; in line 9, before the period, by inserting “and shall be approved by the secretary. The secretary shall certify the approved tax credits to the department of revenue in a manner and at times the department of commerce and the department of revenue shall agree upon”;

in line 10, by striking all after “(d)”;

by striking all in lines 11 through 23;

in line 24, by striking “(e)”;

in line 28, by striking “or the transferees of investors”;

in line 34, by striking “de-”;

in line 35, by striking “partment” and inserting “secretary”;

in line 42, by striking all after the semicolon; by striking all in line 43;

On page 4, in line 1, by striking all before “any” and inserting “and (3)”;

in line 2, by striking “department” and inserting “secretary”;

in line 17, after “subsection” by inserting “(a) and”;

in line 22, by striking “department” and inserting “secretary”;

in line 29, by striking all after “business”;

in line 30, by striking “business”;

On page 5, in line 13, by striking “department” and inserting “secretary of commerce and the secretary of revenue”;

On page 6, by striking all in lines 35 through 39; in line 40, by striking “(3) the” and inserting “(1) The”;

On page 7, in line 13, by striking the period and inserting “; and”;

in line 14, by striking “(4) The” and inserting “(2) the”;

after line 35, by inserting the following:

“Sec. 9. Sections 9 through 11, and amendments thereto, shall be known and may be cited as the Kansas film production tax credit act.

Sec. 10. (a) For all taxable years commencing after December 31, 2006, a credit against the tax imposed by the Kansas income tax act shall be allowed for direct production expenditures made by an eligible film production company. Such credit shall be in an amount equal to 30% of direct production expenditures made in Kansas that are directly attributable to the production of a film in Kansas and that have been awarded by the department of revenue. The tax credit shall be deducted from the eligible film production company’s income tax liability for the taxable year in which the expenditures are made by the eligible film production company. If the amount of the film production tax credit allowed exceeds the film production company’s income tax liability for the taxable year, the amount which exceeds the tax liability shall be refunded. If the eligible film production company is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability entity, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the

member of such limited liability entity in the same manner as such shareholder, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability entity.

(b) A long-form narrative film production for which the film production tax credit is claimed shall contain an acknowledgment that the production was filmed in Kansas.

(c) To be eligible for the film production tax credit, a film production company shall submit to the department of commerce information required by the department to demonstrate conformity with the requirements of this act. Information supplied shall include expected direct production expenditures to be made in Kansas with respect to the film production for which the film production company is seeking the film production tax credit. The department of commerce may reserve a tax credit amount based upon the expected direct production expenditures. The department of commerce shall determine the eligibility of the company and shall certify this information to the department of revenue in a manner and at times the department of commerce and department of revenue shall agree upon.

(d) To receive a film production tax credit, a film production company shall apply to the department of revenue on forms and in the manner the department may prescribe. The application shall include a certification of the amount of direct production expenditures made in Kansas with respect to the film production for which the film production company is seeking the film production tax credit. The department of revenue may award a film production tax credit based on the application submitted and the amount of tax credit reserved by the department of commerce. Upon approval of the application and the awarding of the tax credit the department of revenue shall certify to the film production company and the department of commerce the amount of the tax credit awarded.

(e) The secretary of commerce and the secretary of revenue are hereby authorized to adopt rules and regulations to implement and administer the provisions of this act.

Sec. 11. As used in sections 9 through 11, and amendments thereto:

(a) "Direct production expenditure" means an expenditure incurred in the state of Kansas in the production of a Kansas film including:

(1) Payment of wages, fringe benefits or fees for talent, management or labor to a person who is a Kansas resident for purposes of the Kansas income tax act;

(2) payment to a personal services corporation for the services of a performing artist, if:

(A) The personal services corporation is subject to taxation under the provisions of the Kansas income tax act; or

(B) the performing artist receiving payment from the personal services corporation pays Kansas income tax; and

(3) any of the following provided by a vendor:

(A) The story and scenario to be used for a film;

(B) set construction and operations, wardrobe, accessories and related services;

(C) photography, sound synchronization, lighting and related services;

(D) editing and related services;

(E) rental of facilities and equipment;

(F) leasing of vehicles;

(G) food or lodging;

(H) airfare if purchased through a Kansas-based travel agency or travel company;

(I) insurance coverage and bonding if purchased through a Kansas-based insurance agent; and

(J) other direct costs of producing a film in accordance with generally accepted entertainment industry practice.

(b) "Eligible film production company" means a film production company that has received certification from the department of commerce.

(c) "Film" means any film, video, commercial or television production, as approved by the department of commerce, that is 30 minutes or less in length with an expected in-state expenditure budget in excess of \$50,000, or that is over 30 minutes in length with an expected in-state expenditure budget in excess of \$100,000. Film shall not include the following:

(1) News or current events programming;

(2) talk show;

- (3) production produced primarily for industrial, corporate or institutional purposes, and for internal use;
- (4) sports event or sports programming;
- (5) gala presentation or awards programming;
- (6) infomercial or any production that directly solicits funds;
- (7) political advertisement; or
- (8) production that is considered obscene.

(d) "Film production company" means a person that produces one or more films.

Sec. 12. (a) No tax credits authorized by sections 1 through 8 and sections 9 through 11, and amendments thereto, shall be allowed for any tax year commencing on or after January 1, 2017.

(b) The cumulative aggregate amount of the tax credits allowed by the secretary of revenue pursuant to sections 1 through 8 and sections 9 through 11, and amendments thereto, shall not exceed \$20,000,000. The total amount of tax credits which may be allowed under sections 1 through 8 and sections 9 through 11, and amendments thereto, shall not exceed \$2,000,000 per tax year. The secretary of commerce shall have discretion, in any calendar year, to award a mix of film production tax credits and film production investor tax credits reflective of the types and budgets of film projects being recruited for production in Kansas as provided in statute, and as long as those credits do not exceed \$2,000,000 in any calendar year. Notwithstanding the foregoing, if the full \$2,000,000 has not been awarded within a specific calendar year, the excess may be carried over to the next calendar year for awarding."

On page 1, in the title, in line 9, following "ACT" by inserting "concerning taxation; relating to credits;"; also in line 9, preceding the period, by inserting "and the Kansas film production tax credit act"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2447** be passed.

Committee on **Education** recommends **HB 2310** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2310," as follows:

"Substitute for HOUSE BILL No. 2310

By Committee on Education

"AN ACT concerning school districts; relating to bullying;"; and the substitute bill be passed.

(**Sub. HB 2310** was thereupon introduced and read by title.)

