

# Journal of the House

EIGHTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 3, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Rep. Kilpatrick was excused on verified illness.

Prayer by guest chaplain, the Rev. Michael Tomson-DeGreeff, pastor, Pleasant Hill United Methodist Church, Topeka:

Holy Creator, we give thanks and praise to You as the Author and Giver of Life.  
Lord, forgive us for the times we are motivated by self-interest and petty hatred.  
Call forth the better angels of our nature to love and serve each other as Children of God.

Lord, bless the men and women gathered here in the Kansas House of Representatives. May they use their power and influence wisely, may their work be guided by Your grace and love, and may their words and deeds be pleasing to you. We pray in Christ's name. Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2271**, An act concerning crimes and punishment; relating to stalking; amending K.S.A. 2004 Supp. 21-3438 and repealing the existing section, by Representatives Kilpatrick, Beamer, Colloton, E. Johnson, Kelley, Mast, Owens and Yonally.

**HB 2272**, An act concerning workers compensation; certain maximum compensation benefits; workers compensation advisory council; amending K.S.A. 44-510f and K.S.A. 2004 Supp. 44-596 and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2273**, An act concerning the workers compensation advisory council; amending K.S.A. 44-574 and K.S.A. 2004 Supp. 75-4319 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 44-596 and 75-4319b, by Committee on Commerce and Labor.

**HB 2274**, An act concerning private construction contracts; enacting the Kansas fairness in private construction contract act, by Committee on Commerce and Labor.

**HB 2275**, An act relating to cemetery companies; concerning cemetery monuments and monument companies, by Committee on Financial Institutions.

**HB 2276**, An act concerning transmission of money; relating to the use of credit cards, by Committee on Financial Institutions.

**HB 2277**, An act relating to consumer protection; concerning credit and debit card receipts; amending K.S.A. 2004 Supp. 50-669b and repealing the existing section, by Committee on Financial Institutions.

**HB 2278**, An act relating to the consumer credit code; concerning alternative finance charges on certain consumer loans, by Committee on Financial Institutions.

**HB 2279**, An act concerning municipalities; relating to utility services provided thereby; amending K.S.A. 2004 Supp. 12-631k, 12-860, 14-569 and 19-2765b and repealing the existing sections, by Representative F. Miller.

**HB 2280**, An act concerning agriculture; relating to grain warehouses; sampling; violations of law, civil penalties; fees; amending K.S.A. 34-228 and repealing the existing section, by Committee on Agriculture.

**HB 2281**, An act concerning governor's records; providing for the disposition of gubernatorial records; amending K.S.A. 75-104 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2282**, An act concerning state institutions, state hospitals and universities; relating to clinical trials, by Committee on Health and Human Services.

**HB 2283**, An act concerning the department of health and environment; relating to nosocomial infections; establishing an advisory committee; amending K.S.A. 65-430 and repealing the existing section, by Committee on Health and Human Services.

**HB 2284**, An act concerning children; relating to breastfeeding, by Committee on Health and Human Services.

**HB 2285**, An act concerning health care; relating to the board of examiners for hearing instruments; membership, powers and duties; relating to licensure, disciplinary actions, fees and penalties; amending K.S.A. 74-5801, 74-5802, 74-5804, 74-5805, 74-5806, 74-5807, 74-5808, 74-5809, 74-5810a, 74-5811, 74-5812, 74-5813, 74-5814, 74-5815, 74-5816, 74-5818, 74-5819, 74-5820, 74-5821 and 74-5823 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2286**, An act concerning insurance; relating to the recovery of economic or noneconomic loss sustained as a result of an accident while operating an uninsured motor vehicle, by Representative O'Neal.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2264**, **HB 2267**.

Corrections and Juvenile Justice: **HB 2261**.

Economic Development: **HB 2265**.

Education: **HB 2251**, **HB 2252**.

Federal and State Affairs: **HB 2266**.

Governmental Organization and Elections: **HB 2249**, **HB 2250**, **HB 2254**.

Health and Human Services: **HB 2256**, **HB 2257** (separately); **HB 2258**.

Insurance: **HB 2255**, **HB 2257** (separately).

Judiciary: **HB 2262**, **HB 2268**, **HB 2269**, **HB 2270**.

Taxation: **HB 2259**, **HB 2260**.

Utilities: **HB 2263**.

Wildlife, Parks and Tourism: **HB 2253**.

#### CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2024** from Committee on Education and referral to Select Committee on School Finance.

