

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 12, 2003, 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. Pottorff was excused on legislative business.

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

Prayer by Chaplain Chamberlain:

Dear Lord, visit us today with your power and your grace. Visit our nation with your loving presence.

Come to the places where fear reigns and bring your peace. Come to the places where sorrow weighs down life and bring your message of hope. Come to the places where self-righteousness ignores you and your law and bring wisdom from above. Come to the places of danger and spread your protective wings.

Lord, we have no one to turn to but you. You alone are our refuge and our strength, an ever-present help in times of need. Come to this chamber today and bless its servants with your Spirit as they do their best to do their duty to you and to the people of Kansas. Bless our nation in its time of challenge and need. Amen.

The Pledge of Allegiance was led by Rep. B. Sharp.

SPECIAL REMARKS

Reps. Bethell and Ballard addressed a few remarks to the members of the House in recognition of the birthday of President Abraham Lincoln.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2299, An act concerning school district finance; providing for declining enrollment weighting; funding thereof; amending K.S.A. 72-6407 and repealing the existing section; also repealing K.S.A. 72-6407a, by Representative Faber.

HB 2300, An act concerning children in need of care; amending K.S.A. 38-1501, 38-1542, 38-1543, 38-1559 and 38-1563 and K.S.A. 2002 Supp. 38-1502 and repealing the existing sections, by Representatives F. Miller, Huy, Kauffman, P. Long, McCreary, Judy Morrison and Patterson.

HB 2301, An act concerning funding for certain home and community-based services for the elderly; amending K.S.A. 2002 Supp. 75-3717 and repealing the existing section, by Representatives Patterson, Bethell, DeCastro, Gordon, Hayzlett, Huff, Kirk, Merrick, Judy Morrison, Rehorn, Sloan, Tafanelli and Toelkes.

HB 2302, An act concerning disposition of certain tobacco litigation settlement proceeds; establishing the health care for seniors fund, by Representatives Patterson, DeCastro, Hayzlett, Huff, Merrick, Judy Morrison, Rehorn, Tafanelli and Toelkes.

HB 2303, An act concerning the state long-term care ombudsman; amending K.S.A. 2002 Supp. 75-7301 and repealing the existing section, by Representatives Patterson, Be-

thell, DeCastro, Gordon, Hayzlett, Loyd, Merrick, Judy Morrison, Rehorn, Sloan, Tafanelli and Toelkes.

HB 2304. An act concerning sale of motor fuel; relating to certain prohibited acts; civil penalties; duties of division of weights and measures and attorney general; private remedy, by Representative Patterson.

HB 2305. An act concerning adoption; relating to the custody of the child; amending K.S.A. 59-2131 and repealing the existing section, by Representative Pottorff.

HB 2306. An act relating to adult care homes; concerning the use of inspection reports; amending K.S.A. 39-935 and repealing the existing section, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. 5013—

By Representatives Patterson, DeCastro, Hayzlett, McKinney, Merrick, Judy Morrison, Rehorn, Sawyer, Siegfried, Tafanelli, Toelkes and Wilson

A CONCURRENT RESOLUTION urging the Congress of the United States to create a uniform federal drug coverage program.

WHEREAS, The cost of prescription drugs continues to rise; and

WHEREAS, Amounts spent on prescription drugs has increased more rapidly than spending on other healthcare services with prescription drug expenditures growing at double digit rates; and

WHEREAS, Amounts spent on prescription drugs has significantly increased due to higher cost of prescription drugs and to increased utilization of prescription drugs; and

WHEREAS, Recent trends show that spending increases on prescription drugs will continue and are predicted to accelerate; and

WHEREAS, Prescription drugs are becoming more and more important in the treatment of many diseases; and

WHEREAS, More and more Kansas citizens, especially senior citizens, are finding it harder and harder to pay the costs of much needed prescription or maintenance drugs: Now, therefore;

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature urges the Congress of the United States to create a uniform federal drug coverage program; and

Be it further resolved: That the Secretary of State is hereby directed to provided an enrolled copy of this resolution to the President pro tempore of the United States Senate, to the Speaker of the United States House of Representatives and to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2278.**

Appropriations: **HB 2257.**

Commerce and Labor: **HB 2267, HB 2276, HB 2277, HB 2281.**

Corrections and Juvenile Justice: **HB 2262, HB 2270, HB 2271, HB 2272, HB 2295.**

