

Journal of the House

TWENTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Tuesday, February 8, 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. Kuether was excused on verified illness.
Rep. C. Holmes was excused on legislative business.

Prayer by Chaplain Chamberlain:

Lord of the heavens and the earth, we come in the chill of this day into the warmth of your presence, for you are the God who surrounds us with all that comforts and sustains us. You set the sun and the stars in motion and breathe life onto every living thing. How wonderful are your works, O God.

Hear us today as we lift our voices in humble praise and as we search for your guidance in our personal lives and in the lives of our communities. How would you have us live, O God? What would you have us do for those in need? What would you have us do to answer the voices of hate and bigotry? What would you have us do when men and women who want to work cannot find jobs? What would you have us do to provide for our children?

Guide us to the answers to these difficult questions in a spirit of humility and thanksgiving for your providence and grace. Amen.

The Pledge of Allegiance was led by Rep. Larkin.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2339, An act enacting the special education seclusion and restraint modernization and parental support act; requiring certain annual appropriations, by Committee on Appropriations.

HB 2340, An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Representative Ruff.

HB 2341, An act concerning agriculture; relating to uniformity and jurisdiction of the Kansas fertilizer law, by Committee on Agriculture.

HB 2342, An act concerning nurses and nursing; relating to the pronouncement of death, by Committee on Health and Human Services.

HB 2343, An act concerning computers; enacting the consumer protection against computer spyware act; prohibiting certain acts and providing penalties for violations, by Representative Holland.

House Concurrent Resolution No. 5011—

A CONCURRENT RESOLUTION expressing the Legislature's recognition and appreciation for family caregivers throughout the state.

WHEREAS, The majority of community-based and home-based services are provided by family members; and

WHEREAS, A growing number of grandparents are carrying out the role of primary caregiver for their grandchildren; and

WHEREAS, An increasing number of adult children, spouses and other family members are caring for a growing number of frail elders and permanently disabled persons; and

WHEREAS, These caregivers are devoted individuals who often assume responsibilities for several generations of family members; and

WHEREAS, Many of these caregivers hold full-time jobs in addition to their caregiving responsibilities; and

WHEREAS, Caregiving is frequently physically demanding and emotionally draining, affecting the health of the caregiver; and

WHEREAS, These caregivers are, themselves, in need of supportive services; and

WHEREAS, These caregiving services are of inestimable value, the cost of which is beyond the ability of the state to fund: NOW, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature expresses its recognition and appreciation of Kansas' family caregivers and extends such recognition and appreciation to them.

Be it further resolved: That copies of this resolution be transmitted to family caregivers throughout the state via the State department on aging's family caregiver support programs.

Be it further resolved: That the Secretary of State is directed to send an enrolled copy of this resolution to the Secretary of Aging.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2319, HB 2320, HB 2335, HB 2338.**

Commerce and Labor: **HB 2312, HB 2316, HB 2317, HB 2318.**

Corrections and Juvenile Justice: **HB 2313, HB 2314, HB 2324, HB 2327, HB 2328.**

Education: **HB 2331, HB 2332, HB 2333, HB 2334.**

Federal and State Affairs: **HB 2329.**

Governmental Organization and Elections: **HB 2321; HCR 5010.**

Health and Human Services: **HB 2311, HB 2330, HB 2336, HB 2337.**

Insurance: **HB 2322, HB 2323, HB 2325, HB 2326.**

Transportation: **HB 2310, HB 2315.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2241** from Committee on Health and Human Services and referral to Committee on Insurance.

Also, the withdrawal of **HB 2251** from Committee on Education and referral to Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6014—

A RESOLUTION approving Executive Reorganization Order No. 33, relating to reorganization of certain state health care programs and the establishment of a division of health policy and finance within the department of administration.

Be it resolved by the House of Representatives of the State of Kansas: That Executive Reorganization Order No. 33 is hereby approved in accordance with Section 6 of Article 1 of the Constitution of Kansas.