#### COMMUNICATIONS FROM STATE OFFICERS

From Judge Frank J. Yeoman, Jr., Board of Directors, Kansas Guardianship Program, pursuant to K.S.A. 74-9601 et seq., as amended, 2004 Annual Report, July 1, 2003 - June 30, 2004.

From Kansas Public Broadcasting Council, pursuant to K.S.A. 75-4924 (1) - (5), Annual Report, for Fiscal Year 2006.

From Patricia Biggs, Executive Director, Kansas Sentencing Commission, pursuant to K.S.A. 74-9101, 2005 Annual Report.

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

#### CONSENT CALENDAR

No objection was made to **HB 2086** appearing on the Consent Calendar for the first day.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Myers, Committee of the Whole report, as follows, was adopted:  
Recommended that **HB 2027, HB 2109, HB 2031** be passed.

Committee report to **HR 6004** be adopted; also, on motion of Rep. Yonally to amend, the motion did not prevail, and the resolution be adopted as amended.

Committee report to **HB 2083** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions** recommends **HB 2098, HB 2125** be passed.

Committee on **Financial Institutions** recommends **HB 2097** be amended on page 1, in line 24, by striking the comma and inserting "or"; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2041** be amended on page 6, in line 21, following "candidate", by inserting ", subject to the limitations of section 5, and amendments thereto";

On page 7, following line 5, by inserting:

"New Sec. 5. (a) For the purpose of transferring residual funds to a bona fide successor committee or candidacy:

(1) Any residual funds of a candidate for an office elected on a statewide basis only may be transferred to a bona fide successor committee or candidacy for an office elected on a statewide basis;

(2) Any residual funds of a candidate for a legislative office only may be transferred to a bona fide successor committee or candidacy for a legislative office;

(3) Any residual funds of a candidate for an office other than those offices described in paragraphs (1) and (2) may be transferred to a bona fide successor committee or candidacy for any office other than those offices described in paragraphs (1) and (2).

(b) This section shall be part of and supplemental to the campaign finance act.;"

By renumbering sections and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2123, HB 2124** be passed.

Committee on **Transportation** recommends **HB 2078** be amended on page 1, following line 13, by inserting the following:

"Section 1. K.S.A. 8-1720 is hereby amended to read as follows: 8-1720. (a) Except as provided in subsection (b), every authorized emergency vehicle, in addition to any other equipment required by this act, shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, or in lieu thereof, any such authorized emergency vehicle shall be equipped with at least one rotating or oscillating light, which shall be mounted as high as practicable on such vehicle and which shall display to the front and rear of such vehicle a flashing red light or alternate flashes of red and white lights or red and blue lights in combination. All lights required or authorized by this subsection shall have sufficient intensity to be visible at 500 feet in normal sunlight. Every authorized emergency vehicle may, but need not, be equipped with head lamps which alternately flash ~~from high to low beam~~ or simultaneously flash ~~high to low beam~~.

(b) A police vehicle when used as an authorized emergency vehicle may, but need not, be equipped with:

(1) Head lamps which alternately flash ~~from high to low beam~~ or simultaneously flash ~~from high to low beam~~;

(2) flashing lights specified in subsection (a), but any flashing lights, used on a police vehicle, other than the flashing lights specified in K.S.A. 8-1722, and amendments thereto, rotating or oscillating lights or alternately flashing head lamps or simultaneously flashing head lamps, shall be red in color; or

(3) rotating or oscillating lights, which may display a flashing red light or alternate flashes of red and blue lights in combination.;"

Also on page 1, in line 14, by striking "Section 1." and inserting "Sec. 2.;"

On page 2, in line 1, by striking all after “flash” where it appears for the first time; in line 2, by striking all preceding “when” and inserting “or simultaneously flash”; following line 4, by inserting:

“Sec. 3. K.S.A. 8-1729 is hereby amended to read as follows: 8-1729. (a) During the times specified in K.S.A. 8-1703, *and amendments thereto*, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than ~~three hundred (300)~~ 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than ~~seventy-five (75)~~ 75 feet from the vehicle.

(b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and ~~any~~ amendments thereto, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723(~~+~~), 8-1730, 8-1730a and 8-1731, and ~~any~~ amendments thereto.

