

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 26, 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. Davis and Tafanelli were excused on verified illness.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
today as we contemplate the many
decisions ahead of us,
remind us of Your word from the prophet Amos:
"See good, not evil, that you may live.
Then the Lord God Almighty will be with you,
Just as you say He is.
Hate evil, love good;
maintain justice in the courts,
perhaps the Lord God Almighty will have mercy . . ."
Help our leaders to stand strong
for what is right;
and give us Your light and Your truth
to know what is right.
In Christ's Name I pray, Amen.
(Amos 5:14-15)

The Pledge of Allegiance was led by Rep. Kelsey.

INTRODUCTION OF GUESTS

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

In the inimitable words of Yogi Berra today seems like *deja vu* all over again, as I introduce a group of exceptional young people from the Gardner Edgerton High School Engineering Design Team which challenged and won the National Design Competition in Washington beating out 265 schools. The extraordinary and unprecedented achievement is that the school's team won this competition two straight years. An incredible accomplishment.

We have certificates of recognition for the school and one for the project managers and coaches David Kling and Larry Ward to whom I make this presentation now.

Please help me recognize these remarkable young people: Jared Barton, David Gardiner, Michelle Gardner, Chasity Graves, Stacey Heine, Paul Keithley, Zachary Melvin, Grant Nelson, Christian Warner, Alice Zhao, and Alyssa Zimmerman.

Rep. Kiegerl presented House certificates to the team and project managers.

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

Sgt. Benjamin Joseph Birnbaum, United States Marine reservist, was activated in January 2005. His unit was 1st Platoon, C Company, 2nd Military Police Battalion, arriving in Ar Ramadi, Iraq March 5, 2005.

Sgt. Birnbaum was the turret gunner for his Humvee, one of 10 vehicles that made up his platoon. During June and July his platoon was assigned to provide security for a group of Army Engineers, their task being to clear certain routes of Improvised Explosive Devices (IED's).

On July 3, 2005, Sgt. Birnbaum's platoon was working to clear a route south of Lake Haditha in Northwest Iraq. Sgt. Birnbaum's platoon came upon a Marine unit that was taking small arms fire. His Humvee moved into the desert in order to cut off the insurgents ability to retreat. They were traveling on a path in the sand only traveled on occasionally.

After hearing what Benjamin described as a "ping" he blacked out briefly. His Humvee's right front tire had run over two stacked anti-tank mines each having 12-14 pounds of explosives. Benjamin, hearing Sgt. Danny Gilyeat's calls for help, jumped from the roof of the turret to find his fellow soldier lying outside of the Humvee with Danny's legs pinned inside the Humvee by the floorboard.

Sgt. Gilyeat had suffered a horrendous life threatening wound. Benjamin, seeing the severity of this wound, quickly applied a tourniquet just above his knee. Other Marines arrived to help and both Sgt. Gilyeat and Benjamin were flown by helicopter to an aid station at Al Asad, Iraq. Sgt. Gilyeat had lost over 4 quarts of blood and died twice during the helicopter flight. Benjamin received a moderate concussion, shrapnel wounds, and an inflamed elbow.

Had it not been for the quick actions of Sgt. Benjamin Joseph Birnbaum, Sgt. Gilyeat would not have survived the IED attack.

Sgt. Birnbaum was accompanied to the House by Mark Edgar and Phil Ehret. Rep. Ruiz presented Sgt. Birnbaum with a framed certificate.

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

It is my pleasure to introduce the 3A Girls Champion basketball team. The 2007-08 Lady Falcons of Riley County High School, achieved something that no other basketball team in the state was able to accomplish — perfection.

With that accomplishment came a State Championship title, the third in Lady Falcon history. But Coach Harold Oliver is quick to tell you that it didn't come easy.

"These kids had a lot of pressure to perform at a high level all season. Every team gave us their best shot and our team met that challenge each night. This team is one of the best teams we have ever had in terms of depth, the combination of size and speed, and in the manner in which they played defense. We also had excellent balance with our offensive attack. Unless you have done it, no one knows how difficult it is to win a state championship. From the outside it might have looked easy, but trust me, there was nothing easy about it. They earned and deserve every honor they have received. A team that set its jaw and never gave breathing room to its three state opponents."

Rep. Schwartz introduced head coach, Harold Oliver; and seniors on the team, Elice Frey, Annie Martin, Katie Henry, Abbey Haag and Tiffany Bulk. Rep. Schwartz presented the coaches and players with House certificates.

Rep. Quigley introduced Frankie Denny and Linda Davies-Jones from Belfast, Ireland. They are both mental health nursing students visiting Washburn University.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Insurance and Financial Institutions: **HB 2989**.

Judiciary: **HB 2988**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Horst, **HR 6015**, A resolution honoring Mary Spurgeon for her contribution to art in Kansas, was adopted.

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

Every year the Joint Committee on Arts and Cultural Resources tours some area of the state. This last fall we toured in the Southwest part of the state visiting the area around Dodge City. We were treated to several marvelous cultural and artistic experiences. There was a side trip to a Dodge City store we were encouraged to take . . . not for shopping . . . but for an artistic experience. We were told that we would see some incredible sculptures by the mother of the proprietor. We took that side trip and we were able to view the many sculptures of horses, cattle, and people which were on display. We were also very impressed with Mary Spurgeon's ability to capture the essence of the movement of the animals and the spirit and history of those people she sculpted. Her realistic representations of historical figures include a 7½ foot sculpture of Wyatt Earp which has been placed along the Dodge City Trail of Fame and which awaits two other Spurgeon sculptures which will eventually join Wyatt on the "Trail."

Mary was born of pioneer parents in February, 1918. She grew up breaking horses, riding horses bareback, practicing throwing a rope while herding cattle and generally living up to her father's nickname for her, "Bill Charley." she earned her teaching certificate from Dodge City Junior College in 1938 and taught in one room schoolhouses in Meade and Gray counties. Her mode of transportation to those school was . . . you guessed it . . . by horseback. Mary had an affinity for cowboys and after she married "Wild" Bill Spurgeon she lived on various remote ranches and found time to do some painting and wood carvings while raising four children, Linda, Del Roy, Shannon and James and cooking for roundup crews and others through the years.

Her lifetime experience with horses and cattle, not to mention her interest in the history of the areas of the country where she has lived, has undoubtedly served her well because she is noted for being genuine and accurate with her renditions of horses, cattle, cowboys and American Indians. Mary's artistic talent has been recognized in many arenas, including a Special Recognition Award at the 2006 Oklahoma Governor's Art Awards and she has been nominated to the National Cowgirl Hall of Fame where one of her paintings is hung.

Spurgeon always had an interest in art, but she did not take up sculpting until age 72. This fact exemplifies the spirit of lifelong learning because of her belief that there are always new things to learn and new ways of expressing her artistic vision. Join us as we salute Mary Spurgeon for her artistic accomplishments and thank her for her contribution to art in Kansas and wish her continued success in the future.

Mary Spurgeon was accompanied to the House by Linda Spurgeon, Del Roy Spurgeon, Shannon Spurgeon, Brad Marchel, Shauna Scott, Teri Spurgeon, Leslyn Price and Craig Carson.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

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

Not having received the required 70 votes, the motion did not prevail.

CONSENT CALENDAR

Objection was made to **SB 469**, **SB 561** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **SB 464** appearing on the Consent Calendar for the first day.

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

No objection was made to **SB 465** 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

SB 465, An act concerning insurance companies; relating to certain requirements regarding filing rates and forms; amending K.S.A. 2007 Supp. 40-216 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 121; Nays 2; 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: McKinney, Ward.

Present but not voting: None.

Absent or not voting: Davis, Tafanelli.

The bill passed.