Committee on **Education** recommends **HB 2343** be amended on page 1, in line 14, by striking "Building" and inserting "Construction"; in line 22, by striking " "Technical college" " and inserting " "Community college", "technical college" "; by striking all in lines 24 through 28; in line 29, by striking all preceding "shall" and inserting the following:

"(b) The board of education of each school district may adopt an early high school graduation incentive program for pupils desiring to become a construction trade worker. The board of education of the district shall establish the requirements of the early graduation incentive program of the district.

(c) In order to provide financial support of students seeking post-secondary training as a construction trade worker, there is hereby established the early high school graduation bonus and scholarship program. The program shall be administered by the state board. Any pupil who graduates from high school at least one year earlier than the usual graduation time in accordance with the early graduation incentive program of a school district";

Also on page 1, in line 32, by striking "building" and inserting "construction"; in line 36, by striking all preceding "technical" and inserting "construction trade program at a community college,"; in line 37, by striking all following "school"; in line 38, by striking all preceding the period and inserting ". Any pupil who receives a scholarship under this subsection and who fails to complete the construction trade program shall reimburse the state board for the amount of the scholarship awarded. Any moneys received by the state board from a pupil who fails to complete the construction trade program as required by this section shall be remitted to the state treasurer who shall credit such moneys to the state general fund" and the bill be passed as amended.

Committee on **Education** recommends **HB 2398** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2398," as follows:



“Substitute for HOUSE BILL No. 2398

By Committee on Education

“AN ACT concerning school districts; directing boards of education to adopt policies relating to the handling of infectious materials.”; and the substitute bill be passed.

(**Sub. HB 2398** was thereupon introduced and read by title.)

Committee on **Government Efficiency and Technology** recommends **HB 2457** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2457,” as follows:

“Substitute for HOUSE BILL No. 2457

By Committee on Government Efficiency and Technology

“AN ACT relating to public finance; creating the Kansas taxpayer transparency act; defining terms; requiring the secretary of administration to develop and operate a specified website; enumerating information which shall be made available on such website; establishing a time period covered for information on such website; establishing the public finance transparency board and prescribing its duties; and providing for nondisclosure of certain information.”; and the substitute bill be passed.

(**Sub. HB 2457** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **HB 2418** be passed.

Committee on **Health and Human Services** recommends **HB 2214** be amended on page 1, in line 41, by striking “and assess a fine”; also in line 41, following “violation” by inserting “by the permit holder”; in line 43, by striking “by the permit holder” and inserting “ or in lieu thereof or in addition thereto may assess a fine in accordance with K.S.A. 65-1436, and amendments thereto”;

On page 2, preceding line 1, by inserting the following:

“Sec. 2. K.S.A. 65-1436 is hereby amended to read as follows: 65-1436. (a) The Kansas dental board may refuse to issue the license provided for in this act, or may take any of the actions with respect to any dental or dental hygiene license as set forth in subsection (b), whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that any applicant for a dental or dental hygiene license or any licensed dentist or dental hygienist practicing in the state of Kansas has:

- (1) Committed fraud, deceit or misrepresentation in obtaining any license, money or other thing of value;
- (2) habitually used intoxicants or drugs which have rendered such person unfit for the practice of dentistry or dental hygiene;
- (3) been determined by the board to be professionally incompetent;
- (4) committed gross, wanton or willful negligence in the practice of dentistry or dental hygiene;
- (5) employed, allowed or permitted any unlicensed person or persons to perform any work in the licensee’s office which constitutes the practice of dentistry or dental hygiene under the provisions of this act;
- (6) willfully violated the laws of this state relating to the practice of dentistry or dental hygiene or the rules and regulations of the secretary of health and environment or of the board regarding sanitation;
- (7) engaged in the division of fees, or agreed to split or divide the fee received for dental service with any person for bringing or referring a patient without the knowledge of the patient or the patient’s legal representative, except the division of fees between dentists practicing in a partnership and sharing professional fees, or in case of one licensed dentist employing another;
- (8) committed complicity in association with or allowed the use of the licensed dentist’s name in conjunction with any person who is engaged in the illegal practice of dentistry;
- (9) been convicted of a felony or a misdemeanor involving moral turpitude in any jurisdiction and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;
- (10) prescribed, dispensed, administered or distributed a prescription drug or substance, including a controlled substance, in an excessive, improper or inappropriate manner or

quantity outside the scope of practice of dentistry or in a manner that impairs the health and safety of an individual;

(11) prescribed, purchased, administered, sold or given away prescription drugs, including a controlled substance, for other than legal and legitimate purposes;

(12) violated or been convicted of any federal or state law regulating possession, distribution or use of any controlled substance;

(13) failed to pay license fees;

(14) used the name "clinic," "institute" or other title that may suggest a public or semi-public activity except that the name "clinic" may be used as authorized in K.S.A. 65-1435, and amendments thereto;

(15) committed, after becoming a licensee, any conduct which is detrimental to the public health, safety or welfare as defined by rules and regulations of the board;

(16) engaged in a misleading, deceptive, untrue or fraudulent misrepresentation in the practice of dentistry or on any document connected with the practice of dentistry by knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement, including the systematic waiver of patient co-payment or co-insurance;

(17) failed to keep adequate records;

(18) the licensee has had a license to practice dentistry revoked, suspended or limited, has been censured or has had other disciplinary action taken, an application for license denied, or voluntarily surrendered the license after formal proceedings have been commenced by the proper licensing authority or another state, territory or the District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(19) failed to furnish the board, or its investigators or representatives any information legally requested by the board; or

(20) assisted suicide in violation of K.S.A. 21-3406, and amendments thereto, as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 2002 Supp. 60-4404, and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. 2002 Supp. 60-4405, and amendments thereto.

(b) Whenever it is established, after notice and opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, that a licensee is in any of the circumstances or has committed any of the acts described in subsection (a), the Kansas dental board may take one or any combination of the following actions with respect to the license of the licensee:

(1) Revoke the license.

(2) Suspend the license for such period of time as may be determined by the board.

(3) Restrict the right of the licensee to practice by imposing limitations upon dental or dental hygiene procedures which may be performed, categories of dental disease which may be treated or types of patients which may be treated by the dentist or dental hygienist. Such restrictions shall continue for such period of time as may be determined by the board, and the board may require the licensee to provide additional evidence at hearing before lifting such restrictions.

(4) Grant a period of probation during which the imposition of one or more of the actions described in subsections (b)(1) through (b)(3) will be stayed subject to such conditions as may be imposed by the board including a requirement that the dentist or dental hygienist refrain from any course of conduct which may result in further violation of the dental practice act or the dentist or dental hygienist complete additional or remedial instruction. The violation of any provision of the dental practice act or failure to meet any condition imposed by the board as set forth in the order of the board will result in immediate termination of the period of probation and imposition of such other action as has been taken by the board.

