

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 25, 2008, 10:30 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 123 members present.
Rep. Hodge was excused on verified illness.
Rep. McCray-Miller was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Joseph Lohrbach, Meriden, pastor, Bethel Baptist Church of Topeka, and guest of Rep. Siegfried:

Our precious Heavenly Father, we come before you this morning, praising you and thanking you for being the Lord and Leader of our lives. Father, as we come before you, humble our hearts and help us to focus on you.

We want to praise you for this beautiful day as we gather in the House this morning. Father, we ask you to lift up each one of our Representatives and their staff this morning. Be with them as they have the responsibility of making decisions, and doing what is right for the state of Kansas. Lead them, guide them and protect them throughout this time. "Father," we ask you to touch them in a mighty way today!

Most of all Father, we want to thank you for your son, Jesus, who died on the cross, that we may be with you forever and ever.

"In Jesus Precious Name, We Pray." Amen.

The Pledge of Allegiance was led by Rep. Storm.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2984**, **HB 2985**.

Appropriations: **HB 2986**, **HB 2987**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **SB 582** from Committee on Judiciary and referral to Select Committee on Corrections Reform and Oversight.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2001** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2860** and has appointed Senators Taddiken, Pine and Francisco as conferees on the part of the Senate.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. McKinney, **HR 6016**, A resolution in memory of John J. Conard Sr., was adopted.

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

To understand the late John Conard you should first know that John and Virginia were married for 60 years.

With us today are Virginia Conard, her son John Jr., grandchildren Katie and Spencer, and long time family friend Mary Hatfield.

I first met John Conard when he was serving as Executive Director of the Kansas Board of Regents. On the wall he displayed his degree of Ph.D. in Political Science from the University of Paris. Then I knew that this would be an interesting man to get to know.

John served 10 years in the House, his final two years, 1967 - 1968, as Speaker. John shared with me a number of stories about his service in the legislature. As the publisher of the *Kiowa County Signal*, he said he never had trouble getting the local paper to run his legislative columns.

Serving when *Baker vs. Carr* took effect, John told me about his experience of going from one county to campaigning in a three county district. He also described how the Ways and Means Committee met in what is now the Speaker's Office. Budget bills were typed using a typewriter and carbon paper.

As a Navy veteran (having been an aviator), John remained active, supporting veterans through veterans organizations.

What I noticed very clearly about John and Virginia Conard, is that they always maintained their subscription to the *Kiowa County Signal*. They stayed up to date on the happenings they always consider Greensburg home, and we still consider them ours.

Mr. Speaker, because I knew John Conard, it is my privilege to move the adoption of House Resolution 6016.

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

John Conard was one of the most thoughtful gentlemen that I have ever known. We frequently talked about life, politics, and llamas when I pastured our flock of sheep at his and Virginia's farm.

Most of the lessons that he gently imprinted on me focused on the Legislature when he was a member. He talked about civility, friendships, policy-making over partisanship, long term perspectives, the need to educate the electorate, policy-making over ideology, and having the courage to vote for what you believe to be right in the face of opposition on the floor and in the district.

He spoke of legislators in his day living in the same place, taking meals together, and knowing each other as real people, instead of as opponents. John regretted the number of receptions that each of us must attend each evening, because he believed that we thereby lost touch with each other. Maybe those conversations are where I partially learned not to take our legislative battles personally, but rather to accept that I failed to properly make my case and educate you.

I miss talking and laughing with John. But more than anything else, I miss hearing him voice his tremendous respect for the Legislature, the House, and the process. He truly was a gentleman who respected each of us for our commitment to our shared state and people.

CONSENT CALENDAR

No objection was made to **SB 438, SB 469** appearing on the Consent Calendar for the first day.

No objection was made to **SB 465** appearing on the Consent Calendar for the second day.

No objection was made to **Sub. SB 209; SB 443, SB 450, SB 472, SB 523** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. SB 209. An act pertaining to accident and sickness insurance; relating to rate and form filings; amending K.S.A. 40-2215 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

The substitute bill passed.

SB 443. An act concerning the long-term care partnership program, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

The bill passed.

SB 450. An act relating to cemetery corporations; concerning the investment of permanent maintenance fund; amending K.S.A. 17-1349 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill,

Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: Hodge, McCray-Miller.

The bill passed.

SB 472, An act concerning the pooled money investment board; pertaining to investment in certain corporate bonds; amending K.S.A. 2007 Supp. 75-4209 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

The bill passed.

SB 523, An act designating a portion of Kansas highway 25 as the Great Plains Indian Highway, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.

Absent or not voting: Hodge, McCray-Miller.

The bill passed.

