

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 25, 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. B. Sharp was excused on verified illness.

Rep. D. Williams was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Phil Rhoades, pastor, Church of the Nazarene, Garnett, and guest of Rep. Feuerborn:

Good morning Father,

We take a moment of our day to acknowledge our deep need for Your guidance in our lives. In so doing we admit our weaknesses and our insufficiencies. In these days when the tomorrows seem so uncertain we plead for Your strength and guiding hand. We invoke your mercies and grace in our lives.

We ask the God who had the ability to bring into existence all that we know, to make Yourself known to all who are suffering, whether it is from a nightclub disaster or from the spread of Aids or a homeless family or a child who does not understand what he has done this time to deserve one more beating.

We ask this morning that You would give wisdom and direction to our President and all of our national leaders. That Your hand of righteousness will prevail in all that we encounter. We ask that You would direct all of our state leaders this day, may what they say, act on, and decide be pleasing unto You.

Finally, we thank You for a great nation whereby we are free, may it ever be so.

In the name of the One who died that we might know true freedom, In Christ's name we pray. Amen.

The Pledge of Allegiance was led by Rep. Aurand.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2413. An act concerning public records; pertaining to certain records pertaining to the performance of a governmental function by certain persons or entities; amending K.S.A. 45-217 and repealing the existing section, by Committee on Appropriations.

HB 2414. An act concerning alcohol gallonage taxation; increasing the rate imposed thereon; amending K.S.A. 2002 Supp. 41-501 and repealing the existing section, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2412.**

Ethics and Elections: **HCR 5014**.

Taxation: **HB 2411**.

CONSENT CALENDAR

Objection was made to **HB 2242**, **HB 2243** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **HB 2189**; **SB 52** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2245** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2245, An act concerning weights and measures; relating to standards of commercial weighing and measuring devices; amending K.S.A. 2002 Supp. 83-202 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, Boyer, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed.

HB 2112, An act concerning counties; relating to the enforcement of county resolutions; amending K.S.A. 2002 Supp. 19-101d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 55; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Bethell, Betts, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, DeCastro, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Horst, Huff, Humerickhouse, Jack, Kassebaum, Kirk, Krehbiel, Kuether, Landwehr, Larkin, Loganbill, M. Long, Loyd, Mason, McKinney, McLeland, Myers, Neighbor, Nichols, Novascone, O'Malley, O'Neal, Owens, Peterson, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, S. Sharp, Showalter, Sloan, Storm, Tafanelli, Thull, Toelkes, Vickrey, Wilk, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Beggs, Boyer, Brunk, Carter, Dahl, Davis, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Howell, Huebert, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Light, P. Long, Mays, McCreary, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Schwartz, Shriver, Shultz, Siegfried, Svaty, Swenson, Thimesch, Ward, J. Williams.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I am opposed to **HB 2112**, because this is nothing more than another intrusion by government into the lives of citizens living in counties with low populations. Why do we insist on making all Kansans conform to Sedgwick and Johnson counties? Government seeks by its very nature to increase its power over those persons whose freedoms it is supposed to protect. Many persons choose to live in rural areas in order to enjoy greater freedom and are willing to sacrifice some of the benefits of government provided urban services for that freedom. I vote no!—C. FRANK MILLER

HB 2131, An act concerning certain thermal efficiency standards; amending K.S.A. 66-1227 and 66-1228 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, 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, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Dahl, Edmonds, Faber, Freeborn, Goering, Howell, Huebert, Merrick, Ostmeyer, Powell, Powers, Schwab, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

HB 2158, An act concerning authorized emergency vehicles; designating wreckers, tow trucks or car carriers as authorized emergency vehicles; amending K.S.A. 8-1404, 8-2010 and 8-2010a and repealing the existing sections, 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, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Goering, Howell.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed.

HB 2159, An act relating to vehicles; concerning the registration of certain vehicles; amending K.S.A. 8-1,134 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, 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, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Nichols.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed.

HB 2166. An act regulating traffic; concerning certain axles; amending K.S.A. 8-1908 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, Boyer, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed.

HB 2186. An act concerning certain public utilities; relating to residential customers; providing for special payment and service disconnection procedures under certain circumstances, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Flaharty, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, 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, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: Betts, Crow, Dillmore, Feuerborn, Flora, Gatewood, Henderson, Kirk, Klein, Peterson, Powers, Ward, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

HB 2191, An act relating to port authorities; concerning certain powers; amending K.S.A. 12-3406 and 12-3415 and repealing the existing sections, 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, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, 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, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, 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, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Yoder, Yonally.

Nays: Campbell, Hill, Huebert, Kauffman, Osborne, Ostmeyer, Powers, Schwab, Siegfried, Wilk, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

HB 2201, An act concerning fire and fire protection; relating to investigations of fires and explosions; amending K.S.A. 31-137 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, Boyer, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

HB 2220, An act amending the uniform commercial drivers' license act; amending K.S.A. 8-2,128, 8-2,132, 8-2,133, 8-2,135 and 8-2,142 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Goering.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

HB 2280, An act concerning wind resources and technologies; requiring the recording of leases related thereto, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, 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, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, DeCastro, Goering, Goico, Howell, Huebert, Kauffman, Landwehr, Loyd, Schwartz.

