

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 6, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 122 members present.

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

Rep. Shultz was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of Life, in the wonder of your power and love, you spoke a word into the void and there was light and there was evening and morning, the first day. In the beginning of our awareness as human beings, we witnessed the light and the dark and experienced time, which you had set in motion. And, Lord, since that moment we have been wrestling with time.

We strap watches on our wrists to keep track of time. We organize our lives around its unhalting progress. We seek to manage it with calendars and agendas and personal digital assistants. And just when we believe we are in control, something called "life" intrudes to remind us that only you are sovereign over time and that time is not something so much to be controlled as it is a gift to us that we might enjoy the life you have given.

Lord, we thank you this day for the time that you have given us. Help us to live each moment in a way that proclaims the wonder of your gifts and the unbounded promise of your grace. Amen.

The Pledge of Allegiance was led by Rep. E. Peterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 3007, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 3008, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 of the 2001 Session Laws of Kansas, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2306, **HB 2668** was withdrawn from the Calendar under the heading, General Orders, and rereferred to Committee on Education.

Also, **HB 2666** was withdrawn from the Calendar under the heading, General Orders, and rereferred to Committee on Health and Human Services.

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

COMMITTEE OF THE WHOLE

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

Recommended that pursuant to House Rule 1903, **HB 2690**, **HB 2763** be passed over and retain a place on the calendar.

Committee report to **HB 2085** be adopted; also, on motion of Rep. DeCastro be amended on page 1, in line 23, after "after" by inserting "January 1, 2004 and";

Also, on motion to recommend **HB 2085** favorably for passage, the motion did not prevail.

Committee report to **HB 2399** be adopted; and the bill be passed as amended.

Committee report to **HB 2880** be adopted; and the bill be passed as amended.

Committee report to **HB 2752** be adopted; also, on motion of Rep. Kirk be amended on page 1, following line 31, by inserting the following

"Sec. 2. K.S.A. 2001 Supp. 21-3701 is hereby amended to read as follows: 21-3701. (a) Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of the owner's property:

(1) Obtaining or exerting unauthorized control over property;

(2) obtaining by deception control over property;

(3) obtaining by threat control over property; or

(4) obtaining control over stolen property knowing the property to have been stolen by another.

(b) (1) Theft of property of the value of \$25,000 or more is a severity level 7, nonperson felony.

(2) Theft of property of the value of at least \$500 but less than \$25,000 is a severity level 9, nonperson felony.

(3) Theft of property regardless of the value from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony.

(4) Theft of property of the value of less than \$500 is a class A nonperson misdemeanor.

(5) Theft of property of the value of less than \$500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, been convicted of theft two or more times.

(c) *Conviction of a violation of a municipal ordinance prohibiting acts which constitute theft as defined by this section shall be considered a conviction of theft for the purpose of determining the number of prior convictions and the classification of the crime under this section.*

Sec. 3. K.S.A. 2001 Supp. 21-3701 is hereby repealed.";

And by renumbering the remaining section accordingly;

In the title, in line 10, following "ACT" by inserting "concerning crimes and punishment; relating to theft;"; in line 11, before the period, by inserting ";"; amending K.S.A. 2001 Supp. 21-3701 and repealing the existing section"; and **HB 2752** be passed as amended.

Committee report to **HB 2735** be adopted; and the bill be passed as amended.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, March 7, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