H. Sub. for SB 81. An act enacting the health care reform act of 2008; amending K.S.A. 39-760, 40-2119, 40-2124, 40-2209d, 46-3001 and K.S.A. 2007 Supp. 40-19c06, 40-2209, 40-3209, 46-3501, 65-7402, 65-7403, 74-50,301, 74-50-302, 75-6501, 75-7401 and 75-7427 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 20; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Davis, Dillmore, 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, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, McLeland, Menghini, Metsker, Moxley, Myers, Neighbor, Neufeld, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, 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, Brown, Brunk, Carlson, Dahl, Donohoe, Faber, Huebert, Kelley, Kinzer, Knox, Mast, Masterson, Merrick, Jim Morrison, Judy Morrison, Olson, Powers, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: Hodge, McCray-Miller.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: This bill has premium assistance. It creates a new welfare program. It also expands government influence in health care. Furthermore, this bill will not lower insurance rates and does not lower health care costs. I'm taking the long way around the barn to say this legislation is ineffective. One of my colleagues stated whatever we do today will not matter in 10 years, I beg to differ sir! I believe we are doing important work. This is not rocket surgery. This is an expansive and anti-free market proposal. Some colleagues will say, "I need something on health care," I say have courage and stand on principle and vote no on **H. Sub. for SB 81**.—ANTHONY R. BROWN

MR. SPEAKER: I vote NO on **H. Sub. for SB 81** because I am certain insurance companies do NOT determine our health care costs. Providers, behind closed doors (and, I believe, in a violation of Federal Laws), determine costs and communicate to insurance companies a range of reimbursements.

What we are actually doing is creating larger government, higher costs of health administration, LESS not greater access and ignoring the real problem of health cost through magic "feel like we did something" legislation.

This bill does not come close to addressing real costs of health delivery — in a word — lack of "competition" is the problem.—JIM MORRISON

MR. SPEAKER: I vote no on **H. Sub. for SB 81**. I am grieved to see expansion of entitlements after the medical community has stated that it will only raise up the cost of health care to other consumers. This bill takes us even closer to socialized medicine and will not make health care either more affordable nor more accessible.—PEGGY MAST, LANCE KINZER, KASHA KELLEY

MR. SPEAKER: It is hard for me to support a measure that has yet to have a fiscal note determined.

I am disappointed that we have not included any option to reduce the cost of health insurance such as a refundable tax credit or benefits contributed to a Health Savings Account. This is the number one priority of the people I represent.

The measure provides no incentive to participate in a wellness program, instead seems to expand programs that continue to treat the problems associated with smoking, obesity, and abuse of drugs.

For these reasons, I vote no.—SHARON SCHWARTZ

SB 448, An act relating to corporations; concerning the application of general corporation code to certain cooperatives, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

The bill passed.

SB 449, An act amending the uniform commercial code; relating to secured transactions; amending K.S.A. 2007 Supp. 84-9-521 and 84-9-526 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 423**, **SB 418** be passed.

SCR 1624 be adopted.

On motion of Rep. Holland to amend **SB 424**, the motion did not prevail, and the bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 226** be adopted; and the substitute bill be passed.

On motion of Rep. Huntington, **SB 521** be amended on page 1, following the enacting clause, by inserting the following:

“Section 1. K.S.A. 2007 Supp. 8-135 is hereby amended to read as follows: 8-135. (a) Upon the transfer of ownership of any vehicle registered under this act, the registration of the vehicle and the right to use any license plate thereon shall expire and thereafter there shall be no transfer of any registration, and the license plate shall be removed by the owner thereof. Except as provided in K.S.A. 8-172, and amendments thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any person, other than the person to whom the license plate was originally issued, to have possession thereof. When the ownership of a registered vehicle is transferred, the original owner of the license plate may register another vehicle under the same number, upon application and payment of a fee of \$1.50, if such other vehicle does not require a higher license fee. If a higher license fee is required, then the transfer may be made upon the payment of the transfer fee of \$1.50 and the difference between the fee originally paid and that due for the new vehicle.

(b) Subject to the provisions of subsection (a) of K.S.A. 8-198, and amendments thereto, upon the transfer or sale of any vehicle by any person or dealer, or upon any transfer in accordance with K.S.A. 59-3511, and amendments thereto, the new owner thereof, within 30 days, inclusive of weekends and holidays, from date of such transfer shall make application to the division for registration or reregistration of the vehicle, but no person shall operate the vehicle on any highway in this state during the thirty-day period without having applied for and obtained temporary registration from the county treasurer or from a dealer. After the expiration of the thirty-day period, it shall be unlawful for the owner or any other person to operate such vehicle upon the highways of this state unless the vehicle has been registered as provided in this act. For failure to make application for registration as provided in this section, a penalty of \$2 shall be added to other fees. When a person has a current motorcycle or passenger vehicle registration and license plate, including any registration decal affixed thereto, for a vehicle and has sold or otherwise disposed of the vehicle and has acquired another motorcycle or passenger vehicle and intends to transfer the registration and the license plate to the motorcycle or passenger vehicle acquired, but has not yet had the registration transferred in the office of the county treasurer, such person may operate the motorcycle or passenger vehicle acquired for a period of not to exceed 30 days by displaying the license plate on the rear of the vehicle acquired. If the acquired vehicle is a new vehicle such person also must carry the assigned certificate of title or manufacturer's statement of origin when operating the acquired vehicle, except that a dealer may operate such vehicle by displaying such dealer's dealer license plate.