Present but not voting: None.

Absent or not voting: B. Sharp, D. Williams.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2202**, **HB 2192**, **HB 2135** be passed.

Committee report to **HB 2023** be adopted; also, on motion of Rep. Goico be amended on page 1, in line 20, after "article" by inserting "1 of chapter"; and **HB 2023** be passed as amended.

On motion of Rep. Toelkes **HB 2193** be amended on page 9, in line 41, by striking "On July 1, 2003, \$3.50" and inserting "Three dollars and fifty cents";

On page 10, in line 1, by striking all following the period; in line 2, by striking "2003, \$3" and inserting "Three dollars"; in line 9, by striking "On July 1, 2003, \$3.50" and inserting "Three dollars and fifty cents"; in line 12, by striking "On July 1, 2003,"; in line 13, by striking "\$3" and inserting "Three dollars"; and **HB 2193** be passed as amended.

Committee report to **HB 2150** be adopted; and the bill be passed as amended.

Sub. HB 2173 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2197** be adopted; also, on motion of Rep. O'Neal be amended on page 2, in line 26, by striking "(a)"; by striking all in lines 35 through 43;

On page 3, by striking all in lines 1 through 30;

On page 6, after line 5, by inserting:

"Sec. 11. K.S.A. 2002 Supp. 21-4318 is hereby amended to read as follows: 21-4318.

(a) Inflicting harm, disability or death to a police dog, arson dog, *assistance dog* or search and rescue dog is knowingly and intentionally, and without lawful cause or justification

poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, *assistance dog* or search and rescue dog.

(b) As used in this section:

(1) "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires.

(2) "*Assistance dog*" has the meaning provided by section 1, and amendments thereto.

(3) "Fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.

~~(4)~~ (4) "Police dog" means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.

~~(5)~~ (5) "Search and rescue dog" means any dog which is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose of aiding in the location of persons missing in disasters or other times of need.

(c) Inflicting harm, disability or death to a police dog, arson dog, *assistance dog* or search and rescue dog is a class A nonperson misdemeanor.

(d) This section shall be part of and supplemental to the Kansas criminal code.";

Also on page 6, by renumbering the remaining sections; in line 7, before "are" by inserting "and K.S.A. 2002 Supp. 21-4318";

In the title, in line 12, after "39-1109" by inserting "and K.S.A. 2002 Supp. 21-4318"; and **Sub. HB 2197** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2369** be passed.

The Committee on **Appropriations** recommends **HB 2367** be amended on page 2, in line 11, following "administration" by inserting "; with the concurrence of the state agency that owns the property."; and the bill be passed as amended.

The Committee on **Commerce and Labor** recommends **HB 2352** be passed.

The Committee on **Commerce and Labor** recommends **HB 2064** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2064," as follows:

"Substitute for HOUSE BILL No. 2064

By Committee on Commerce and Labor

"AN ACT concerning civil procedure; relating to filing time; amending K.S.A. 60-1102 and K.S.A. 2002 Supp. 60-1103 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2064** was thereupon introduced and read by title.)

The Committee on **Commerce and Labor** recommends **HB 2332** be amended on page 12, in line 12, by striking all following the period; by striking all in lines 13 through 18; in line 19, by striking all preceding the period and inserting "No reduction shall be made for payments made under the social security act or railroad retirement act of 1974"; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2057**, **HB 2088**, **HB 2121**, **HB 2132**, **HB 2138** be passed.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2035** be amended on page 1, in line 23, by striking all after the period; by striking all in lines 24 through 28; in line 31, by striking all after "*litem*"; in line 32, by striking all before "appointed";

On page 2, in line 8, by striking "to represent the best interests of" and inserting "for"; also in line 8, by striking all after "child"; in line 9, by striking all before "or"; in line 14, by striking all after "*litem*"; in line 15, by striking all before "or"; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2375** be amended on page 1, in line 14, by striking all after “evidence”; in line 15, by striking all before “has” and inserting “with a completed evidence custody receipt showing that such evidence”; in line 16, by striking “or” and inserting a comma; also in line 16, after “agencies” by inserting “, forensic laboratories or the United States postal service”; in line 17, after “seized” by inserting a comma; and the bill be passed as amended.

The Committee on **Economic Development** recommends **HB 2208** be amended on page 1, in line 22, by striking “Seneca” and inserting “Second”;

On page 6, in line 20, after “(D)”, by inserting “(i)”; following line 30, by inserting:

“(ii) from a pledge of all the local increased revenue received by a city from transient guest, sales and use taxes pursuant to K.S.A. 12-187 *et seq.*, 12-1696 *et seq.*, 79-3601 *et seq.* and 79-3701 *et seq.*, and amendments thereto, for a redevelopment project within a major commercial, entertainment and tourism area.”

On page 10, in line 15, before “taxpayers”, by inserting “new”; and the bill be passed as amended.

The Committee on **Ethics and Elections** recommends **HB 2214** be passed.

