

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 27, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 123 members present.
Reps. Henderson and Loganbill were excused on excused absence by the Speaker.
Rep. Carlin was excused on excused absence by the Speaker later in the morning and returned in the late afternoon.
Present later: Reps. Henderson and Loganbill.

Prayer by Chaplain Brubaker:

Dear Lord,
In the words of your prophet, Isaiah, may we
“guard *(Your)* common good:
do what’s right and do it in the right way,
for salvation is just around the corner,
(Your) setting-things-right is about to go into action.
How blessed are *(those)* who enter into these things,
You men and women who embrace them.”
(Isaiah 56:1-2 — The Message)
Guide our thoughts today, clothe our conversations with kindness and respect,
help us to choose our words prudently,
may our actions reflect your grace,
and in all that is accomplished, may You receive the glory.
In Christ’s name I pray, Amen.

The Pledge of Allegiance was led by Rep. Carlson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2943**.

Taxation: **HB 2939, HB 2940, HB 2941, HB 2942**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2629** from Committee on Appropriations and rereferral to Committee on Elections and Governmental Organization.

Also, the withdrawal of **HB 2717, HB 2244** from Committee on Insurance and Financial Institutions and referral to Committee on Federal and State Affairs.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator V. Schmidt as a member of the conference committee on **H. Sub. for SB 359** to replace Senator Emler.

CONSENT CALENDAR

No objection was made to **HB 2827** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2908** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2908, An act concerning farm wineries; relating to permit requirements; amending K.S.A. 2007 Supp. 41-308a, 41-311 and 41-2645 and repealing the existing sections, was considered on final action.

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

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

The bill passed.

HB 2570, An act concerning adoptions; relating to persons authorized to make assessments; amending K.S.A. 2007 Supp. 59-2132 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Davis, Feuerborn, McKinney, Swanson.

Present but not voting: None.

Absent or not voting: Henderson, Loganbill, Judy Morrison.

The bill passed as amended.

HB 2648, An act concerning cities and appointments by mayors; amending K.S.A. 13-518, 13-527, 13-1347, 14-201, 14-695, 15-201, 15-204 and 17-4757 and K.S.A. 2007 Supp. 12-1222 and 12-5711 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Donohoe, Faber, Faust-Goudeau, Frownfelter, Fund, Garcia, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley,

Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, 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: Beamer, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Huntington, Kuether, Owens, Phelps, Quigley.

Present but not voting: None.

Absent or not voting: Henderson, Loganbill, Judy Morrison.

The bill passed as amended.

HB 2695. An act concerning athletic trainer licensure; amending K.S.A. 2007 Supp. 65-6903, 65-6905, 65-6906, 65-6907, 65-6909 and 65-6910 and repealing the existing sections, was considered on final action.

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

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

Nays: Ward.

Present but not voting: None.

Absent or not voting: Henderson, Loganbill, Judy Morrison.

The bill passed as amended.

Sub. HB 2757. An act concerning municipal hospitals; amending K.S.A. 12-1615, 13-14b11, 14-605, 19-4610 and 80-2511 and repealing the existing sections, was considered on final action.

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

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

Present but not voting: None.

Absent or not voting: Henderson, Loganbill, Judy Morrison.

The substitute bill passed.

HB 2804. An act concerning the Shawnee county fair association; pertaining to the election of directors; amending K.S.A. 2007 Supp. 2-158 and repealing the existing section, was considered on final action.

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

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

Present but not voting: None.

Absent or not voting: Henderson, Loganbill, Judy Morrison.

The bill passed as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Tafanelli, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2735** be passed.

HB 2770 be passed over and retain a place on the calendar.

Committee report to **HB 2707** be adopted; also, on motion of Rep. Holland be amended on page 1, after line 15, by inserting the following:

"Section 1. K.S.A. 2007 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 9, in line 2, before "are" by inserting "and K.S.A. 2007 Supp. 8-1602";

On page 1, in the title, in line 11, after the last semicolon, by inserting “relating to leaving the scene of an accident;”; in line 12, following “21-4704” by inserting “and K.S.A. 2007 Supp. 8-1602”;

and **HB 2707** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2725** be adopted; and the substitute bill be passed.

Committee report to **HB 2727** be adopted; and the bill be passed as amended.

Committee report to **HB 2721** be adopted; also, on motion of Rep. Storm be amended on page 6, in line 18, by striking “(3) (A)” and inserting “(6) (i)”; in line 29, by striking “(B)” and inserting “(ii)”;

following line 30, by inserting: “(G) The provisions of this subsection shall be effective on July 1, 2009.”;

On page 10, following line 2, by inserting:

“(I) The provisions of this subsection shall be effective on July 1, 2009.”; and **HB 2721** be passed as amended.

Committee report to **HB 2772** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2625** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2625,” as follows:

“Substitute for HOUSE BILL No. 2625

By Committee on Agriculture and Natural Resources

“AN ACT concerning existing intensive groundwater use control areas; relating to review hearings of such areas; establishing advisory panels.”; and the substitute bill be passed.

(**Sub. HB 2625** was thereupon introduced and read by title.)

Committee on **Agriculture and Natural Resources** recommends **HB 2860** be amended on page 2, in line 14, by striking all after the period; by striking all in line 15; in line 16, by striking all before “Such” and inserting “Such fee shall equal an amount per registered agricultural chemical, not to exceed \$150, multiplied by the number of years registered.”; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2919** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Commerce and Labor** recommends **HB 2847** be amended on page 1, in line 17, by striking “based upon”; by striking all in line 18; in line 19, by striking all before the stricken material; in line 21, by striking all before the comma and inserting “as promulgated or administered, or both, by the international code council (ICC), the international association of plumbing and mechanical officials (IAPMO) or Prometric, a current subsidiary of educational testing services”; in line 28, by striking all after “electricians,”; in line 29, by striking all before the stricken material; in line 31, by striking “any nationally recognized testing organization” and inserting “as promulgated or administered, or both, by the international code council (ICC), the international association of plumbing and mechanical officials (IAPMO) or Prometric, a current subsidiary of educational testing services”; by striking all in line 40, in line 41, by striking all before the stricken material; in line 43, by striking “any nationally recognized testing organization” and inserting “as promulgated or administered, or both, by the international code council (ICC), the international association of plumbing and mechanical officials (IAPMO) or Prometric, a current subsidiary of educational testing services”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **HB 2603** be amended on page 3, in line 12, preceding the period by inserting “, except that the provisions of this sentence shall not apply to subsection (e) of K.S.A. 79-32,160a, and amendments thereto”;

On page 4, in line 14, preceding the period by inserting “, except that the provisions of this sentence shall not apply to subsection (e) of K.S.A. 79-32,160a, and amendments thereto”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **HB 2657** be amended on page 1, in line 36, by striking “86” and inserting “92”; in line 37, by striking

all after the comma; by striking all in lines 38 and 39; in line 40, by striking “excess of 91 decibels”;

On page 2, by striking all in lines 7 through 18 and inserting the following:

“(c) Any officer authorized to enforce the provisions of this section who has reasonable suspicion to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner’s responsibility to have the motorboat tested by the department. If the motorboat fails such test, the owner shall immediately moor the motorboat and shall keep the motorboat moored until the department certifies that the motorboat is in compliance with the provisions of this section. Failure to comply with a request or direction of an officer made pursuant to this subsection is a class C misdemeanor. Nothing in this section shall be construed to limit the officer’s ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period.”;

And the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2803, HB 2805, HB 2854** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2802** be amended on page 1, after line 23, by inserting the following:

“(5) three members appointed by the governor;”;

And by renumbering the remaining subsections accordingly;

Also on page 1, in line 28, after “(b)” by inserting “Appointments shall be made and the first meeting shall be held 45 days after the effective date of this act.”; in line 40, by striking “shall” and inserting “may”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2783, HB 2865** be passed.

