

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Wednesday, February 9, 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. Kilpatrick was excused on excused absence by the Speaker.

Prayer by the Rev. Raymond J. Fancher, Interim Senior Pastor, First Presbyterian Church, Lawrence, and guest of Reps. Sloan and Owens:

O holy God of grace: From ancient days until now you have shown yourself as one who answers our cries.

- When the slaves cried out for freedom, you answered.
- When the oppressed cried out for justice, you answered.
- When the warring cried out for peace, you answered.
- When the lost cried out for hope, you answered.
- When the forsaken cried out for new life, you answered.

For your persistent compassion, beyond our believing, we give you thanks.

O mysterious God of love: From ancient days until now you have turned power and wisdom up-side-down. When we who lead and govern,

- use power to benefit the powerful;
- sacrifice principles for popularity;
- replace the larger vision of good with the small agendas;
- forget those who are without voice and marginalized;

forgive us.

Unrelenting God of the future: By your Spirit grant those who gather in these halls:

- boldness of vision,
- persistent compassion,
- an inclusive respect for others,
- a sense of humor,
- and a boundless humility.

This we pray, as your servants. Amen.

The Pledge of Allegiance was led by Rep. Jack.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2364. An act authorizing the state board of regents to convey certain real estate, by Committee on Higher Education.

HB 2365. An act concerning health insurance; establishing a moratorium on new mandated benefits or coverages, by Representatives Carter, Brown, Huy, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Landwehr, Merrick, Jim Morrison, Newton and Pilcher-Cook.

HB 2366. An act concerning insurance; relating to health care plans; amending K.S.A. 40-2215 and repealing the existing section, by Representatives Carter, Brown, Huy, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Merrick, Jim Morrison and Pilcher-Cook.

HB 2367. An act concerning insurance; relating to health insurance plans for small employers, by Representatives Carter, Brown, Huy, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Merrick and Pilcher-Cook.

HB 2368. An act concerning telecommunications; relating to billing aggregators; requiring registration; prohibiting certain acts and providing penalties for violations, by Committee on Utilities.

HB 2369. An act supplementing the Kansas consumer protection code; concerning dissemination of electronic mail addresses; prohibiting certain acts and providing remedies and penalties for violations, by Committee on Utilities.

HB 2370. An act concerning employment and labor; relating to overtime pay, by Representative Swenson.

HB 2371. An act concerning insurance; establishing the Kansas Health Security Act, by Representatives Swenson and Powers.

CORRECTION OF REFERENCE

Speaker Mays announced **HB 2353** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Transportation, should be corrected to be referred to Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2341.**

Appropriations: **HB 2347, HB 2348, HB 2351.**

Commerce and Labor: **HB 2340.**

Corrections and Juvenile Justice: **HB 2343, HB 2344.**

Education: **HB 2339, HB 2358, HB 2363.**

Federal and State Affairs: **HB 2345, HB 2350, HB 2352, HB 2353, HB 2355.**

Governmental Organization and Elections: **HB 2349, HB 2359.**

Health and Human Services: **HB 2342; HCR 5011.**

Insurance: **HB 2346, HB 2357, HB 2360, HB 2362.**

Taxation: **HB 2356, HB 2361.**

Transportation: **HB 2354.**

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **HR 6014** and **HR 6015** to Committee on Appropriations.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2349** from Committee on Governmental Organization and Elections and referral to Committee on Utilities.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6016—

By Committee on Wildlife, Parks and Tourism

A RESOLUTION urging the Kansas Congressional delegation to sponsor the Flint Hills National Heritage Area.