The Committee on **Ethics and Elections** recommends **HB 2149** be amended on page 1, in line 18, following the last comma, by inserting “task forces, advisory committees,”; in line 24, by striking all following “created”; by striking all in lines 25 through 27 and inserting “by a governor or incoming governor”; in line 29, by striking all following “(2)”; by striking all in lines 30 through 32; in line 33, by striking all preceding the period and inserting “For the purposes of this section, “incoming governor” shall have the meaning ascribed to it in K.S.A. 75-132, and amendments thereto”; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2101** be amended on page 1, in line 36, by striking “on”;

On page 2, in line 23, after “(2)” by inserting “(A) within 24 months before the date of submission of the original application for a firearm permit, has successfully completed the law enforcement training requirements of subsection (a) of K.S.A. 74-5607a, and amendments thereto, or, within 12 months before the date of submission of the original application for a firearm permit, has successfully completed the law enforcement training requirements of subsection (b) of K.S.A. 74-5607a, and amendments thereto, and submits such proof as required by the attorney general to show satisfactory completion of such training or (B) within six months before the date of submission of the original application for a firearm permit,”;

In the title, in line 10, by striking all after the first semicolon; in line 11, by striking all before the semicolon and inserting “concerning the terms of licenses and firearm permits”; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **HB 2169**, **HB 2171** be passed.

The Committee on **Health and Human Services** recommends **HB 2161** be amended on page 2, by striking all in lines 35 through 37;

On page 3, in line 1, before “head” by inserting “and any”; also in line 1, after “program” by inserting “with consent of the parent or legal guardian”; in line 3, by striking “student” and inserting “person”;

On page 5, after line 14, by inserting the following:

“(j) The board is authorized to issue to a qualified dental hygienist an extended care permit or extended care permit II as provided in subsections (f) and (g) of this section.

(k) Nothing in this section shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health care screenings in a school or community based setting.”; and the bill be passed as amended.

The Committee on **Tourism and Parks** recommends **HB 2078** be amended on page 4, in line 42, by striking “2008” and inserting “2005”; and the bill be passed as amended.

The Committee on **Transportation** recommends **HB 2160** 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 and concurrent resolution were thereupon introduced and read by title:

HB 2415, An act to provide general and professional liability insurance pool for nursing home residents, by Committee on Federal and State Affairs.

HB 2416, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest on certain unpaid taxes; procedures and requirements of program, by Committee on Taxation.

HB 2417, An act concerning income taxation; repealing tax credits; amending K.S.A. 74-50,113, 74-50,114, 74-50,115, 74-50,118, 74-50,131, 74-50,133, 74-50,135, 74-8017, 74-8203, 74-8302, 74-8303, 74-8306, 74-8307, 74-8308, 74-8309, 74-8310, 74-8401, 74-8402, 74-8403, 74-8404 and 74-8405 and K.S.A. 2002 Supp. 40-2240 and repealing the existing sections; also repealing K.S.A. 39-7,132, 40-2246, 74-50,132, 74-8205, 74-8206, 74-8207, 74-8304, 74-8304a, 74-8316, 79-1117, 79-32,111a, 79-32,140, 79-32,152n, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b, 79-32,160c, 79-32,175, 79-32,176, 79-32,177, 79-32,178, 79-32,179, 79-32,180, 79-32,181, 79-32,182, 79-32,190, 79-32,191, 79-32,192, 79-32,194, 79-32,198, 79-32,199, 79-32,200, 79-32,202 and 79-32,203 and K.S.A. 2002 Supp. 79-1126a, 79-32,153, 79-32,154, 79-32,160a, 79-32,181a, 79-32,182b, 79-32,195, 79-32,196, 79-32,197, 79-32,197a, 79-32,199a, 79-32,199b, 79-32,201, 79-32,204, 79-32,205, 79-32,206, 79-32,207, 79-32,210, 79-32,211, 79-32,212 and 79-32,213, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5015—

A CONCURRENT RESOLUTION urging state agencies to use existing opportunities to improve energy performance of state facilities.

WHEREAS, Energy conservation improves comfort and saves both dollars and valuable, irreplaceable resources; and

WHEREAS, The operation of the extensive facilities of the state requires consumption of large amounts of energy and the potential for energy savings is likewise great; and

WHEREAS, State agencies have various tools to improve energy performance of state facilities, including energy audits, energy performance contracting under K.S.A. 2002 Supp. 75-37,125 and facility conservation improvement program under K.S.A. 75-37,111, *et seq.*: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature urges all state agencies to take advantage of programs and other opportunities to improve energy performance of state facilities; and

Be it further resolved: That the Legislature urges the Governor to require each state agency to report to the Director of the Budget any energy conservation measures taken by the agency and the cost of and anticipated savings from such measures, including specifically any energy audit undertaken and measures taken to address the findings of such audit, and that the Director of the Budget report such information to the Legislature; and

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

REPORT ON ENGROSSED BILLS

HB 2131, HB 2186, HB 2191, HB 2201, HB 2220, HB 2280 reported correctly engrossed February 24, 2003.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Wednesday, February 26, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