Committee on **Insurance and Financial Institutions** recommends **HB 2690** be amended on page 3, in line 2, by striking “be applicable” and inserting “accrue”; in line 3, before the period, by inserting “until such surrender value is paid”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2699** be amended on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 25;

And by renumbering the remaining sections accordingly;

On page 3, in line 28, by striking “15” and inserting “18”; in line 29, after the period, by inserting: “In cases of fraud by the insured person or provider, such action may be initiated within the applicable statute of limitations pursuant to K.S.A. 60-513, and amendments thereto.”; in line 38, by striking “and K.S.A. 2007 Supp. 40-2228h are” and inserting “is”;

In the title, in line 11, by striking “and K.S.A. 2007 Supp. 40-2228h”; in line 12, by striking “sections” and inserting “section”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2904** be amended on page 1, in line 40, by striking “workers compensation or”; in line 42, by striking “workers compensation or”;

On page 3, following line 34, by inserting the following:

“New Sec. 4. (a) When an order for the support of a child has been entered and the court upon motion finds that the requirements of subsection (b) have been met, the court shall order that a notice pursuant to subsection (a) of K.S.A. 74-147, and amendments thereto, be served on the licensing body. If the person who owes support is a licensed attorney, the court shall file a complaint with the disciplinary administrator if the licensing body is the Kansas supreme court, or the appropriate bar counsel’s office if the licensee practices in another state.

(b) The provisions of subsection (a) shall apply if the court finds that: (1) The support debtor owes past due child support equal to or greater than \$1,000; (2) the support debtor is or may be licensed to practice a profession by a licensing body as defined in K.S.A. 74-

146, and amendments thereto; and (3) the debtor has failed, after a reasonable opportunity, to comply with a payment plan previously established by the court or a written payment plan agreed upon by the parties.

Sec. 5. K.S.A. 74-147 is hereby amended to read as follows: 74-147. (a) Any notice to a licensing body served pursuant to K.S.A. 20-1204a and amendments thereto, shall have attached a copy of the court order finding the licensee in contempt of court in a child support proceeding. Any notice to a licensing body served pursuant to K.S.A. ~~2002 Supp.~~ 60-1622 and amendments thereto shall have attached a copy of the warrant or subpoena outstanding against the licensee. *Any notice to a licensing body served pursuant to section 4, and amendments thereto, shall have attached a copy of the court order stating the findings of fact required by section 4, and amendments thereto.* The notice shall advise the licensing body of the duty to comply with K.S.A. 74-146 and 74-147 and amendments thereto; shall provide the name of the licensee and information which will assist the licensing body to identify the correct person; and shall provide the name, mailing address and telephone number of the person serving the notice. If inadequate identifying information is included in the notice, the licensing body shall promptly contact the person serving the notice to request additional information.

(b) If a licensing body receives a notice pursuant to subsection (a), the licensing body shall, within 30 days after receiving the notice, notify the licensee of the licensing body's intent to suspend or to withhold issuance or renewal of the licensee's authorization to practice a profession in this state and of the licensee's rights and duties under this section. If the licensing body does not receive sufficient information with the notice to identify the correct licensee, the 30 days shall commence when sufficient identifying information is received.

(c) If the licensing body receives a notice pursuant to subsection (a), the licensing body shall provide the licensee a temporary license, authorizing the individual to practice a profession in this state, if the licensee is otherwise eligible. The temporary license shall be valid for a period of six months from the date the notice to the licensee pursuant to subsection (b) was issued. A temporary license issued under this section shall not be extended, except that the licensing body may extend the temporary license up to 30 days to prevent extreme hardship for a person being served by the licensee. If the licensee does not furnish a release pursuant to subsection (c) within the time required by the licensing body, the licensing body shall proceed to suspend, terminate, deny or refuse to renew the licensee's authority to practice a profession in this state.

(d) If an authorization to practice a profession in this state is suspended, denied or not renewed pursuant to this section, any funds paid by the licensee shall not be refunded by the licensing body.

(e) If a temporary license has been issued pursuant to subsection (c), the licensee shall obtain a release from the court that authorized the notice to the licensing body, as a condition for the issuance or renewal of the licensee's authorization to practice a profession in this state. The licensing body may require the licensee to furnish the release before the temporary license expires.

(f) In any review of the licensing body's actions pursuant to K.S.A. 74-146 and 74-147 and amendments thereto, conducted by the licensing body at the request of the licensee, the issues shall be limited to the identity of the licensee and the validity of notices pursuant to this section. The licensing body shall have no jurisdiction over issues related to the support obligation of the licensee.

(g) *The licensing body shall immediately terminate any proceedings against a licensee upon presentation by the licensee of a release from the court that authorized the notice as provided in subsection (a). The court shall issue a release to the licensee if the licensee has contacted the court and is attempting to comply with a payment plan. If the licensee's license has been suspended or not renewed, and the licensee has provided the release from the court and otherwise qualifies for the license, the licensing body shall reinstate the license or issue the renewal license to the licensee.*;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 35, by striking "is" and inserting "and 74-147 are";

In the title, in line 10, by striking “and workers’ compensation” and inserting “; providing notice to certain licensing bodies”; in line 11, preceding “and” by inserting “and 74-147”; also in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2709** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2709,” as follows:

“Substitute for HOUSE BILL No. 2709

By Committee on Transportation

“AN ACT regulating traffic; concerning micro utility trucks; relating to the regulation thereof; amending K.S.A. 8-2401 and K.S.A. 2007 Supp. 8-126, 8-128, 8-197, 8-1486, 8-1493 and 8-2118 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 8-15,105.”;

and the substitute bill be passed.

(**Sub. HB 2709** was thereupon introduced and read by title.)

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2944, An act concerning sales taxation; relating to exemptions; Kansas City symphony; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2945, An act concerning sales taxation; relating to exemptions; Kansas State catbackers, inc. and Kansas City catbackers, inc.; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2946, An act making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2007 Supp. 2-223, 55-193, 75-6702, 79- 2959, 79-2964, 79-3425i and 79-4801 and repealing the existing sections, by Committee on Appropriations

HB 2947, An act making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations

CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2744** from Committee on General Government Budget and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6015—

By Committee on Arts and Cultural Resources

A RESOLUTION honoring Mary Spurgeon for her contribution to art in Kansas.