Sub. HB 2752, An act enacting the geriatric mental health act; establishing a geriatric mental health program administered by the department on aging, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 29; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Carlson, Colyer, Crum, Dahl, Donohoe, Grange, Hayzlett, Hodge, Huebert, Humerickhouse, Kelley, Kinzer, Knox, Masterson, McLeland, Merrick, Jim Morrison, Olson, Peck, Powell, Powers, Schwartz, Siegfried, Swanson, Watkins, Whitham.

Present but not voting: None.

Absent or not voting: Davis, Tafanelli.

The substitute bill passed.

H. Sub. for SB 226, An act concerning funerals; relating to the Kansas funeral privacy act; repealing K.S.A. 21-4015, as amended by section 1 of chapter 111 of the 2007 Session Laws of Kansas, and K.S.A. 2007 Supp. 75-702a, 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge,

Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, 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: Davis, Tafanelli.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: For many years, grieving Kansas families have suffered as supposedly religious people picketed the funerals, churches, homes, and businesses of those they hate. As a veteran and Kansan, I find all funeral protests despicable. I believe all Kansans, no matter who they are, have a right to grieve in private. I vote yes on **H. Sub. for SB 226.**—
TERRY L. MCLACHLAN

SB 418, An act concerning the Kansas sentencing commission; relating to the duties thereof; amending K.S.A. 2007 Supp. 74-9101 and repealing the existing section, was considered on final action.

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

Nays: Beamer, M. Holmes, Kinzer, Mast, Merrick, Otto, Powell, Schwartz, Whitham.

Present but not voting: None.

Absent or not voting: Davis, Tafanelli.

The bill passed.

SB 423, An act concerning civil procedure; relating to the notice of filing of a foreign judgment; amending K.S.A. 60-3003 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder,

Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, 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: Davis, Tafanelli.

The bill passed.

SB 424. An act relating to oil and gas leases; concerning the distribution of certain oil and gas lease monies deposited with the court; amending K.S.A. 55-221 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; 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, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Landwehr, Light, Loganbill, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Hawk, Knox, Kuether, Lane, Long, Treaster.

Present but not voting: None.

Absent or not voting: Davis, Tafanelli.

The bill passed.

SB 521. An act concerning motor vehicle registrations; relating to notice of security interest; amending K.S.A. 8-145a and K.S.A. 2007 8-135 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, 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: Davis, Tafanelli.

The bill passed, as amended.

SB 522. An act concerning motor vehicles; relating to registration of certain vehicles; amending K.S.A. 2007 Supp. 8-1,152 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treasurer, 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: Davis, Tafanelli.

The bill passed, as amended.

SCR 1624, A concurrent resolution pledging the Kansas legislature's support for the National Bio and Agro-Defense Facility and urging the President of the United States, and other members of the federal executive branch, to consider, seriously and positively, the proposed site in Manhattan, Kansas as the location for this new federal laboratory, 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, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treasurer, 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: Davis, Tafanelli.

The resolution was adopted.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Masterson, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HB 2818** be adopted; and the bill be passed as amended.

On motion of Rep. Knox to amend **HB 2801**, the motion did not prevail. Also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 58; Nays 55; Present but not voting: 0; Absent or not voting: 12.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Kelsey, King, Kinzer, Knox, Landwehr, Long, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Olson,

Otto, Patton, Pauls, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Schwartz, Siegfried, Spalding, Swanson, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Burroughs, Carlin, Craft, Crum, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Johnson, Kuether, Lane, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, O'Neal, Owens, Palmer, Phelps, Powers, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Colyer, Crow, Davis, Kelley, Kiegerl, Light, Myers, Neufeld, Peterson, Schroeder, Shultz, Tafanelli.

The motion to recommend **HB 2801** favorably for passage prevailed.

Committee report to **SB 584** be adopted; and the bill be passed as amended.

Committee report to **HB 2920** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Economic Development and Tourism** recommends **HB 2843** be amended on page 5, in line 32, by striking "2007" and inserting "2012"; in line 34, preceding "All" by inserting "Thereafter, 20% of each such deposit shall be credited to the state general fund and the balance shall be credited to the athletic fee fund."; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **HB 2978** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2973** be amended on page 1, in line 42, after "(a)" by inserting "A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates."; also in line 42, after "of" by inserting "school district";

On page 2, in line 19, after "(b)" by inserting "A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates."; in line 39, after "(a)" by inserting "A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates."; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2839** be passed.

Committee on **Federal and State Affairs** recommends **HB 2616** be amended on page 3, in line 8, after the period by inserting "The secretary shall develop an inspection check list which shall be posted on the department web site."; in line 11, by striking "inspected" and inserting "self-inspected"; in line 13, by striking "inspected" and inserting "self-inspected"; after line 19, by inserting the following:

"(c) The secretary shall conduct random inspections of amusement rides erected both at permanent locations and at temporary locations. A warning citation for violation of this act shall be issued against any owner or operator for a first violation but no criminal proceeding shall be brought.";

On page 5, in line 24, before "its" by inserting "January 1, 2009, and"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2775** be amended on page 1, in line 14, following "lobbying" by inserting ", as defined in K.S.A. 46-225, and amendments thereto."; in line 22, by striking all following "that"; in line 23, by striking "legislation or regulations," and inserting "employ lobbyists or contract with lobbyists pursuant to K.S.A. 46-215, and amendments thereto."; in line 35, following "duties" by inserting "on state-owned or leased property"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HCR 5033** be amended on page 1, in line 20, by striking all after "borders"; in line 21, by striking all before the semicolon; in line 22, by striking "NAFTA"; in line 35, by striking "NAFTA"; and the concurrent resolution be adopted as amended.

Committee on **Health and Human Services** recommends **Substitute for SB 491** be amended on page 3, in line 30, by striking all after "concern"; in line 31, by striking all

before the semicolon; in line 34, before the semicolon by inserting "subject to the requirements in K.S.A. 22-2502, and amendments thereto";

On page 5, in line 26, by striking all after "(f)"; by striking all in lines 27 through 29 and inserting "All members of the advisory committee shall serve without compensation.";

On page 6, in line 30, by striking the comma and inserting "and"; in line 31, by striking all after "arts"; by striking all in lines 32 through 35 and inserting ". The remaining four members shall be appointed by the board of pharmacy as follows: One member nominated by the Kansas medical society; one member nominated by the Kansas association of osteopathic medicine; one member nominated by the Kansas pharmacists' association; one member nominated by the Kansas task force of the pharmaceutical research and manufacturing association representing the pharmaceutical industry."; in line 36, after "The" by inserting "nominations and";

On page 7, after line 1, by inserting the following:

"(e) The provisions of this section shall expire on January 13, 2009.";

Also on page 7, in line 15, by striking "appointed" and inserting "nominated"; in line 16, before the period by inserting "and appointed by the Kansas board of veterinary examiners"; and the substitute bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 512** be amended on page 6, by striking all in lines 31 through 43;

On page 7, by striking all in lines 1 through 6 and inserting:

"(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, which shall specify the number and severity of violations for the imposition of each level of sanction."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **Substitute for SB 549** be amended on page 1, in line 19, by striking "Reports and records" and inserting "Reports, memoranda, proceedings, findings and other records";

On page 2, in line 2, after "except" by inserting "members of the board,"; in line 14, by striking all after "review" where it appears for the first time and inserting "any matters that are confidential and privileged under subsection (b)"; and the substitute bill be passed as amended.

Committee on **Health and Human Services** recommends **Substitute for SB 596** be amended on page 4, in line 1, after the comma by inserting "cosmetologists, estheticians,"; also in line 1, by striking "tattoo" and inserting "tattoo"; and the substitute bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **Sub. SB 535** be passed.