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor.

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing approval of the House of Representatives of Executive Reorganization Order No. 33.

HOUSE RESOLUTION No. 6015—

A RESOLUTION disapproving Executive Reorganization Order No. 33, relating to reorganization of certain state health care programs and the establishment of a division of health policy and finance within the department of administration.

Be it resolved by the House of Representatives of the State of Kansas: That Executive Reorganization Order No. 33 is hereby disapproved in accordance with Section 6 of Article 1 of the Constitution of Kansas.

Be it further resolved: That the secretary of state shall transmit a copy of this resolution to the governor.

Be it further resolved: That the secretary of state shall cause this resolution to be published in the session laws to show permanently the foregoing disapproval of the House of Representatives of Executive Reorganization Order No. 33.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1603, A concurrent resolution adopting joint rules for the Senate and House of Representatives for the 2005-2006 biennium, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, Mast, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder, Yonally.

Nays: Faber, Gatewood.

Present but not voting: None.

Absent or not voting: C. Holmes, Kuether.

The resolution was adopted.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2098**, **HB 2123** be passed.

HB 2090 be passed over and retain a place on the calendar.

Committee report to **HB 2097** be adopted; and the bill be passed as amended.

On motion of Rep. Loyd, **HB 2125** be amended on page 1, in line 21, following "thereto" by inserting "", except that the failure of the mortgagor to pay such fee shall not relieve the mortgagee or the mortgagee's assignee from entering satisfaction of such mortgage in compliance with the provisions of this section"; and the bill be passed as amended.

Committee report to **HB 2078** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Judiciary** recommends **HB 2113** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2113," as follows:

"Substitute for HOUSE BILL No. 2113

By Committee on Judiciary

"AN ACT concerning municipal courts; relating to collection of fines and court costs; amending K.S.A. 12-4104, 12-4108, 12-4109, 12-4112, 12-4113 and 12-4601 and K.S.A.

2004 Supp. 12-4106 and 60-2310 and repealing the existing sections.“; and the substitute bill be passed.

(**Sub. HB 2113** was thereupon introduced and read by title.)

Committee on **Wildlife, Parks and Tourism** recommends **HB 2115** 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 2344, An act concerning the Kansas code for care of children; relating to compulsory school attendance; dispositions; amending K.S.A. 38-1501 and 38-1563 and K.S.A. 2004 Supp. 38-1502 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2345, An act concerning the Kansas state high school activities association; relating to the powers and duties thereof, by Representative Carter.

HB 2346, An act concerning insurance; enacting the unfair claims settlement practices act; amending K.S.A. 2004 Supp. 40-2404 and repealing the existing section, by Representative Carter.

HB 2347, An act authorizing the state board of regents to sell and convey a certain tract of real estate located in Ellis county, Kansas, for and on behalf of Fort Hays state university to the city of Hays, Kansas, by Committee on Appropriations.

HB 2348, An act relating to alternative-fueled motor vehicles; concerning the state fleet; amending K.S.A. 75-4616 and repealing the existing section, by Representative Carter.

HB 2349, An act concerning cities; relating to annexation; amending K.S.A. 12-519 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2350, An act concerning elections; relating to campaign finance; amending K.S.A. 25-904 and K.S.A. 2004 Supp. 25-4143 and repealing the existing sections, by Committee on Governmental Organization and Elections.

HB 2351, An act concerning the Kansas state school for the blind; relating to the rates of compensation for teachers employed thereby, by Representative Siegfried.