Economic Development: **HB 2258, HB 2279, HB 2289; ERO 30.**

Education: **HB 2259, HB 2260, HB 2261, HB 2283.**

Ethics and Elections: **HB 2269, HB 2288.**

Health and Human Services: **HB 2273, HB 2274, HB 2298.**

Higher Education: **HB 2286.**

Insurance: **HB 2268; HCR 5010.**

Judiciary: **HB 2275, HB 2282, HB 2290, HB 2291, HB 2292, HB 2293, HB 2294, HB 2296, HB 2297.**

Taxation: **HB 2263, HB 2264, HB 2265, HB 2266, HB 2284, HB 2285, HB 2287; HCR 5011.**

Utilities: **HB 2280; HCR 5012.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2232** from Committee on Commerce and Labor and referral to Committee on Insurance.

Also, the withdrawal of **HB 2273** from Committee on Health and Human Services and referral to Committee on Appropriations.

MESSAGE FROM THE GOVERNOR

February 11, 2003

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2003-04 for your information.

EXECUTIVE ORDER NO. 2003-04

Relating to the State Motor Pool

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

February 11, 2003

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2003-05 for your information.

EXECUTIVE ORDER NO. 2003-05

Offer of Reward

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

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

No objection was made to **HB 2006** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2008, An act concerning proprietary schools; relating to certification and registration fees; amending K.S.A. 72-4938 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, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Wimm, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Pottorff.

The bill passed.

HB 2009, An act concerning general education development credentials; relating to fees; amending K.S.A. 72-4530 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Faber, Henderson, Howell, Klein, Landwehr, D. Williams.

Present but not voting: None.

Absent or not voting: Boyer, Pottorff.

The bill passed, as amended.

HB 2014, An act concerning retirement and pensions; relating to retirement annuities of certain members of the legislature; amending K.S.A. 74-4925 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: Ballard.

Absent or not voting: Boyer, Pottorff.

The bill passed, as amended.

HB 2044, An act concerning fire protection; relating to the powers and duties of certain municipalities; amending K.S.A. 19-3612a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Hu-

merickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Barbieri-Lightner, Freeborn, Howell, Huy, Kauffman, Landwehr, Merrick, Neufeld, Powell, Powers.

Present but not voting: None.

Absent or not voting: Boyer, Pottorff.

The bill passed, as amended.

HCR 5007, A concurrent resolution urging the Federal Energy Regulatory Commission to work to develop sufficient electric transmission facility infrastructure and design and implement regional transmission organizations and cost recovery mechanisms, 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, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gattewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Kauffman, Landwehr.

Present but not voting: None.

Absent or not voting: Boyer, Pottorff.

The resolution was adopted, as amended.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Jim Morrison in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2018** be adopted; and the bill be passed as amended.

Committee report to **HB 2037** be adopted; also, on motion of Rep. Carter be amended on page 1, in line 16, before "K.S.A." by inserting "(a)"; and **HB 2037** be passed as amended.

Committee report to **HB 2130** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HCR 5003** be amended on page 1, in line 42, after "2002" by inserting "and to ensure the allocation and distribution of such emergency disaster assistance through programs that emphasize demonstrated loss standards in order that those who have suffered the greatest damage receive the most assistance"; after line 43, by inserting the following:

“Be it further resolved: That we urge the United States Congress to enact the national drought policy act to provide for a cohesive federal policy, similar to that in place for other types of disasters, to reduce serious economic and other losses due to drought; and”;

On page 2, in line 3, by striking “President” and inserting “Majority Leader”;

Also on page 1, in the title, in line 10, after “producers” by inserting “and to enact the national drought policy act”; and the concurrent resolution be adopted as amended.

The Committee on **Federal and State Affairs** recommends **HB 2040** be amended on page 1, in line 40, after “person’s” by inserting “or group’s”; in line 42, after “person’s” by inserting “or group’s”;

On page 2, in line 1, by striking all after “(1)”; in line 2, by striking all before “juvenile” and inserting “The burden is related to the management and operation of the department of corrections or the person is in custody in a”; in line 7, after “person” by inserting “or group”; in line 10, after “person” by inserting “or group”; by striking all in lines 13 through 15 and inserting:

“Sec. 3. A party prevailing against the state in a proceeding pursuant to this act shall be entitled to reasonable attorney fees and costs.”; and the bill be passed as amended.