(c) Certificate of title: No vehicle required to be registered shall be registered or any license plate or registration decal issued therefor, unless the applicant for registration shall present satisfactory evidence of ownership and apply for an original certificate of title for such vehicle. The following paragraphs of this subsection shall apply to the issuance of a certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 8-198, and amendments thereto, and to any electronic certificate of title, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 2007 Supp. 8-135d, and amendments thereto, or with rules and regulations adopted pursuant to K.S.A. 2007 Supp. 8-135d, and amendments thereto.

The provisions of paragraphs (1) through (14) shall apply to any certificate of title issued prior to January 1, 2003, which indicates that there is a lien or encumbrance on such vehicle.

(1) An application for certificate of title shall be made by the owner or the owner's agent upon a form furnished by the division and shall state all liens or encumbrances thereon, and such other information as the division may require. Notwithstanding any other provision of this section, no certificate of title shall be issued for a vehicle having any unreleased lien or encumbrance thereon, unless the transfer of such vehicle has been consented to in writing by the holder of the lien or encumbrance. Such consent shall be in a form approved by the division. In the case of members of the armed forces of the United States while the United States is engaged at war with any foreign nation and for a period of six months next following the cessation of hostilities, such application may be signed by the owner's spouse, parents, brother or sister. The county treasurer shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and if satisfied that the applicant is the lawful

owner of such vehicle, or otherwise entitled to have the same registered in such applicant's name, shall so notify the division, who shall issue an appropriate certificate of title. The certificate of title shall be in a form approved by the division, and shall contain a statement of any liens or encumbrances which the application shows, and such other information as the division determines.

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner. This assignment shall contain a statement of all liens or encumbrances on the vehicle at the time of assignment. The certificate of title shall also contain on the reverse side blank spaces so that an abstract of mileage as to each owner will be available. The seller at the time of each sale shall insert and certify the mileage and the purchase price on the form filed for application or reassignment of title, and the division shall insert such mileage on the certificate of title when issued to purchaser or assignee. The signature of the purchaser or assignee is required on the form filed for application or reassignment of title, acknowledging the odometer and purchase price certification made by the seller, except that vehicles which are 10 model years or older and trucks with a gross vehicle weight of more than 16,000 pounds shall be exempt from the mileage acknowledgment requirement of the purchaser or assignee. Such title shall indicate whether the vehicle for which it is issued has been titled previously as a nonhighway vehicle or salvage vehicle. In addition, the reverse side shall contain two forms for reassignment by a dealer, stating the liens or encumbrances thereon. The first form of reassignment shall be used only when a dealer sells the vehicle to another dealer. The second form of reassignment shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle. The reassignment by a dealer shall be used only where the dealer resells the vehicle, and during the time that the vehicle remains in the dealer's possession for resale, the certificate of title shall be dormant. When the ownership of any vehicle passes by operation of law, or repossession upon default of a lease, security agreement, or executory sales contract, the person owning such vehicle, upon furnishing satisfactory proof to the county treasurer of such ownership, may procure a certificate of title to the vehicle. When a vehicle is registered in another state and is repossessed in another state, the owner of such vehicle shall not be entitled to obtain a valid Kansas title or registration, except that when a vehicle is registered in another state, but is financed originally by a financial institution chartered in the state of Kansas or when a financial institution chartered in Kansas purchases a pool of motor vehicle loans from the resolution trust corporation or a federal regulatory agency, and the vehicle is repossessed in another state, such Kansas financial institution shall be entitled to obtain a valid Kansas title or registration. In addition to any other fee required for the issuance of a certificate of title, any applicant obtaining a certificate of title for a repossessed vehicle shall pay a fee of \$3.

(3) Dealers shall execute, upon delivery to the purchaser of every new vehicle, a manufacturer's statement of origin stating the liens and encumbrances thereon. Such statement of origin shall be delivered to the purchaser at the time of delivery of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays. The agreement of the parties shall be executed on a form approved by the division. In the event delivery of title cannot be made personally, the seller may deliver the manufacturer's statement of origin by restricted mail to the address of purchaser shown on the purchase agreement. The manufacturer's statement of origin may include an attachment containing assignment of such statement of origin on forms approved by the division. Upon the presentation to the division of a manufacturer's statement of origin, by a manufacturer or dealer for a new vehicle, sold in this state, a certificate of title shall be issued if there is also an application for registration, except that no application for registration shall be required for a travel trailer used for living quarters and not operated on the highways.

(4) The fee for each original certificate of title shall be \$10 in addition to the fee for registration of such vehicle, trailer or semitrailer. The certificate of title shall be good for the life of the vehicle, trailer or semitrailer while owned or held by the original holder of the certificate of title.