Committee on **Insurance and Financial Institutions** recommends **SB 498** be amended on page 1, in line 41, by striking "in addition to any"; by striking all in lines 42 and 43;

On page 2, by striking all in lines 1 and 2; in line 3, by striking all preceding the period and inserting "may impose a civil penalty of up to \$1,000 for each violation or act, along with an additional penalty of up to \$500 for each week thereafter that such report or other information is not provided to the commissioner"; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 511** be amended on page 1, following line 38, by inserting the following:

"New Sec. 2. (a) The Kansas health policy authority shall conduct a study, in collaboration with the commissioner of insurance, on the impact of providing coverage for hearing aids and related expenses to any individual or group policy of accident and sickness insurance providing medical, surgical or hospital expense coverage, to the state health care benefits program and to any municipal self-funded pool.

(b) The Kansas health policy authority shall submit a report on its findings and present such report to the senate committee on financial institutions and insurance and the house committee on insurance and financial institutions on or before February 1, 2009.

(c) All departments, boards, agencies, officers and institutions of the state and all subdivisions thereof shall cooperate with the Kansas health policy authority in carrying out its duties pursuant to this section.

(d) The study conducted under this section, at a minimum, shall comply with the provisions of K.S.A. 40-2249, and amendments thereto.

(e) For the purposes of this section, the term “hearing aid” shall have the meaning ascribed to it in K.S.A. 74-5807, and amendments thereto.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all following “to”; by striking all in line 11; in line 12, by striking all preceding the period and inserting “the Kansas health policy authority; requiring certain studies”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SB 563** be amended on page 1, in line 24, by striking “reasonable”; in line 37, following “with” by inserting “any utilization review organization’s policy that conflicts with”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **SCR 1616** be amended on page 1, in line 36, by striking “; and”; by striking all in lines 37 through 39; in line 40, by striking all preceding the colon; and the concurrent resolution be adopted as amended.

Committee on **Transportation** recommends **HB 2786** be passed.

Select Committee on **Corrections Reform and Oversight** recommends **SB 214** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 214,” as follows:

“HOUSE Substitute for SENATE BILL No. 214

By Select Committee on Corrections Reform and Oversight

“AN ACT concerning driving under the influence; amending K.S.A. 2007 Supp. 8-1567 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 214** was thereupon introduced and read by title.)

MESSAGES FROM THE GOVERNOR

HB 2628, HB 2656, HB 2665, HB 2748, HB 2749 approved on March 26, 2008.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2641** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2657** and has appointed Senators McGinn, Wysong and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6023—

By the Committee on Appropriations

A RESOLUTION recognizing May 2008 as Lyme and Tick-borne Illness Awareness Month.

WHEREAS, The Kansas Department of Health and Environment has designated the month of May 2008 as Lyme and Tick-borne Illness Awareness Month; and

WHEREAS, Many Kansans have been diagnosed with Lyme disease and other tick-borne illnesses in the past 10 years. Although Lyme disease is the most common, tick bites can also cause other diseases such as Rocky Mountain spotted fever and southern tick associated rash illness or STARI; and

WHEREAS, Kansas physicians and citizens are largely unaware of the problems associated with deer tick and Lone Star tick bites; and

WHEREAS, There is no vaccine currently available to prevent most tick-borne illnesses, so early detection and treatment are important. Most tick-borne illnesses can be treated successfully if diagnosed early; and

WHEREAS, There are steps Kansans can take to reduce their risk of tick bites such as avoiding wooded areas where ticks are most prevalent, using insect repellent and removing leaf litter and brush around homes and lawns: Now, therefore,

Be it resolved by the House of Representatives of Kansas: That we recognize May 2008 as Lyme and Tick-borne Illness Awareness Month as designated by the Department of

Health and Environment, and we support the Department of Health and Environment in their efforts to make all Kansans aware of tick diseases and notify all Kansas physicians about the symptoms of tick-borne diseases so that they may adequately diagnose and treat those suffering from these afflictions; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide 5 enrolled copies of this resolution to Representative Huntington.

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

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Masterson, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2744**; **SB 536** be passed.

H. Sub. for SB 385; **HCR 5038**; **H. Sub. for SB 148**; **SB 534** be passed over and retain a place on the calendar.

Committee report to **SB 481** be adopted; also, on motion of Rep. O'Neal be amended on page 1, by striking all in lines 16 through 34;

And by renumbering the remaining sections accordingly;

On page 7, in line 8, by striking "and K.S.A. 2007 Supp. 2-1314 are" and inserting "is"; In the title, in line 10, by striking all after "concerning"; in line 11, by striking "relating to"; in line 12, by striking "and K.S.A. 2007 Supp. 2-1314"; in line 13, by striking "sections" and inserting "section"; and **SB 481** be passed as amended.

Committee report to **HB 2926** be adopted; and the bill be passed as amended.

Committee report to **SB 470** be adopted; and the bill be passed as amended.

Committee report to **SB 558** be adopted; and the bill be passed as amended.

Committee report to **SB 477** be adopted; and the bill be passed as amended.

Committee report to **SB 476** be adopted; also, on motion of Rep. Patton be amended on page 4, after line 13, by inserting the following:

"Sec. 2. K.S.A. 21-4716 is hereby amended to read as follows: 21-4716. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines for crimes committed on or after July 1, 1993, unless the judge finds substantial and compelling reasons to impose a departure. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of subsection (b) of K.S.A. 21-4718, and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(c) (1) Subject to the provisions of subsections ~~(c)(3)~~ (c)(2), (c)(4) and (e), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(2) Subject to the provisions of subsections (c)(4) and (e), for any person felony ranked in severity levels 1 through 4 of the nondrug grid as provided in K.S.A. 21-4704, and amendments thereto, and for any offender who has a criminal history score category of A or B, the following exclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exists:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction.

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(3) Subject to the provisions of subsection ~~(c)(3)~~ (c)(4), the following nonexclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to commit or assist in avoiding detection or apprehension for commission of any person felony or any attempt, conspiracy or solicitation as defined in K.S.A. 21-3301, 21-3302 or 21-3303 and amendments thereto to commit any person felony regardless of whether the defendant knew the age of the individual under 16 years of age.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization; or

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age.

(ii) "Predatory sex offender" is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) "Mental condition or personality disorder" means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person,

affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

(G) The defendant was incarcerated during the commission of the offense.

(H) The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

~~(4)~~ (4) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(d) In determining aggravating or mitigating circumstances, the court shall consider:

(1) Any evidence received during the proceeding;

(2) the presentence report;

(3) written briefs and oral arguments of either the state or counsel for the defendant; and

(4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

(e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

(i) The court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;

(ii) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;

(iii) the nature and extent of the defendant's assistance;

(iv) any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and

(v) the timeliness of the defendant's assistance.

Sec. 3. K.S.A. 21-4719 is hereby amended to read as follows: 21-4719. (a) When a departure sentence is appropriate, the sentencing judge may depart from the sentencing guidelines as provided in this section. *The sentencing judge shall not impose a downward dispositional departure sentence for any crime of extreme sexual violence, as defined in K.S.A. 21-4716, and amendments thereto. The sentencing judge shall not impose a downward durational departure sentence for any crime of extreme sexual violence, as defined in K.S.A. 21-4716, and amendments thereto, to less than 50% of the center of the range of the sentence for such crime.*

(b) When a sentencing judge departs in setting the duration of a presumptive term of imprisonment: (1) The judge shall consider and apply the enacted purposes and principles of sentencing guidelines to impose a sentence which is proportionate to the severity of the crime of conviction and the offender's criminal history; and

(2) the presumptive term of imprisonment set in such departure shall not total more than double the maximum duration of the presumptive imprisonment term.