(c) As used in this section, "professionally incompetent" means:

(1) One or more instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of dental or dental hygienist care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of dental or dental hygienist practice or other behavior which demonstrates a manifest incapacity or incompetence to practice dentistry.

(d) In addition to or in lieu of one or more of the actions described in subsections (b)(1) through (b)(4) or in subsection (c) of K.S.A. 65-1444, and amendments thereto, the board may assess a fine not in excess of \$10,000 against a licensee or sedation permit holder. All fines collected pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and of the amount so remitted, an amount equal to the board's actual costs related to fine assessment and enforcement under this subsection, as certified by the president of the board to the state treasurer, shall be credited to the dental board fee fund and the balance shall be credited to the state general fund.

(e) The board, upon its own motion or upon the request of any licensee who is a party to a licensure action, may require a physical or mental examination, or both, of such licensee either prior to a hearing to be held as a part of a licensure action or prior to the termination of any period of suspension or the termination of any restrictions imposed upon the licensee as provided in subsection (b).

Sec. 3. K.S.A. 2006 Supp. 65-1447 is hereby amended to read as follows: 65-1447. (a) On or before October 1 of each year, the Kansas dental board shall determine the amount of funds which will be required during the ensuing fiscal year to properly administer the laws which the board is directed to enforce and administer and shall fix fees in accordance with this section in such reasonable sums as may be necessary for such purposes, within the limitations prescribed by subsection (b).

(b) The board shall collect fees provided for in this act as follows:

Examination fee for dental applicants—not more than .....	\$200
Subsequent examination fee for dental applicants—not more than .....	100
Examination fee for specialty qualifications—not more than .....	200
Credentials/qualifications fee—not more than .....	300
Duplicate certificate fee—not more than .....	25
Certificate fee, including certificate for credentials/qualifications, for dentists and dental hygienists—not more than .....	25
Biennial license renewal fee for dentists—not more than .....	325
Examination fee for dental hygienist applicants—not more than .....	100
Subsequent examination fee for dental hygienist applicants—not more than ....	100
Biennial license renewal fee for dental hygienists—not more than .....	160
Reinstatement of a revoked license—not more than .....	2,000
Processing fee for failure to —notify of change of address—not more than .....	100
Registration fee to operate a mobile dental facility or portable dental operation— not more than .....	500
Biennial registration renewal fee for mobile dental facility or portable dental operation—not more than .....	350
Sedation permit—not more than .....	200

(c) The amounts of fees in effect on the day preceding the effective date of this act and the act of which this section is amendatory shall remain in effect until fixed in different amounts by the board under this section. The board may adopt rules and regulations for the proration of fees for a license issued for a period of time less than the biennial licensure period.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 1, following “K.S.A.” by inserting “65-1436 and K.S.A.” also in line 1, by striking “is” and inserting “and 65-1447 are”;

On page 1, in the title, in line 10, following “amending” by inserting “K.S.A. 65-1436 and”; also in line 10, following “65-1444” by inserting “and 65-1447”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2255** be amended on page 1, in line 17, before the period, by inserting “to create a cloned embryo”; in line 18, before the semicolon, by inserting “to create a cloned embryo”; by striking all in lines 22 through 35 and inserting the following:

(1) “Asexual reproduction” means reproduction not initiated by the union of oocyte and sperm. Reproduction in which all (or virtually all) the genetic material of an offspring comes from a single progenitor.

(2) “Cloned embryo” means an embryo arising from the somatic cell nuclear transfer process as contrasted with an embryo arising from the union of an egg and sperm.

(3) “Diploid” means the chromosome number in a cell, distinct for each species (46 in human beings).

(4) “Diploid human cell” means a cell having 46 chromosomes.

(5) “Haploid human cell” means a cell such as an egg or sperm that contains only 23 chromosomes.

(6) “Human cloning” means the asexual reproduction of a new human organism that is, at all stages of development, genetically virtually identical to a currently existing, or previously existing, human being.

(7) “Nuclear transfer” means transferring the nucleus with its chromosomal DNA from one (donor) cell to another (recipient) cell. In cloning, the recipient is a human egg cell and the donor cell can be any one of a number of different adult tissue cells.

(8) “Oocyte” means egg.

(9) “Somatic cell nuclear transfer (SCNT)” means transfer of the nucleus from a donor somatic cell into an enucleated egg to produce a cloned embryo.

(10) “Somatic cell (human)” means a diploid cell containing 46 chromosomes obtained or derived from a living or deceased human body at any stage of development.

(11) “Sperm” means a male haploid human cell.”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2483** be amended on page 2, in line 6, by striking “this section” and inserting “subsection (b)(3)”;

On page 3, following line 8, by inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 65-2912 is hereby amended to read as follows: 65-2912. (a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the license of any licensed physical therapist or certificate of any certified physical therapist assistant, or may limit the license of any licensed physical therapist or certificate of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;

(2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain licensure or certification by fraud or deception;

(4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

(6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;

(7) failure to refer patients to other health care providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the licensed physical therapist;

~~(8) initiating treatment without prior consultation and approval by a physician licensed to practice medicine and surgery, by a licensed podiatrist, by a licensed physician assistant or by an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, by a licensed chiropractor, by a licensed~~

dentist or by a therapeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and amendments thereto evaluating or treating patients in a manner not consistent with subsection (b)(2) or (b)(3), or both, of K.S.A. 65-2901, and amendments thereto; and

(9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

(b) All proceedings pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 9, by striking “is” and inserting “and 65-2912 are”;

On page 1, in the title, in line 10, following “2901” by inserting “and 65-2912”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2113, HB 2114** be passed.

Committee on **Judiciary** recommends **HB 2001** be amended on page 1, by striking all in lines 16 through 27 and inserting in lieu thereof the following:

“New Section 1. (a) As used in this section:

(1) “Patient” means any individual:

(A) Who is receiving services for mental illness and who is admitted, detained, committed, transferred or placed in the custody of the secretary of social and rehabilitation services under the authority of K.S.A. 22-3219, 22-3302, 22-3303, 22-3428a, 22-3429, 22-3430, 59-29a05, 75-5209 and 76-1306, and amendments thereto.

(B) In the custody of the secretary of social and rehabilitation services after being found a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., and amendments thereto, including any sexually violent predator placed on transitional release.

(2) “Restraints” means the application of any devices, other than human force alone, to any part of the body of the patient for the purpose of preventing the patient from causing injury to self or others.

