

Journal of the House

TWENTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 18, 2010, 9:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 122 members present.
Reps. Donohoe and Johnson were excused on verified illness.
Rep. Bethell was excused on legislative business.

Prayer by guest chaplain, Chaplain John Potter, Joint Support Chaplain with the Kansas Army National Guard, Topeka:

As we enter a season of sacrifice, help us to understand sacrifice as You intended.

Let us see past these forty days of eating different foods. Let us see farther than our finances at home. Let us see beyond the service of the soldier, the airman, the sailor, and the marine.

Instead, let us see sacrifice as living an obedient life. One where we fall on our faces, repent of our wrongs, and commit our lives anew.

Enable us to be people of true sacrifice O God. Sacrifice understood by the work and atoning death of Jesus Christ, our Lord and Savior.

And now may the Lord bless you and keep you, may the Lord make His face to shine upon you, and be gracious to you; may the Lord lift up His countenance upon you, and give you peace. Amen.

The Pledge of Allegiance was led by Rep. Gordon.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 395, SB 396, SB 497.**

Calendar and Printing: **HB 2700, HB 2702.**

Commerce and Labor: **SB 377.**

Corrections and Juvenile Justice: **Sub. SB 353.**

Elections: **Sub. SB 416, SB 417, SB 420.**

Federal and State Affairs: **SB 453; SCR 1622.**

Financial Institutions: **SB 424.**

Health and Human Services: **SB 489, SB 490, SB 491.**

Judiciary: **SB 222, SB 234, SB 305, SB 363, SB 398, SB 437, SB 438, SB 439, SB 440, SB 441.**

Local Government: **HB 2701, SB 464.**

Taxation: **SB 430.**

Transportation: **SB 367, SB 408, SB 483, SB 518.**

Education Budget: **SB 354, SB 362.**

CONSENT CALENDAR

No objection was made to **HB 2657** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2408. An act concerning information technology; requiring state agencies to perform periodic reviews of network security, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Kinzer, Landwehr, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2506. An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; considerations of the parole board when determining eligibility; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 23; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Crum, Goyle, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, O'Brien, Otto, Patton, Rhoades, Schwartz, Suellentrop, Talia, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2508. An act concerning crimes, criminal procedure and punishment; relating to the Kansas parole board; deferral of parole board hearings; amending K.S.A. 2009 Supp. 22-3717 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 39; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, M. Holmes, Horst, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swen-

son, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Neufeld, O'Brien, Olson, Otto, Patton, Peck, Powell, Rhoades, Schwartz, Seiwert, Siegfried, Suellentrop, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

Sub. HB 2509. An act concerning work release; relating to the release of sexually violent predators; amending K.S.A. 75-5267 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The substitute bill passed.

HB 2510. An act amending the vehicle dealers and manufacturers licensing act; relating to temporary vehicle registration; amending K.S.A. 8-2409 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2547. An act amending the vehicle dealers and manufacturers licensing act; amending K.S.A. 8-2410, 8-2413, 8-2414, 8-2415, 8-2416, 8-2417 and 8-2419 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Light, Loganbill, Lukert, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Palmer, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Frownfelter, Henderson, Kinzer, Landwehr, Lane, Long, Mah, O'Brien, Otto, Patton, Peterson, Ruiz, Whitham, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

HB 2555. An act designating part of K-14 highway, United State highway 160 and K-2 highway as the SFC David R. Berry/SGT WillSun M. Mock memorial highway, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2566. An act concerning the food, drug and cosmetic act, relating to the secretary of agriculture; authorizing the secretary of agriculture to perform certain duties; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-683, 65-684, 65-685 and 65-686 and K.S.A. 2009 Supp. 65-657 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane,

Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2572, An act concerning state government; relating to the consolidation of information technology, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2585, An act concerning marriage license fees; relating to poverty; amending K.S.A. 2009 Supp. 23-108a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 42; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Finney, Fund, Furtado, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hayzlett, Henry, Hermanson, C. Holmes, M. Holmes, Horst, Jack, Kelley, King, Kinzer, Kleeb, Knox, Mast, McCray-Miller, Meier, Merrick, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Spalding, Suellentrop, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Burroughs, Carlin, Dillmore, Faber, Feuerborn, Flaharty, Frownfelter, Garcia, D. Gatewood, Gordon, Hawk, Henderson, Hill, Hineman, Huebert, Kerschen, Kiegerl, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McLeland, Menghini, Morrison, Neighbor, Otto, Peterson, Phelps, Pottorff, Ruiz, Schwartz, Sloan, Swanson, Tafanelli, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2604, An act concerning crimes, criminal procedure and punishment; relating to sentencing upon the conviction of a crime; relating to work release programs; amending

K.S.A. 2009 Supp. 21-4603d and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

HB 2608, An act relating to the state bank commissioner; concerning the examination and annual assessment of certain financial institutions; amending K.S.A. 2009 Supp. 9-1703 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2609, An act relating to banks and banking; concerning general powers; amending K.S.A. 2009 Supp. 9-1101 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quig-

ley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

HB 2638, An act concerning law enforcement; relating to employees of the horsethief reservoir benefit district; amending K.S.A. 22-2401a and 74-5609a and K.S.A. 2009 Supp. 12-1,120, 74-5602 and 74-5605 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Faber, Finney, Flaharty, Fund, Furtado, Garcia, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Benlon, Burroughs, Dillmore, Feuerborn, Frownfelter, D. Gatewood, Grant, Long, Mah, McCray-Miller, Menghini, Neighbor, Phelps, Ruiz, Ward, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

HB 2650, An act designating part of United States highway 75 as the James Lane Freedom Trail memorial highway; amending K.S.A. 68-1051 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

HB 2652, An act concerning the Kelsey Smith act; amending K.S.A. 2009 Supp. 22-4615 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed, as amended.