The Committee on **Local Government** recommends **HB 2045** be amended on page 1, in line 16, by striking “right-of-way” and inserting “rights-of-way”; in line 20, preceding the period, by inserting “which are on private rights-of-way”; in line 22, by striking “or federal”; in line 23, by striking all preceding the period; 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 2307, An act concerning district magistrate judges; relating to the elimination or reassignment of positions upon vacancy; amending K.S.A. 5-417, 8-259, 8-1020, 16a-6-116, 17-1775, 17-7307, 20-301, 20-327, 20-331, 20-333, 20-336, 20-354, 20-2908, 22-2602, 22-2603, 22-2604, 22-2605, 22-2606, 22-2607, 22-2608, 22-2609, 22-2610, 22-2611, 22-2612, 22-2613, 22-2614, 22-2615, 22-2616, 22-2617, 22-3428a, 26-501, 38-1116, 38-1504, 38-1511, 38-1605, 38-1613, 40-218, 43-107, 43-158, 43-162, 43-163, 43-164, 47-421, 50-638, 55-1617, 56-1a502, 56-1a510, 59-2126, 59-2136, 59-2138, 59-2207, 59-2403, 60-242, 60-601, 60-602, 60-603, 60-605, 60-606, 60-607, 60-608, 60-611, 60-613, 60-614, 60-4103, 61-2708, 66-118e, 72-6776, 74-711, 75-6907, 77-609 and 77-624 and K.S.A. 2002 Supp. 17-7301, 17-76,121, 17-76,129, 20-329, 20-348, 22-2902, 22-3428, 50-110, 59-2203, 59-2971, 59-29b71, 60-604, 60-609, 60-612, 61-3402, 61-3403, 61-3404, 61-3405, 61-3406, 61-3407 and 61-3409 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-3108, 20-3109, 20-3110, 43-112a, and 43-112b and K.S.A. 2002 Supp. 20-338 and 20-3107, by Representative Sloan.

HB 2308, An act concerning confidential information of a treatment facility patient; relating to information given to the juvenile justice authority; amending K.S.A. 38-1609 and 65-5603 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2309, An act concerning crimes and punishment; relating to possession of drugs; mandatory treatment; amending K.S.A. 2002 Supp. 21-4603d, 21-4714 and 22-3716 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2310, An act concerning the juvenile justice authority; relating to unclassified employees; amending K.S.A. 76-3202 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2311, An act concerning the juvenile justice authority; relating to employees thereof; amending K.S.A. 2002 Supp. 75-7055 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2312, An act concerning criminal procedure; relating to a prompt trial; amending K.S.A. 22-3402 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2313, An act concerning crimes and punishment; relating to sexual exploitation of a child; amending K.S.A. 2002 Supp. 21-3516 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2314, An act concerning the juvenile justice authority; relating to the Kansas juvenile correctional complex; amending K.S.A. 38-1602, 72-978, 74-5344 and 76-3201 and K.S.A. 2002 Supp. 75-3765 and repealing the existing sections; also repealing K.S.A. 75-52,143, by Committee on Corrections and Juvenile Justice.

HB 2315, An act concerning the juvenile justice authority; relating to grant payments; amending K.S.A. 75-7050 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2316, An act concerning crimes, punishment and criminal procedure; relating to the definition of sexually violent crimes; amending K.S.A. 2002 Supp. 22-3717 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2317, An act concerning controlled substances; amending K.S.A. 65-4150, 65-4159, 65-4160, 65-4161 and 65-7006 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2318, An act concerning crimes and punishment; exposing a child to the manufacturing of a controlled substance, by Committee on Corrections and Juvenile Justice.

HB 2319, An act concerning crimes and punishment; relating to unlawfully hosting minors consuming alcoholic liquor or cereal malt beverage, by Committee on Corrections and Juvenile Justice.

HB 2320, An act concerning the Kansas code for care of children; relating to children not attending school; dispositions; amending K.S.A. 38-1501 and 38-1563 and K.S.A. 2002 Supp. 38-1502 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2321, An act concerning children; establishing a children's advocate; providing for the powers, duties and functions thereof, by Committee on Corrections and Juvenile Justice.