(5) Except for a vehicle registered by a federally recognized Indian tribe, as provided in paragraph (16), upon sale and delivery to the purchaser of every vehicle subject to a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes An-

notated, and amendments thereto, the dealer or secured party may complete a notice of security interest and when so completed, the purchaser shall execute the notice, in a form prescribed by the division, describing the vehicle and showing the name and address of the secured party and of the debtor and other information the division requires. On and after July 1, 2007, only one lien shall be taken or accepted for vehicles with a gross vehicle weight rating of 26,000 pounds or less. As used in this section "gross vehicle weight rating" shall have the meaning ascribed thereto in K.S.A. 66-1,108, and amendments thereto. The dealer or secured party, within 30 days of the sale and delivery, may mail or deliver the notice of security interest, together with a fee of \$2.50, to the division. The notice of security interest shall be retained by the division until it receives an application for a certificate of title to the vehicle and a certificate of title is issued. The certificate of title shall indicate any security interest in the vehicle. Upon issuance of the certificate of title, the division shall mail or deliver confirmation of the receipt of the notice of security interest, the date the certificate of title is issued and the security interest indicated, to the secured party at the address shown on the notice of security interest. The proper completion and timely mailing or delivery of a notice of security interest by a dealer or secured party shall perfect a security interest in the vehicle, as referenced in K.S.A. 2007 Supp. 84-9-311, and amendments thereto, on the date of such mailing or delivery. The county treasurers shall mail a copy of the title application to the ~~Kansas~~ lienholder. ~~Each county treasurer shall charge the Kansas lienholder~~ *For any vehicle subject to a lien, the county treasurer shall collect from the applicant a \$1.50 service fee for processing and mailing a copy of the title application to the ~~Kansas~~ lienholder.*

(6) It shall be unlawful for any person to operate in this state a vehicle required to be registered under this act, or to transfer the title to any such vehicle to any person or dealer, unless a certificate of title has been issued as herein provided. In the event of a sale or transfer of ownership of a vehicle for which a certificate of title has been issued, which certificate of title is in the possession of the transferor at the time of delivery of the vehicle, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in a form prescribed by the division and printed thereon and the transferor shall deliver the same to the buyer at the time of delivery to the buyer of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery. The agreement of the parties shall be executed on a form provided by the division. The requirements of this paragraph concerning delivery of an assigned title are satisfied if the transferor mails to the transferee by restricted mail the assigned certificate of title within the 30 days, and if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such transferor shall be deemed to have possession of the certificate of title if the transferor has made application therefor to the division. The buyer shall then present such assigned certificate of title to the division at the time of making application for registration of such vehicle. A new certificate of title shall be issued to the buyer, upon payment of the fee of \$10. If such vehicle is sold to a resident of another state or country, the dealer or person making the sale shall notify the division of the sale and the division shall make notation thereof in the records of the division. When a person acquires a security interest that such person seeks to perfect on a vehicle subsequent to the issuance of the original title on such vehicle, such person shall require the holder of the certificate of title to surrender the same and sign an application for a mortgage title in form prescribed by the division. Upon such surrender such person shall immediately deliver the certificate of title, application, and a fee of \$10 to the division. Delivery of the surrendered title, application and tender of the required fee shall perfect a security interest in the vehicle as referenced in K.S.A. 2007 Supp. 84-9-311, and amendments thereto. On and after July 1, 2007, only one lien may be taken or accepted for security for an obligation to be secured by a lien to be shown on a certificate of title for vehicles with a gross vehicle weight rating, as defined in K.S.A. 66-1,108, and amendments thereto, of 26,000 pounds or less. A refinancing shall not be subject to the limitations of this act. A refinancing is deemed to occur when the original obligation is satisfied and replaced by a new obligation. Lien obligations created before July 1, 2007, which are of a continuing nature shall not be subject to the limitations of this act until the obligation is satisfied. A lien in violation of this provision is void. Upon receipt of the surrendered title, application and fee, the division shall issue a new certificate of title showing the liens or encumbrances so created, but only one lien or encumbrance

may be shown upon a title for vehicles with a gross vehicle rating of 26,000 pounds or less, and not more than two liens or encumbrances may be shown upon a title for vehicles in excess of 26,000 pounds gross vehicle weight rating. When a prior lienholder's name is removed from the title, there must be satisfactory evidence presented to the division that the lien or encumbrance has been paid. When the indebtedness to a lienholder, whose name is shown upon a title, is paid in full, such lienholder shall comply with the provisions of K.S.A. 2007 Supp. 8-1,157, and amendments thereto.

(7) It shall be unlawful for any person to buy or sell in this state any vehicle required to be registered, unless, at the time of delivery thereof or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery, there shall pass between the parties a certificate of title with an assignment thereof. The sale of a vehicle required to be registered under the laws of this state, without assignment of the certificate of title, is fraudulent and void, unless the parties shall agree that the certificate of title with assignment thereof shall pass between them at a time other than the time of delivery, but within 30 days thereof. The requirements of this paragraph concerning delivery of an assigned title shall be satisfied if (A) the seller mails to the purchaser by restricted mail the assigned certificate of title within 30 days, or (B) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such seller shall be deemed to have possession of the certificate of title if such seller has made application therefor to the division, or if the transferor is a dealer and has assigned a title pursuant to paragraph (9) of this subsection .