(c) When a sentencing judge imposes a prison term as a dispositional departure: (1) The judge shall consider and apply the enacted purposes and principles of sentencing guidelines to impose a sentence which is proportionate to the severity of the crime of conviction; and

(2) the term of imprisonment shall not exceed the maximum duration of the presumptive imprisonment term listed within the sentencing grid. Any sentence inconsistent with the provisions of this section shall constitute an additional departure and shall require substantial and compelling reasons independent of the reasons given for the dispositional departure.

(d) If the sentencing judge imposes a nonprison sentence as a dispositional departure from the guidelines, the recommended duration shall be as provided in subsection (c) of K.S.A. 21-4611 and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 7, after line 4, by inserting the following:

“Sec. 5. K.S.A. 2007 Supp. 38-2371 is hereby amended to read as follows: 38-2371. (a)

(1) Whenever a person is adjudicated as a juvenile offender, the court upon motion of the state, shall hold a hearing to consider imposition of a departure sentence. The motion shall state that a departure is sought and the reasons and factors relied upon. The hearing shall be scheduled so that the parties have adequate time to prepare and present arguments regarding the issues of departure sentencing. The victim of a crime or the victim’s family shall be notified of the right to be present at the hearing for the convicted person by the county or district attorney. The parties may submit written arguments to the court prior to the date of the hearing and may make oral arguments before the court at the hearing. The court shall review the victim impact statement, if available. Prior to the hearing, the court shall transmit to the juvenile offender or the juvenile offender’s attorney and the prosecuting attorney copies of the predispositional investigation report.

(2) At the conclusion of the hearing or within 20 days thereafter, the court shall issue findings of fact and conclusions of law regarding the issues submitted by the parties, and shall enter an appropriate order.

(3) If a factual aspect of a crime is a statutory element of the crime, or is used to determine crime severity, that aspect of the current crime of conviction may be used as an aggravating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime. Subject to this provision, the nonexclusive lists of aggravating factors provided in subsection ~~(c)(2)~~ (c)(3) of K.S.A. 21-4716, and amendments thereto, and in subsection (a) of K.S.A. 21-4717, and amendments thereto, may be considered in determining whether substantial and compelling reasons exist.

(b) If the court decides to depart on its own volition, without a motion from the state, the court must notify all parties of its intent and allow reasonable time for either party to respond if they request. The notice shall state that a departure is intended by the court and the reasons and factors relied upon.

(c) In each case in which the court imposes a sentence that deviates from the presumptive sentence, the court shall make findings of fact as to the reasons for departure regardless of whether a hearing is requested.

(d) If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. When a departure sentence is appropriate, the sentencing judge may depart from the matrix as provided in this section. When a sentencing judge departs in setting the duration of a presumptive term of imprisonment:

(1) The presumptive term of imprisonment set in such departure shall not total more than double the maximum duration of the presumptive imprisonment term;

(2) the court shall have no authority to reduce the minimum term of confinement as defined within the placement matrix; and

(3) the maximum term for commitment of any juvenile offender to a juvenile correctional facility is age 22 years, 6 months.

(e) A departure sentence may be appealed as provided in K.S.A. 2007 Supp. 38-2380, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 9, in line 43, after “21-4608” by inserting “, 21-4716, 21-4719”; also in line 43, after “Supp.” by inserting “38-2371 and”;

In the title, in line 12, after the semicolon where it appears the second time, by inserting “concerning sentencing.”; in line 13, after “21-4608” by inserting “, 21-4716, 21-4719”; also in line 13, after “Supp.” by inserting “38-2371 and”; and **SB 476** be passed as amended.

Committee report to **SB 404** be adopted; and the bill be passed as amended.

On motion of Rep. Peck to amend **SB 560**, the motion did not prevail.

Also, on motion of Rep. Watkins, **SB 560** be amended on page 2, following line 26, by inserting the following:

“Sec. 7. (a) When an insured files a claim for damage under a personal insurance policy and a damage amount is determined by or for the insurer, if the insured elects not to be

reimbursed by the insurer for such damage, the insurer shall not retain the claim information in the insured's records with the insurer.

(b) As used in this section "personal insurance" means private passenger automobile, homeowners, motorcycle, mobile homeowners and non-commercial dwelling fire insurance policies and boat, personal watercraft, snowmobile and recreational vehicle policies.";

And by renumbering the remaining section accordingly;

In the title, in line 12, following "ACT" by inserting "relating to insurance;"; in line 14, preceding the period, by inserting "; concerning certain claims";

Also, roll call was demanded on further motion of Rep. Watkins to amend **SB 560** on page 2, following line 26, by inserting the following:

"Sec. 7. (a) As used in this section:

(1) "Consumer reporting agency" means any person which, for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

(2) "Credit information" means any credit related information derived from a credit report, found on a credit report itself, or provided on an application for personal insurance. Credit information shall not include any information which is not credit related, regardless of whether such information is contained in a credit report or in an application or is used to calculate an insurance score.

(3) "Credit report" means any written, oral, or other communication of information by a consumer reporting agency bearing on a consumer's credit worthiness, credit standing or credit capacity which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor to determine personal insurance premiums, eligibility for coverage, or tier placement.

(4) "Insurance or credit score" means a number or rating that is derived from an algorithm, computer application, model, or other process that is based, in whole or in part, on credit information for the purposes of predicting the future insurance loss exposure of an individual applicant or insured.

(b) No insurer authorized to do business in the state of Kansas shall use an insurance or credit score to underwrite or rate risks for any Kansas insured.

Sec. 8. K.S.A. 2007 Supp. 40-5101 through 40-5114 are hereby repealed.";

And by renumbering the remaining section;

In the title, in line 12, following "ACT" by inserting "relating to insurance;"; in line 14, preceding the period by inserting "; prohibiting use of credit score to underwrite or rate risk; repealing K.S.A. 2007 Supp. 40-5101 through 40-5114";

On roll call, the vote was: Yeas 72; Nays 48; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Beamer, Burgess, Burroughs, Carlin, Colloton, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Gordon, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Horst, Johnson, Kelsey, Kiegerl, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Neighbor, Otto, Owens, Palmer, Patton, Pauls, Phelps, Powers, Rardin, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Bowers, Brown, Brunk, Carlson, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Kelley, Kinzer, Knox, Light, Mast, Merrick, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Peck, Pottorff, Powell, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Swanson, Vickrey, Whitham.

Present but not voting: None.

Absent or not voting: Colyer, Davis, Landwehr, Peterson, Tafanelli.

The motion of Rep. Watkins prevailed.

Also, on motion of Rep. Peck to amend **SB 560**, the motion did not prevail. Also, on motion of Rep. Shultz to rerefer the bill to Committee on Insurance and Financial Insti-

tutions, the motion prevailed and **SB 560** be rereferred to Committee on Insurance and Financial Institutions.

Committee report recommending a substitute bill to **H. Sub. for SB 32** be adopted; and the substitute bill be passed.

Committee report to **SB 555** be adopted; and the bill be passed as amended.

Committee report to **SB 580** be adopted; also, on motion of Rep. Svaty be amended on page 1, after line 19, by inserting the following:

“Section 1. 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.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 37, by striking “74-8959 is” and inserting “74-616 and 74-8959 are”;

In the title, in line 12, by striking all after “ACT”; in line 13, by striking “tance program;” and inserting “concerning utilities; relating to permits; concerning certain energy efficiency, conservation and demand management programs;”; in line 16, after “Supp.” by inserting “74-616 and”; in line 17, by striking “section” and inserting “sections”; and **SB 580** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 414** be adopted; and the substitute bill be passed.

Committee report to **SB 411** be adopted; and the bill be passed as amended.

Committee report to **SB 430** be adopted; and the bill be passed as amended.

Committee report to **SB 545** be adopted; and the bill be passed as amended.