WHEREAS, Mary Spurgeon was born of pioneer parents on February 15, 1918, and she grew up breaking horses and working as a cattle hand near Dodge City; and

WHEREAS, Spurgeon was raised in a family of horse lovers and she was really in her element while outdoors, learning to tell the time by the sun, riding horses bareback and practicing throwing a rope while herding cattle; and

WHEREAS, Spurgeon was the youngest of five girls, but grew up being a real tomboy and lived up to the nickname Bill Charley, which was affectionately given to her by her father, and early on, Spurgeon’s mother gave up trying to keep a sunbonnet on her, as she

preferred the sun on her face and ragged overalls to the pale delicate skin that was so valued by the proper girls at that time; and

WHEREAS, Spurgeon's work with cattle and horses has been ongoing throughout her life and, after earning her teaching certificate from Dodge City Junior College in 1938, she always rode horseback to and from the one room schoolhouses in Meade and Gray counties where she taught; and

WHEREAS, Spurgeon always had an affinity for cowboys and after she married her husband, "Wild" Bill Spurgeon, they lived on various remote ranches; through the years Spurgeon somehow found time to do some painting and wood carvings along with raising four children — Linda, Del Roy, Shannon and James — and cooking for roundup crews and anyone else who dropped by; and

WHEREAS, Spurgeon always had an interest in art, but did not take up sculpting until age 72, and has since won renown for her bronze renditions of horses, cattle, cowboys and American Indians; and

WHEREAS, Due to Spurgeon's lifetime of experience with horses and cattle, her art work is noted for being genuine and uniquely capable of accurately capturing the spirit and life of the animals and people portrayed; and

WHEREAS, Spurgeon has received extensive recognition for her artwork, including being nominated to the National Cowgirl Hall of Fame, which also contains one of her paintings in its art collection, being selected as the 1997 Dodge City Community College Distinguished Alumnus, and being selected to receive a Special Recognition Award at the 2006 Governor's Arts Awards in Oklahoma City; and

WHEREAS, Spurgeon's paintings and sculptures have been exhibited at: The Oklahoma State Capital; the Western Spirit Show in the Cheyenne Frontier Days Museum; the American Quarter Horse Congress, the Barrel Racing Futurity and the National Reining Finals in Oklahoma City; the National Finals Rodeo in Las Vegas; the National Cattlemen's Beef Association in Kansas City; the Texas Stockgrowers Association in Fort Worth; and the Festival of the West in Scottsdale; and

WHEREAS, Several of Spurgeon's sculptures are prominently displayed in Dodge City, including a large-scale Wyatt Earp statue on the downtown Trail of Fame, a large walnut relief, "Legacy of Learning", at the public library and a 7½-foot wooden cross at Grace Community Church; and

WHEREAS, Spurgeon exemplifies the spirit of lifelong learning by believing there are always new things to learn and new ways of expressing her artistic vision: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Mary Spurgeon for her artistic accomplishments and her dedication to lifelong learning, thank her for her contribution to art in Kansas and wish her continued success in all her future endeavors; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Horst for presentation to Mary Spurgeon.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Tafanelli, Committee of the Whole report, as follows, was adopted:
Recommended that committee report to **HB 2760** be adopted; also, on motion of Rep. Johnson to refer the bill to Committee on Education Budget, the motion did not prevail.

Also, on motion of Rep. McKinney to amend **HB 2760**, Rep. Aurand requested the amendment be divided. The question was divided. Roll call was demanded to amend Part A following line 16, by inserting:

“Section 1. K.S.A. 2007 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) “State financial aid” means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) (1) “Base state aid per pupil” means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is ~~\$4,316~~ in school year 2006-2007, \$4,374 in school year 2007-2008 and \$4,433 in school year 2008-2009 and \$4,492 in school year 2009-2010 and each school year thereafter.

(2) The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) “Local effort” means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 72-983, and amendments thereto, and an amount equal to 70% of the federal impact aid of the district.

(d) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 2.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

General state aid \$37,170,000

(b) The appropriations made by this section shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 3.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Keeping education promises trust fund..... \$0
Provided, That no moneys shall be transferred or expended from the keeping education promises trust fund during fiscal year 2009: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c, and amendments thereto, any appropriation act of the 2008 regular session of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the keeping education promises trust fund for fiscal year 2009 or to otherwise authorize or provide for any expenditures from the keeping education promises trust fund for fiscal year 2009: *And provided further*, That all moneys credited to the keeping education promises trust fund shall set aside moneys to support that portion of the aggregate amount of moneys appropriated for the department of education for general state aid for the fiscal year ending June 30, 2010, by this section that constitutes an increase in the aggregate amount of general state aid for fiscal year 2010 over the aggregate amount of moneys appropriated for general state aid for the fiscal year ending June 30, 2009: *And provided further*, That no moneys shall be transferred or expended from the keeping education promises trust fund except pursuant to specific authorization by appropriation act of the legislature.

(b) On July 1, 2008, the director of accounts and reports shall transfer \$37,170,000 from the state general fund to the keeping education promises trust fund.

(c) On July 1, 2009, the director of accounts and reports shall transfer \$37,170,000 from the keeping education promises trust fund to the state general fund.

Sec. 4. K.S.A. 2007 Supp. 72-6410 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, by striking all in lines 10 through 12; after line 12, by inserting:

“AN ACT concerning school districts; relating to school finance; making appropriations for the department of education for the fiscal years ending June 30, 2009, and June 30, 2010; amending K.S.A. 2007 Supp. 72-6410 and repealing the existing section.”

On roll call, the vote was: Yeas 50; Nays 70; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Johnson, King, Kuether, Lane, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Otto, Palmer, Pauls, Phelps, Powers, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Owens, Patton, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Dahl, Landwehr, Loganbill, Peterson.

The motion of Rep. McKinney to amend Part A did not prevail.

Also, roll call was demanded on Part B of the motion of Rep. McKinney to amend **HB 2760** on page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 16;

On roll call, the vote was: Yeas 53; Nays 67; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Beamer, Burgess, Burroughs, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Hender-

son, Henry, Holland, Johnson, King, Knox, Kuether, Lane, Light, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Powers, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Colyer, Craft, Crum, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Carlin, Dahl, Landwehr, Loganbill, Peterson.

Part B of the motion of Rep. McKinney did not prevail.

Also, on motion of Rep. Crow to amend **HB 2760**, the motion did not prevail.

Also, on motion to recommend **HB 2760** favorably for passage, the motion did not prevail.

Committee report to **HB 2605** be adopted; also, on motion of Rep. Watkins to amend, the motion did not prevail. Also, on motion of Rep. Crow to amend, the motion did not prevail.