(8) In cases of sales under the order of a court of a vehicle required to be registered under this act, the officer conducting such sale shall issue to the purchaser a certificate naming the purchaser and reciting the facts of the sale, which certificate shall be prima facie evidence of the ownership of such purchaser for the purpose of obtaining a certificate of title to such motor vehicle and for registering the same. Any such purchaser shall be allowed 30 days, inclusive of weekends and holidays, from the date of sale to make application to the division for a certificate of title and for the registering of such motor vehicle.

(9) Any dealer who has acquired a vehicle, the title for which was issued under the laws of and in a state other than the state of Kansas, shall not be required to obtain a Kansas certificate of title therefor during the time such vehicle remains in such dealer's possession and at such dealer's place of business for the purpose of sale. The purchaser or transferee shall present the assigned title to the division of vehicles when making application for a certificate of title as provided in subsection (c)(1).

(10) Motor vehicles may be held and titled in transfer-on-death form.

(11) Notwithstanding the provisions of this act with respect to time requirements for delivery of a certificate of title, or manufacturer's statement of origin, as applicable, any person who chooses to reaffirm the sale in writing on a form approved by the division which advises them of their rights pursuant to paragraph (7) of subsection and who has received and accepted assignment of the certificate of title or manufacturer's statement of origin for the vehicle in issue may not thereafter void or set aside the transaction with respect to the vehicle for the reason that a certificate of title or manufacturer's statement of origin was not timely delivered, and in such instances the sale of a vehicle shall not be deemed to be fraudulent and void for that reason alone.

(12) The owner of any vehicle assigning a certificate of title in accordance with the provisions of this section may file with the division a form indicating that such owner has assigned such certificate of title. Such forms shall be furnished by the division and shall contain such information as the division may require. Any owner filing a form as provided in this paragraph shall pay a fee of \$10. The filing of such form shall be prima facie evidence that such certificate of title was assigned and shall create a rebuttable presumption. If the assignee of a certificate of title fails to make application for registration, an owner assigning such title and filing the form in accordance with the provisions of this paragraph shall not be held liable for damages resulting from the operation of such vehicle.

(13) Application for a certificate of title on a boat trailer with a gross weight over 2,000 pounds shall be made by the owner or the owner's agent upon a form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. The

application together with a bill of sale for the boat trailer shall be accepted as prima facie evidence that the applicant is the owner of the boat trailer, provided that a Kansas title for such trailer has not previously been issued. If the application and bill of sale are used to obtain a certificate of title for a boat trailer under this paragraph, the certificate of title shall not be issued until an inspection in accordance with subsection (a) of K.S.A. 8-116a, and amendments thereto, has been completed.

(14) In addition to the two forms for reassignment under paragraph (2) of subsection , a dealer may attach one additional reassignment form to a certificate of title. The director of vehicles shall prescribe and furnish such reassignment forms. The reassignment form shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle only when the two reassignment forms under paragraph (2) of subsection have already been used. The fee for a reassignment form shall be \$6.50. A dealer may purchase reassignment forms in multiples of five upon making proper application and the payment of required fees.

(15) A first stage manufacturer, as defined in K.S.A. 8-2401, and amendments thereto, who manufactures a motor vehicle in this state, and who sells such motor vehicles to dealers located in a foreign country, may execute a manufacturers statement of origin to the division of vehicles for the purpose of obtaining an export certificate of title. The motor vehicle issued an export certificate of title shall not be required to be registered in this state. An export certificate of title shall not be used to register such vehicle in the United States.

(16) A security interest in a vehicle registered by a federally recognized Indian tribe shall be deemed valid under Kansas law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 13, by striking “Section” and inserting “Sec.”; in line 38, by striking “is” and inserting “and K.S.A. 2007 Supp. 8-135 are”;

In the title, in line 9, by striking “payment for”; also in line 9, preceding “amending” by inserting “relating to notice of security interest;”; in line 10, following “8-145a” by inserting “and K.S.A. 2007 8-135”; also in line 10, by striking “section” and inserting “sections”; and **SB 521** be passed as amended.

Committee report to **SB 522** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2752** be adopted; and the substitute bill be passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz, the House concurred in Senate amendments to **S. Sub. for HB 2001**, An act concerning the issuance of certain bonds; relating to the national bio and agro defense facility; providing for the powers, duties and functions of the Kansas development finance authority, the Kansas bioscience authority and the department of administration.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Col-loton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuer-born, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Land-wehr, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, 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, Wil-liams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Faber, Huebert, Kelley, Kiegerl, Kinzer, Mast, Peck.

Present but not voting: None.

Absent or not voting: Hodge, McCray-Miller.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HCR 5032, HCR 5037** be adopted.

Committee on **Agriculture and Natural Resources** recommends **SB 565** be amended on page 3, in line 6, by striking "\$15,000" and inserting "\$4,726"; and the bill be passed as amended.