HB 2322, An act concerning sales taxation; imposition of tax; computer software; amending K.S.A. 2002 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

HB 2323, An act concerning taxation; relating to sales tax exemptions; laundry services; employee meals; isolated sales; leases of certain tangible personal property; amending K.S.A. 2002 Supp. 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2324, An act concerning taxation; relating to sales tax exemptions; amusement, entertainment or recreation places; bingo sales; motion picture exhibitors; amending K.S.A. 2002 Supp. 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2325, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirant dividend payments; amending K.S.A. 74-49,110 and repealing the existing section, by Representatives Sawyer, Betts, Burroughs, Crow, Feuerborn, Flaharty, Gatewood, Gilbert, Grant, Kirk, Kuether, McKinney, J. Miller, Peterson, Phelps, Reardon, B. Sharp, Showalter, Svaty, Toelkes and Wilson.

HB 2326, An act concerning the director of accounts and reports; authorizing such director to contract with certain credit card issuers for issuance of a credit card which would provide certain moneys for state public school education, by Representatives Sawyer, Phelps, B. Sharp and Wilson.

HB 2327, An act concerning public officers and employees; relating to findings of fact by fact-finding board; amending K.S.A. 75-4332 and repealing the existing section, by Committee on Commerce and Labor.

HB 2328, An act concerning the state employee suggestion program; relating to the maximum employee suggestion bonus; amending K.S.A. 2002 Supp. 75-37,105 and repealing the existing section, by Representatives Sawyer, Kirk, McKinney, Peterson, B. Sharp, Showalter and Wilson.

HB 2329, An act concerning the Kansas wage payment act; definitions; amending K.S.A. 44-313 and 44-323 and repealing the existing sections, by Committee on Appropriations.

HB 2330, An act concerning sale of motor fuel; relating to certain prohibited acts; civil penalties; duties of division of weights and measures and attorney general; private remedy, by Representatives Holland and Patterson.

HB 2331, An act concerning civil procedure; relating to child support; amending K.S.A. 2002 Supp. 60-2403 and repealing the existing section, by Representative Huff.

HB 2332, An act relating to employment security law; concerning social security benefits; amending K.S.A. 44-704 and K.S.A. 2002 Supp. 44-706 and repealing the existing sections, by Representative Huff.

HB 2333, An act concerning state finances; relating to biennial budget estimates and funding; amending K.S.A. 75-6701 and K.S.A. 2002 Supp. 75-3717 and repealing the existing sections, by Representative Holland.

HB 2334, An act concerning telecommunications; relating to enhanced wireless 911 service; public safety loan fund; amending K.S.A. 12-5302 and repealing the existing section, by Committee on Utilities.

HB 2335, An act concerning tax increment financing; relating to eligible areas; amending K.S.A. 12-1770a and repealing the existing section, by Representative Patterson.

HB 2336, An act concerning open meetings; amending K.S.A. 75-4317a and repealing the existing section, by Representative Ward.

HB 2337, An act concerning insurance; relating to policyholder voting in conversion of mutual insurance company to stock insurance company; amending K.S.A. 40-4002 and 40-4004 and repealing the existing sections, by Committee on Insurance.

HB 2338, An act concerning crimes, punishment and criminal procedure; relating to sentencing; amending K.S.A. 2002 Supp. 21-4603d and repealing the existing section, by Representative Carlin.

HB 2339, An act concerning schools; relating to attendance; amending K.S.A. 72-1111 and repealing the existing section, by Committee on Education.

HB 2340, An act concerning lotteries; authorizing electronic gaming machines and other lottery games at certain locations; amending K.S.A. 74-8702, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2341, An act concerning judges and justices; evaluating the performance thereof, by Representative Davis.

HB 2342, An act concerning judges; relating to the election thereof; amending K.S.A. 25-202, 25-206, 25-212 and 25-3901 and K.S.A. 2002 Supp. 25-205 and 25-213 and repealing the existing sections, by Representative Davis.

HB 2343, An act concerning financing of certain post secondary educational institutions; related to out-district tuition; amending K.S.A. 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and K.S.A. 2002 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34 and 19-101a and repealing the existing sections, by Committee on Appropriations.

HB 2344, An act relating to the taxation of motor vehicle fuels; providing for local option; amending K.S.A. 79-3424 and K.S.A. 2002 Supp. 12-194 and repealing the existing sections, by Committee on Local Government.