SB 357. An act concerning the Beloit juvenile correctional facility; authorizing the secretary of the department of administration to convey a certain tract of real estate for and on behalf of the juvenile justice authority; amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and 76-2220 and K.S.A. 2009 Supp. 76-2201a, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2195**, submits the following report:

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

On page 3, in line 6, by striking "2008" and inserting "2009"; in line 30, by striking "2008" and inserting "2009";

On page 9, by striking all in lines 28 through 43;

By striking all of page 10;

On page 11, by striking all in lines 1 through 7 and inserting the following:

“Sec. 8. K.S.A. 2009 Supp. 59-29b71 is hereby amended to read as follows: 59-29b71. (a) At any time after the petition provided for in K.S.A. 59-29b57, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-29b65, and amendments thereto, *and* before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-29b59 or 59-29b62, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-29b58, 59-29b59 or 59-29b64, and amendments thereto. Thereafter the district court may on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After the trial required by K.S.A. 59-29b65, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated. Upon request of the receiving district court or upon an order of the district court transferring venue, the transferring district court shall send to the receiving district court the entire original file of the case by mail.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-29b63, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

On page 13, by striking all in lines 25 through 43;

By striking all of page 14;

On page 15, by striking all in lines 1 through 3 and inserting:

“Sec. 10. K.S.A. 2009 Supp. 59-2971 is hereby amended to read as follows: 59-2971. (a) At any time after the petition provided for in K.S.A. 59-2957, and amendments thereto, has been filed venue may be transferred in accordance with this section.

(1) Prior to trial required by K.S.A. 59-2965, and amendments thereto, *and* before the expiration of two full working days following the probable cause hearing held pursuant to K.S.A. 59-2959 or 59-2962, and amendments thereto, the district court then with jurisdiction, on its own motion or upon the written request of any person, may transfer the venue of the case to the district court of the county where the patient is being detained, evaluated or treated in a treatment facility under the authority of an order issued pursuant to K.S.A. 59-2958, 59-2959 or 59-2964, and amendments thereto. Thereafter the district court may

on its own motion or upon the written request of any person transfer venue to another district court only for good cause shown.

When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(2) After trial required by K.S.A. 59-2965, and amendments thereto, the district court may on its own motion or upon the written request of any person transfer venue to another district court for good cause shown. When an order changing venue is issued, the district court issuing the order shall immediately send to the district court to which venue is changed a facsimile or electronic copy of the entire file of the case. The transferring district court shall also immediately send a facsimile or electronic copy of the order transferring venue to the treatment facility where the patient is being detained, evaluated or treated.

(b) The district court issuing an order transferring venue, if not in the county of residence of the proposed patient, shall transmit to the district court in the county of residence of the proposed patient a statement of any court costs incurred by the county of the district court issuing the order and, if the county of residence is not the receiving county, a facsimile or electronic copy of the entire file of the case.

(c) Any district court to which venue is transferred shall proceed in the case as if the petition had been originally filed therein and shall cause notice of the change of venue to be given to the persons named in and in the same manner as provided for in K.S.A. 59-2963, and amendments thereto. In the event that notice of a change of location of a hearing due to a change of venue cannot be served at least 48 hours prior to any hearing previously scheduled by the transferring court or because of scheduling conflicts the hearing can not be held by the receiving court on the previously scheduled date, then the receiving court shall continue the hearing for up to seven full working days to allow adequate time for notice to be given and the hearing held.

(d) Any district court to which venue is transferred, if not in the county of residence of the patient, shall transmit to the district court in the county of residence of the patient a statement of any court costs incurred and a facsimile or electronic copy of all pleadings and orders entered in the case after transfer.”;

Also on page 15, in line 4, after “45-406,” by inserting “59-2967,”; also in line 4, by striking all after “59-29b67,”; by striking all in line 5; in line 6, by striking all before “are” and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

In the title, in line 14, after “45-406,” by inserting “59-2967,”; in line 15, by striking all after “59-29b67,”; in line 16, by striking all before “and” where it appears for the last time and inserting “and 75-3519 and K.S.A. 2009 Supp. 38-2305, 59-2971, 59-29a08 and 59-29b71”;

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

JOHN VRATIL
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

JAMES F. MORRISON
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. Morrison, the conference committee report on **HB 2195** was adopted. On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett,

Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Johnson.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2676** be adopted; and the bill be passed as amended.

Committee report to **HB 2410** be adopted; also, on motion of Rep. Winn to amend, the motion did not prevail. Also, on motion of Rep. Trimmer to amend **HB 2410**, the motion did not prevail; and the bill be passed as amended.

INTRODUCTION OF GUESTS

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

Ft. Riley is the home of the 1st Infantry Division, The Big Red One. By 2013, Ft. Riley expects over 18,000 soldiers to be assigned here, which is quite an increase over the 10,000 soldiers on base in 2005.

Currently over 8,000 soldiers are deployed in support of the War on Terrorism. In March and April an additional 3,150 soldiers will deploy.

Along with Ft. Riley other military establishments in Kansas are Ft. Leavenworth, McConnell Air Force Base and Forbes. Total economic impact of the military in Kansas is \$7.7 billion, representing almost 170,000 jobs.

The following members of the military are here with us today: Col. John Dvoracek, Deputy Garrison Commander for Transformation; Col. David Imhoff, Deputy Chief of Staff for Strategic Effects, who just returned in October with the 2nd Brigade from Iraq; Capt. Josh Mantz, Gen. Petersen's aide de camp, a recent returnee from Iraq; and Col. Michael Foster, Commander of the 184th Intelligence Wing, Kansas Air National Guard, Wichita.

Please join me in recognizing the thousands of military representatives who live and work in Kansas. Please join me in honoring them for their service.

INTRODUCTION OF GUESTS

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

The Governor signed a Proclamation that today, February 18, is Kansas Phi Theta Kappa All-State Academic Team Day. And today I am proud to introduce to you the Phi Theta Kappa All State Academic Team.