WHEREAS, The Flint Hills are a unique and traditional native rangeland ranching area with a rich heritage of limestone construction and rural communities; and

WHEREAS, The Flint Hills encompass such historical features as the Santa Fe Trail, the Oregon Trail and Pony Express historical sites; and

WHEREAS, Development of rural areas into industrial areas threatens the prairie landscapes, including tallgrass prairies and prairie life; and

WHEREAS, Kansans are increasingly interested in preserving cultural traditions and heritage epitomized by the Flint Hills: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Kansas Congressional delegation support the designation of the Flint Hills as a National Heritage Area; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to each member of the Kansas Congressional Delegation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2078, An act regulating traffic; concerning certain lighting equipment; amending K.S.A. 8-1720 and 8-1729 and K.S.A. 2004 Supp. 8-1723 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; 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, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The bill passed, as amended.

HB 2097, An act relating to banks and trust companies; concerning the exchange of certain examinations and reports; amending K.S.A. 9-1303 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; 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, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The bill passed, as amended.

HB 2098, An act relating to banks; concerning trust authority; amending K.S.A. 9-1601 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; 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, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The bill passed.

HB 2123, An act relating to railroads; concerning the transfer of certain powers, duties and functions of the state corporation commission to the Kansas department of transportation; amending K.S.A. 66-105, 66-154, 66-154a, 66-154b, 66-155, 66-230, 66-525, 66-532 and 66-1217 and repealing the existing sections; also repealing K.S.A. 44-564, 66-103, 66-112, 66-145, 66-146, 66-148, 66-149, 66-153, 66-157 through 66-163, 66-166, 66-168, 66-173, 66-174, 66-180, 66-181, 66-182, 66-201 through 66-216, 66-224, 66-225, 66-226, 66-235 through 66-241, 66-244 through 66-249, 66-277, 66-278, 66-285 through 66-294, 66-2,108, 66-2,109, 66-2,111, 66-2,112, 66-2,113, 66-2,119, 66-304 through 66-307, 66-319 and 66-320, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; 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, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Kirk, Knox, Krehbiel, Landwehr, 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: Dillmore, Faber, Lane.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The bill passed.

HB 2125, An act relating to mortgages on real property; concerning the entry of satisfaction; fees; amending K.S.A. 2004 Supp. 58-2309a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; 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, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Flower, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington,

Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, 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: None.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. McCreary, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2052** be passed.

HB 2152 be passed over and retain a place on the calendar.

Committee report to **SB 23** be adopted; and the bill be passed as amended.

On motion of Rep. F. Miller, **HCR 5004** be amended on page 1, in line 30, by striking "most" and inserting "least";

On page 2, in line 6, by striking "most" and inserting "least";

Also, roll call was demanded on motion to recommend **HCR 5004** favorably for adoption.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Flower, Freeborn, George, Goico, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Krehbiel, Landwehr, Mast, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Schwab, S. Sharp, Shultz, Siegfried, Sloan, Vickrey, Watkins, Weber, Wilk, Yoder, Yonally.

Nays: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Hill, Holland, Kirk, Lane, Larkin, Light, Loganbill, Long, Loyd, Mah, McKinney, Menghini, M. Miller, Pauls, Peterson, Phelps, Ruff, Ruiz, Sawyer, Schwartz, B. Sharp, Showalter, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kilpatrick, Kuether.

The motion prevailed and **HCR 5004** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Corrections and Juvenile Justice** recommends **HB 2034**, **HB 2122**, **HB 2130** be passed.

Committee on **Governmental Organization and Elections** recommends **HB 2005** be amended on page 1, in line 19, by striking the comma and inserting "such conviction"; also in line 19, by striking all after "state"; by striking all in lines 20 through 28; in line 29, by striking "law"; in line 30, by striking "(d)" and inserting "(b)"; by striking all in lines 38 through 43;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 36;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all after "candidates"; by striking all in lines 11 and 12; in line 13, by striking all before the period; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2058** be amended on page 1, in line 26, by striking all after “body”; in line 27, by striking all before the period; in line 29, by striking all after “requested”; in line 30, by striking all before the period;

On page 2, in line 35, by striking “or a nationally recognized trade association”; in line 37, by striking all after “requested”; by striking all in line 38; in line 39, by striking all before the period; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2154**, **HB 2225** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **HB 2153** be amended on page 3, in line 5, by striking “45-201 to 45-203” and inserting “45-215 to 45-226”; in line 13, by striking all after “aging”; in line 14, by striking “and rehabilitation services”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2155** be amended on page 2, in line 19, before the period, by inserting: “or one unit”; in line 24, after the period, by inserting: “When an emergency prescription is dispensed by a pharmacist pursuant to this section, the prescriber shall not incur any liability for any damage, injury or death resulting from the dispensing of the emergency prescription.”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2171**, **HB 2172** be passed.