HB 2345, An act concerning school districts; relating to capital improvements; state aid; amending K.S.A. 2002 Supp. 75-2319 and repealing the existing section, by Representative Holland.

HB 2346, An act concerning school districts; relating to classroom enhancements; creating the classroom enhancement fund, by Representatives Newton and Hutchins.

HB 2347, An act enacting the Kansas uniform securities act; amending K.S.A. 12-1675, 12-1677b, 12-4516, 16-214, 17-4632, 50-1009, 50-1016, 66-1508, 74-8229 and 75-6302 and K.S.A. 2002 Supp. 17-49a01, 21-4619, 21-4704 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-1260, 17-1264, 17-1265, 17-1266, 17-1267, 17-1269, 17-1273, 17-1274 and 17-1275 and K.S.A. 2002 Supp. 17-1252, 17-1253, 17-1254, 17-1255, 17-1257, 17-1258, 17-1259, 17-1261, 17-1262, 17-1262a, 17-1263, 17-1266a, 17-1268, 17-1270, 17-1270a, 17-1270b, 17-1271 and 17-1272 , by Representative O'Neal.

HB 2348. An act relating to income taxation; providing credits therefrom for dependent education expenses and teaching aid contributions; amending K.S.A. 2002 Supp. 79-32,117 and repealing the existing section, by Representative Landwehr.

HB 2349. An act concerning the death penalty; relating to mental retardation; amending K.S.A. 21-4623 and repealing the existing section, by Representative Nichols.

HB 2350. An act concerning health care; relating to newborn infant developmental screening and vital statistics, by Representative Peterson.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6009—

By Representative Wilson

A RESOLUTION congratulating and commending Pittsburg State University on its centennial year.

WHEREAS, On February 21, 1903, Kansas Governor Willis J. Bailey signed Senate Bill 234 that established a Manual Training Normal School in Pittsburg as an auxiliary to the Normal School in Emporia; and

WHEREAS, The institution opened its doors with 54 students in 1903, with the purpose of preparing teachers of the industrial and domestic arts; during the course of the last 100 years the institution has undergone four name changes, each reflecting the growth of the institution's mission and enrollment; and

WHEREAS, Pittsburg State University now offers more than 100 outstanding undergraduate and graduate programs in the Arts and Sciences, Education, Business and Technology; and

WHEREAS, The University has experienced periods of significant enrollment growth and today has more than 6,750 students with 97% of those taking classes on the campus in Pittsburg; and

WHEREAS, Pittsburg State University is accredited by the North Central Association of Colleges and Secondary Schools, and has many individual academic programs that have earned prestigious accreditation from state and national organizations; and

WHEREAS, Pittsburg State University intercollegiate athletic teams, the Gorillas, have earned regional and national recognition for their accomplishments in both academic and athletic competition; and

WHEREAS, Pittsburg State University serves as a cultural center for the region, provides significant support for economic development activities in the region and state, and its faculty, staff and students are involved in numerous outreach and service activities for the communities of Southeast Kansas, the state of Kansas and beyond; and

WHEREAS, Pittsburg State University has more than 22,000 alumni living in the state of Kansas and more than 50,000 worldwide who contribute to the betterment of society in many significant ways; and

WHEREAS, Pittsburg State University is joining with its many constituents to celebrate its centennial and pay tribute to the University's rich legacy: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Pittsburg State University upon the university's 100 years of outstanding service to higher education and the people of Kansas; 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 Dr. Tom W. Bryant, President, Pittsburg State University and to Dr. Mary Carol Pomatto, Assistant to the President, both at 1701 South Broadway, Pittsburg, KS 66762.

On motion of Rep. Aurand, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2351, An act concerning identity theft; relating to consumer credit, by Representative Peterson.

HB 2352, An act concerning state government; relating to sexual harassment and discrimination policies, by Representatives Kuether, Ballard, Barbieri-Lightner, Betts, Carlin, Compton, Craft, Crow, Dillmore, Flaharty, Henderson, Horst, Kirk, Klein, Loganbill, M. Long, Loyd, McKinney, Neighbor, Peterson, Rehorn, Ruff, Showalter, Storm, Svaty, Ward and Wilson.