Phi Theta Kappa is an International Honor Society for two year colleges that symbolizes excellence in higher education and a commitment to students. Students with a GPA of 3.5 or higher are invited to join Phi Theta Kappa whose mission is two-fold: to recognize and encourage the academic achievement of two-year college students, and to provide opportunities for individual growth and development through participation in honors, leadership, service and fellowship programming.

Forty nine students have been named to the All Kansas Academic Team and they represent all Nineteen Kansas community colleges from across Kansas and were named to this team based upon their academic achievement, leadership and community service. Nineteen

representatives of this group of scholars are on the floor with me today and the remaining scholars are in the gallery today.

Because of their academic achievement, service and leadership they have been awarded scholarship and stipends to complete their education and I wanted to be sure you were aware of this impressive group of young scholars from the Kansas Community Colleges.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2667** be adopted; also, roll call was demanded on motion of Rep. A. Brown to amend on page 24, following line 18, by inserting:

“New Sec. 52. (a) A covenant marriage is a marriage entered into by one male and one female who understand and agree that the marriage between them is a lifelong relationship. Parties to a covenant marriage have received counseling emphasizing the nature and purposes of marriage and the responsibilities thereto. Only when there has been a complete and total breach of the marital covenant commitment may the nonbreaching party seek a declaration that the marriage is no longer legally recognized.

(b) A man and woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license as provided in K.S.A. 23-106, and amendments thereto, and executing a declaration of intent to contract a covenant marriage, as provided in subsection (c). The application for a marriage license and the declaration of intent shall be filed with the district court which issues the marriage license.

(c) A declaration of intent to contract a covenant marriage shall contain all of the following:

(1) A recitation by the parties to the following effect:

“A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received premarital counseling on the nature, purposes and responsibilities of marriage. We have read the covenant marriage act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Kansas law on covenant marriages and we promise to love, honor and care for one another as husband and wife for the rest of our lives.”

(2) (A) An affidavit by the parties that they have received premarital counseling from a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including a Christian Science practitioner, or a licensed marriage and family therapist, which counseling shall include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after separate maintenance.

(B) A notarized attestation, signed by the counselor and attached to or included in the parties' affidavit, confirming that the parties were counseled as to the nature and purpose of the marriage and the grounds for termination thereof and an acknowledging that the counselor provided to the parties the informational pamphlet developed and promulgated by the office of the attorney general, pursuant to section 4, and amendments thereto, which pamphlet entitled the covenant marriage act provides a full explanation of the terms and conditions of a covenant marriage.

(3) (A) The signature of both parties witnessed by a notary.

(B) If one or both of the parties are minors, the written consent or authorization of those persons required by law to consent to or authorize the marriage of minors.

(d) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together with the affidavit and attestation, shall be registered and recorded as provided in article 1 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto.

(e) In addition to any fee for a marriage license, the supreme court shall establish by rule a covenant marriage fee not to exceed \$25.

New Sec. 53. (a) A covenant marriage shall be governed by all of the provisions of article 1 of chapter 23 of the Kansas Statutes Annotated and article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(b) As used in this act, "counselor" includes but is not limited to, a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including Christian Science practitioner, or a licensed marriage and family therapist.

New Sec. 54. (a) On or after July 1, 1998, married couples may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by the laws relative thereto.

(b) (1) This declaration of intent in the form and containing the contents required by subsection (c) shall be presented to the district court who issued the couple's marriage license and the secretary of health and environment with whom the couple's marriage license is filed. If the couple were married outside of this state, a copy of the foreign marriage certificate, with the declaration of intent attached thereto, shall be filed with the district court who issues marriage licenses in the county in which the couple is domiciled. The court shall make a notation on the marriage certificate of the declaration of intent of a covenant marriage and attach a copy of the declaration to the certificate.

(2) On or before the fifteenth day of each calendar month, the court shall forward to the secretary of health and environment each declaration of intent of a covenant marriage filed with the court during the preceding calendar month pursuant to this section.

(c) (1) A declaration of intent to designate a marriage as a covenant marriage shall contain all of the following:

(A) A recitation by the parties to the following effect:

"A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We understand the nature, purpose and responsibilities of marriage. We have read the covenant marriage act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Kansas law on covenant marriage, and we renew our promise to love, honor and care for one another as husband and wife for the rest of our lives."

(B) (i) An affidavit by the parties that they have discussed their intent to designate their marriage as a covenant marriage with a priest, minister, rabbi, clergy person or organized ministry of any religious denomination or sect, including a Christian Science practitioner, or a licensed marriage and family therapist, which included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce or by divorce after separate maintenance.

(ii) A notarized attestation, signed by the counselor and attached to the parties' affidavit, acknowledging that the counselor provided to the parties the information pamphlet developed and promulgated by the office of the attorney general, pursuant to section 4, and amendments thereto, which pamphlet entitled the covenant marriage act provides a full explanation of the terms and conditions of a covenant marriage.

(iii) The signature of both parties witnessed by a notary.

(2) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by

the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b).

(d) The court shall collect a declaration of intent of a covenant marriage fee as established by the supreme court by rule in an amount not to exceed \$50.

New Sec. 55. On or before July 1, 1998, the office of the attorney general shall develop and promulgate an informational pamphlet entitled "covenant marriage act". Such pamphlet shall outline in sufficient detail the consequences of entering into a covenant marriage. Such pamphlet shall be made available to any counselor who provides marriage counseling as provided for by this act.

Sec. 56. K.S.A. 23-105 is hereby amended to read as follows: 23-105. All marriages, *including covenant marriages*, occurring within the state shall be registered under the supervision of the secretary of health and environment as provided in K.S.A. 65-102, *and amendments thereto*.

Sec. 57. K.S.A. 23-106 is hereby amended to read as follows: 23-106. (a) The clerks of the district courts or judges thereof, when applied to for a marriage license by any person who is one of the parties to the proposed marriage and who is legally entitled to a marriage license, shall issue a marriage license in substance as follows:

MARRIAGE LICENSE

(Name of place where office located, month,
day and year.)