Committee on **Transportation** recommends **HB 2217** be passed.

Committee on **Transportation** recommends **HB 2215** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 4; in line 5, by striking “Sec. 2.” and inserting “Section 1.”;

By renumbering sections accordingly;

On page 3, in line 6, by striking “180” and inserting “60”; in line 13, by striking “90” and inserting “30”; in line 39, by striking “K.S.A. 8-259 and”;

In the title, in line 10, by striking “K.S.A. 8-259 and”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2042** be passed.

Committee on **Utilities** recommends **HB 2045** be amended on page 1, in line 24, by striking “operator” and inserting “organization”; in line 25, by striking “necessary” and inserting “appropriate”; in line 26, by striking “; or” and inserting “or for economic benefits to transmission owners and customers; and”; also in line 26, by striking all following “agency”; in line 27, by striking all preceding “has”; in line 37, by striking “operator” and inserting “organization”; also in line 37, by striking “need” and inserting “the appropriateness”;

On page 2, in line 8, following “utilities” where it appears for the second time, by inserting “receiving benefits of the construction or upgrade and”; in line 9, by striking all following “be”; by striking all in line 10; in line 11, by striking all preceding “Each” and inserting “based on the benefits the utility receives from the construction or upgrade. In determining allocation of benefits and costs to utilities, the commission may take into account funding and cost recovery mechanisms developed by regional transmission organizations and shall take into account financial payments by transmission users and approved by the federal energy regulatory commission or regional transmission organization.”; in line 17, following “utility” by inserting “from assessments authorized by the commission”; in line 18, following “operator” by inserting “or owner”; and the bill be passed as amended.

Committee on **Utilities** recommends **HB 2047** be amended on page 2, in line 11, by striking “statute book” and inserting “Kansas register”; 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 2372, An act concerning employment; relating to the misclassification of employees; amending K.S.A. 2004 Supp. 79-3234 and repealing the existing section, by Representative Holland.

HB 2373, An act concerning sales taxation; relating to remittance credits for collection services provided by certain retailers, by Representative Holland.

HB 2374, An act concerning adoption; creating a task force to promote adoption, by Representatives O'Malley, Ballard, Carter, Freeborn, Jack, Kilpatrick, Newton, Otto, Pilcher-Cook, Siegfried, Yoder and Yonally.

HB 2375, An act concerning school districts; relating to school finance; amending K.S.A. 72-6433 and repealing the existing section; also repealing K.S.A. 72-6433b, by Representatives O'Malley and Yoder.

HB 2376, An act concerning income taxation; relating to credits; certain home repairs, by Representatives O'Malley, Davis, Jack and Siegfried.

HB 2377, An act concerning the courts; relating to the judicial administrator; amending K.S.A. 20-318 and repealing the existing section, by Representative O'Neal.

HB 2378, An act concerning crimes and punishment; relating to furnishing alcoholic beverages to minors; concerning unlawfully hosting minors; amending K.S.A. 2004 Supp. 21-3610 and 21-3610c and repealing the existing sections, by Committee on Judiciary.

HB 2379, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 74-4914 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2380, An act concerning the attorney general; relating to duties and assistants; amending K.S.A. 75-704a and 75-710 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2381, An act concerning open records; relating to court records containing personal information; amending K.S.A. 2004 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 2004 Supp. 45-221g and 45-221h, by Committee on Corrections and Juvenile Justice.