On motion of Rep. Otto to amend **HB 2673**, the motion did not prevail. Also on further motion of Rep. Otto to amend, the motion did not prevail. Also, on further motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Mah, **HB 2673** be amended on page 2, in line 20, by striking “or commencing”; also in line 20, by striking “year” and inserting “years”; also in line 20, after “2006” by inserting “and 2007”; also in line 20, by striking “and all calendar years thereafter,” and inserting “an amount equal to”; in line 21, after “year” by inserting “, or commencing in calendar year 2008, and all calendar years thereafter, an amount equal to \$25,000 or more in any one such calendar year”;

On page 3, in line 6, by striking “or commencing”; in line 7, by striking “year” and inserting “years”; also in line 7, after “2006” by inserting “and 2007”; also in line 7, by striking “and all calendar years thereafter,” and inserting “an amount equal to”; in line 8, after “year” by inserting “, or commencing in calendar year 2008, and all calendar years thereafter, an amount equal to \$25,000 or more in any one such calendar year”;

Also, roll call was demanded on motion of Rep. Long to amend on page 3, after line 30, by inserting the following:

“Sec. 2. K.S.A. 74-4958 is hereby amended to read as follows: 74-4958. (1) Any member ~~who retires on or after July 1, 1993~~; shall be entitled to receive an age and service retirement benefit equal to 2.5% of such member’s final average salary multiplied by the number of

years of credited service except that in no case shall such retirement benefit exceed ~~80%~~ 90% of such member's final average salary.

(2) Any member who is appointed or employed prior to July 1, 1989, who does not make an election pursuant to K.S.A. 74-4955a and amendments thereto and who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of .4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Upon the death after retirement of a member who was covered, up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, a lump-sum benefit equal to 1/2 the member's final average salary at the time of the member's retirement; and (B) an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the last day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

(5) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retiree, any joint annuitant and any beneficiary.

Sec. 3. K.S.A. 74-4958a is hereby amended to read as follows: 74-4958a. (1) Any member ~~who retires on or after July 1, 1993~~, shall be entitled to receive an age and service retirement benefit equal to 2.5% of such member's final average salary multiplied by the number of

years of credited service except that in no case shall such retirement benefit exceed ~~80%~~ 90% of such member's final average salary.

(2) Any member who retires before such member's normal retirement date shall receive an early retirement benefit equal to the annual retirement benefit payable had the member retired on the normal retirement date reduced by an amount equal to the product of (A) such annual retirement benefit payable had the member retired on the normal retirement date, multiplied by (B) the product of .4% multiplied by the number of months difference, to the nearest whole month, between the member's attained age at the time of retirement and age 55.

(3) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, upon the death after retirement of a member who was covered, up to the entry date of the member's employer, by a pension system under the provisions of K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto, or K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, and who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, the member's spouse, if such spouse was the member's lawfully wedded spouse for a period of not less than one year at the time of the member's retirement or if such spouse had been the member's lawfully wedded spouse for at least three years after the time of the member's retirement, shall receive: (A) Pursuant to the provisions of K.S.A. 74-49,128, and amendments thereto, a lump-sum benefit equal to $\frac{1}{2}$ the member's final average salary at the time of the member's retirement; and (B) an annual spouse's benefit equal to 75% of the member's retirement benefit payable in monthly installments, to accrue from the first day of the month following the member's date of death and ending on the last day of the month in which the spouse dies. Commencing on the effective date of this act, any surviving spouse, who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such spouse's remarriage, shall be entitled to once again receive benefits pursuant to this section, except that such surviving spouse shall not be entitled to recover any benefits not received after the termination of benefits by reason of such surviving spouse's remarriage but before the effective date of this act. If there is no surviving spouse, or if after the death of the spouse there remain one or more children under the age of 18 years or one or more children under the age of 23 years who is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto, the spouse's benefit shall be payable, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, in equal shares to such children and each child's share shall end on the last day of the month in which such child attains the age of 18 years or dies, whichever occurs earlier or in which such child attains the age of 23 years, if such child is a full-time student as provided in K.S.A. 74-49,117 and amendments thereto. Commencing on the effective date of this act, any child who was receiving benefits pursuant to this section and who had such benefits terminated by reason of such child's marriage, shall be entitled to once again receive benefits pursuant to this section subject to the limitations contained in this section, except that such child shall not be entitled to recover any benefits not received after the termination of benefits by reason of such child's marriage but before the effective date of this act. All payments due under this section to a minor shall be made to a legally appointed conservator of such minor as provided in subsection (7) of K.S.A. 74-4902 and amendments thereto. No person shall be entitled to receive more than one benefit under the provisions of this subsection. Any person who otherwise meets the qualifications to receive more than one benefit under this subsection shall elect the benefit such person shall receive.

(4) Upon the death after retirement of a member who had not elected to retire under one of the options provided under K.S.A. 74-4964 and amendments thereto, such member's beneficiary shall receive an amount equal to the excess, if any, of such member's accumulated contributions over the sum of all retirement benefit payments made.

(5) The provisions of this section shall be effective on and after July 1, 1989 and shall apply only to members who were appointed or employed prior to July 1, 1989, and who made an election pursuant to K.S.A. 74-4955a and amendments thereto; and persons appointed or employed on or after July 1, 1989.

(6) The provisions of law in effect on the retirement date of a member under the system shall govern the retirement benefit payable to the retirant, any joint annuitant and any beneficiary.

Sec. 4. K.S.A. 74-4965 is hereby amended to read as follows: 74-4965. (1) Except as otherwise provided in this section, each participating employer shall, beginning with the first payroll period for services performed after the entry date, deduct from the compensation of each member 7% of such member's compensation as employee contributions, except that in the case of a member whose employment is covered by social security and the member is a member of the class certified in the case of *Brazelton v. Kansas public employees retirement system*, 227 K. 443, 607 P.2d 510 (1980), the deduction from such member's compensation shall be reduced by the amount of such member's contributions to social security.

(2) For any member other than a member who is a member of the class certified in the case of *Brazelton v. Kansas public employees retirement system*, 227 K. 443, 607 P.2d 510 (1980), no employee contributions shall be reduced because of contributions to social security.

(3) All such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund and shall be credited to the members' individual accounts. Interest on each member's accumulated contributions at the rate determined under subsection (a) of K.S.A. 74-4922 and amendments thereto shall be added annually to the member's individual account.

(4) ~~For all payroll periods commencing on or after the effective date of this act, each participating employer shall deduct from the compensation of each member who has received 32 years of credited service, 2% of such member's compensation as employee contributions. For each member that is having 2% of such member's compensation deducted as employee contributions on July 1, 2008, for all payroll periods commencing on or after such date, the participating employer shall deduct from the compensation of each such member 7% of such member's compensation as employee contributions.~~

(5) (a) Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, each participating employer, pursuant to the provisions of section 414(h)(2) of the federal internal revenue code, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (1) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(b) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under the system.

(c) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive director for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 31, before “K.S.A.” by inserting “K.S.A. 74-4958, 74-4958a and 74-4965 and”; also in line 31, by striking “is” and inserting “are”;

On page 1, in the title, in line 12, after the semicolon by inserting “retirement benefits and employee contributions under the Kansas police and firemen's retirement system;”; also in line 12, after “amending” by inserting “K.S.A. 74-4958, 74-4958a and 74-4965 and”; in line 13, by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 52; Nays 64; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Burgess, Burroughs, Carlin, Craft, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Gordon, Goyle, Grant, Hawk, Hen-

derson, Henry, Hill, Holland, Horst, Humerickhouse, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Neighbor, Palmer, Pauls, Phelps, Rardin, Ruff, Ruiz, Sawyer, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Huntington, Johnson, Kelsey, King, Kinzer, Knox, Light, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwartz, Siegfried, Sloan, Spalding, Swanson, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Colyer, Davis, Kelley, Kiegerl, Landwehr, Peterson, Shultz, Svaty, Tafanelli.