TO ANY PERSON authorized by law to perform the marriage ceremony,

Greeting:

You are hereby authorized to join in marriage A B of _____, date of birth _____, and C D of _____, date of birth _____, (and name of parent or guardian consenting), and of this license, duly endorsed, you will make due return to this office immediately after performing the ceremony.

E F, (title of person issuing the license).

(b) If such parties intend the marriage to be a covenant marriage, a declaration of intent to contract a covenant marriage, as established in section 1, and amendments thereto, shall be attached to the marriage license and the license shall also include the following:

"We, (name of intended wife) and (name of intended husband), do hereby declare our intent to contract a covenant marriage and, accordingly, have executed a declaration of intent attached hereto."

~~(b)~~ (c) No clerk or judge of the district court shall issue a marriage license before the third calendar day (Sunday and holidays included) following the date of the filing of the application therefor in such clerk's or judge's office except that in cases of emergency or extraordinary circumstances, a judge of the district court may upon proper showing being made, permit by order of the court the issuance of such marriage license without waiting three days. Each district court shall keep a record of all marriages resulting from licenses issued by the court, which record shall show the names of the persons who were married and the date of the marriage.

~~(c)~~ (d) No clerk or judge shall issue a license authorizing the marriage of any person:

(1) Under the age of 16 years, except that a judge of the district court may, after due investigation, give consent and issue the license authorizing the marriage of a person 15 years of age when the marriage is in the best interest of the person 15 years of age; or

(2) who is 16 or 17 years of age without the express consent of such person's father, mother or legal guardian and the consent of the judge unless consent of both the mother and father and any legal guardian or all then living parents and any legal guardian is given in which case the consent of the judge shall not be required. If not given in person at the time of the application, the consent shall be evidenced by a written certificate subscribed thereto and duly attested. Where the applicants or either of them are 16 or 17 years of age and their parents are dead and there is no legal guardian then a judge of the district court may after due investigation give consent and issue the license authorizing the marriage.

~~(d)~~ (e) The judge or clerk may issue a license upon the affidavit of the party personally appearing and applying therefor, to the effect that the parties to whom such license is to be issued are of lawful age, as required by this section, and the judge or clerk is hereby authorized to administer oaths for that purpose.

~~(f)~~ (f) Every person swearing falsely in such affidavit shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$500. A clerk or judge of the district court shall state in every license the birth dates of the parties applying for the same, and if either or both are 16 or 17 years of age, the name of the father, mother, or guardian consenting to such marriage.

~~(g)~~ (g) Every marriage license shall expire at the end of six months from the date of issuance if the marriage for which the license was issued does not take place within the six-month period of time.

Sec. 58. K.S.A. 23-109 is hereby amended to read as follows: 23-109. (a) Every person who performs a marriage ceremony under the provisions of this act shall endorse the person's certificate of the marriage on the license, give the duplicate copy of the license to the parties to the marriage and return the license, *along with a copy of the declaration of intent to contract a covenant marriage if applicable*, within 10 days after the marriage, to the judge or clerk of the district court who issued it. The judge or clerk shall record the marriage on the marriage record in the office of the judge or clerk and shall forward, not later than the third day of the following month, to the secretary of health and environment the license and certificate of marriage, *along with a copy of the declaration of intent to contract a covenant marriage if applicable*, together with a statement of the names of the parties and the name and address of the person who performed the marriage ceremony.

(b) If no marriage license has been issued by the judge or clerk of the district court during a month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.

Sec. 59. K.S.A. 60-1601 is hereby amended to read as follows: 60-1601. (a) (1) *Except in the case of a covenant marriage*, the district court shall grant a decree of divorce or separate maintenance for any of the following grounds: ~~(A)~~ (A) Incompatibility; ~~(B)~~ (B) failure to perform a material marital duty or obligation; or ~~(C)~~ (C) incompatibility by reason of mental illness or mental incapacity of one or both spouses.

~~(2)~~ (2) The ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall require a finding of either: ~~(A)~~ (A) Confinement of the spouse in an institution by reason of mental illness for a period of two years, which confinement need not be continuous; or ~~(B)~~ (B) an adjudication of mental illness or mental incapacity of the spouse by a court of competent jurisdiction while the spouse is confined in an institution by reason of mental illness. In either case, there must be a finding by at least two of three physicians, appointed by the court before which the action is pending, that the mentally ill or mentally incapacitated spouse has a poor prognosis for recovery from the mental illness or mental incapacity, based upon general knowledge available at the time. A decree granted on the ground of incompatibility by reason of mental illness or mental incapacity of one or both spouses shall not relieve a party from contributing to the support and maintenance of the mentally ill or mentally incapacitated spouse. If both spouses are confined to institutions because of mental illness or mental incapacity, the guardian of either spouse may file a petition for divorce and the court may grant the divorce on the ground of incompatibility by reason of mental illness or mental incapacity.

(b) *Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, the district court shall grant a decree of divorce to a spouse of a covenant marriage only upon proof of any of the following grounds:*

(1) *The other spouse has committed adultery.*

(2) *The other spouse has been convicted of capital murder, as provided in, K.S.A. 21-3439, and amendments thereto, murder in the first degree, as provided in, K.S.A. 21-3401, and amendments thereto, murder in the second degree, as provided in, K.S.A. 21-3402, and amendments thereto, voluntary manslaughter, as provided in, K.S.A. 21-3403, and amendments thereto, involuntary manslaughter, as provided in, K.S.A. 21-3404 or 21-3442, and amendments thereto, rape, as provided in, K.S.A. 21-3502, and amendments thereto, indecent liberties with a child, as provided in, K.S.A. 21-3503, and amendments thereto, aggravated indecent liberties with a child, as provided in, K.S.A. 21-3504, and amendments thereto, criminal sodomy subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto, aggravated criminal sodomy, as provided in, K.S.A. 21-3506, and amendments thereto, indecent solicitation of a child, as provided in, K.S.A. 21-3510, and amendments*

thereto, aggravated indecent solicitation of a child, as provided in, K.S.A. 21-3511, and amendments thereto, sexual exploitation of a child, as provided in, K.S.A. 21-3516, and amendments thereto, aggravated sexual battery, as provided in, K.S.A. 21-3518, and amendments thereto or any conviction for a felony offense that is comparable to a crime listed above, or any federal or other state conviction for a felony offense that under the laws of this state would be an offense as listed above.