HB 2382, An act concerning offender registration; relating to registration requirements; amending K.S.A. 2004 Supp. 22-4904 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2383, An act concerning crimes, punishment and criminal procedure; relating to depositions; amending K.S.A. 22-3211 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2384, An act concerning crimes and punishment; relating to lewd and lascivious behavior; amending K.S.A. 2004 Supp. 21-3508 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2385, An act concerning crimes, punishment and criminal procedure; relating to procedure for admission of photographs of wrongfully taken property; amending K.S.A. 60-472 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2386, An act concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2004 Supp. 21-3520 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2387, An act concerning deaths of inmates, prisoners or juvenile offenders; amending K.S.A. 2004 Supp. 19-1935 and 75-52,147 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2388, An act concerning crimes, punishment and criminal procedure; relating to racial disproportionality in the juvenile justice system; amending K.S.A. 2004 Supp. 75-7033 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2389, An act concerning crimes, punishment and criminal procedure; relating to aggravating circumstances involving heinous, atrocious or cruel behavior; amending K.S.A. 21-4625 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2390, An act Concerning oil and gas; relating to drilling wells; raising financial assurance responsibilities; amending K.S.A. 2004 Supp. 55-155 and repealing the existing section, by Committee on Environment.

HB 2391, An act designating a certain portion of interstate highway I-70 as Twin Buttes Pass, by Committee on Environment.

HB 2392, An act concerning pet animals; relating to the sale thereof, by Representative Merrick.

HB 2393, An act concerning the preservation of Cedar Bluff Reservoir and controlling the release of water contained therein, by Committee on Appropriations.

HB 2394, An act concerning the procurement of design and construction services for state public improvements contracts; enacting the Kansas alternative project delivery construction procurement act, by Committee on Appropriations.

HB 2395, An act concerning animals; relating to the pet animal act; amending K.S.A. 2004 Supp. 47-1721 and repealing the existing section, by Committee on Appropriations.

HB 2396, An act concerning public postsecondary educational institutions; relating to students residing in on-campus housing; procedure for submitting evidence of meningococcal disease vaccinations or certain affidavits, by Committee on Appropriations.

HB 2397, An act concerning distribution of certain prescription drugs; enacting the wholesale licensure and prescription medication integrity act, by Committee on Appropriations.

HB 2398, An act concerning architectural, engineering and land surveying services for state capital improvement projects; relating to convening of a negotiating committee; amending K.S.A. 75-1253 and 75-5804 and repealing the existing sections, by Committee on Appropriations.

HB 2399, An act concerning state capital improvement projects; relating to architectural and engineering services; amending K.S.A. 75-1251 and 75-1269 and repealing the existing sections, by Committee on Appropriations.

HB 2400, An act concerning water; relating to the irrigation transition assistance program; amending K.S.A. 2-1919 and K.S.A. 2004 Supp. 2-1915 and repealing the existing sections, by Committee on Environment.

HB 2401, An act concerning insurance; enacting the Kansas limited health services organization act, by Committee on Insurance.

HB 2402, An act concerning civil procedure; relating to divorce or annulment, by Committee on Judiciary.

HB 2403, An act concerning school districts; authorizing adoption of career teacher salary plans; amending K.S.A. 72-5410, 72-5436 and 72-9002 and K.S.A. 2004 Supp. 72-5413, 72-6407 and 72-6409 and repealing the existing sections, by Committee on Education.

HB 2404, An act establishing the school district finance oversight committee, by Representatives Storm, Ballard, Bethell, Crow, Dillmore, Faust-Goudeau, Flaharty, Garcia, Huntington, Kirk, Larkin, Loganbill, Mah, Pauls, Ruff, B. Sharp, S. Sharp, Ward and Yonally.

HB 2405, An act concerning employment contracts; relating to good faith and fair dealing; amending K.S.A. 2004 Supp. 44-609 and repealing the existing section, by Representatives Flaharty, Flora, Hawk, Holland, Kuether, Lane, Loganbill, Mah, Ruff, Ruiz, B. Sharp, Svaty, Treaster and Ward.

