

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 5, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 121 members present.

Reps. O'Brien and Tomlinson were excused on verified illness.

Reps. Cook and E. Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Leon Hayen, assistant pastor, First United Methodist Church, Topeka:

The Psalmist of ancient days knew you, O God, when humbly he prayed: "You have searched me and known me! You know when I sit down and when I rise up, you know my thoughts from afar. You are acquainted with all my ways. Such knowledge is too wonderful for me; it is high, I cannot attain it." (Psalms 139)

And yet, Gracious God, we have the nagging feeling You expect us to try! And try again!

Perhaps, O Holy One, You in a light-hearted way even offer us some theology about life through a super Superbowl where the underdog Patriots (What a name for these present days) and a very young fair-haired quarterback show the world what teamwork can accomplish. What perseverance! What dogged determination! And what admiration we all feel!

Knowing You as we do, O God, it is no stretch of imagination to presume You have high hopes for us in this chamber. Bless us, O God, that we may do the work of this day with willing hearts in a similar devotion to duty. And so we pray to the One who created and re-deemed us and knows us by name. Amen.

The Pledge of Allegiance was led by Rep. Mason.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2766, An act concerning consumer protection; relating to automatic renewals, by Committee on Business, Commerce and Labor.

HB 2767, An act concerning consumer protection; relating to prohibited acts regarding licensure, by Committee on Business, Commerce and Labor.

HB 2768, An act concerning farm and pastureland tenancies; relating to termination thereof; amending K.S.A. 58-2506 and 58-2506a and repealing the existing sections, by Committee on Agriculture.

HB 2769, An act concerning criminal procedure; relating to abatement of common nuisances; amending K.S.A. 22-3901 and repealing the existing section, by Representative Loyd.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2764**.

Education: **HB 2757**, **HB 2765**.

Ethics and Elections: **HB 2761**.
Health and Human Services: **HB 2762**.
Judiciary: **HB 2759, HB 2763**.
Local Government: **HB 2760**.
Transportation: **HB 2756**.
To be referred: **HB 2758**.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2337** from Committee on Appropriations and referral to Committee on Local Government.

COMMUNICATIONS FROM STATE OFFICERS

From Janet Schalansky, Secretary, Kansas Department of Social and Rehabilitation Services, as required by new Section 9 of Chapter 208 of the 2001 Session Laws of Kansas, report Concerning Persons Non-Restorable to Competency, December 2001.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 166, SB 397**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 166, SB 397.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Ballard, **HR 6005**, A resolution honoring Langston Hughes upon the centennial of his birth, was adopted.

Rep. Ballard welcomed Maryemma Graham, Professor of English, and Bill Tuttle, Professor of History and American Studies, both of the University of Kansas, and presented them with a certificate honoring Langston Hughes.

CONSENT CALENDAR

No objection was made to **HB 2623** appearing on the Consent Calendar for the second day.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Loyd in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2621, HB 2622** 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 bills were thereupon introduced and read by title:

HB 2770, An act concerning the Persian Gulf War veterans health initiative act; providing for certain funding; amending K.S.A. 8-145 and K.S.A. 2001 Supp. 73-1222, 73-1224, 73-1225, 73-1226, 73-1227, 73-1230 and 73-1231 and repealing the existing sections, by Representatives Thimesch, Aday, Ballard, Barnes, Beggs, Burroughs, Compton, Cook, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Faber, Findley, Flaharty, Freeborn, Garner, Goering, Gordon, Grant, Hayzlett, Henry, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Klein, Kuether, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, Osborne, Ostmeyer, Patterson, Pauls, E. Pe-

terson, Phelps, L. Powell, Pyle, Rehorn, Ruff, Sharp, Showalter, Stone, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Vickrey, Wells, Welshimer, J. Williams and Wilson.

HB 2771, An act concerning civil procedure for limited actions; concerning garnishment; relating to methods of service of process; concerning telefacsimile communications and internet electronic mail; amending K.S.A. 2001 Supp. 61-3003 and repealing the existing section, by Committee on Judiciary.

HB 2772, An act concerning court costs; relating to a laboratory analysis fee; amending K.S.A. 28-176 and repealing the existing section, by Committee on Judiciary.

HB 2773, An act concerning criminal procedure; relating to criminal history record information; adding the state security hospital to the definition of criminal justice agency; amending K.S.A. 2001 Supp. 22-4701 and repealing the existing section, by Committee on Judiciary.

HB 2774, An act concerning sexually violent predators; relating to persons in the sexual predator treatment program at the Larned state hospital; allowing certain extremely ill or physically or mentally incapacitated persons to be considered for transfer; annual review by the court; amending K.S.A. 2001 Supp. 59-29a08, 59-29a10 and 59-29a18 and repealing the existing sections, by Committee on Judiciary.

HB 2775, An act concerning medical assistance; concerning the repayment thereof; creating and imposing a lien on real property of certain recipients of medical assistance; making certain transfers of property voidable; amending K.S.A. 39-709 and repealing the existing section, by Committee on Judiciary.

HB 2776, An act concerning adoption; relating to venue; amending K.S.A. 59-2126 and repealing the existing section, by Committee on Judiciary.

HB 2777, An act concerning payments by school districts; amending K.S.A. 12-105b and 72-5326 and K.S.A. 2001 Supp. 72-8201 and repealing the existing sections, by Representative Huff.

HB 2778, An act concerning jurors; relating to mothers breastfeeding her child; amending K.S.A. 43-158 and repealing the existing section, by Representative Shultz.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1353, under Final Action on Bills and Concurrent Resolutions, under the yeas on **HB 2602** and **HB 2603**, delete "Alldritt" and insert "Goering;" delete "Kline" and insert "Owens;" and insert an "R." before Toelkes.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, February 6, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