(3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

(5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.

(6) (A) The spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separate maintenance was signed.

(B) If there is a minor child or children of the marriage, the spouses have been living separate and apart continuously without reconciliation for a period of one year and six months from the date the judgment of separate maintenance was signed. However, if abuse of a child of the marriage or a child of one of the spouses is the basis for which the judgment of separate maintenance was obtained, then a judgment of divorce may be obtained if the spouses have been living separate and apart continuously without reconciliation for a period of one year from the date the judgment of separate maintenance was signed.

(C) Notwithstanding any other law to the contrary and subsequent to the parties obtaining counseling, the district court shall grant a decree of separate maintenance to a spouse of a covenant marriage upon proof of any of the following grounds:

(1) The other spouse has committed adultery.

(2) The other spouse has been convicted of capital murder K.S.A. 21-3439 and amendments thereto, murder in the first degree, as provided in, K.S.A. 21-3401, and amendments thereto, murder in the second degree, as provided in, K.S.A. 21-3402, and amendments thereto, voluntary manslaughter, as provided in, K.S.A. 21-3403, and amendments thereto, involuntary manslaughter, as provided in, K.S.A. 21-3404 or 21-3442, and amendments thereto, rape, as provided in K.S.A. 21-3502, and amendments thereto, indecent liberties with a child, as provided in, K.S.A. 21-3503, and amendments thereto, aggravated indecent liberties with a child, as provided in, K.S.A. 21-3504, and amendments thereto, criminal sodomy subsection (a)(2) and (a)(3) of K.S.A. 21-3505 and amendments thereto, aggravated criminal sodomy, as provided in, K.S.A. 21-3506, and amendments thereto, indecent solicitation of a child, as provided in, K.S.A. 21-3510, and amendments thereto, aggravated indecent solicitation of a child, as provided in, K.S.A. 21-3511, and amendments thereto, sexual exploitation of a child, as provided in, K.S.A. 21-3516, and amendments thereto, aggravated sexual battery, as provided in, K.S.A. 21-3518, and amendments thereto or any conviction for a felony offense that is comparable to a crime listed above, or any federal or other state conviction for a felony offense that under the laws of this state would be an offense as listed above.

(3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return.

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses.

(5) The spouses have been living separate and apart continuously without reconciliation for a period of two years.

(6) On account of habitual intemperance of the other spouse, or excesses, cruel treatment, or outrages of the other spouse, if habitual intemperance, or such ill-treatment is of such a nature as to render their living together insupportable.”;

And by renumbering remaining sections accordingly;

Also on page 24, in line 19, after “23-101,” by inserting “23-105, 23-106, 23-109,”; in line 20, after “4.118,” by inserting “60-1601.”;

In the title, in line 12, after “302b,” by inserting “23-105, 23-106, 23-109,”; also in line 12, after “23-4.118,” by inserting “60-1601.”;

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Bowers, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Faber, Fund, S. Gatewood, George, Goico, Gordon, Goyle, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Meier, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Suellentrop, Swanson, Talia, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Barnes, Benlon, Bollier, Brookens, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Schwab, Schwartz, Sloan, Spalding, D. Svaty, Swenson, Tafaneli, Tietze, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Donohoe, Frownfelter, Grange, Johnson.

The motion of Rep. A. Brown prevailed; and **HB 2667** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2520** be passed.

Committee on **Taxation** recommends **HB 2621** be amended on page 2, by striking all in lines 17 through 43;

By striking all on pages 3 through 7;

On page 8, by striking all in lines 1 through 38;

And by renumbering sections accordingly;

On page 9, in line 4, after the period by inserting "The credit shall be claimed on a return filed electronically.";

On page 10, in line 5, after the stricken material by inserting "Any investor who has not owed any Kansas income tax under the provisions of article 32, chapter 79 of the Kansas Statutes Annotated for the immediate past three taxable years, who does not reasonably believe that it will owe any such tax for the current taxable year and who makes a cash investment in a qualified security of a qualified Kansas business shall be deemed to acquire an interest in the nature of a transferable credit limited to an amount equal to 50% of this cash investment. This interest may only be transferred when approved by KTEC to any natural person of net worth, as defined in 17 C.F.R. 230.501(a) as in effect on the effective date of this act whether or not such person is then an investor and be claimed by the transferee as a credit against the transferee's Kansas income tax liability beginning in the year provided in subsection (a). No person shall be entitled to a refund for the interest created under this section. Only the full credit for any one investment may be transferred and this interest may only be transferred one time. A credit acquired by transfer shall be subject to the limitations prescribed in this section. Documentation of any credit acquired by transfer shall be provided by the investor in the manner required by the director of taxation."; in line 6, after the stricken material by inserting "(f)"; by striking all in lines 12 through 43;

By striking all on pages 11 and 12;

On page 13, by striking all in lines 20 through 28;

And by renumbering sections accordingly;

Also on page 13, in line 30, by striking all after "Supp."; in line 31, by striking "79-32,197a, 79-32,199a, 79-32,199b,"; also in line 31, after "79-32,207" by striking the comma and inserting "and"; in line 32, by striking "and 79-32,261";

On page 1, in line 9, by striking all following the semicolon; in line 10, by striking "iting future transferability thereof,"; also in line 10, before "amending" by inserting "angel investor tax credit, procedure,"; in line 11, by striking all after "Supp."; in line 12, by striking all before "74-8133"; also in line 12, by striking all after "74-8133"; in line 13, by striking "32,199b and 79-32,261"; in line 14, by striking "74-50,208,"; in line 15, by striking "79-32,197a,"; and the bill be passed as amended.