Also, on motion of Rep. Palmer to refer **HB 2605** to Committee on Appropriations, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Otto to amend **HB 2632**, Rep. Svaty requested a ruling on the amendment being germane to the bill. The amendment was subsequently withdrawn.

On motion of Rep. Holland to amend **HB 2632**, Rep. C. Holmes requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back and roll call was demanded on the motion of Rep. Holland to amend on page 1, after line 13 by inserting:

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

(1) "Avoided fuel cost" means the current average cost of fuel for the entity generating electricity, as defined by the regulatory authority.

(2) "Eligible customer-generator" means a retail electric supplier's customer who uses a solar or a wind turbine electricity generating facility, or a hybrid system of both, that has a capacity of not more than 10 kilowatts, is located on the customer's premises, is interconnected and operates in parallel with the electric grid and is intended primarily to offset part or all of the customer's own electrical requirements.

(3) "Net metering" means measuring the difference between the electricity supplied through the electric grid and the electricity generated by an eligible customer-generator and fed back to the electric grid over a 12-month period as described in subsection (d).

(4) "Regulatory authority" means the state corporation commission, for an electric public utility, and the governing body, for a municipal electric or electric cooperative utility.

(5) "Retail electric supplier" means any municipal electric utility, electric cooperative utility or electric public utility which provides retail electric service in this state.

(b) (1) Every retail electric supplier shall develop a standard contract or tariff providing for net metering and shall make such contract available, upon request, to eligible customer-generators on a first-come-first-served basis until the time that the total rated generating capacity used by eligible customer-generators equals 1% of the supplier's aggregate customer peak demand.

(2) On an annual basis, each retail electric supplier shall make available to the regulatory authority information on the total rated generating capacity used by eligible customer-generators who are customers of such supplier.

(c) Net metering shall be accomplished using a single meter capable of registering the flow of electricity in two directions. An additional meter or meters to monitor the flow of electricity in each direction may be installed with the consent of the customer-generator, at the expense of the retail electric supplier, and the additional metering shall be used only to provide the information necessary to accurately bill or credit the customer-generator pursuant to subsection (e), or to collect solar or wind electric generating system performance information for research purposes. If the existing electrical meter of an eligible customer-

generator is not capable of measuring the flow of electricity in two directions, the customer-generator shall be responsible for all expenses involved in purchasing and installing a meter that is able to measure electricity flow in two directions. If an additional meter or meters are installed, the net metering calculation shall yield a result identical to that of a single meter.

(d) With respect to rate structure, all retail rate components and any monthly charges, each net metering contract or tariff shall be identical to the contract or tariff to which the same customer would be assigned if such customer were not an eligible customer-generator. The charges for all retail rate components for eligible customer-generators shall be based exclusively on the customer-generator's net kilowatt hour consumption over a 12-month period. Any new or additional demand charge, standby charge, customer charge, minimum monthly charge, interconnection charge or other charge that would increase an eligible customer-generator's costs beyond those of other customers in the rate class to which the eligible customer-generator would otherwise be assigned is contrary to the intent of this section and shall not form a part of net metering contracts or tariffs.

(e) The net metering calculation shall be made by measuring the difference between the electricity supplied to the eligible customer-generator and the electricity generated by the eligible customer-generator and fed back to the electric grid over a 12-month period. The following rules shall apply to the annualized net metering calculation:

(1) At the end of each 12-month period following the date of final interconnection of the eligible customer-generator's system with a retail electric supplier, and at each anniversary date thereafter, the eligible customer-generator shall be billed for electricity used during such period. The retail electric supplier shall determine if the eligible customer-generator was a net consumer or a net producer of electricity during such period.

(2) At the end of each 12-month period, if the electricity supplied during the period by the retail electric supplier exceeds the electricity generated by the eligible customer-generator during the same period, the eligible customer-generator is a net electricity consumer and the retail electric supplier shall be owed compensation for the eligible customer-generator's net kilowatt hour consumption over the same period. The compensation owed for the eligible customer-generator's net 12-month kilowatt hour consumption shall be calculated according to the terms of the contract or tariff to which the same customer would be assigned to or be eligible for if the customer were not an eligible customer-generator. If the same customer-generator is a net generator during any discrete time of use period, the net kilowatt hours produced shall be valued at the same price per kilowatt hour as the retail electric supplier would charge for retail kilowatt hour sales during the same time of use period. If the eligible customer-generator's time of use electrical meter is unable to measure the flow of electricity in two directions, subsection (c) shall apply.

(3) For each monthly period: (A) The customer-generator shall be billed for the net balance of moneys owed to the retail electric supplier for net consumption of electricity; and (B) any credits owed to the customer-generator for net generation of electricity shall be carried forward until the end of each 12-month period. At the end of each 12-month period, if the electricity generated by the eligible customer-generator during the 12-month period exceeds the electricity supplied by the retail electric supplier during the same period, the eligible customer-generator is a net electricity producer and the retail electric supplier shall retain any excess kilowatt hours generated during the prior 12-month period and shall compensate the customer-generator for such kilowatt hours in an amount equal to at least 150% of the utility's avoided fuel cost.

(4) The retail electric supplier shall provide every eligible customer-generator with net electricity consumption information with each regular bill.

(5) If an eligible customer-generator terminates the customer relationship with the retail electric supplier, the retail electric supplier shall reconcile the eligible customer-generator's consumption and production of electricity during any part of a 12-month period following the last reconciliation, according to the requirements set forth in this subsection, except that such requirements shall apply only to the months since the most recent 12-month bill.

(6) If a retail electric supplier providing net metering to a customer-generator ceases providing electrical service to such customer during any 12-month period, and the customer-generator enters into a new net metering contract or tariff with a new retail electric supplier,

the 12-month period, with respect to such new retail electric supplier, shall commence on the date on which the new retail electric supplier first supplies electric service to the customer-generator.

(f) A solar or wind turbine electrical generating system, or a hybrid system of both, used by an eligible customer-generator shall meet all applicable safety and performance standards established by the national electrical code, the institute of electrical and electronics engineers and accredited testing laboratories such as underwriters laboratories and, where applicable, rules of the state corporation commission regarding safety and reliability. A customer-generator whose solar or wind turbine electrical generating system, or a hybrid system of both, meets such standards and rules shall not be required to install additional controls, perform or pay for additional tests or purchase additional liability insurance.

Sec. 7. K.S.A. 2007 Supp. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) Except as provided in subsection (b), every public utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, upon request of such customer, whereby such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer.

(b) (1) For purposes of this subsection:

(A) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility;

(B) "school" means ~~Cloud county community college and Dodge City community college~~ *any public or accredited private elementary, secondary or postsecondary school.*

(2) Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 25 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 200 kilowatts or less or is a school and owns a renewable generator with a capacity of 1.5 megawatts or less. Such generator shall be appropriately sized for such customer's anticipated electric load. A commercial customer who uses the operation of a renewable generator in connection with irrigation pumps shall not request more than 10 irrigation pumps connected to renewable generators be attached or connected to the utility's system. At the customer's delivery point on the customer's side of the retail meter such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation for energy supplied to the utility by such customer. Such compensation shall be not less than 100% of the utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. A utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25 or more.