(3) “Seclusion” means the placement of a patient, alone, in a room, where the patient’s freedom to leave is restricted and where the patient is not under continuous observation.

(b) Each patient shall have the following rights:

(1) Upon admission or commitment, be informed orally and in writing of the patient’s rights under this section. Copies of this section shall be posted conspicuously in each patient area, and shall be available to the patient’s guardian and immediate family.

(2) The right to refuse to perform labor which is of financial benefit to the facility in which the patient is receiving treatment or service. Privileges or release from the facility may not be conditioned upon the performance of any labor which is regulated by this subsection. Tasks of a personal housekeeping nature are not considered compensable labor. Patients may voluntarily engage in therapeutic labor which is of financial benefit to the facility if such labor is compensated in accordance with a plan approved by the department and if:

(A) The specific labor is an integrated part of the patient’s treatment plan approved as a therapeutic activity by the professional staff member responsible for supervising the patient’s treatment;

(B) the labor is supervised by a staff member who is qualified to oversee the therapeutic aspects of the activity;

(C) the patient has given written informed consent to engage in such labor and has been informed that such consent may be withdrawn at any time; and

(D) the labor involved is evaluated for its appropriateness by the staff of the facility at least once every 120 days.

(3) A right to receive prompt and adequate treatment, rehabilitation and educational services appropriate for such patient’s condition, within the limits of available state and federal funds.

(4) Have the right to be informed of such patient’s treatment and care and to participate in the planning of such treatment and care.

(5) Have the following rights, under the following procedures, to refuse medication and treatment:

(A) Have the right to refuse all medication and treatment except as ordered by a court or in a situation in which the medication or treatment is necessary to prevent serious physical harm to the patient or to others. Except when medication or medical treatment has been ordered by the court or is necessary to prevent serious physical harm to others as evidenced by a recent overt act, attempt or threat to do such harm, a patient may refuse medications and medical treatment if the patient is a member of a recognized religious organization and the religious tenets of such organization prohibit such medications and treatment.

(B) Medication may not be used as punishment, for the convenience of staff, as a substitute for a treatment program, or in quantities that interfere with a patient's treatment program.

(C) Patients will have the right to have explained the nature of all medications prescribed, the reason for the prescription and the most common side effects and, if requested, the nature of any other treatments ordered.

(6) Except as provided in paragraph (2), have a right to be free from physical restraint and seclusion.

(A) Restraints or seclusion shall not be applied to a patient unless it is determined by the superintendent of the treatment facility or a physician or licensed psychologist to be necessary to prevent immediate substantial bodily injury to the patient or others and that other alternative methods to prevent such injury are not sufficient to accomplish this purpose. Restraint or seclusion shall never be used as a punishment or for the convenience of staff. The extent of the restraint or seclusion applied to the patient shall be the least restrictive measure necessary to prevent such injury to the patient or others, and the use of restraint or seclusion in a treatment facility shall not exceed three hours without medical reevaluation. When restraints or seclusion are applied, there shall be monitoring of the patient's condition at a frequency determined by the treating physician or licensed psychologist, which shall be no less than once per each 15 minutes. The superintendent of the treatment facility or a physician or licensed psychologist shall sign a statement explaining the treatment necessity for the use of any restraint or seclusion and shall make such statement a part of the permanent treatment record of the patient.

(B) The provisions of clause (A) shall not prevent:

(i) The use of seclusion as part of a treatment methodology that calls for time out when the patient is refusing to participate in a treatment or has become disruptive of a treatment process.

(ii) Patients may be restrained for security reasons during transport to or from the patient's building, including transport to another treatment facility. Any patient committed or transferred to a hospital or other health care facility for medical care may be isolated for security reasons within locked facilities in the hospital.

(iii) Patients may be locked or restricted in such patient's room during the night shift, if such patient resides in a unit in which each room is equipped with a toilet and sink or if the patients who do not have toilets in the rooms shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated.

(iv) Patients may be locked in such patient's room for a period of time no longer than one hour during each change of shift by staff to permit staff review of patient needs.

(v) Patients may also be locked in such patient's room on a unit-wide or facility-wide basis as an emergency measure as needed for security purposes to deal with an escape or attempted escape, the discovery of a dangerous weapon in the unit or facility or the receipt of reliable information that a dangerous weapon is in the unit or facility, or to prevent or control a riot or the taking of a hostage. A unit-wide or facility-wide emergency isolation order may only be authorized by the superintendent of the facility where the order is applicable or the superintendent's designee. A unit-wide or facility-wide emergency isolation order shall be approved within one hour after it is authorized by the superintendent or the superintendent's designee. An emergency order for unit-wide or facility-wide isolation may only be in effect for the period of time needed to preserve order while dealing with the situation and may not be used as a substitute for adequate staffing. During a period of unit-wide or facility-wide isolation, the status of each patient shall be reviewed every 30 minutes

to ensure the safety and comfort of the patient, and each patient who is locked in a room without a toilet shall be given an opportunity to use a toilet at least once every hour, or more frequently if medically indicated. The facility shall have a written policy covering the use of isolation that ensures that the dignity of the individual is protected, that the safety of the individual is secured, and that there is regular, frequent monitoring by trained staff to care for bodily needs as may be required.

(vi) Individual patients who are referred by the court or correctional facilities for criminal evaluations may be placed in administrative confinement for security reasons and to maintain proper institutional management when treatment can not be addressed through routine psychiatric methods. Administrative confinement of individuals shall be limited to only patients that demonstrate or threaten substantial injury to other patients or staff and when there are no clinical interventions available that will be effective to maintain a safe and therapeutic environment for both patients and staff. Administrative confinement shall not be used for any patient who is actively psychotic or likely to be psychologically harmed. The status of each patient shall be reviewed every 15 minutes to ensure the safety and comfort of the patient. The patient shall be afforded all patient rights including being offered a minimum of one hour of supervised opportunity for personal hygiene, exercise and to meet other personal needs.

(7) The right not to be subject to such procedures as psychosurgery, electroshock therapy, experimental medication, aversion therapy or hazardous treatment procedures without the written consent of the patient or the written consent of a parent or legal guardian, if such patient is a minor or has a legal guardian provided that the guardian has obtained authority to consent to such from the court which has venue over the guardianship following a hearing held for that purpose.

(8) The right to individual religious worship within the facility if the patient desires such an opportunity. The provisions for worship shall be available to all patients on a nondiscriminatory basis. No individual may be coerced into engaging in any religious activities.

(9) A right to a humane psychological and physical environment within the hospital facilities. All facilities shall be designed to afford patients with comfort and safety, to promote dignity and ensure privacy. Facilities shall also be designed to make a positive contribution to the effective attainment of the treatment goals of the hospital.