Committee on **Appropriations** recommends **Substitute for SB 309** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 309," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 309

By Committee on Appropriations

"AN ACT concerning health care; relating to paid nutrition assistants, nurse aides, medication aides and home health aides; transferring certain powers and duties to the board of nursing; background checks; amending K.S.A. 65-1,120, 65-1,121 and 65-5115 and K.S.A. 2007 Supp. 39-936, 39-970, 65-1124, 65-5117 and 74-1106 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for Sub. SB 309** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **SB 365**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 365," as follows:

"HOUSE Substitute for SENATE BILL No. 365

Committee on Appropriations

AN ACT concerning home and community based services; establishing the joint committee on home and community based services oversight and home and community based services savings funds; making and concerning appropriations for the fiscal year ending June 30, 2009, for the department on aging and the department of social and rehabilitation services; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.";

and the substitute bill be passed.

(**H. Sub. for SB 365** was thereupon introduced and read by title.)

Committee on **Education** recommends **HR 6021** be amended on page 1, in line 11, by striking "Kansas"; by striking all in lines 15 through 43 and inserting the following:

"WHEREAS, The Kansas Legislature has made a strong commitment to help children with disabilities, including dyslexia, and is determined that all children with disabilities, including dyslexia, be provided help and support within Kansas schools; and

WHEREAS, Federal law requires each school district to comply with appropriate teacher training to meet the needs of children with disabilities, including dyslexia, as required in the Individuals with Disabilities Education Act; and

WHEREAS, Federal law requires each school district to implement appropriate activities to ensure children with disabilities, including dyslexia, are appropriately screened at an early age, and where appropriate, identified as a child with dyslexia; and

Be it resolved by the House of Representatives of the State of Kansas: That the State Board of Education will endeavor to:

Ensure that early screening or testing will identify children with a reading disability, including dyslexia; and

Review the current reading diagnostic assessments used at the pre-Kindergarten level through grade 12 to ensure that reading problems, including dyslexia, are identified and analyzed; and

Review teacher preparation courses to ensure that knowledge of scientifically-based reading instructional components to instruct children with disabilities, including dyslexia, is addressed; and

Ensure that research-based programs of instruction are designed and implemented to address the needs of children with reading problems, including dyslexia; and";

In the title, in line 9, by striking "Kansas board of education" and inserting "State Board of Education"; and the resolution be adopted as amended.

Committee on **Energy and Utilities** recommends **SB 586** be amended on page 1, in line 17, by striking "study and feasibility" and inserting "development costs, which include preliminary engineering, study, feasibility, prepayments for major equipment and permitting"; in line 20, by striking the second comma; in line 22, after the period by inserting "The commission shall allow any electric public utility to apply and request a predetermination of rate-making principles and treatment applicable to the utility's rates to recover development costs for a new nuclear generation facility, which include preliminary engineering, study, feasibility, prepayments for major equipment and permitting costs, prior to construction of the facility.";

On page 2, by striking all in line 23 and inserting the following:

"Sec. 4. K.S.A. 2007 Supp. 74-616 is hereby amended to read as follows: 74-616. In addition to other powers and duties provided by law, in administering the provisions of this act the state corporation commission shall:

- (a) Adopt rules and regulations necessary for the administration of this act;
- (b) develop a comprehensive state energy conservation plan and the procedures for implementing the plan according to federal requirements;
- (c) *allow, at the option of the requesting utility, the capitalization and addition to rate base of investments in and expenditures for commission approved energy efficiency, conservation and demand management programs;*
- (d) make requests for and accept funds and other assistance from federal agencies for energy conservation and other energy-related activities in this state, including, but not limited to, the state energy program;

~~(e)~~ (e) administer federal energy conservation programs in this state; *and*

~~(f)~~ (f) prepare an emergency management plan for natural gas and electric energy to be adopted during activation of emergency support function 12 of the Kansas response plan established under K.S.A. 48-920 et seq., and amendments thereto, which plan shall include the system of priorities for natural gas and electric energy allocation and curtailment of energy resources consumption established under K.S.A. 74-620, and amendments thereto.

Sec. 5. K.S.A. 74-8941 is hereby amended to read as follows: 74-8941. (a) For the purpose of financing the construction, purchase and installation of pollution control devices at electric generation facilities and additions to electric generation facilities described in subsection ~~(b)(2)(D)~~ (b)(2) of K.S.A. 66-128, and amendments thereto, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction, purchase and installation, including any required interest on the bonds during construction and installation, plus all amounts required for the costs of bond issuance and any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from sales of generation from the electric generation facility. As used in this subsection, "pollution control devices" means any device or structure required to meet air emission or water discharge standards imposed by state or federal law.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.

Sec. 6. K.S.A. 2007 Supp. 79-258 is hereby amended to read as follows: 79-258. The following described property, to the extent herein specified, shall be exempt from all property taxes levied under the laws of the state of Kansas:

(a) All electric generation facilities and additions to electric generation facilities described in subsection ~~(b)(2)(D)~~ (b)(2) of K.S.A. 66-128, and amendments thereto.

(b) The provisions of subsection (a) shall apply: (1) Except as provided in paragraph (2), from and after commencement of construction of such property and for the 10 taxable years immediately following the taxable year in which construction of such property is completed; or (2) for a peak load plant, from and after commencement of construction of such peak load plant and for the four taxable years immediately following the taxable year in which construction of such property is completed.