(3) *A customer-generator, as defined by section 1, and amendments thereto, shall have the option of entering into a contract pursuant to this subsection (b) or utilizing the provisions of section 1, and amendments thereto. The customer-generator shall exercise the option in writing and shall file it with the utility.*

(c) The following terms and conditions shall apply to contracts entered into under subsection (a) or (b):

(1) The utility will supply, own, and maintain all necessary meters and associated equipment utilized for billing. In addition, and for the purposes of monitoring customer generation and load, the utility may install at its expense, load research metering. The customer shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;

(2) for the purposes of insuring the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;

(3) the customer shall furnish, install, operate, and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the generator in parallel with the utility's system. In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition, the utility may install, own, and maintain a disconnecting device located near the electric meter or meters. Interconnection facilities between the customer's and the utility's equipment shall be accessible at all reasonable times to utility personnel. Upon notification by the customer of the customer's intent to construct and install parallel generation, the utility shall provide the customer a written estimate of all costs that will be incurred by the utility and billed to the customer to accommodate the interconnection. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service. The customer shall notify the utility prior to the initial energizing and start-up testing of the customer-owned generator, and the utility shall have the right to have a representative present at such test;

(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation; and

(5) the utility may limit the number and size of renewable generators to be connected to the utility's system due to the capacity of the distribution line to which such renewable generator would be connected, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility's peak power requirements.

(d) Service under any contract entered into under subsection (a) or (b) shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

(e) In any case where the owner of the renewable generator and the utility cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.

(f) The governing body of any school desiring to proceed under this section shall, prior to taking any action permitted by this section, make a finding that either: (1) Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or (2) that such renewable generation is a science project being conducted for educational purposes and that such project may not recoup the expenses of the project through energy cost savings. Any school proceeding under this section may contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority as a means of financing the cost of such renewable generation.

(g) For the purpose of meeting the governor's stated goal of producing 10% of the state's electricity ~~by wind power from renewable resources~~ by 2010 and 20% by 2020, the parallel generation of electricity provided for in this section *and generation pursuant to section 1, and amendments thereto*, shall be included as part of the state's energy generation ~~by wind power from renewable resources.~~;

By renumbering sections accordingly;

Also on page 1, in line 38 by striking "74-616 is" and inserting "66-1,184 and 74-616 are";

In the title, in line 9 by striking “Kansas corporation commission” and inserting “energy; relating to net metering”; in line 11, after “Supp.” by inserting “66-1,184 and”; also in line 11 by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 49; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Bowers, Burroughs, Carlin, Crow, Davis, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Owens, Pauls, Phelps, Pottorff, Quigley, Rardin, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Winn.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Donohoe, Faber, Fund, Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Palmer, Patton, Peck, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Dahl, Dillmore, Landwehr, Lukert, Peterson, Powers, Shultz.

The motion of Rep. Holland did not prevail, and **HB 2632** be passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HOUSE Substitute for SB 359**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 2, in line 13, preceding the period by inserting “: *And provided further*, That the secretary of transportation shall prepare and submit a report on air passenger service and support agreements at Manhattan regional airport and any expenditures from the north central Kansas air passenger service support fund during the first two quarters of fiscal year 2009 to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of the 2009 regular session of the legislature”;

And your committee on conference recommends the adoption of this report.

SHARON SCHWARTZ

LEE TAFANELLI

BILL FEUERBORN

Conferees on part of House

DWAYNE UMBARGER

VICKI SCHMIDT

LAURA KELLY

Conferees on part of Senate

On motion of Rep. Schwartz, the conference committee report on **H. Sub. for SB 359** was adopted.

On roll call, the vote was: Yeas 113; Nays 6; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Mah, 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, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer,

Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Hodge, Kelley, Kiegerl, Kinzer, Mast.

Present but not voting: None.

Absent or not voting: Crum, Dahl, Lukert, Peterson, Powers, Wilk.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2897** be amended on page 5, in line 33, by striking the comma and inserting "and"; also in line 33, by striking "and an itemized listing of all"; by striking all in line 34 and inserting "including expenditures";

On page 6, in line 5, by striking "20"; in line 6, by striking "mills per bushel" and inserting "one-half of 1% of the net market price received by the grower"; in line 16, after "growers" by inserting "of each respective commodity"; in line 20, before the period, by inserting "of each respective commodity"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2870** be amended on page 1, by striking all in lines 13 through 43;

By striking all on pages 2, 3 and 4;

On page 5, by striking all in lines 1 through 13; following line 13, by inserting:

"New Section 1. (a) As used in this subsection:

(1) "State board" means the state board of education.

(2) "Board of education" means the board of education of a school district.

(3) "Hard-to-fill teaching discipline" means the disciplines of mathematics or science taught in any of the grades nine through 12.

(4) "School district" means any school district which pays a teacher who is endorsed and teaching in a hard-to-fill teaching discipline an employment incentive or retention bonus.

(5) "Employment incentive or retention bonus" or "bonus" means an employment incentive or retention bonus authorized by K.S.A. 72-8246, and amendments thereto, which is equal in amount to at least 5% of the amount of the base salary paid to teachers employed by the district who have similar qualifications and experience but who are not endorsed to teach in a hard-to-fill teaching discipline.

(b) Any school district which pays an employment incentive or retention bonus may apply for a grant of state moneys for the purpose of providing stipends to such teachers. In order to be eligible to receive a grant of state moneys, a board of education shall submit to the state board of education an application for a grant in such form and manner as required by the state board. The application shall be submitted at a time to be determined and specified by the state board. Subject to the limitations of appropriations, the state board of education shall determine the amount of grants to be awarded school districts by multiplying an amount not to exceed \$1,000 by the number of teachers employed by the district who are endorsed in a hard-to-fill teaching discipline. The product is the amount of the grant to be awarded to the district. Amounts received as a grant shall be deposited in the general fund of the school district and shall be considered reimbursements for the purpose of the school district finance and quality performance act. The full amount of the grant shall be allocated among the teachers employed by the district who are endorsed and teaching in hard-to-fill teaching disciplines so as to provide each such teacher with an annual stipend in an amount not to exceed \$1,000. Such annual stipend shall be over and above the salary to which the teacher is entitled for the school year and any employment or incentive bonus.

New Sec. 2. (a) The mentor teacher weighting of each school district shall be determined by the state board as follows:

(1) Determine the number of mentor teachers in each school district; and

(2) multiply the the number determined under paragraph (1) by .23. The product is the mentor teacher weighting of the district.

(b) As used in this section, "mentor teacher" shall have the meanings ascribed thereto by K.S.A. 72-1412, and amendments thereto.

(c) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.