HB 2406, An act concerning public improvement districts; relating to procedure; financing; property and sales tax authority, by Representative Loyd.

HB 2407, An act concerning the state corporation commission; authorizing participation in a certain regional transmission organization, by Committee on Utilities.

HB 2408, An act concerning certain electric generation facilities; relating to contracts for parallel generation services; amending K.S.A. 66-1,184 and repealing the existing section, by Committee on Utilities.

HB 2409, An act relating to roads and highways; designating part of United States highway 54 as the Veterans Memorial highway; amending K.S.A. 2004 Supp. 68-1029 and repealing the existing section, by Representatives Grange, Dahl, George, Huy, E. Johnson, Kelsey, Knox, McCreary, McLeland, Oharah and Otto.

HB 2410, An act enacting the grandparents as foster parents act; prescribing powers, duties and functions for the secretary of social and rehabilitation services, by Representatives Faust-Goudeau and Yonally.

HB 2411. An act concerning agriculture; relating to pesticide business license requirements; civil penalties; amending K.S.A. 2-2440e and 2-2448 and repealing the existing sections, by Representative Faber.

HB 2412. An act concerning the Kansas sports hall of fame; relating to funding thereof; providing for the use of certain lottery revenues therefor; amending K.S.A. 2004 Supp. 74-8711 and repealing the existing section, by Representative Weber.

CHANGE OF REFERENCE

Speaker pro tem Merrick announced the withdrawal of **HB 2352** from Committee on Federal and State Affairs and referral to Committee on Judiciary.

On motion of Rep. Aurand, the House recessed until 4:00 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Merrick in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2413. An act concerning medicaid; providing for choice in medicaid long-term care services and supports and creating a comprehensive, unified, integrated system of long-term care, services and supports; authorizing certain actions and imposing certain duties upon the secretary of social and rehabilitation services; establishing the choice, independence and flexibility act committee to assist in administration of the act, by Representative Swenson.

HB 2414. An act concerning crimes and punishments; amending K.S.A. 2004 Supp. 21-3413 and 21-3415 and repealing the existing sections, by Representative Peck.

HB 2415. An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of destination casinos, electronic gaming machines, video lottery terminals and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8702, 74-8705, 74-8710, 74-8723 and 74-8830 and K.S.A. 2004 Supp. 19-101a and 74-8711 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 19-101k, by Representatives Yonally, Ballard, Burroughs, Cox, Crow, Flora, Gatewood, Grant, Henderson, Henry, Holland, Horst, Huff, Humerickhouse, Kirk, Lane, Long, Novascone, Owens, Peterson, Phelps, Ruff, Ruiz, Sawyer, B. Sharp, Showalter, Storm, Svaty, Winn and Yoder.

HB 2416. An act concerning discrimination; relating to sexual orientation; amending K.S.A. 44-1001, 44-1002, 44-1004, 44-1005, 44-1006, 44-1009, 44-1016, 44-1017, 44-1027 and 44-1030 and repealing the existing sections, by Representatives Yonally, Ballard, Carlin, Cox, Craft, Davis, Faust-Goudeau, Flaharty, Flora, Huntington, Kirk, Loganbill, Loyd, Owens, Sawyer, S. Sharp and Svaty.

HB 2417. An act creating the council on obesity prevention and management, by Representatives Ballard, Burroughs, Carlin, Crow, Davis, Faust-Goudeau, Flaharty, Garcia, Gatewood, Gordon, Grant, Hawk, Henderson, Henry, Holland, Huntington, Jack, Kirk, Kuether, Lane, Loganbill, Long, Mah, McKinney, Menghini, M. Miller, Jim Morrison, O'Malley, Owens, Pauls, Phelps, Pottorff, Ruff, Ruiz, Sawyer, S. Sharp, Showalter, Storm, Svaty, Swenson, Thull, Treaster, Ward, Williams, Winn and Yonally.