HB 2353, An act concerning the employment security laws; relating to domestic violence; amending K.S.A. 2002 Supp. 44-706 and repealing the existing section, by Representatives Nichols, Flaharty, Horst, Kassebaum, Kirk, Kuether, Ruff, Swenson and Yoder.

HB 2354, An act concerning children in need of care; relating to family preservation; relating to records and reports; amending K.S.A. 38-1508, 38-1542, 38-1543 and 38-1563 and K.S.A. 2002 Supp. 38-1507 and repealing the existing sections, by Representatives Huy, Barbieri-Lightner, Dahl, DeCastro, Faber, Goico, Huebert, Hutchins, E. Johnson, Kauffman, P. Long, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Patterson, Powell, Powers, Schwab, Shultz, Siegfried and D. Williams.

HB 2355, An act concerning the state budget; providing for a joint report of the approved state budget by the director of the budget and the director of the legislative research department, by Representative P. Long.

HB 2356, An act concerning property taxes; relating to redemption of real estate; amending K.S.A. 2002 Supp. 79-2401a and 79-2801 and repealing the existing sections, by Representative McCreary.

HB 2357, An act concerning health care; relating to the cost of prescription drugs; enacting the Kansas prescription drug card program act; amending K.S.A. 2002 Supp. 39-7,121a and 39-7,121e and repealing the existing sections, by Representative Swenson.

HB 2358, An act concerning crimes, punishment and criminal procedure; relating to a controlled substance; amending K.S.A. 65-4160 and 65-4162 and repealing the existing sections, by Representative Decker.

HB 2359, An act concerning cities and municipalities; relating to licensure of certain contractors; amending K.S.A. 12-1509 and 12-1542 and repealing the existing sections, by Representative Landwehr.

HB 2360, An act concerning child support; relating to the failure to pay; administratively suspending a driver's license or placing a distraint on a motor vehicle, by Representative Landwehr.

HB 2361, An act concerning abortion; relating to parental consent; amending K.S.A. 65-6704 and repealing the existing section, by Representative F. Miller.

HB 2362, An act concerning school district finance; authorizing the levy of an ad valorem tax for enhancement of teachers' salaries; providing for teachers' enhancement for affordable community housing weighting; amending K.S.A. 72-6407 and repealing the existing section; also repealing K.S.A. 72-6407a, by Representatives Carter, McLeland, Patterson, D. Williams and Yonally.

HB 2363, An act concerning schools; relating to the age of eligibility for school attendance; amending K.S.A. 72-1107 and repealing the existing section, by Representatives Carter, Betts, Brunk, Compton, Freeborn, Horst, Loyd, McLeland, Merrick, Schwab, D. Williams and Yonally.

HB 2364. An act concerning school districts; relating to the school district equalization act; amending K.S.A. 12-1677, 12-1742, 31-144, 72-978, 72-1046b, 72-1398, 72-1414, 72-3703, 72-5333b, 72-5390, 72-6622, 72-6757, 72-8187, 72-8223, 72-8230, 72-8233, 72-8236, 72-8302, 72-8309, 72-8316, 72-9504, 74-32,141 and 79-2929a and repealing the existing sections; also repealing K.S.A. 72-6405, 72-6406, 72-6407, 72-6407a, 72-6408, 72-6409, 72-6410, 72-6411, 72-6412, 72-6413, 72-6414, 72-6415, 72-6416, 72-6417, 72-6418, 72-6419, 72-6420, 72-6421, 72-6422, 72-6423, 72-6424, 72-6425, 72-6426, 72-6427, 72-6428, 72-6429, 72-6430, 72-6431, 72-6432, 72-6433, 72-6433b, 72-6434, 72-6435, 72-6436, 72-6437, 72-6438, 72-6440, 72-6441, 72-6442, 72-6443, 72-6444, 72-6445, 72-6446, 72-6447 and 72-8189, by Representative Yonally.

HB 2365. An act relating to economic development; establishing community improvement districts, by Representative Patterson.

HB 2366. An act creating the council on obesity prevention and management, by Representative Ballard.

REPORT ON ENGROSSED BILLS

HB 2009, HB 2014, HB 2044 reported correctly engrossed February 11, 2003.

Also, **HB 2018, HB 2037, HB 2130** reported correctly engrossed February 12, 2003.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5007 reported correctly engrossed February 11, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 13, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