Sec. 3. K.S.A. 72-1413 is hereby amended to read as follows: 72-1413. (a) The board of education of each school district may establish and maintain a mentor teacher program ~~and, commencing with the 2001-02 school year, may apply for a grant of state moneys for the purpose of providing stipends for mentor teachers:~~

~~— (b) To be eligible to receive a grant of state moneys for maintenance of a mentor teacher program, a board of education shall submit to the state board of education an application for a grant and a description of the program. The application and description shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of the program and the application is prerequisite to the award of a grant.~~

~~— (c) (b) Each board of education which is awarded a grant for maintenance of *has established and maintains* a mentor teacher program shall make such periodic and special reports of statistical and financial information to the state board of education as it may request.~~

Sec. 4. K.S.A. 72-1414 is hereby amended to read as follows: 72-1414. (a) ~~On or before January 1, 2001,~~ The state board of education shall adopt rules and regulations for the administration of mentor teacher programs and shall:

(1) Establish standards and criteria for evaluating and approving mentor teacher programs ~~and applications of school districts for grants;~~

(2) evaluate and approve mentor teacher programs;

(3) establish criteria for determination of exemplary teaching ability of certificated teachers for qualification as mentor teachers;

(4) prescribe guidelines for the selection by boards of education of mentor teachers and for the provision by boards of education of training programs for mentor teachers; *and*

(5) ~~be responsible for awarding grants to school districts, and~~

~~— (6) request of and receive from each school district which is awarded a grant for maintenance of *has established and maintains* a mentor teacher program reports containing information with regard to the effectiveness of the program.~~

~~— (b) Subject to the availability of appropriations for mentor teacher programs maintained by school districts, and within the limits of any such appropriations, the state board of education shall determine the amount of grants to be awarded school districts by multiplying an amount not to exceed \$1,000 by the number of mentor teachers participating in the program maintained by a school district. The product is the amount of the grant to be awarded to the district. Upon receipt of a grant of state moneys for maintenance of a mentor teacher program, the amount of the grant shall be deposited in the general fund of the school district. Moneys deposited in the general fund of a school district under this subsection shall be considered reimbursements for the purpose of the school district finance and quality performance act. The full amount of the grant shall be allocated among the mentor teachers employed by the school district so as to provide a *School districts which maintain a mentor teacher program shall pay each* mentor teacher with an annual stipend in an amount not to exceed ~~\$1,000~~ *.23 times base state aid per pupil*. Such annual stipend shall be over and above the regular salary to which the mentor teacher is entitled for the school year.~~

Sec. 5. K.S.A. 72-1415 is hereby amended to read as follows: 72-1415. The state board of education shall provide any board, upon request, with technical advice and assistance regarding the establishment and maintenance of a mentor teacher program ~~or an application for a grant of state moneys.~~

Sec. 6. K.S.A. 2007 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as pupil. A pupil enrolled

in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils.

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted. A pupil enrolled in a virtual school in a district but who is not a resident of the state of Kansas shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged

at-risk pupils, if any such pupils are enrolled and (ii) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2007 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, density at-risk weighting, if any, non-proficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, *mentor teacher weighting, if any*, special education and related services weighting, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2007 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any kindergarten or grades one through 12 course offered for credit that uses distance-learning technologies which predominantly use internet-based methods to deliver instruction and for which the course content is available on an "anytime, anyplace" basis, but the instruction occurs asynchronously with the teacher and pupil in separate locations, not necessarily located within a local education agency.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2007 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to

low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) “High density at-risk pupil weighting” means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2007 Supp. 72-6455, and amendments thereto, apply.

(t) “Nonproficient pupil” means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) “Nonproficient pupil weighting” means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2007 Supp. 72-6454, and amendments thereto.

(v) “Psychiatric residential treatment facility” has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

Sec. 7. K.S.A. 72-1413, 72-1414 and 72-1415 and K.S.A. 2007 Supp. 72-6407 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 9 and 10 and inserting the following:

“An Act concerning school districts; relating to teachers; amending K.S.A. 72-1413, 72-1414 and 72-1415 and K.S.A. 2007 Supp. 72-6407 and repealing the existing sections.”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2308** be amended on page 1, after line 22, by inserting the following:

“(4) any membership dues related to the candidate’s campaign paid to a community service or civic organization in the name of the candidate.”;

And by renumbering the remaining subsections accordingly;

Also on page 1, in line 23, by striking “membership dues or”; in line 25, after “services” by inserting “unrelated to the candidate’s campaign”; in line 26, by striking “dues or”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2702** be passed.

Committee on **Judiciary** recommends **HB 2188** be amended on page 2, in line 15, by striking all after the period; by striking all in lines 16 through 23; in line 24, by striking “professional licensee” and inserting “The plaintiff or claimant and the defendant or respondent shall each designate a person licensed in the same profession as the defendant or respondent within 20 days of such party’s receipt of notice of the convening of the screening panel. The parties shall jointly designate a person licensed in the same profession as the defendant or respondent within 10 days after the individual designations have been made”; in line 29, by striking “120” and inserting “180”;

On page 3, by striking all in lines 19 through 26;

And by renumbering the remaining sections accordingly;

On page 4, in line 19, by striking “The”; by striking all in lines 20 through 22; in line 26, by striking “qualified”; in line 35, by striking all after the period; by striking all in lines 36 through 42; in line 43, by striking all before the period and inserting “The plaintiff or claimant and the defendant or respondent shall each designate a health care provider licensed in the same profession as the defendant or respondent within 20 days of such party’s receipt of notice of the convening of the screening panel. The parties shall jointly designate a health care provider licensed in the same profession as the defendant or respondent within 10 days after the individual designations have been made”;

On page 5, in line 7, by striking “120” and inserting “180”; in line 23, after “trial” by inserting “, provided the panel member or members otherwise meet the qualifications of K.S.A. 60-3412, and amendments thereto”; by striking all in lines 41 through 43;

And by renumbering the remaining sections accordingly;

On page 6, by striking all in lines 1 through 5; in line 6, by striking “60-3509.”; in line 7, by striking the comma that appears after “65-4904” and inserting “and”; also in line 7, by striking “and 65-4908”;

On page 1, in the title, in line 11, by striking "60-3509,"; also in line 11, by striking the comma that appears after "65-4904" and inserting "and"; also in line 11, by striking "and 65-"; in line 12, by striking "4908"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2618** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2618," as follows:

"Substitute for HOUSE BILL No. 2618

By Committee on Judiciary

"AN ACT concerning administrative procedure; amending K.S.A. 77-502, 77-512, 77-516, 77-525, 77-526, 77-620 and 77-621 and K.S.A. 2007 Supp. 75-37,121, 77-514, 77-527 and 77-551 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 74-599, K.S.A. 2003 Supp. 77-514, as amended by section 39 of chapter 145 of the 2004 Session Laws of Kansas, and K.S.A. 77-551, as amended by section 43 of chapter 145 of the 2004 Session Laws of Kansas."; and the substitute bill be passed.