The motion of Rep. Long did not prevail.

Also, on motion of Rep. Flora, **HB 2673** be amended on page 3, after line 30, by inserting the following:

“New Sec. 2. Any member of the Kansas public employees retirement system may purchase up to two years of participating service credit for service as approved, directly related journeyman experience above the apprenticeship as required by K.A.R. 91-1-9 prior to the revocation of such regulation on May 1, 1982, or K.A.R. 91-1-39 prior to the revocation of such regulation on June 30, 2003, for day trade, personal service and public service teachers which commenced on or after January 1, 1962. Such purchase of participating service credit shall be made in accordance with the provisions of K.S.A. 74-49,123, and amendments thereto. The benefit for each such period of service purchased by the member shall be equal to 1.75% of the final average salary of any such member. Such member may purchase such participating service credit by submitting proof of such service acceptable to the board of trustees and by making application therefor prior to the date of retirement of such member for such purchase and to have such member's employee contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, based upon the member's attained age at the time of purchase and using actuarial assumptions and tables in use by the retirement system at such time of purchase for such periods of service. Such additional rate of contribution shall commence at the beginning of the quarter following the date upon which such member made application for such purchase and shall remain in effect until all of the full quarters of such service have been purchased. In lieu of the deduction of employee contributions as provided in this section, any such member may purchase such participating service credit by means of a single lump-sum payment in an amount equal to the then present value of benefits being purchased as determined by the actuary using the member's attained age at the time of purchase, annual compensation at the time of purchase and the actuarial assumptions and tables currently in use by the system. The lump-sum payment shall be made immediately upon being notified of the amount due under this purchase method. The provisions of this section shall be part of and supplemental to the provisions of K.S.A. 74-4901 et seq., and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 12, after the semicolon, by inserting “purchase of service credit;”;

Also, roll call was demanded on motion of Rep. Patton to amend **HB 2673** on page 3, after line 30, by inserting the following:

“New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 2008, to each retiree shall be increased by an amount equal to 3.0% of the retirement benefit, pension or annuity payment in effect on July 1, 2008, from the retiree's retirement system and shall be paid by such retirement system to the retiree during such period.

(b) As used in this section:

(1) “Retiree” means (A) any person who is a member or special member of a retirement system and who retired prior to July 1, 2007, and (B) any person who is a joint annuitant or beneficiary of any member described in clause (A).

(2) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

Sec. 3. K.S.A. 2007 Supp. 74-8768 is hereby amended to read as follows: 74-8768. (a) There is hereby created the expanded lottery act revenues fund in the state treasury. All expenditures and transfers from such fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be expended or transferred only for the purposes of payment of the postretirement benefit payment for members of the Kansas public employees retirement system as provided by subsection (b), reduction of state debt, state infrastructure improvements and reduction of local ad valorem tax in the same manner as provided for allocation of amounts in the local ad valorem tax reduction fund.

(b) *On or before the 15th day of each calendar month prior to August, 2009, and each year thereafter, the director of accounts and reports shall transfer from the expanded lottery act revenues fund to the Kansas public employees retirement fund an amount equal to 30% of all moneys credited to the expanded lottery act revenues fund during the preceding month. Moneys transferred pursuant to this subsection shall be used only to pay the postretirement benefit payment as provided in section 2, and amendments thereto.*;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 31, by striking "is" and inserting "and 74-8768 are";

On page 1, in the title, in line 12, after the semicolon, by inserting "postretirement benefit adjustment, lottery revenue fund;"; also in line 12, after "74-4914" by inserting "and 74-8768"; in line 13, by striking "section" and inserting "sections";

On roll call, the vote was: Yeas 104; Nays 14; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Aurand, Burroughs, Crum, George, Grange, Hill, Humerickhouse, Huntington, King, Roth, Ruiz, Siegfried, Whitham, Wilk.

Present but not voting: None.

Absent or not voting: Beamer, Colyer, Davis, Peterson, Shultz, Svaty, Tafanelli.

The motion of Rep. Patton prevailed.

Also, on motion of Rep. Kinzer to amend **HB 2673**, Rep. Feuerborn requested a ruling on the amendment being germane to the bill. The Rules Vice Chair ruled the amendment not germane. Rep. Kinzer challenged the ruling, the question being "Shall the Rules Vice Chair be sustained.?" The Rules Vice Chair was sustained.

Also, on motion of Rep. Bethell, **HB 2673** be rereferred to Committee on Appropriations.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SB 15** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 15," as follows:

"HOUSE Substitute for SENATE BILL No. 15

By Committee on Agriculture and Natural Resources

"AN ACT concerning intensive groundwater use control areas; relating to hearings; establishing advisory panels; amending K.S.A. 82a-928, 82a-1036 and 82a-1040 and K.S.A. 2007 Supp. 82a-1038 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 15** was thereupon introduced and read by title.)

Committee on **Appropriations** recommends **HB 2685, HB 2891** be passed.

Committee on **Appropriations** recommends **HB 2983** be amended on page 1, in line 18, by striking “at” and inserting “of”; in line 19, preceding “who” by inserting “, of which one member shall be from the Kansas City campus and one member shall be from the Wichita campus,”; and the bill be passed as amended.

Committee on **Economic Development and Tourism** recommends **SB 518** be passed.

Committee on **Education** recommends **SB 669** be amended on page 2, by striking all in lines 21 through 32 and inserting:

“(d) (1) Subject to the availability of appropriations for virtual school state aid and within the limits of any such appropriations, each school year a school district which offers a virtual school shall be entitled to virtual school state aid.

(2) The state board of education shall determine the amount of virtual school state aid a school district is entitled to receive as follows:

(A) Multiply the full-time equivalent enrollment of the virtual school by an amount equal to 103.5% of the amount of base state aid per pupil by the virtual school;

(B) multiply the full-time equivalent enrollment of nonproficient at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 4.65% of the amount of base state aid per pupil;

(C) multiply the full-time equivalent enrollment of at-risk pupils enrolled in an approved at-risk program offered by the virtual school, if any, by an amount equal to 45.6% of the amount of base state aid per pupil;

(D) multiply the number of pupils enrolled in each advanced placement course provided by the virtual school, if any, by an amount equal to 16% of the amount of base state aid per pupil. As used in this provision (D), “pupil” means a pupil who is enrolled on a full-time basis in a school district which is more than 200 square miles in area and has an enrollment of at least 260 pupils and does not offer advance placement courses; and

(E) add the amounts obtained under paragraphs (A) through (D). The sum is the amount of the virtual school state aid to which the school district is entitled.

(3) There is hereby established in every school district a fund which shall be called the virtual school fund, which fund shall consist of all moneys deposited therein or transferred thereto according to law. Moneys received as virtual school state aid shall be deposited in the general fund of the school district and transferred to the virtual school fund of the district. The expenses of a district directly attributable to virtual schools offered by a school district shall be paid from the virtual school fund. The cost of an advance placement course provided to a pupil described in subsection (d)(2)(D) shall be paid by the virtual school.

Any balance remaining in the virtual school fund at the end of the budget year shall be carried forward into the virtual school fund for succeeding budget years. Such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto.

In preparing the budget of such school district, the amounts credited to and the amount on hand in the virtual school fund, and the amount expended therefrom shall be included in the annual budget for the information of the residents of the school district. Interest earned on the investment of moneys in any such fund shall be credited to that fund.”;

Also on page 2, by striking all in lines 36 through 43;

On page 3, by striking all in lines 1 through 3;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 33, by striking “A” and inserting “Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a”; in line 34, by striking all after the comma; in line 35, by striking all before “provided”; in line 36, before “A” by inserting “A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s attendance at the non-virtual school bears to full-time attendance.”; and the bill be passed as amended.

