

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 14, 2005, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 120 members present.
Reps. Kirk, Owens, Ruff, Showalter and Yonally were excused on verified illness.

Prayer by Chaplain Chamberlain:

God of perfect love. You are the author of all that is good and right and just. You are the giver of mercy and grace. We honor you and praise your name as we stand before you this day.

There are hearts aplenty in our world today, Lord. Flower shops and greeting card stores are doing a booming business. School classrooms are buzzing with anticipation of sugar candies and mass produced expressions of affection. The most oft asked question this day is, "Will you be my Valentine?"

All of us know, because you have told us, that the true measure of love is action. It is not what we say, but what we do that expresses the nature and depth of our love. We celebrate love today, Lord, but you desire that we live in a world where it is always Valentines Day, where there is no need to ask the question, because the sum of our lives and our actions testify to our love for our brothers and sisters.

Lord, bless the women and men who stand in this chamber today. As they struggle with the realities of politics and budgets and constituencies, and a myriad of other forces, they seek to contribute to the kingdom of love you desire on earth. Be our Valentine today, O God... and may we be yours in all our lives. Amen.

The Pledge of Allegiance was led by Rep. Beamer.

INTRODUCTION OF GUESTS

Rep. Beamer introduced former Senator Ruth Clark, wife of former Senator Stan Clark, and her son, Will. They were accompanied to the House by other members of the family. Ruth Clark addressed a few remarks to the members of the House, thanking them for their support.

There being no objection, the following remarks by Rep. Craft are spread upon the Journal:

Rep. Svaty and I are pleased to introduce eight of the pages who are serving today. These young men and women are international students who have come to live in the United States for a year and learn about our way of life. They are here under the auspices of a federal government leadership and cultural exchange program in cooperation with the 4-H International Program Committee. Six of the students are from several former Soviet Union countries and two are from Japan. They are living with families and attending high schools in Manhattan, Riley, Clay Center, Newton, Chapman and Larned.

Rep. Svaty introduced the students: Shohruh Buzrukov, Uzbekistan; Ziedbek Mirzahamdamov, Kyrgyzstan; Kamila Kuchalieva, Uzbekistan; Aliaksandr Krasko, Belarus; Farzona

Noyobshoeva, Tajikistan; Olesia Shatmanbekova, Kyrgyzstan; Takakazu Sozu, Japan; and Yui Okajima, Japan.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2466, An act concerning wildlife; repealing the state's authority to issue commercial guide service permits; amending K.S.A. 2004 Supp. 21-4619 and repealing the existing section; also repealing K.S.A. 2004 Supp. 32-964 and K.S.A. 2003 Supp. 21-4619, as amended by section 59 of chapter 154 of the Session Laws of Kansas, by Committee on Appropriations.

HB 2467, An act concerning taxation; relating to development excise taxes; requirements of municipalities thereto; amending K.S.A. 12-742 and 12-747 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2445; SB 8, SB 46.**

Commerce and Labor: **HB 2447, HB 2464; SB 4.**

Corrections and Juvenile Justice **SB 25, SB 30, SB 47.**

Economic Development: **HB 2442, HB 2443, HB 2444.**

Education: **SB 48.**

Environment: **HB 2446.**

Federal and State Affairs: **HB 2449, HB 2450; SB 19, SB 50.**

Financial Institutions: **SB 57.**

Health and Human Services: **HB 2452, HB 2458; SB 10, SB 92; SCR 1604.**

Higher Education: **SB 9.**

Insurance: **SB 100; SCR 1602.**

Judiciary: **HB 2451, HB 2453, HB 2454, HB 2455, HB 2456, HB 2457; SB 5, SB 7, SB 36.**

Taxation: **HB 2448; SB 12, SB 105, SB 126.**

Transportation: **SB 60, SB 76, SB 119, SB 124.**

Utilities: **HB 2460, HB 2461, HB 2462, HB 2463, HB 2465.**

Wildlife, Parks and Tourism: **HB 2459; SB 98.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2434** from Committee on Taxation and referral separately to Committee on Utilities and Committee on Taxation.

Also, the withdrawal of **HB 2363** from Committee on Education and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Jack Rickerson, Director, Department of Administration, Division of Personnel Services, in accordance with K.S.A. 75-3746, FY 2004 Annual Report.

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

CONSENT CALENDAR

No objection was made to **HB 2118, HB 2140, HB 2242, HB 2347** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2187** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2154, HB 2225** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2154, An act concerning pharmacists; relating to hearings; repealing K.S.A. 65-1627d, 65-1627e and 65-1627g, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, Kilpatrick, Kinzer, Knox, Krehbiel, Kuether, 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, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kirk, Owens, Ruff, Showalter, Yonally.

The bill passed.

HB 2225, An act concerning pharmacists; relating to renal dialysis facility pharmacist consultants; amending K.S.A. 65-1661 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, Kilpatrick, Kinzer, Knox, Krehbiel, Kuether, 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, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Roth, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Kirk, Owens, Ruff, Showalter, Yonally.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Landwehr, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2130**, **HB 2171**, **HB 2172**, **HB 2042** be passed.

On motion of Rep. Hutchins to rerefer **HB 2122** to Committee on Corrections and Juvenile Justice, the motion was withdrawn. Also, on motion of Rep. Aurand, **HB 2122** be passed over and retain a place on the calendar.

Committee report to **HB 2045** be adopted; and the bill be passed as amended.

Committee report to **HB 2047** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Utilities** recommends **HB 2084** be amended on page 1, in line 14, by striking "The" and inserting "For energy efficiency and conservation programs receiving prior approval of the commission, the"; in line 15, by striking "112% of any" and inserting

“the utility’s authorized rate of return on”; in line 20, by striking “The” and inserting “For energy efficiency and conservation programs receiving prior approval of the commission, the”; in line 21, by striking “112% of any” and inserting “the utility’s authorized rate of return on”; by striking all in lines 32 and 33 and inserting “a customer participating in a program instituted pursuant to this subsection if such customer has failed at least three times to fulfill agreements with the utility and the utility has notified such customer of the risk of losing utility service. The utility shall provide the state corporation commission with a list of such customers.”; 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 bill was thereupon introduced and read by title:

HB 2468, An act concerning retirement and pensions; relating to the Kansas police and firemen’s retirement system; employee contributions and cost of living adjustments; amending K.S.A. 74-4965 and repealing the existing section, by Committee on Federal and State Affairs.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, February 15, 2005.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