(d) The flashing lights described in K.S.A. 8-1720, 8-1730 and 8-1730a, and ~~any~~ amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus, as defined in K.S.A. 8-1730a, *and amendments thereto*, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.”;

Also on page 2, by striking all in line 5 and inserting:

“Sec. 4. K.S.A. 8-1720 and 8-1729 and K.S.A. 2004 Supp. 8-1723 are hereby repealed.”;

By renumbering the remaining section accordingly;

On page 1, in the title, in line 9, by striking all following “concerning”; in line 10, by striking all preceding the semicolon and inserting “certain lighting equipment”; also in line 10, preceding “K.S.A.” by inserting “K.S.A. 8-1720 and 8-1729 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

**HB 2287**, An act concerning health care decisions; relating to durable powers of attorney for health care decisions and declarations; amending K.S.A. 40-2130, 58-625, 58-632 and 65-28,103 and K.S.A. 2004 Supp. 58-629 and repealing the existing sections, by Representative Dillmore.

**HB 2288**, An act concerning sales taxation; relating to exemption certificates; amending K.S.A. 2004 Supp. 79-3651 and repealing the existing section, by Committee on Taxation.

**HB 2289**, An act concerning the Kansas and Missouri metropolitan culture district compact; relating to the distribution of revenues; amending K.S.A. 12-2536 and repealing the existing section, by Committee on Taxation.

**HB 2290**, An act concerning sales taxation; relating to exemptions; Dreams Work, Inc.; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2291**, An act concerning wines; authorizing shipping within, into and out of the state under certain circumstances; amending K.S.A. 41-308a and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2292**, An act concerning wine; providing for certain purchases from persons licensed in other states; prescribing certain restrictions thereon, by Committee on Federal and State Affairs.

**HB 2293**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; county detention officers; normal retirement date; costs, by Committee on Appropriations.

**HB 2294**, An act enacting the adult care home group-funded pool act; authorizing adult care homes to pool liabilities; providing certificate of authority to operate pools and providing for the regulation thereof; amending K.S.A. 40-2121, 40-2209f, 40-2259, 40-3606, 44-559a and 65-474 and K.S.A. 2004 Supp. 40-2209 and repealing the existing sections, by Committee on Appropriations.

**HB 2295**, An act relating to motor vehicles; concerning air bags, by Committee on Transportation.

**HB 2296**, An act regulating traffic; concerning motorcycle equipment; amending K.S.A. 8-1597 and repealing the existing section, by Committee on Transportation.

**HB 2297**, An act amending the interstate motor fuel use act; relating to certain exemptions; amending K.S.A. 79-34,120 and repealing the existing section, by Committee on Transportation.

**HB 2298**, An act relating to license plates; concerning the purple heart medal license plate; amending K.S.A. 8-1,140 and repealing the existing section, by Committee on Transportation.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6010—

By Representative M. Miller

A RESOLUTION congratulating and commending the Wichita State University women's volleyball team.

WHEREAS, The 2004 Wichita State University women's volleyball team won the school's first regular season Missouri Valley Conference championship plus the first league tournament championship. The team made its first appearance at the National Collegiate Athletic Association tournament and won its first match; and

WHEREAS, The team completed the season with a school record of 25 wins to 6 losses and with a school record of 17 wins to 1 loss in Missouri Valley Conference competition; and

WHEREAS, Several school records were set by this year's team including a total of 13 consecutive wins, average home attendance of 1,166, total single match home attendance of 2,046 and total season home attendance of 17,485; and

WHEREAS, Additional school records were set by Sara Younes for 351 career aces and Karen Augspurger for 535 single season and 1,477 career digs; and

WHEREAS, Individual honors received were as follows:

Conference Player of the Year—Sara Younes

Conference Libero of the Year—Karen Augspurger

Conference Coach of the Year—Chris Lamb

Conference Tournament MVP—Lara Geer

All Conference Tournament Team—Lara Geer, Darci Vohs and Karen Augspurger

All Conference First Team—Sara Younes, Lara Geer, Darci Vohs and Jen Ray

All Conference Second Team—Elizabeth Meyers

All Conference Freshman Team—Abby Harsh and Sara Lungren: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend the 2004 Wichita State University women's volleyball team and coach Chris Lamb for winning the Missouri Valley Conference championship and for the many school records the team set this year; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Jim Schaus, Director of Athletics, and to the team's coaches, Chris Lamb, Shannon Lamb, Jeff Sanders and Liz Wegner, all addressed

to the Wichita State University Department of Athletics at 1845 Fairmount, Wichita, KS 67260-0018.

On motion of Rep. Aurand, the House adjourned until 8:30 a.m., Friday, February 4, 2005.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