(c) All pollution control devices purchased for or constructed or installed at electric generation facilities described in subsection ~~(b)(2)(D)~~ (b)(2) of K.S.A. 66-128, and amendments thereto.

(d) The provisions of subsection shall apply: (1) Except as provided in paragraph (2), from and after purchase or commencement of construction or installation of such property and for the 10 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed; or (2) for a peak load plant, from and after purchase or commencement of construction or installation of such property and for the four taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.

(e) As used in this section, "peak load plant" means an electric generation facility used during maximum load periods.

(f) The provisions of this section shall apply to all taxable years commencing after December 31, 2000.

Sec. 7. K.S.A. 2007 Supp. 79-259 is hereby amended to read as follows: 79-259. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) All electric transmission lines and appurtenances described in subsection ~~(b)(2)(E)~~ (b)(2)(D) of K.S.A. 66-128, and amendments thereto, and the right-of-way on which such lines are located.

(b) The provisions of this section shall apply to property the construction of which is completed after December 31, 2000, and for the 10 taxable years immediately following the taxable year in which construction of such property is completed.

The provisions of this section shall apply to all taxable years commencing after December 31, 2000.

Sec. 8. K.S.A. 74-8941 and K.S.A. 2007 Supp. 66-128, 74-616, 79-258 and 79-259 and hereby repealed.;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking "the state corporation commission" and inserting "energy"; also in line 10, by striking "nu-"; in line 11, by striking all before the semicolon where it appears for the second time, and inserting "electric utilities"; in line 12, after "K.S.A." by inserting "74-8941 and K.S.A."; also in line 12, after "66-128" by inserting ", 74-616, 79-258 and 79-259"; also in line 12, by striking "section" and inserting "sections"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2924** be passed.

Committee on **Judiciary** recommends **SB 536** be passed.

Committee on **Judiciary** recommends **SB 411** be amended on page 6, in line 33, before "and" by inserting "proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration.;" and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 414** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 414," as follows:

"HOUSE Substitute for SENATE BILL No. 414

By Committee on Judiciary

"AN ACT concerning stalking; relating to protective orders; amending K.S.A. 21-3438, 21-3843 and 60-31a06 and repealing the existing sections.;" and the substitute bill be passed.

(**H. Sub. for SB 414** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 430** be amended on page 1, in line 34, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 545** be amended on page 1, after line 14, by inserting the following:

“Section 1. K.S.A. 60-1607 is hereby amended to read as follows: 60-1607. (a) *Permissible orders.* After a petition for divorce, annulment or separate maintenance has been filed, and during the pendency of the action prior to final judgment the judge assigned to hear the action may, without requiring bond, make and enforce by attachment, orders which:

(1) Jointly restrain the parties with regard to disposition of the property of the parties and provide for the use, occupancy, management and control of that property;

(2) restrain the parties from molesting or interfering with the privacy or rights of each other;

(3) provide for the legal custody and residency of and parenting time with the minor children and the support, if necessary, of either party and of the minor children during the pendency of the action;

(4) require mediation between the parties on issues, including, but not limited to, child custody, residency, division of property, parenting time and development of a parenting plan;

(5) make provisions, if necessary, for the expenses of the suit, including reasonable attorney's fees, that will insure to either party efficient preparation for the trial of the case; ~~or~~

(6) require an investigation by court service officers into any issue arising in the action;

or

(7) *require that each parent execute any and all documents, including any releases, necessary so that both parents may obtain information from and to communicate with any health insurance provider regarding the health insurance coverage provided by such health insurance provider to the child. The provisions of this paragraph shall apply irrespective of which parent owns, subscribes or pays for such health insurance coverage.*

(b) *Ex parte orders.* Orders authorized by subsections (a)(1), (2), (3) ~~and~~, (4) and (7) may be entered after *ex parte* hearing upon compliance with rules of the supreme court, except that no *ex parte* order shall have the effect of changing the residency of a minor child from the parent who has had the sole *de facto* residency of the child to the other parent unless there is sworn testimony to support a showing of extraordinary circumstances. If an interlocutory order is issued *ex parte*, the court shall hear a motion to vacate or modify the order within 15 days of the date on which a party requests a hearing whether to vacate or modify the order. In the absence, disability, or disqualification of the judge assigned to hear the action, any other judge of the district court may make any order authorized by this section, including vacation or modification or any order issued by the judge assigned to hear the action.

(c) *Support orders.* (1) An order of support obtained pursuant to this section may be enforced by an order of garnishment as provided in this section.

(2) No order of garnishment shall be issued under this section unless: (A) Ten or more days have elapsed since the order of support was served upon the party required to pay the support, and (B) the order of support contained a notice that the order of support may be enforced by garnishment and that the party has a right to request an opportunity for a hearing to contest the issuance of an order of garnishment, if the hearing is requested by motion filed within five days after service of the order of support upon the party. If a hearing is requested, the court shall hold the hearing within five days after the motion requesting the hearing is filed with the court or at a later date agreed to by the parties.