On motion of Rep. Merrick, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2703, An act concerning retirement and pensions; relating to the Kansas police and firemen's retirement system; retirement benefits, maximum; employee contributions, increase; amending K.S.A. 74-4958, 74-4958a and 74-4965 and repealing the existing sections, by Committee on Appropriations.

MESSAGES FROM THE GOVERNOR

HB 2125; S. Sub. for HB 2353; HB 2414 approved on February 18, 2010.

MESSAGE FROM THE SENATE

Announcing passage of **SB 345, SB 369, SB 370, SB 381, SB 386, SB 389, SB 390, SB 409, SB 423, SB 427, SB 461, SB 471, SB 482, SB 512.**

Announcing passage of **HB 2476**, as amended by **S. Sub. for HB 2476**.

The Senate adopts conference committee report on **S. Sub. for HB 2222**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 345, SB 369, SB 370, SB 381, SB 386, SB 389, SB 390, SB 409, SB 423, SB 427, SB 461, SB 471, SB 482, SB 512.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Senate Substitute for HB 2222**, submits the following report:

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

On page 2, following line 7, by inserting the following material to read as follows:

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

Legislative reserve \$550,000

Provided, That the legislative coordinating council is hereby authorized to transfer moneys from the legislative reserve account of the legislative coordinating council to the legislative coordinating council — operations account, office of revisor of statutes — operations account, legislative research department — operations account, operations (including legislative post audit committee) account of the division of post audit, and operations (including official hospitality) account of the legislature: *Provided further*, That, the legislative coordinating council shall certify to the director of accounts and reports the amount of each such transfer of moneys from the legislative reserve account: *And provided further*, That, at the same time as each such certification, the legislative coordinating council shall transmit a copy of each such certification to the director of the budget.”;

And by redesignating subsections (a), (b) and (c) as (b), (c) and (d), respectively;

On page 3, by striking all in lines 19 through 43;

On page 4, by striking all in line 1;

On page 5, in line 25, by striking “February 1, 2010” and inserting “the effective date of this act”;

On page 8, in line 36, following “contributions” by inserting “other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-

6508, and amendments thereto.”; in line 41, following “research” by inserting “and upon certification to the director of accounts and reports”;

On page 9, in line 14, following “reduced” by inserting “by 5%”; following line 19, by inserting the following material to read as follows:

“(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.”;

And by redesignating subsection (c) as subsection (d);

Also on page 9, in line 37, by striking “or em-”; in line 38, by striking “plovee”; in line 39, by striking “office or”; in line 40, by striking “state officer” and inserting “officer of the state”; in line 41, preceding “section” by inserting “section 15 of article 1 or”; in line 43, preceding “section” by inserting “section 15 of article 1 or”;

On page 10, in line 2, by striking “wages, including”; in line 3, by striking the comma;

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

JAY SCOTT EMLER
CAROLYN MCGINN
LAURA KELLY
Conferees on part of Senate

KEVIN YODER
RAY MERRICK
BILL FEUERBORN
Conferees on part of House

On motion of Rep. Yoder, the conference committee report on **S. Sub. for HB 2222** was adopted.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Barnes, Benlon, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Goico, Knox, Landwehr, Otto.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Donohoe, Garcia, Johnson, Peterson.

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

COMMITTEE OF THE WHOLE

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

Recommended that, having voted on the prevailing side, pursuant to House Rule 2303, Rep. Schwab moved that the adverse action in not recommending **HB 2515** favorably for passage (see HJ, p. 956) be reconsidered. The motion prevailed.

The question then reverted back to the motion to recommend **HB 2515** favorably for passage. Roll call was demanded.

On roll call, the vote was: Yeas 64; Nays 55; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, A. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, DeGraaf, Faber, Frownfelter, Fund, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kerschen, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Rardin, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Suellentrop, Swanson, Tafanelli, Vickrey, Ward, Whitham, K. Wolf, Yoder.

Nays: Barnes, Benlon, Bollier, Bowers, Brookens, T. Brown, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Furtado, D. Gatewood, S. Gatewood, Hawk, Henderson, Henry, Hill, Kelley, Kiegerl, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Proehl, Quigley, Roth, Ruiz, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Wetta, Williams, Winn, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Donohoe, Garcia, Johnson, Peterson.

The motion prevailed and **HB 2515** be passed as amended.

HB 2584, HB 2588, HB 2661, HB 2552 be passed.

HB 2640, HB 2505 be passed over and retain a place on the calendar.

Committee report to **HB 2432** be adopted; and the bill be passed as amended.

Committee report to **HB 2577** be adopted; and the bill be passed as amended.

Committee report to **HB 2589** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2517** be adopted; and the substitute bill be passed.

Committee report to **HB 2280** be adopted; also, on motion of Rep. Otto be amended on page 9, after line 25, by inserting the following:

"Sec. 4. K.S.A. 72-8804 is hereby amended to read as follows: 72-8804. (a) *Except as provided in subsection (b)*, any moneys in the capital outlay fund of any school district and any moneys received from issuance of bonds under K.S.A. 72-8805 or 72-8810, and amendments thereto, may be used for the purpose of the acquisition, construction, reconstruction, repair, remodeling, additions to, furnishing and equipping of buildings necessary for school district purposes, including housing and boarding pupils enrolled in an area vocational school operated under the board of education, architectural expenses incidental thereto, the acquisition of building sites, the undertaking and maintenance of asbestos control projects, the acquisition of school buses and the acquisition of other equipment. The board of education of any school district is hereby authorized to invest any portion of the capital outlay fund of the school district which is not currently needed in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or may invest the same in direct obligations of the United States government maturing or redeemable at par and accrued interest within three years from date of purchase, the principal and interest whereof is guaranteed by the government of the United States. All interest received on any such investment shall upon receipt thereof be credited to the capital outlay fund.