(10) The right to confidentiality of all treatment records, and as permitted by other applicable state or federal laws, have the right to inspect and to receive a copy of such records.

(11) Except as otherwise provided, have a right to not be filmed or taped, unless the patient signs an informed and voluntary consent that specifically authorizes a named individual or group to film or tape the patient for a particular purpose or project during a specified time period. The patient may specify in such consent periods during which, or situations in which, the patient may not be filmed or taped. If a patient is legally incompetent, such consent shall be granted on behalf of the patient by the patient's guardian. A patient may be filmed or taped for security purposes without the patient's consent.

(12) The right to be informed in writing upon or at a reasonable time after admission, of any liability that the patient or any of the patient's relatives may have for the cost of the patient's care and treatment and of the right to receive information about charges for care and treatment services.

(13) The right to be treated with respect and recognition of the patient's dignity and individuality by all employees of the treatment facility.

(14) Patients have an unrestricted right to send sealed mail and receive sealed mail to or from legal counsel, the courts, members of the news media, the secretary of social and rehabilitation services, the superintendent of the treatment facility, the agency designated as the developmental disabilities protection and advocacy agency pursuant to P.L. 94-103, as amended, private physicians and licensed psychologists, and have reasonable access to letter-writing materials.

(15) The right as specified under clause (A) to send and receive sealed mail, subject to the limitations specified under clause (B):

(A) A patient shall also have a right to send sealed mail and receive sealed mail to or from other persons, subject to physical examination in the patient's presence if there is reason to believe that such communication contains contraband materials or objects that threaten the

security of patients or staff. The officers and staff of a facility may not read any mail covered by this clause.

(B) The above rights to send and receive sealed and confidential mail are subject to the following limitations:

(i) An officer or employee of the facility at which the patient is placed may delay delivery of the mail to the patient for a reasonable period of time to verify whether the person named as the sender actually sent the mail; may open the mail and inspect it for contraband outside the presence of the patient; or may, if the officer or staff member cannot determine whether the mail contains contraband, return the mail to the sender along with notice of the facility mail policy.

(ii) The superintendent of the facility or the superintendent's designee may, in accordance with the standards and the procedure under subsection (c) for denying a right for cause, authorize a member of the facility treatment staff to read the mail, if the superintendent or the superintendent's designee has reason to believe that the mail could pose a threat to security at the facility or seriously interfere with the treatment, rights, or safety of the patient or others.

(iii) Residents may be restricted in receiving in the mail items deemed to be pornographic, offensive or which is deemed to jeopardize their individual treatment or that of others.

(16) Reasonable access to a telephone to make and receive telephone calls within reasonable limits.

(17) Be permitted to use and wear such patient's own clothing and personal possessions, including toilet articles, or be furnished with an adequate allowance of clothes if none are available. Provision shall be made to launder the patient's clothing.

(18) Be provided a reasonable amount of individual secure storage space for private use.

(19) Reasonable protection of privacy in such matters as toileting and bathing.

(20) Be permitted to see a reasonable number of visitors who do not pose a threat to the security or therapeutic climate of other patients or the facility.

(21) The right to present grievances under the procedures established by each facility on the patient's own behalf or that of others to the staff or superintendent of the treatment facility without justifiable fear of reprisal and to communicate, subject to paragraph (14), with public officials or with any other person without justifiable fear of reprisal.

(22) The right to spend such patient's money as such patient chooses, except to the extent that authority over the money is held by another, including the parent of a minor, a court-appointed guardian of the patient's estate or a representative payee. A treatment facility may, as a part of its security procedures, use a patient trust account in lieu of currency that is held by a patient and may establish reasonable policies governing patient account transactions.

(c) A patient's rights guaranteed under subsections (b)(15) to (b)(21) may be denied for cause after review by the superintendent of the facility or the superintendent's designee, and may be denied when medically or therapeutically contraindicated as documented by the patient's physician or licensed psychologist in the patient's treatment record. The individual shall be informed in writing of the grounds for withdrawal of the right and shall have the opportunity for a review of the withdrawal of the right in an informal hearing before the superintendent of the facility or the superintendent's designee. There shall be documentation of the grounds for withdrawal of rights in the patient's treatment record. After an informal hearing is held, a patient or such patient's representative may petition for review of the denial of any right under this subsection through the use of the grievance procedure provided in subsection (d).

(d) The department of social and rehabilitation services shall establish procedures to assure protection of patients' rights guaranteed under this section.

(e) No person may intentionally retaliate or discriminate against any patient or employee for contacting or providing information to any state official or to an employee of any state protection and advocacy agency, or for initiating, participating in, or testifying in a grievance procedure or in an action for any remedy authorized under this section.”;

Also on page 1, in line 28, by striking “(b)” and inserting “(f)”;

and the bill be passed as amended.



Committee on **Judiciary** recommends **HB 2143** be amended on page 3, in line 16, by striking all after “to”; in line 17, by striking “uals” and inserting “any new individual on the listing who has a current license, permit, stamp, tag or other issue of the department of wildlife and parks informing such individual”;

On page 5, in line 16, by striking “except” and inserting “including”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2359** be amended on page 1, in line 24, after the comma by inserting “primarily”; also in line 24, by striking “for use or specifically” and inserting “or”;

On page 2, in line 13, after the comma by inserting “primarily”; also in line 13, by striking “for use or specifically” and inserting “or”; in line 15, by striking “or”; also in line 15, after “oil” by inserting “, phenylacetone (PCP), methamphetamine or amphetamine”; in line 35, by striking “and”; in line 36, before the period by inserting “;

(O) wired cigarette papers; or

(P) cocaine freebase kits”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2211** be passed.

Committee on **Transportation** recommends **HB 2136** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2136,” as follows:

“Substitute for HOUSE BILL No. 2136

By Committee on Transportation

“AN ACT relating to motor vehicles; concerning safety belts; amending K.S.A. 8-2502, 8-2503 and 8-2504 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2136** was thereupon introduced and read by title.)