Committee on **Elections and Governmental Organization** recommends **SB 169** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 169,” as follows:

“HOUSE Substitute for SENATE BILL No. 169

By Committee on Elections and Governmental Organization

“AN ACT concerning elections; concerning presentation of photographic identification at time of voting; amending K.S.A. 2007 Supp. 25-1122, 25-1123, 25-2908 and 25-3002 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 169** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2694** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2694,” as follows:

“Substitute for HOUSE BILL No. 2694

By Committee on Taxation

“AN ACT concerning income taxation; relating to credits; alternative-fueled motor vehicles and alternative-fuel fueling stations; amending K.S.A. 2007 Supp. 79-32,201 and repealing the existing section.”; and the substitute bill be passed.

(**Sub. HB 2694** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **SB 444** be amended on page 1, in line 23, by striking “\$1,500” and inserting “\$750”; after line 25, by inserting the following:

“Sec. 2. K.S.A. 2007 Supp. 79-201b is hereby amended to read as follows: 79-201b. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All real property, and tangible personal property, actually and regularly used exclusively for hospital purposes by a hospital as the same is defined by K.S.A. 65-425, and amendments thereto, or a psychiatric hospital as the same was defined by K.S.A. 59-2902, and amendments thereto, as in effect on January 1, 1976, which hospital or psychiatric hospital is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, or a public hospital authority; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for hospital, psychiatric hospital or public hospital authority purposes. This exemption shall not be deemed inapplicable to property which would otherwise be exempt pursuant to this paragraph because any such hospital, psychiatric hospital or public hospital authority: (a) Uses such property for a nonexempt purpose which is minimal in scope and insubstantial in nature if such use is incidental to the exempt purpose enumerated in this paragraph; or (b) is reimbursed for the actual expense of using such property for the exempt purposes enumerated in this paragraph or paragraph second of K.S.A. 79-201, and amendments thereto; or (c) permits the use of such property for the exempt purposes enumerated in this paragraph or paragraph second of K.S.A. 79-201, and amendments thereto, by more than one agency or organization for one or more of such purposes.

Second. All real property, and tangible personal property, actually and regularly used exclusively for adult care home purposes by an adult care home as the same is defined by K.S.A. 39-923, and amendments thereto, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, charges to residents for services of which produce an amount which in the aggregate is less than the actual cost of operation of the home or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation, interest on indebtedness, acquisition costs, interest and other expenses of financing acquisition costs, lease expenses and costs of services provided by a parent corporation at its costs and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such corporation and used exclusively for adult care home purposes. For purposes of this paragraph and for all taxable years commencing after December 31, 1976, an adult care home which uses its property in a manner which is consistent with the federal internal revenue service ruling 72-124 issued pursuant to section 501(c)(3) of the federal internal revenue code, shall be deemed to be operating at the lowest feasible cost. The fact that real property or real or tangible personal property may be leased from a not-for-profit corporation, which is exempt

from federal income taxation pursuant to section 501(c)(3) of the internal revenue code of 1986, and amendments thereto, and which is the parent corporation to the not-for-profit operator of an adult care home, shall not be grounds to deny exemption or deny that such property is actually and regularly used exclusively for adult care home purposes by an adult care home, nor shall the terms of any such lease be grounds for any such denial. For all taxable years commencing after December 31, 1995, such property shall be deemed to be used exclusively for adult care home purposes when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto.

Third. All real property, and tangible personal property, actually and regularly used exclusively for private children's home purposes by a private children's home as the same is defined by K.S.A. 75-3329, and amendments thereto, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, charges to residents for services of which produce an amount which in the aggregate is less than the actual cost of operation of the home or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation and interest on indebtedness, and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for children's home purposes.

Fourth. All real property and tangible personal property, actually and regularly used exclusively for: (a) Housing for elderly and handicapped persons having a limited or lower income, or used exclusively for cooperative housing for persons having a limited or low income, assistance for the financing of which was received under 12 U.S.C.A. 1701 et seq., or under 42 U.S.C.A. 1437 et seq., which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation; and (b) for all taxable years commencing after December 31, 2006, temporary housing of 24 months or less for limited or low income, single-parent families in need of financial assistance who are enrolled in a program to receive life training skills, which is operated by a charitable or religious organization; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such a corporation and used exclusively for the purposes of such housing. For the purposes of this subsection, cooperative housing means those not-for-profit cooperative housing projects operating or established pursuant to sections 236 or 221(d)(3), or both, of the national housing act and which have been approved as a cooperative housing project pursuant to applicable federal housing administration and U.S. Department of Housing and Urban Development statutes, and rules and regulations, during such time as the use of such properties are: (1) Restricted pursuant to such act, or rules and regulations thereof; or (2) subject to affordability financing standards established pursuant to the national housing act during such time that such not-for-profit corporation has adopted articles of incorporation or by-laws, or both, requiring such corporation to continue to operate in compliance with the United States department of housing and urban development affordability income guidelines established pursuant to sections 236 or 221(d)(3) of the national housing act or rules and regulations thereof.

Fifth. All real property and tangible personal property, actually and regularly used exclusively for housing for elderly persons, which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, in which charges to residents produce an amount which in the aggregate is less than the actual cost of operation of the housing facility or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation and interest on indebtedness and contributions to which are deductible under the Kansas income tax act; and all intangible property including moneys, notes and other evidences of debt, and the income therefrom, belonging exclusively to such corporation and used exclusively for the purpose of such housing. For purposes of this

paragraph and for all taxable years commencing after December 31, 1976, an adult care home which uses its property in a manner which is consistent with the federal internal revenue service ruling 72-124 issued pursuant to section 501(c)(3) of the federal internal revenue code, shall be deemed to be operating at the lowest feasible cost. For all taxable years commencing after December 31, 1995, such property shall be deemed to be used exclusively for housing for elderly persons purposes when used as a not-for-profit day care center for children which is licensed pursuant to K.S.A. 65-501 et seq., and amendments thereto.

Sixth. All real property and tangible personal property actually and regularly used exclusively for the purpose of group housing of mentally ill or retarded and other handicapped persons which is operated by a corporation organized not for profit under the laws of the state of Kansas or by a corporation organized not for profit under the laws of another state and duly admitted to engage in business in this state as a foreign, not-for-profit corporation, in which charges to residents produce an amount which in the aggregate is less than the actual cost of operation of the housing facility or the services of which are provided to residents at the lowest feasible cost, taking into consideration such items as reasonable depreciation and interest on indebtedness and contributions to which are deductible under the Kansas income tax act, and which is licensed as a facility for the housing of mentally ill or retarded and other handicapped persons under the provisions of K.S.A. 75-3307b, and amendments thereto, or as a rooming or boarding house used as a facility for the housing of mentally retarded and other handicapped persons which is licensed as a lodging establishment under the provisions of K.S.A. 36-501 et seq., and amendments thereto.

The provisions of this section, except as otherwise specifically provided, shall apply to all taxable years commencing after December 31, 1998."

And by renumbering the remaining sections accordingly;

On page 4, in line 43, after "Supp." by inserting "79-201b and"; also in line 43, by striking "is" and inserting "are";

On page 1, in the title, in line 11, after the semicolon, by inserting "certain housing;"; in line 12, after "Supp." by inserting "79-201b and"; also in line 12, by striking "section" and inserting "sections"; And the bill be passed as amended.

Committee on **Taxation** recommends **SB 471** be amended on page 2, in line 39, after the period, by inserting "The requirements of this subsection may be waived by the secretary of revenue for a paid preparer if the paid preparer demonstrates a hardship in complying with the requirements of this subsection.";

On page 3, after line 27, by inserting the following:

"Sec. 4. K.S.A. 2007 Supp. 79-32,202 is hereby amended to read as follows: 79-32,202.