(b) *Moneys in the capital outlay fund which are attributable to transfers of moneys from the general fund of a school district in school year 2008-2009 may be transferred to the contingency reserve fund of the district in school year 2009-2010.*";

And by renumbering the remaining sections accordingly;

Also on page 9, in line 26, after "Sec. 4." by inserting "K.S.A. 72-8804 and"; in line 29, by striking "statute book" and inserting "Kansas register"

In the title, in line 11, after "amending" by inserting "K.S.A. 72-8804 and";

Also, on motion of Rep. Talia to amend **HB 2280**, Rep. Knox requested the question be divided.

The question was divided. On Part A, **HB 2280** be amended on page 4, by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 43;

On page 6, by striking all in lines 1 through 43;

On page 7, by striking all in lines 1 through 43;

On page 8, by striking all in lines 1 through 43;

On page 9, by striking all in lines 1 through 27;

Roll call was demanded on motion to amend **HB 2280** on Part B, by inserting:

“Section 1. (a) When a board of education issues a request for proposal or a request for quotation for the construction of any new school building, all bidders responding to the request shall provide construction cost estimates for the school building along with alternates as specified by the bid documents.

(b) The board shall retain the option to select any, or none, of the alternates.

(c) The provisions of this section shall not apply to the construction of any new school building if the bidding for the construction has closed prior to the effective date of this act.

(d) As used in this section:

(1) “Alternate” means a bid, apart from the base cost estimates concerning the construction of the new school building, itemizing all the energy efficiency measures that fit the school’s size, function and location.

(2) “Bid document” means the construction drawings, specification documents and any other construction documents related to the base cost estimate, the request for proposal or the request for quotation.

(3) “Board of education” means the board of education of any school district.

(4) “Energy efficiency measures” mean the use of features or equipment designed to provide energy, utility and operational cost savings and may include, but are not limited to, the following:

(A) Insulation in walls, roofs, floors and foundations and in heating and cooling distribution systems;

(B) building envelope items, such as roofing, masonry, foundation, windows and doors;

(C) automated or computerized energy control systems;

(D) geothermal heating or cooling pumps, heating, ventilating or air conditioning and distribution system modifications or replacements;

(E) caulking and weather-stripping;

(F) lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination unless the increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;

(G) energy recovery systems;

(H) daylighting systems;

(I) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;

(J) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and

(K) any other modification, installation or remodeling approved as an energy, utility or operational cost savings measure by the board of education.

(5) “School building” means any building or structure operated or used for any purpose by, or located upon the land of, any school district. “School building” does not mean any building or structure operated or used for any purpose by, or located upon the land of, a private school or any owner-occupied, single-family dwelling in which instruction is provided by a home school.

Sec. 2. (a) When a postsecondary educational institution issues a request for proposal or a request for quotation for the construction of any new building, all bidders responding to the request shall provide construction cost estimates for the building along with alternates as specified by the bid documents.

(b) The postsecondary educational institution shall retain the option to select any, or none, of the alternates.

(c) The provisions of this section shall not apply to the construction of any new building if the bidding for the construction has closed prior to the effective date of this act.

(d) As used in this section: (1) "Alternate" means a bid, apart from the base cost estimates concerning the construction of the new school building, itemizing all the energy efficiency measures that fit the school's size, function and location.

(2) "Bid document" means the construction drawings, specification documents and any other construction documents related to the base cost estimate, the request for proposal or the request for quotation.

(3) "Building" means any building or structure operated or used for any purpose by, or located upon the land of, any postsecondary educational institution or private postsecondary educational institution.

(4) "Postsecondary educational institution" has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto.

(5) "Energy efficiency measures" mean the use of features or equipment designed to provide energy, utility and operational cost savings and may include, but are not limited to, the following:

(A) insulation in walls, roofs, floors and foundations and in heating and cooling distribution systems;

(B) building envelope items, such as roofing, masonry, foundation, windows and doors;

(C) automated or computerized energy control systems;

(D) geothermal heating or cooling pumps, heating, ventilating or air conditioning and distribution system modifications or replacements;

(E) caulking and weather-stripping;

(F) lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination unless the increase in illumination is necessary to conform to the applicable building code for the proposed lighting system;

(G) energy recovery systems;

(H) daylighting systems;

(I) cogeneration systems that produce steam or forms of energy such as heat, as well as electricity;

(J) tankless hot water systems, solar hot water systems and low-flow bathroom fixtures and toilets; and

(K) any other modification, installation or remodeling approved as an energy, utility or operational cost savings measure by the board of education.

(e) The provisions of this section shall not apply to any postsecondary educational institution that does not receive or expend any state moneys to pay for energy, utility or operational costs.":

And by renumbering remaining section accordingly;

Also on page 9, in line 29, by striking "statute book" and inserting "Kansas register";

In the title, in line 10, by striking all after "concerning"; by striking all in lines 11 and 12; in line 13, by striking all before the period and inserting "construction of new buildings; relating to schools, colleges and universities; relating to energy efficiency";

On roll call, the vote was: Yeas 56; Nays 64; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, T. Brown, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, King, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Ruiz, Slattery, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, Worley.

Nays: Aurand, Bollier, Bowers, Brookens, A. Brown, Brunk, Carlson, Colloton, Craft, Crum, DeGraaf, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Light, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, Swanson, Tafanelli, Vickrey, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Donohoe, Garcia, Johnson, Peterson.

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

On motion of Rep. Faber to rerefer **HB 2280** to Committee on Education Budget, Rep. Colloton, having voted on the prevailing side, offered a substitute motion to reconsider the action in adoption of Part A of Rep. Talia's amendment. The motion prevailed.

The question then reverted back to Part A of the Talia motion to amend, which did not prevail.

On motion of Rep. Feuerborn, **HB 2280** be amended on page 7, after line 40, by inserting the following:

"(iv) For contractual bond obligations incurred by a school district on or after July 1, 1992, if 10 years has lapsed since the time the qualified electors of a school district last approved the issuance of bonds pursuant to K.S.A. 72-6761, and amendments thereto, the state aid computation percentage is 25%";

On page 8, in line 4, by striking "and (4)(B)(iii) and inserting ", (4)(B)(iii) and (4)(B)(iv)"; and **HB 2280** be passed as amended.