Committee on **Veterans, Military and Homeland Security** recommends **HB 2390** be amended on page 1, in line 34, by striking all after “establish”; in line 35, by striking “ognition”; in line 36, before the period by inserting “regarding document recognition and federal rules used to determine lawful presence”;

On page 2, in line 8, by striking all after “to”; by striking all in line 9; in line 10, by striking all and inserting “any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year, the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection.”;

On page 4, in line 11, by striking all after the period; by striking all in line 12; in line 13, by striking all before “If”; in line 40, after the stricken material by inserting “, proof of age and proof of identity as the division may require. The applicant also shall provide”;

On page 5, in line 7, by striking all after “proof”; in line 8, by striking all before the period and inserting “of lawful presence and Kansas residency”; in line 20, by striking all after “(2)”;

by striking all in lines 21 and 22; in line 23, by striking all before “The”; in line 43, by striking “temporary”;

On page 6, in line 1, by striking “temporary”; in line 4, after the second “a” by striking “temporary”; in line 6, after “no” by striking “temporary”; in line 9, after “a” by striking “temporary”; in line 12, after “original” by striking “temporary”; in line 17, after “without” by striking “confirmation” and inserting “making reasonable efforts to confirm”;

On page 7, in line 26, by striking all after the period; by striking all in lines 27 and 28; by striking all in lines 35 and 36 and inserting the following:

“(i) The director of vehicles may issue a temporary driver’s license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.”;

Also on page 7, in line 38, by striking “and costs”;

On page 8, in line 20, by striking all after the comma; in line 21, by striking “card.”; in line 34, after the stricken material by inserting “A driver’s license which does not contain a colored photograph of the licensee as required may be issued to persons exempted from such requirement. Any such license shall be valid for the purposes of the motor vehicle drivers’ license act and the division shall set forth upon such driver’s license the words “valid without photo.” Any person who is outside the state and for whom the division provides for renewal of the driver’s license by mail is exempt from the requirement to have a colored

photograph of such person placed on such person's driver's license. Any person belonging to a religious organization which has a basic objection to having their picture taken may sign a statement to that effect and such person shall then be exempt from the picture requirements of this section. A driver's license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto.”;

On page 9, in line 34, by striking all after “\$8”; in line 35, by striking all before the semicolon;

On page 11, in line 31, by striking “If the”; by striking all in lines 32 and 33;

On page 15, by striking all in lines 11 through 18; by striking all in lines 39, 40 and 41; in line 43, after “license” by inserting “or identification card”;

On page 16, in line 1, by striking “licensee” and inserting “person”; in line 2, by striking all before “failed”; in line 4, by striking “licensee” and inserting “person”; in line 5, by striking “licensee’s” and inserting “person’s”; in line 6, before the period by inserting “or identification card”; in line 7, after “license” by inserting “or identification card”; in line 8, by striking “licensee” and inserting “person”; also in line 8, after “license” by inserting “or identification card”;

On page 17, in line 22, by striking all after the period; by striking all in lines 23 and 24;

On page 18, in line 14, by striking all after “proof”; in line 15, by striking all before the period and inserting “of lawful presence and Kansas residency”; in line 16, by striking “a driver’s”; in line 17, by striking all before “to” and inserting “an identification card”; also in line 17, after “shall” by inserting “make reasonable efforts to”; in line 20, by striking all after the period; by striking all in line 21; in line 24, after “States” by inserting a period; in line 27, by striking all after the stricken language; by striking all in lines 28 and 29; in line 30, by striking all before “If”;

On page 19, by striking all in lines 21 and 22; by striking all in lines 35 and 36 and inserting the following:

“(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto.”;

Also on page 19, in line 39, after “(c)” by inserting “of K.S.A. 2006 Supp. 8-1324, and amendments thereto.”;

On page 20, in line 1, after “(c)” by inserting “of K.S.A. 2006 Supp. 8-1324, and amendments thereto”; also in line 1, by striking “only”; in line 11, by striking all after the first “of”; in line 12, by striking all before “a”;

On page 21, by striking all in lines 13 through 20; in line 28, by striking all after “\$4”; in line 29, by striking all before the semicolon;

On page 23, in line 13, by striking all after “licenses”; by striking all in lines 14 through 20; in line 21, by striking all before “Motor” and inserting “may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection.”;

On page 27, after line 24, by inserting the following:

“Sec. 17. K.S.A. 8-260 is hereby amended to read as follows: 8-260. (a) It shall be unlawful for any person, for any purpose, to:

(1) Display or cause or permit to be displayed or have in possession any fictitious or fraudulently altered driver's license *or identification card*.

(2) Lend any driver's license *or identification card* to any other person or knowingly permit the use thereof by another.

(3) Display or represent as the person's own, any driver's license *or identification card* not issued to the person.

(4) Fail or refuse to surrender to the division upon its lawful demand any driver's license *or identification card* which has been suspended, revoked, or canceled.

(5) Use a false or fictitious name in any application for a driver's license *or identification card*, or any renewal or replacement thereof, or knowingly conceal a material fact, or otherwise commit a fraud in any such application.

(6) Permit any unlawful use of a driver's license *or identification card* issued to the person.

(7) Photograph, photostat, duplicate or in any way reproduce any driver's license *or identification card* or facsimile thereof in such a manner that it could be mistaken for a valid driver's license *or identification card* or display or have in possession any such photograph, photostat, duplicate, reproduction or facsimile unless authorized by law.

(8) Display or possess any photograph, photostat, duplicate or facsimile of a driver's license *or identification card* unless authorized by law.

(9) Display or cause or permit to be displayed any ~~canceled~~, revoked or suspended driver's license *or canceled driver's license or identification card*.

(b) Violation of paragraphs (1) or (9) of subsection (a) is a class B nonperson misdemeanor. Violation of paragraphs (2), (3), (4), (6), (7) or (8) of subsection (a) is a class A nonperson misdemeanor. Violation of paragraph (5) of subsection (a) is a severity level 9, nonperson felony.

(c) It shall be unlawful for any person to:

(1) Lend any driver's license *or identification card* to or knowingly permit the use of any driver's license by any person under 21 years of age for use in the purchase of any alcoholic liquor.

(2) Lend any driver's license *or identification card* to or knowingly permit the use of any driver's license by a person under the legal age for consumption of cereal malt beverage for use in the purchase of any cereal malt beverage.

(3) Lend any driver's license, nondriver's identification card or other form of identification to aid another person in wrongfully obtaining a driver's license or replacement driver's license.

(4) Display or cause to be displayed or have in possession any fictitious or fraudulently altered driver's license *or identification card* by any person under 21 years of age for use in the purchase of any alcoholic liquor or cereal malt beverage.

(d) (1) Upon a first conviction of a violation of any provision of subsection (c) a person shall be guilty of a class B nonperson misdemeanor and shall be sentenced to not less than 100 hours of public service and fined not less than \$200 nor more than \$500.

(2) On a second or subsequent conviction of a violation of any provision of subsection (c), a person shall be guilty of a class A nonperson misdemeanor.