(**Sub. HB 2618** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **HB 2620** be amended on page 2, after line 6, by inserting the following:

"Sec. 2. (a) As part of an original application for or reinstatement of any license, registration, permit or certificate or in connection with any investigation of any holder of a license, registration, permit or certificate, the state board of healing arts may require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The state board of healing arts is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The state board of healing arts may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license, registration, permit or certificate.

(b) Local and state law enforcement officers and agencies shall assist the state board of healing arts in taking and processing of fingerprints of applicants for and holders of any license, registration, permit or certificate and shall release all records of adult and juvenile convictions, adjudications, expungements and nonconvictions to the state board of healing arts.

(c) The state board of healing arts may fix and collect a fee as may be required by the board in an amount necessary to reimburse the board for the cost of fingerprinting and the criminal history record check. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the healing arts fee fund.

(d) This section shall be part of and supplemental to the Kansas healing arts act.";

And by renumbering the remaining section accordingly;

In the title, in line 10, before the period by inserting "; fingerprinting and criminal history record checks"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2780** be amended on page 1, after "Section 1." by inserting the following:

"K.S.A. 21-3412a is hereby amended to read as follows: 21-3412a. (a) Domestic battery is:

(1) Intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days'

imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than ~~\$2,500~~ \$7,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court shall require as a condition of parole that such person enter into and complete a treatment program for domestic violence. If the person does not enter into and complete a treatment program for domestic violence, the person shall serve not less than 180 days nor more than one year's imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

(E) A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits only twice during any three-year period.

Sec. 2. K.S.A. 21-4310 is hereby amended to read as follows: 21-4310. (a) Cruelty to animals is:

(1) Intentionally and maliciously killing, injuring, maiming, torturing, burning or mutilating any animal;

(2) intentionally abandoning or leaving any animal in any place without making provisions for its proper care;

(3) having physical custody of any animal and intentionally failing to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(4) intentionally using a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or

(5) intentionally causing any physical injury other than the acts described in subsection (a)(1).

(b) The provisions of this section shall not apply to:

(1) Normal or accepted veterinary practices;

(2) bona fide experiments carried on by commonly recognized research facilities;

(3) killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of chapter 32 or chapter 47 of the Kansas Statutes Annotated;

(4) rodeo practices accepted by the rodeo cowboys' association;

(5) the humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or the agent of such owner residing outside of a city or the owner thereof within a city if no animal shelter, pound or licensed veterinarian is within the city, or by a licensed veterinarian at the request of the owner thereof, or by any officer or agent of an incorporated humane society, the operator of an animal shelter or pound, a local or state health officer or a licensed veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(6) with respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) the killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) an animal control officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) laying an equine down for medical or identification purposes;

(10) normal or accepted practices of pest control, as defined in subsection (x) of K.S.A. 2-2438a, and amendments thereto; or

(11) accepted practices of animal husbandry pursuant to regulations promulgated by the United States department of agriculture for domestic pet animals under the animal welfare act, public law 89-544, as amended and in effect on July 1, 2006.

(c) As used in this section:

(1) "Equine" means a horse, pony, mule, jenny, donkey or hinny.

(2) "Maliciously" means a state of mind characterized by actual evil-mindedness or specific intent to do a harmful act without a reasonable justification or excuse.

(d) (1) Cruelty to animals as described in subsection (a)(1) is a nonperson felony. Upon conviction of this subsection, a person shall be sentenced to not less than 30 days or more than one year's imprisonment and be fined not less than \$500 nor more than \$5,000. During the mandatory 30 days imprisonment, such offender shall have a psychological evaluation prepared for the court to assist the court in determining conditions of probation. Such conditions shall include, but not be limited to, the completion of an anger management program.

(2) The first conviction of cruelty to animals as described in subsection (a)(2), (a)(3), (a)(4) and (a)(5) is a class A nonperson misdemeanor. The second or subsequent conviction of cruelty to animals as described in subsection (a)(2), (a)(3), (a)(4) and (a)(5) is a non-person felony. Upon such conviction, a person shall be sentenced to not less than five days or more than one year's imprisonment *and be fined not less than \$500 nor more than \$2,500.*

(e) For purposes of this section, "animal" shall have the meaning ascribed to it in K.S.A. 21-4313, and amendments thereto.

Sec. 3. K.S.A. 21-4619 is hereby amended to read as follows: 21-4619. (a) (1) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, cigarette or tobacco infraction, misdemeanor or a class D or E felony, or for crimes committed on or after July 1, 1993, nondrug crimes ranked in severity levels 6 through 10 or any felony ranked in severity level 4 of the drug grid, may petition the convicting court for

the expungement of such conviction or related arrest records if three or more years have elapsed since the person: (A) Satisfied the sentence imposed; or (B) was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence.

(2) Except as provided in subsections (b) and (c), any person who has fulfilled the terms of a diversion agreement may petition the district court for the expungement of such diversion agreement and related arrest records if three or more years have elapsed since the terms of the diversion agreement were fulfilled.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed, the terms of a diversion agreement or was discharged from probation, a community correctional services program, parole, postrelease supervision, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony, or for crimes committed on or after July 1, 1993, if convicted of an off-grid felony or any nondrug crime ranked in severity levels 1 through 5 or any felony ranked in severity levels 1 through 3 of the drug grid, or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of the fifth clause of K.S.A. 8-142, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(5) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(6) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes;

(7) violating the provisions of K.S.A. 40-3104, and amendments thereto, relating to motor vehicle liability insurance coverage; or

(8) a violation of K.S.A. 21-3405b, prior to its repeal.

(c) There shall be no expungement of convictions for the following offenses or of convictions for an attempt to commit any of the following offenses: (1) Rape as defined in K.S.A. 21-3502, and amendments thereto; (2) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto; (3) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto; (4) criminal sodomy as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto; (5) aggravated criminal sodomy as defined in K.S.A. 21-3506, and amendments thereto; (6) indecent solicitation of a child as defined in K.S.A. 21-3510, and amendments thereto; (7) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, and amendments thereto; (8) sexual exploitation of a child as defined in K.S.A. 21-3516, and amendments thereto; (9) aggravated incest as defined in K.S.A. 21-3603, and amendments thereto; (10) endangering a child as defined in K.S.A. 21-3608, and amendments thereto; (11) *aggravated endangering a child, as defined in K.S.A. 21-3608a, and amendments thereto*; (12) abuse of a child as defined in K.S.A. 21-3609, and amendments thereto; ~~(12)~~ (13) capital murder as defined in K.S.A. 21-3439, and amendments thereto; ~~(13)~~ (14) murder in the first degree as defined in K.S.A. 21-3401, and amendments thereto; ~~(14)~~ (15) murder in the second degree as defined in K.S.A. 21-3402, and amendments thereto; ~~(15)~~ (16) voluntary manslaughter as defined in K.S.A. 21-3403, and amendments thereto; ~~(16)~~ (17) involuntary manslaughter as defined in K.S.A. 21-3404, and amendments thereto; ~~(17)~~ (18) involuntary manslaughter while driving under the influence of alcohol or drugs as defined in K.S.A. 21-3442, and amendments thereto; ~~(18)~~ (19) sexual battery as defined in K.S.A. 21-3517, and amendments thereto, when the victim was less than 18 years of age at the time the crime was committed; ~~(19)~~ (20) aggravated sexual

battery as defined in K.S.A. 21-3518, and amendments thereto; ~~(20)~~ (21) a violation of K.S.A. 8-1567, and amendments thereto, including any diversion for such violation; ~~(21)~~ (22) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or ~~(22)~~ (23) any conviction for any offense in effect at any time prior to the effective date of this act, that is comparable to any offense as provided in this subsection.