HB 2352, An act creating the revised Kansas code for care of children; amending K.S.A. 5-512, 28-170a, 38-140, 38-538, 38-1604, 38-1608, 38-1664, 38-1813, 39-754, 39-756, 39-756a, 39-1305, 59-2129, 65-516, 65-6205, 72-962, 72-1113, 72-53,106, 72-5427 and 75-7025 and K.S.A. 2004 Supp. 20-164, 20-302b, 20-319, 21-3604, 21-3612, 21-3721, 21-3843, 23-605, 28-170, 28-172b, 39-709, 44-817, 59-3059, 59-3060, 60-452a, 60-460, 60-1610, 65-1626, 75-4319, 75-4332, 75-7023 and 76-729 and repealing the existing sections; also repealing K.S.A. 38-1501, 38-1504, 38-1505a, 38-1510, 38-1511, 38-1512, 38-1513, 38-1513a, 38-1514, 38-1515, 38-1516, 38-1517, 38-1518, 38-1519, 38-1520, 38-1521, 38-1522b, 38-1523, 38-1523a, 38-1524, 38-1525, 38-1526, 38-1527, 38-1528, 38-1529, 38-1530, 38-1531, 38-1532, 38-1533, 38-1534, 38-1535, 38-1536, 38-1537, 38-1541, 38-1542, 38-1543, 38-1544, 38-1545, 38-1546, 38-1551, 38-1552, 38-1553, 38-1554, 38-1555, 38-1556, 38-1557, 38-1558, 38-1559, 38-1561, 38-1562, 38-1563, 38-1564, 38-1565, 38-1566, 38-1567, 38-1568, 38-1569, 38-1570, 38-1581, 38-1582, 38-1584, 38-1585, 38-1586, 38-1587, 38-1591, 38-1592, 38-1593, 38-1594, 38-1595, 38-1596, 38-1597, 38-1598, 38-1599 and 38-15,100 and K.S.A. 2004 Supp. 38-1502, 38-1503, 38-1505, 38-1522, 38-1552a, 38-1583, 38-15,101 and 75-4319b, by Committee on Judiciary.

HB 2353, An act enacting the children’s internet protection act; prohibiting certain acts and providing remedies for violations, by Committee on Judiciary.

HB 2354, An act relating to drivers’ licenses; concerning certain age and other restrictions; amending K.S.A. 8-235d, 8-237, 8-239, 8-296, 8-297 and 8-2,147 and K.S.A. 2004 Supp. 8-240 and repealing the existing sections, by Representative Pilcher-Cook (By request).

HB 2355, An act concerning human cloning; relating to criminal and civil penalties, by Representatives Pilcher-Cook, Beamer, Brown, Brunk, Carter, Dahl, DeCastro, Faber, Freeborn, George, Goico, Grange, Hayzlett, Henry, M. Holmes, Huebert, Hutchins, Huy,

E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Knox, Landwehr, Larkin, Mast, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Oharah, Olson, Otto, Pauls, Peck, Phelps, Powell, Powers, Ruff, Siegfried, Vickrey, Watkins and Weber.

HB 2356, An act concerning income taxation; providing for a tax credit against the income tax liability of certain persons for dependent education expenses, by Committee on Education.

HB 2357, An act pertaining to self audits by insurance companies, by Committee on Insurance.

HB 2358, An act concerning school district finance; providing weighting for maintenance of preferred pupil/teacher ratio (PTR) classes; amending K.S.A. 2004 Supp. 72-6407 and repealing the existing section, by Committee on Education.

HB 2359, An act concerning certain buildings; relating to fire safety and prevention; amending K.S.A. 31-144 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2360, An act concerning the insurance department; requiring a review of the department's administrative rules and regulations, by Representatives Carter and Burgess.

HB 2361, An act concerning taxation; relating to a credit against the premium tax, by Representatives Carter and Burgess.

HB 2362, An act concerning insurance companies; relating to limitations on certain investments; amending K.S.A. 40-2a27 and repealing the existing section, by Representatives Carter and Burgess.

HB 2363, An act concerning retired teachers; relating to the provision of notice to such retirees of the availability of certain benefits, by Representative Horst.

REPORT ON ENROLLED RESOLUTIONS

HR 6004, HR 6011, HR 6012 reported correctly enrolled and properly signed on February 8, 2005.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 9, 2005.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