HB 2418. An act concerning criminal procedure; relating to conditions of release prior to trial; amending K.S.A. 2004 Supp. 22-2802 and repealing the existing section, by Representative Yoder.

HB 2419. An act concerning school districts; relating to local option budgets; amending K.S.A. 72-6433 and repealing the existing section; also repealing K.S.A. 72-6444, by Representatives Yoder, Cox, Huntington, Newton, O'Malley, Owens, S. Sharp and Yonally.

HB 2420. An act concerning jury service; relating to cloistered members of a religious organization; amending K.S.A. 43-159 and repealing the existing section, by Representative Yoder.

HB 2421, An act concerning the uniform transfer on death security registration act; relating to security accounts; amending K.S.A. 2003 Supp. 17-49a01, as amended by section 58 of chapter 154 of the 2004 Session Laws of Kansas, and repealing the existing section, by Representative Yoder.

HB 2422, An act prohibiting cities and counties from requiring that certain wages be paid, by Representatives Yoder, Cox, Humerickhouse, Huntington, Kinzer, Landwehr, McLeland, Newton, Novascone, Owens, S. Sharp, Watkins and Yonally.

HB 2423, An act concerning school districts, authorizing school districts to impose a retailers' sales tax, by Representatives Yoder, Huntington, Kinzer, Newton, O'Malley, Owens, S. Sharp and Yonally.

HB 2424, An act concerning crimes and punishment; relating to cruelty to animals; amending K.S.A. 2004 Supp. 21-4310 and repealing the existing section, by Representatives Kuether, Crow, Faust-Goudeau, Kirk, Loganbill, Mah, Ruff and Ruiz.

HB 2425, An act concerning victims of crimes; relating to the identification thereof; amending K.S.A. 38-1608 and K.S.A. 2004 Supp. 22-3201 and 45-221 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 45-221g and 45-221h, by Representative Kuether.

HB 2426, An act concerning domestic animals; relating to certain unlawful acts and civil penalties; amending K.S.A. 2004 Supp. 47-624 and repealing the existing section, by Representatives Kuether, Kirk, Loganbill and Ruff.

HB 2427, An act concerning the Kansas lottery; establishing a tiny-k benefit lottery game; amending K.S.A. 2004 Supp. 74-8711 and repealing the existing section, by Representatives Carlin, Crow, Garcia, Hawk, Henry, Jack, Lane, Mah, Menghini, M. Miller, Ruff, Ruiz, B. Sharp, Showalter, Storm, Thull and Williams.

HB 2428, An act concerning health care benefits; relating to certain retired state employees; postretirement benefit increase, by Representatives Lane, Carlin, Crow, Garcia, Kirk, Kuether, Loganbill, Mah, Phelps, Ruff, Ruiz, B. Sharp, Showalter and Swenson.

HB 2429, An act concerning salaries and compensation for state officers and employees; making and concerning appropriations for the fiscal year ending June 30, 2005; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A. 2004 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Representatives Lane, Burroughs, Kirk, Kuether, Ruff, Ruiz and B. Sharp.

HB 2430, An act concerning retirement; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit payment; amending K.S.A. 2004 Supp. 74-4920 and repealing the existing section, by Representatives Lane, Carlin, Faust-Goudeau, Garcia, Henry, Mah, McKinney, Menghini, Svaty, Thull, Treaster and Williams.

COMMITTEE NOTICE

The Select Committee on School Finance is declared by the Speaker as exempt from the provisions of Joint Rule 4(e).

REPORT ON ENGROSSED BILLS

HB 2078, HB 2097, HB 2125 reported correctly engrossed February 8, 2005.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5004 reported correctly engrossed February 9, 2005.

REPORT ON ENROLLED RESOLUTIONS

HR 6013 reported correctly enrolled and properly signed on February 9, 2005.

On motion of Rep. Schwab, the House adjourned until 11:00 a.m., Thursday, February 10, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