Committee report to **HB 2595** be adopted; and the bill be passed as amended.

Committee report to **HB 2601** be adopted; also, on motion of Rep. Aurand be amended on page 5, by striking all in line 33; in line 34, by striking "follows: 72-6455.";

On page 7, in line 15, by striking "If" and inserting "Except as provided by paragraph (C), if"; after line 25, by inserting the following:

"(C) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by .105. The product is the high density at-risk pupil weighting of the district."; and **HB 2601** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2453** be adopted; also, on motion of Rep. Peck to amend, the motion did not prevail, and the substitute bill be passed.

On motion of Rep. Brookens, **HB 2429** be rereferred to Committee on Judiciary.

Committee report to **HCR 5026** be adopted; and the resolution be adopted as amended.

Committee report to **HB 2471** be adopted; and the bill be passed as amended.

Committee report to **HB 2581** be adopted; and the bill be passed as amended.

Committee report to **HB 2540** be adopted; and the bill be passed as amended.

Committee report to **HB 2631** be adopted; and the bill be passed as amended.

Committee report to **HB 2605** be adopted; and the bill be passed as amended.

Committee report to **HB 2637** be adopted; and the bill be passed as amended.

Committee report to **HB 2448** be adopted; and the bill be passed as amended.

Committee report to **HB 2619** be adopted; and the bill be passed as amended.

On motion of Rep. Dillmore to amend **HB 2478**, the motion was withdrawn; and the bill be passed.

Committee report to **HB 2472** be adopted; also, on motion of Rep. M. Holmes to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2561** be adopted; and the bill be passed as amended.

On motion of Rep. Brunk, **HB 2596** be referred to Committee on Federal and State Affairs.

On motion of Rep. Whitham, **HB 2656** be amended on page 95, in line 22, after "date" by inserting "and the time";

On page 118, in line 13, by striking the comma;

On page 122, in line 7, by striking "(B), (C) and (D)" and inserting "(A)(ii) through (vii)";

On page 126, after line 25, by inserting the following:

"(e) *Nominee*. In an action in which any relief sought would determine title or affect a security interest in real property, a person who is subject to service of process must be joined as a party if the person is a nominee of record on behalf of a beneficial owner of a claimed interest in the property that is the subject of the action. The nominee need not be a party required to be joined under subsection (a)(1).";

On page 185, in line 36, by striking "60-236" and inserting "60-230";

On page 194, in line 40, by striking all after "K.S.A." and inserting "75-4351 through 75-";

On page 225, in line 22, by striking the comma where it appears for the last time;

On page 243, in line 9, after "Kansas" by inserting ", by a person licensed as a private detective pursuant to K.S.A. 75-7b01 et seq., and amendments thereto,"; in line 15, by

striking “or” and inserting a comma; also in line 15, after “attorney” by inserting “or a licensed private detective”;

On page 251, in line 35, by striking “copy”; in line 36, by striking “service” and inserting “services”;

On page 324, in line 32, by striking all after “If”; in line 33, by striking “stance”; also in line 33, by striking “closed for business” and inserting “inaccessible”; and **HB 2656** be passed as amended.

Committee report to **HB 2660** be adopted; also, on motion of Rep. DeGraaf be amended on page 1, following line 27, by inserting the following:

“New Sec. 3. (a) On and after January 1, 2011, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one Boy Scouts of America license plate for each such passenger vehicle or truck. In addition to the license plate, a person issued such a license plate may request a decal for the order of the arrow, wood badge, God and county award and eagle scout for each license plate. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) A Boy Scouts of America council may authorize the use of their logo to be affixed on license plates or any decal as provided by this section. Any royalty payment received pursuant to this section shall be paid to the Boy Scouts of America and shall be used to support the Boy Scouts of America. Any motor vehicle owner or lessee annually may apply to the Boy Scouts of America for the use of such logo. Upon annual application and payment to the Boy Scouts of America in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate and decal to be issued, the Boy Scouts of America shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a license plate authorized by this section may make application for such plates not less than 60 days prior to such person’s renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person’s residence.

(f) The Boy Scouts of America councils shall:

(1) Pay the initial cost of silk-screening for license plates authorized by this section; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Boy Scouts of America councils for information concerning the application process or the status of their license plate application.

(g) The Boy Scouts of America councils, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate and decals to be issued under the provisions of this section.

(h) A fee of \$2 shall be paid for each decal issued under this section. Such decals shall be affixed to the license plate in the location required by the director.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, following “concerning” by inserting “the registration thereof; regulating”; in line 11, preceding the semicolon, by inserting “; providing for a Boy Scouts of America license plate”; and **HB 2660** be passed as amended.

Committee report to **HB 2239** be adopted; also, on motion of Rep. Aurand be amended on page 3, in line 25, after “year” by inserting “or \$10,000, whichever is less”;

Also, on motion of Rep. Lane, **HB 2239** be amended on page 3, after line 43, by inserting the following:

“New Sec. 5. The legislature shall appropriate sufficient funds to pay the costs incurred by the state board of education and school districts which are attributable to the implementation of, and compliance with, the provisions of this act.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Aurand, **HB 2239** be amended on page 3, in line 19, by striking all in lines 19 through 25; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2238** be adopted; and the substitute bill be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2704, An act concerning school districts; relating to school finance; relating to consolidation; amending K.S.A. 2009 Supp. 72-6412 and 72-8701 and repealing the existing sections, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2515, HB 2547, HB 2638, HB 2652 reported correctly engrossed February 17, 2010.

Also, **HB 2410, HB 2604, HB 2667, HB 2676** reported correctly engrossed February 18, 2010.

Also, **HB 2195** reported correctly re-engrossed on February 18, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, February 19, 2010.

CHARLENE SWANSON, *Journal Clerk*.

SUSAN W. KANNARR, *Chief Clerk*.