(e) The provisions of this section shall apply to any driver's license, nondriver's identification card or other form of identification whether issued under the laws of this state or issued under the laws of another state or jurisdiction.”;

And by renumbering the remaining sections accordingly;

Also on page 27, in line 25, after “8-250,” by inserting “8-260,”; in line 29, by striking “March 1, 2008, and”; also in line 29, by striking all after “book”; by striking all in lines 30 through 33; in line 34, by striking all before the period;

On page 1, in the title, in line 10, by striking “in compliance with the federal REAL ID Act of 2005”; in line 14, after “8-250,” by inserting “8-260,”; and the bill be passed as amended.

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

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were thereupon introduced and read by title:

**HB 2547.** An act enacting the primary care safety net clinic capital loan guarantee act; prescribing powers, duties and functions for the secretary of health and environment; establishing the primary care safety net clinic loan guarantee committee and fund, by Committee on Appropriations.

**HB 2548.** An act concerning licensure, certification or registration by state authority; relating to social security numbers or tax identification numbers; amending K.S.A. 74-139 and repealing the existing section, by Committee on Taxation.

**HB 2549.** An act concerning property taxation; relating to valuation of vessels; amending K.S.A. 2006 Supp. 79-306e and repealing the existing section, by Committee on Taxation.

**HB 2550.** An act enacting the Fort Scott/Bourbon county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof, by Committee on Taxation.

**HB 2551.** An act concerning sales taxation; relating to countywide retailers' sales tax in Riley county; 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.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

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## AFTERNOON SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5018—

By Representatives Flora and Trimmer

A CONCURRENT RESOLUTION urging the United States Congress to propose a bill requesting the President of the United States to authorize the striking of a special U.S. Atomic Service Medal to honor Atomic Veterans.

WHEREAS, 235 nuclear atmospheric and underwater tests conducted from July 16, 1945 to 1962 utilized 225,000 American service personnel of every branch of the service. These test site participants were utilized as test subjects in providing the answers for the scientists, researchers and government policy makers on the unknowns and effects of ionizing radiation;

WHEREAS, The technical data and knowledge gathered from this 18 years of nuclear testing provided the military superiority in nuclear weapons deterrents, the most modern and safest nuclear power generating plants, nuclear powered fleet ships and a host of modern technological advances in the field of nuclear medicines of which we all have benefited today;

WHEREAS, Site participants bound to secrecy of any disclosures of test activity, data gathered and duties performed were suppressed under the Atomic Secret Act and subject to 20 years in Leavenworth for any violations of the act. No entries were made in service jackets or medical records;

WHEREAS, These site participants were placed in very hazardous, extremely dangerous areas and constantly exposed to the then unknown factors of Alfa, Beta and Gamma radiation in the performance of their duties. They were assigned to these duties with no formal training, knowledge of the hazards involved and with no or very little safety gear. Their exposure to radiation caused them to be wounded by an enemy that cannot be seen, felt or heard but unlike a battlefield wound that can be healed in time they now were doomed to fight a war with this enemy for a life of agonizing suffering and pain of various forms of cancer, often dying in a short life span or suffering a life not of their choosing;

WHEREAS, It was from 1945 to 1988 before the Federal Government acknowledged the sick and pleading atomic veterans in Senate Committee hearings and began to slowly

open up cancer treatment for these veterans. It was not until 1996 when the Secretary of Defense William Perry removed the Secret Act from their burden. By now countless thousands had perished. To the present date there are only 23,000 listed on the VA Ionizing Radiation Register list. It is estimated that 75% have perished out of the original 225,000;

WHEREAS, In 2002 President George W. Bush in a nationwide statement said, the atomic veteran's exposure to nuclear radiation was as grave as any war veteran who was wounded in action, where in both cases the veteran stood in harm's way, did their duty and protected the United States of America;

WHEREAS, Helen Malaskiewicz, senior environmental health coordinator of the Department of Veterans Affairs stated, I regret this group of veterans has been overlooked (hopefully this will be only in the past and not in the future) but we are trying our best to make certain they are remembered for their service. Anthony Principi, Secretary of Veterans Affairs, stated in 2003, you battled an invisible enemy and that enemy can leave physical and emotional scars just as real as the scars borne by veterans wounded in the Battle of the Bulge, or hit by fire during the battle of Pork Chop Hill, or injured during the Battle of the Coral Sea or shot down during the air battles over Vietnam. Their battles were real and so is yours. Their wounds were real and so is the damage inflicted by ionizing radiation;

WHEREAS, The allied countries of Great Britain, New Zealand and Australia were presented a Queen-authorized special medal to honor their Atomic Veterans who served with the United States; and

WHEREAS, These old, sick, aging and forgotten veterans who pose no threat to national security and have led lives from the extremely hazardous and deadly exposure of radiation poisoning of physically debilitating and mentally stressful circumstances wish it to be known that this is a request for recognition only with no medical or monetary claims attached and has no affiliation to any other radiation bills in Congress or supported by any other radiation veterans organization: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the United States Congress is urged to propose a bill requesting the President of the United States to authorize the striking of a Special U.S. Atomic Service Medal to honor its Atomic Veterans;

*Be it further resolved:* That the Secretary of State is directed to send an enrolled copy of this resolution to the President of the United States, each member of the Kansas Congressional Delegation, the Speaker of the United States House of Representatives and the Majority Leader of the United States Senate and the United States Department of Defense.

#### CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2437** from Committee on Agriculture and Natural Resources Budget and referral to Committee on Agriculture and Natural Resources.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2283**, **HB 2360** be passed.

Committee report to **HB 2316** be adopted; also, on motion of Rep. Winn to amend, Rep. Grange requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the amendment of Rep. Winn. Rep. Grange requested the question be divided. The question was divided.

Roll call was demanded on Part A to amend **HB 2316** on page 2, after line 38, by inserting the following:

Sec. 3. K.S.A. 44-1203 is hereby repealed.”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 39, before “K.S.A.” by inserting “On and after July 1, 2007,”; in line 41, by striking “statute book” and inserting “Kansas register”;

On roll call, the vote was: Yeas 56; Nays 62; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Carlson, Crum, Dahl, Donohoe, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Light, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Spalding, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Brown, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Johnson, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Sloan, Storm, Svaty, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Wetta, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Faber, M. Holmes, Landwehr, Powers, Ruiz, Sawyer, Swanson.

Part A of the motion of Rep. Winn did not prevail.