(a) For all taxable years commencing after December 31, 2005, and in addition to the credit provided in subsection (b), there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to: (1) 25% of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to section 23 determined without regard to subsection (c) thereof of the federal internal revenue code; (2) in addition to subsection (a)(1), 25% of the amount of such federal income tax credit, if the child adopted by the taxpayer was a resident of Kansas prior to such lawful adoption; and (3) and in addition to subsections (a)(1) and (a)(2), 25% of the amount of such federal income tax credit, if the child adopted by the taxpayer is a child with special needs, as defined in section 23 of the federal internal revenue code, and the child was a resident of Kansas prior to such lawful adoption, for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) For all taxable years commencing after December 31, ~~1996~~ 2003, in addition to the credit provided in subsection (a), there shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to \$1,500 for the taxable year in which occurs the lawful adoption of a child in the custody of the secretary of social and rehabilitation services or a child with special needs, whether or not such individual is reimbursed for all or part of qualified adoption expenses or has received a public or private grant therefor. As used in this subsection, terms and phrases shall have the meanings ascribed thereto by the provisions of section 23 of the federal internal revenue code. ~~No credit shall be allowed under subsection (a) for any qualified adoption expenses~~

~~incurred in the adoption of a child described by this subsection. Notwithstanding any provision of law to the contrary, a taxpayer may file an amended return to claim the credit under this subsection or subsection (a) for taxable years 2004 and 2005, if the taxpayer only claimed the credit under subsection (a) or (b), but not both for such taxable years.~~

(c) The credit allowed by subsections (a) and (b) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law. If the amount of such tax credit exceeds the taxpayer's income tax liability for such taxable year, the amount thereof which exceeds such tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credits has been deducted from tax liability.

New Sec. 5. (a) For all taxable years commencing after December 31, 2006, there shall be allowed a tax credit against the income tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, in an amount equal to unreimbursed expenditures incurred by a taxpayer or a dependent of the taxpayer not to exceed \$10,000 related to the donation, while living, of one or more human organs of the taxpayer or a dependent of the taxpayer to another person for human organ transplantation. The credit under this section shall only be claimed one time by a taxpayer. The tax credit under this section shall be deducted from the taxpayer's income tax liability for expenditures incurred in the taxable year in which the organ transplantation occurs. If the amount of the credit exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow.";

And by renumbering the remaining sections accordingly;

Also on page 3, in line 28, after "75-5151," by inserting "and 79-32,202";

On page 1, in the title, in line 15, after the semicolon, by inserting "income tax credits; adoption; expenses related to living organ donations;"; also in line 15, after "75-5151" by inserting "and 79-32,202" and the bill be passed as amended.

Committee on **Transportation** recommends **SB 294** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 294," as follows:

"HOUSE Substitute for SENATE BILL No. 294

By Committee on Transportation

"AN ACT relating to motor vehicles; concerning driver's licenses; providing certain limitations; amending K.S.A. 8-235d, 8-239, 8-291, 8-296 and 8-297 and K.S.A. 2007 Supp. 8-237 and 72-89c02 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 294** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 670** be amended on page 1, in line 31, following the period by inserting "If a vacancy occurs in the office of any member of the joint committee on the 2010 comprehensive transportation plan, a successor shall be appointed in the same manner as the original appointment for the remainder of the term.";

On page 2, in line 1, following the period by inserting "If a vacancy occurs in the office of the chairperson or vice-chairperson, a member of the joint committee on the 2010 comprehensive transportation plan who is a member of the same house of the legislature as the member who vacated the office shall be appointed by the president of the senate, if the vacating member was a member of the senate, or by the speaker of the house, if the vacating member was a member of the house of representatives, to fill such vacancy."; in line 22, by striking "and extent"; also in line 22, following "state" by inserting "multimodal"; also in line 22, by striking "and" where it appears the last time; by striking all in lines 23 and 24 and inserting ", including infrastructure issues related to such multimodal transportation system;

(3) the condition and issues related to the trucking industry, railroads, airports and public transportation; and";

Also on page 2, in line 25, by striking "(3)" and inserting "(4)"; 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 and concurrent resolution were thereupon introduced and read by title:

HB 2990, An act concerning the KAN-ED act; relating to the purposes of the act; amending K.S.A. 2007 Supp. 75-7223 and repealing the existing section, by Committee on Appropriations.

HB 2991, An act concerning the juvenile justice authority; relating to state juvenile correctional facilities; creating the juvenile correctional facilities closure and repurposing commission; prescribing powers, duties and functions for the commission, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5040—

By Committee on Appropriations

A CONCURRENT RESOLUTION concerning endorsement of the participation of Taiwan in the World Health Organization.

WHEREAS, Good health is important to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health; and

WHEREAS, Direct and unobstructed participation in international health cooperation forums and programs is beneficial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's population of 23,000,000 people is larger than that of three-fourths of the member states already in the World Health Organization; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including achieving one of the highest life-expectancy levels in Asia; lowering maternal and infant mortality rates to a level comparable to those of western countries; eradicating such infectious diseases as cholera, smallpox, the plague and polio; and providing hepatitis B vaccinations to children; and

WHEREAS, The United States Centers for Disease Control and Prevention and its Taiwan counterpart agencies have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, In recent years, Taiwan has expressed a willingness to assist financially and technically in international aid and health activities supported by the World Health Organization; and

WHEREAS, The United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature endorses Taiwan's participation in the World Health Organization; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the Secretary of State of the United States, the United States Secretary of Health and Human Services and each member of the Kansas Congressional Delegation.

MESSAGE FROM THE SENATE

Announcing passage of **SB 544, SB 566, SB 675**.

Announcing passage of **HB 2520, HB 2714, HB 2726, HB 2740, HB 2804, HB 2905**.

Announcing passage of **Sub. HB 2018**, as amended; **HB 2037**, as amended by **S. Sub. for HB 2037; HB 2188**, as amended; **HB 2434**, as amended by **S. Sub. for HB 2434; HB 2529**, as amended by **S. Sub. for HB 2529; HB 2541**, as amended by **S. Sub. for HB 2541; Sub. HB 2562**, as amended; **HB 2590**, as amended by **S. Sub. for HB 2590; HB 2642**, as amended; **HB 2643**, as amended; **HB 2700**, as amended; **HB 2707**, as amended; **HB 2750**, as amended; **HB 2892**, as amended.

Announcing adoption of **SCR 1618**.

Announcing adoption of **HCR 5028**.

The Senate concurs in House amendments to **SB 49**, and requests return of the bill.

The Senate concurs in House amendments to **SB 474**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 544, SB 566, SB 675; SCR 1618.

REPORT ON ENGROSSED BILLS

HB 2818, HB 2920 reported correctly engrossed March 26, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on March 26, 2008.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1614, under that order of business, Reports of Standing-Committees, the committee report on **SB 558** should be deleted and the following report should be inserted:

Committee on **Agriculture and Natural Resources** recommends **SB 558** be amended on page 2, in line 18, by striking "Absentee" and inserting "Advance"; in line 23, by striking "absentee" and inserting "advance";

On page 3, in line 31, by striking all after "adopt a"; by striking all in lines 32 through 37 and inserting the following:

"procedure providing for the election of members by mail ballot. Such procedure shall require the board to mail ballots to all persons entitled to vote, to receive and tabulate the ballots, to canvass the election and to certify the results to the county election officer. The irrigation district shall be responsible for the direct expenses of conducting the election. The ballot envelope used for mailing ballots shall contain a declaration establishing that the person who signs the declaration is a qualified owner of irrigable land within the district."; and the bill be passed as amended.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Thursday, March 27, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