(d) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. The petition shall state: (1) The defendant's full name;

(2) the full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

(3) the defendant's sex, race and date of birth;

(4) the crime for which the defendant was arrested, convicted or diverted;

(5) the date of the defendant's arrest, conviction or diversion; and

(6) the identity of the convicting court, arresting law enforcement authority or diverting authority. There shall be no docket fee for filing a petition pursuant to this section. All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas parole board.

(e) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest, conviction or diversion. After the order of expungement is entered, the petitioner shall be treated as not having been arrested, convicted or diverted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the arrest, conviction or diversion occurred if asked about previous arrests, convictions or diversions:

(A) In any application for licensure as a private detective, private detective agency, certification as a firearms trainer pursuant to K.S.A. 2007 Supp. 75-7b21, and amendments thereto, or employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01, and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01, and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services;

(B) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(D) to aid in determining the petitioner's qualifications for executive director of the Kansas racing and gaming commission, for employment with the commission or for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission, or to aid in determining qualifications for licensure or renewal of licensure by the commission;

(E) to aid in determining the petitioner's qualifications for the following under the Kansas expanded lottery act: (i) Lottery gaming facility manager or prospective manager, racetrack gaming facility manager or prospective manager, licensee or certificate holder; or (ii) an officer, director, employee, owner, agent or contractor thereof;

(F) upon application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(G) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(H) to aid in determining the petitioner's qualifications to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-state gaming compact;

(I) in any application for registration as a broker-dealer, agent, investment adviser or investment adviser representative all as defined in K.S.A. 17-12a102, and amendments thereto; or

(J) in any application for employment as a law enforcement officer as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any arrest, conviction or diversion has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction, diversion and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01, and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense;

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an appli-

cation for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged;

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(9) the governor or the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for executive director of the commission, for employment with the commission, for work in sensitive areas in parimutuel racing as deemed appropriate by the executive director of the commission or for licensure, renewal of licensure or continued licensure by the commission;

(10) the Kansas racing and gaming commission, or a designee of the commission, and the request is accompanied by a statement that the request is being made to aid in determining qualifications of the following under the Kansas expanded lottery act: (A) Lottery gaming facility managers and prospective managers, racetrack gaming facility managers and prospective managers, licensees and certificate holders; and (B) their officers, directors, employees, owners, agents and contractors;

(11) the Kansas sentencing commission;

(12) the state gaming agency, and the request is accompanied by a statement that the request is being made to aid in determining qualifications: (A) To be an employee of the state gaming agency; or (B) to be an employee of a tribal gaming commission or to hold a license issued pursuant to a tribal-gaming compact;

(13) the Kansas securities commissioner or a designee of the commissioner, and the request is accompanied by a statement that the request is being made in conjunction with an application for registration as a broker-dealer, agent, investment adviser or investment adviser representative by such agency and the application was submitted by the person whose record has been expunged;

(14) the Kansas commission on peace officers' standards and training and the request is accompanied by a statement that the request is being made to aid in determining certification eligibility as a law enforcement officer pursuant to K.S.A. 74-5601 et seq., and amendments thereto;

(15) a law enforcement agency and the request is accompanied by a statement that the request is being made to aid in determining eligibility for employment as a law enforcement officer as defined by K.S.A. 22-2202, and amendments thereto; or

(16) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 7, after “prosecutor” by inserting “, or the prosecutor if the new conviction is in the same county,”; in line 9, by striking “personally serve” and inserting “obtain personal service”; also in line 9, after “offender” by inserting “of”; in line 43, after ““sexually violent crime”” by inserting “or a “sexually motivated crime””;

On page 4, in line 1, by striking “or” and inserting “offenders sentenced pursuant to K.S.A. 21-4704, and amendments thereto, wherein the sentence is presumptive imprisonment but a nonprison sanction may be imposed without a departure or offenders”; in line 19, after “K.S.A.” by inserting “21-3412a, 21-4310, 21-4619 and”; also in line 19, by striking “is” and inserting “are”;

On page 1, in line 9, after “concerning” by inserting “crimes, punishment and”; also in line 9, by striking “relating to conditional release,”; in line 10, after “K.S.A.” by inserting “21-3412a, 21-4310, 21-4619 and”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2825** be amended on page 1, in line 13, after “civil” by inserting “or criminal”; also in line 13, after “court” by inserting “, upon the court’s own motion, may hold a hearing”; by striking all in lines 15 and 16; in line 17, by striking “proceeding,”; in line 28, by striking “an” and inserting “a paramount”; in line 32, by striking “courts” and inserting “court’s”; in line 34, by striking “compelling”; also in line 34, after

“litigant” by inserting “or a public or private harm”; in line 35, after “interest” by inserting “or harm”; in line 37, by striking “does not constitute a sufficient” and inserting “shall be considered by the court but shall not constitute the sole”; in line 42, by striking “or”; in line 43, after “thereto” by inserting “, the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto, to supreme court rules which allow motions, briefs, opinions and orders of the court to identify parties by initials or by familial relationship or to supreme court rules which require appellate court deliberations to be kept in strict confidence. Nothing in this section shall be construed to prohibit the issuance of a protective order pursuant to subsection (c) of K.S.A. 60-226, and amendments thereto.

(g) The provisions of this section shall not preclude a court from allowing a settlement which includes a confidentiality clause to be filed under seal where the interests of justice would be served by such settlement being filed under seal”; and the bill be passed as amended.

General Government Budget Committee recommends **HB 2890** be amended on page 1, in line 31, by striking “\$5” and inserting “\$4”;

On page 3, in line 17, by striking “\$5” and inserting “\$4”; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **SB 526** from Committee on Elections and Governmental Organization and referral to Committee on Energy and Utilities.

Also, the withdrawal of **HB 2676** from Committee on Insurance and Financial Institutions and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 403, SB 414, SB 475, SB 492, SB 512, SB 538; Sub. SB 549; SB 574, SB 575, SB 612.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 403, SB 414, SB 475, SB 492, SB 512, SB 538; Sub. SB 549; SB 574, SB 575, SB 612.

REPORT ON ENGROSSED BILLS

HB 2570, HB 2648, HB 2695, HB 2804 reported correctly engrossed February 26, 2008.

Also, **HB 2707, HB 2721, HB 2727, HB 2772** reported correctly engrossed February 27, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, February 28, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