Roll call was demanded on Part B to amend **HB 2316** on page 1, in line 14, before "K.S.A." by inserting "On and after July 1, 2007,";

On page 2, after line 38, by inserting the following:

"Sec. 2. K.S.A. 44-1203 is hereby amended to read as follows: 44-1203. (a) Except as otherwise provided in the minimum wage and maximum hours law, every employer shall pay to each employee wages at a rate of not less than ~~\$2.65~~ \$5.15 an hour. *In the event that the minimum wage rate per hour amount in force under section 6 of the fair labor standards act of 1938 (29 U.S.C. § 206), and amendments thereto, exceeds \$5.15 an hour, the secretary shall have authority to establish, by rules and regulations, a minimum wage rate in excess of \$5.15 per hour, but in no event in excess of the minimum wage rate per hour amount in force under section 6 of the fair labor standards act of 1938, and amendments thereto. The secretary of state shall publish notice of any such minimum wage rate established by the secretary in the Kansas register on a date which shall coincide with the effective date of the rules and regulations establishing such rate.*

(b) In calculating such minimum wage rate, an employer may include tips and gratuities received by an employee in an amount equal to not more than 40% of the minimum wage rate if such tips and gratuities have customarily constituted part of the remuneration of the employee and if the employee concerned actually received and retained such tips and gratuities. The secretary shall require each employer desiring approval of an allowance for gratuities to provide substantial evidence of the amounts of such gratuities on account of which the employer has taken an allowance pursuant to this section.

~~(c)~~ (c) The provisions of this section shall not apply to any employers and employees who are covered under the provisions of section 6 of the fair labor standards act of 1938 ~~as amended (29 U.S.C.A. § 206), and as amended by the fair labor standards amendments of 1974 and any other acts amendatory thereof or supplemental, and amendments thereto.~~

On page 1, in the title, in line 11, after the semicolon by inserting "concerning the minimum wage and maximum hours law; increasing the minimum wage and providing the secretary of labor with authority to make future increases;"; also in line 11, after "44-314" by inserting "and 44-1203"; also in line 11, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 56; Nays 63; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Judy Morrison, Neighbor, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge,

Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Patton, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Spalding, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Landwehr, Peck, Powers, Ruiz, Sawyer, Swanson.

Part B of the motion of Rep. Winn did not prevail, and **HB 2316** be passed as amended. Committee report to **HB 2186** be adopted; and the bill be passed as amended.

Committee report to **HB 2363** be adopted; and the bill be passed as amended.

Having voted on the prevailing side, Rep. Kinzer moved, pursuant to House Rule 2303, that the House reconsider its previous action in adoption of the Committee of the Whole report recommending **HB 2185** favorably for passage (see morning session). The motion prevailed.

Also, on motion of Rep. Kinzer, **HB 2185** be amended on page 1, following line 37, by inserting the following:

"The provisions of this paragraph (2) shall not apply to a person who is deemed a resident for fee purposes pursuant to K.S.A. 2006 Supp. 76-731a, and amendments thereto."; and the bill be passed as amended.

Committee report to **HB 2393** be adopted; and the bill be passed as amended.

Committee report to **HB 2095** be adopted; and the bill be passed as amended.

Committee report to **HB 2191** be adopted; also, on motion of Rep. Holland be amended on page 1, after line 14, by inserting the following:

"Section 1. K.S.A. 2006 Supp. 8-1602 is hereby amended to read as follows: 8-1602. (a) The driver of any vehicle involved in an accident resulting in injury to, great bodily harm to or death of any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, but shall then forthwith return to and in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of K.S.A. 8-1604, and amendments thereto. Every such stop shall be made without obstructing traffic more than is necessary.

(b) A person who violates this section which results in:

(1) Injury to any person shall be guilty of a class A person misdemeanor.

(2) Great bodily harm to any person shall be guilty of a severity level 10, person felony.

(3) The death of any person shall be guilty of a severity level 9, person felony. *In addition to any other penalty provided for a violation of this paragraph, the court shall upon a conviction of such a violation:*

(A) *If the violator is under 18 years of age, order the division of vehicles to suspend the driving privileges of such violator until such date as such violator turns 21 years of age. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator until such date as such violator turns 21 years of age whether or not the violator has a driver's license.*

(B) *If the violator is 18 years of age or older, order the division of vehicles to suspend the driving privileges of such violator for five years. Upon receipt of the court order, the division shall notify the violator and suspend the driving privileges of the violator for five years whether or not the violator has a driver's license.*

(c) The director may revoke the license or permit to drive or any nonresident operating privilege of any person so convicted.";

And by renumbering the remaining sections accordingly;

On page 5, in line 31, after "Supp." by inserting "8-1602,";

On page 1, in the title, in line 11, after "Supp." by inserting "8-1602,"; and **HB 2191** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2437** be amended on page 4, in line 33, by striking "2011" and inserting "2008"; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2082** be amended on page 1, in line 18, by striking “15%” and inserting “25%”; in line 34, by striking “forthwith”; by striking all in line 35; in line 36, by striking all preceding “submit” and inserting “shall”; in line 38, preceding the period by inserting “at the next regular election scheduled no sooner than 90 days thereafter”;

On page 2, in line 17, by striking “special”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2409** be amended on page 1, in line 14, following “contributions” by inserting “, except for contributions made by a candidate to such candidate’s own campaign,”; in line 29, by striking “Thursday” and inserting “Wednesday”; in line 30, by striking “Friday” and inserting “Thursday”; in line 35, by striking “Friday” and inserting “Thursday”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2200** be amended on page 2, following line 8, by inserting the following:

“(D) To the extent the allegedly obscene material or device is disseminated or displayed by any employee or volunteer of a public or private K-12 school, it shall not constitute promoting obscenity to disseminate or display such material or device unless done knowingly, intentionally, willfully or recklessly and not by mistake.”;

And the bill be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

**HB 2552**, An act concerning technical education; establishing the postsecondary technical education authority; relating to the powers and duties thereof, by Committee on Appropriations.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 23, SB 68, SB 183, SB 201, SB 202, SB 244, SB 284, SB 285, SB 308**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 23, SB 68, SB 183, SB 201, SB 202, SB 244, SB 284, SB 285, SB 308**.

There being no objection, the following remarks of Rep. Burgess are spread upon the journal:

It is with great pleasure that I was personally able to welcome my daughter, Meredith Grace, to the world. This very exciting moment was the reason I missed my first recorded votes since I have served here in the House. Had I been here, I would have voted “Yes” on **HB 2129, HB 2140, HB 2096, HB 2202 and HB 2294**. Happy Birthday, Meredith!

#### REPORT ON ENGROSSED BILLS

**HB 2140** reported correctly engrossed February 20, 2007.

Also, **HB 2210, HB 2305, HB 2368, HB 2425, HB 2485** reported correctly engrossed February 21, 2007.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, February 22, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