(3) No bond shall be required for the issuance of an order of garnishment pursuant to this section. Except as provided in this section, garnishments authorized by this section shall be subject to the procedures and limitations applicable to other orders of garnishment authorized by law.

(4) A party desiring to have the order of garnishment issued shall file an affidavit with the clerk of the district court stating that:

(A) The order of support contained the notice required by this subsection;

(B) ten or more days have elapsed since the order of support was served upon the party required to pay the support; and

(C) either no hearing was requested on the issuance of an order of garnishment within the five days after service of the order of support upon the party required to pay the same

or a hearing was requested and held and the court did not prohibit the issuance of an order of garnishment.

(d) If an interlocutory order for legal custody, residency, or parenting time is sought, the party seeking such order shall file a proposed temporary parenting plan as provided by K.S.A. 60-1623, and amendments thereto, at the time such order is sought. If any motion is filed to modify any such interlocutory orders, or in opposition to a request for issuance of interlocutory orders, that party shall attach to such motion or opposition a proposed alternative parenting plan.

(e) *Service of process.* Service of process served under subsection (a)(1) and (2) shall be by personal service and not by certified mail return receipt requested.”;

And by renumbering the remaining sections accordingly;

On page 8, in line 34, before “K.S.A.” by inserting “K.S.A. 60-1607 and”; also in line 34, by striking “is” and inserting “are”;

In the title, in line 11, after the semicolon by inserting “interlocutory orders.”; also in line 11, after “amending” by inserting “K.S.A. 60-1607 and”; in line 12, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 464, SB 561** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Taxation** recommends **HCR 5015** be adopted.

Committee on **Taxation** recommends **SB 180** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 180,” as follows:

“HOUSE Substitute for SENATE BILL No. 180

By Committee on Taxation

“AN ACT concerning the Kansas investments in major products and comprehensive training act (IMPACT); amending K.S.A. 2007 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 180** was thereupon introduced and read by title.)

Agriculture and Natural Resources Budget Committee recommends **Substitute for SB 453** be amended on page 1, in line 14, by striking “8” and inserting “4”; in line 26, by striking the comma and inserting “and”; in line 27, by striking “, financing and performing”; in line 41, by striking “State” and inserting “Support of”;

On page 2, in line 31, by striking “and”; in line 32, before the period by inserting “; and (K) health care”;

On page 3, after line 30, by inserting the following:

“(f) The commission is hereby authorized to engage legal counsel, expert advisers or executive staff to carry out the duties of the commission. Compensation for such counsel, advisers or staff shall be determined by the commission within the limits of available funds.

(g) The commission is hereby authorized to accept grants, gifts, bequests and other financial or in-kind contributions.

(h) To facilitate the organization and start-up of the commission, Kansas, Inc., shall provide administrative assistance until such time as the commission has resources to provide staffing on its own. In no event shall such assistance continue beyond September 1, 2010.”;

Also on page 3, in line 34, after “entrepreneurship” by inserting “through the coordination of existing programs.”; in line 41, by striking all after “(1)”; by striking all in lines 42 and 43;

On page 4, in line 1, by striking “(3) develop” and inserting “Develop”; by striking all in lines 6 through 8;

And by renumbering the remaining subsections accordingly;

Also on page 4, in line 13, before the period by inserting “through a centralized point of contact”; in line 17, by striking “potential”; in line 22, by striking all after “(3)”; by striking all in line 23; in line 24, by striking “(4)”;;

And by renumbering the remaining subsections accordingly;

Also on page 4, by striking all in lines 31 through 33; in line 34, by striking “(8)” and inserting “(6)”; by striking all in lines 37 through 43;

By striking all on page 5;

On page 6, by striking all in lines 1 through 39;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 40, by striking "8" where it appears the second time and inserting "4"; in line 41, by striking "2013" and inserting "2011";

In the title, in line 10, by striking all after "policy"; in line 11, by striking all before the period"; and the substitute bill be passed as amended.

Social Services Budget Committee recommends **HB 2920** be amended on page 1, in line 12, by striking "may" and inserting "shall";

On page 2, in line 6, by striking "shall" and inserting "may"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2988, An act concerning parenting time and visitation; relating to the weight of a child's preference; amending K.S.A. 60-1616 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2989, An act concerning accident and health insurance; relating to claims for procedures approved by the federal food and drug administration, by Committee on Federal and State Affairs.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with subsection (b) of House Rule 1309, Rep. Donohoe moved that **SB 492** be withdrawn from Committee on Education and be placed on the calendar under the order of business General Orders.

(The Chief Clerk of the House of Representatives is requested to read this motion and cause it to be printed in the Calendar of March 26, 2008, under the order of business "Consideration of Motions and House Resolutions Offered on a Previous Day" as provided by House Rule 1309 (b).)

REPORT ON ENROLLED BILLS

HB 2686 reported correctly enrolled, properly signed and presented to the governor on March 24, 2008.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, March 26, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

