

# Journal of the House

TWENTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 11, 2004, 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. Huy was excused on verified illness.  
Rep. Newton was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

O God, you are help in all generations. You are our ever-present guide and defense and provide your truth as a light upon our path.

Send the power of your Spirit upon us this day as we step again along the path of life. Guard our footsteps lest we slip into ruts that keep us from imagining new ways of tackling old problems. Protect us from the potholes of divisiveness that serve no end. Keep our pace steady and sure so that we might husband our strength and endurance for the times that challenge. Lift our eyes to see the end of the race we run with confidence in your love and care for each one of us.

O God, our help in ages past and our hope for years to come, be by our side this day. Amen.

The Pledge of Allegiance was led by Rep. Holland.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2808**, An act concerning civil procedure for limited actions; relating to the filing of an answer; amending K.S.A. 2003 Supp. 61-2904 and repealing the existing section, by Representative Patterson.

**HB 2809**, An act concerning workers compensation; relating to liability of employers and other employees; amending K.S.A. 44-501 and repealing the existing section, by Committee on Commerce and Labor.

**HB 2810**, An act concerning certain telemarketing and telephone center services; imposing certain restrictions regarding state contracts for such services; requiring disclosure of certain information to customers; prohibiting certain use of personal identification information; providing remedies and penalties for violations, by Representative Swenson.

**HB 2811**, An act concerning municipal judges; relating to the election thereof; amending K.S.A. 12-1036g, 12-4105, 12-4107, 13-527, 13-628a, 14-201, 14-205, 14-1501, 14-1502, 14-1503, 15-204, 15-209, 15-1601, 15-1602 and 15-1603 and repealing the existing sections; also repealing K.S.A. 13-628l, by Representatives Huy, Brunk, Goering, Goico, Huebert, E. Johnson, Kauffman, Mays, Merrick, Judy Morrison, Novascone, Patterson, Pauls, Sawyer, Thimesch, Toelkes, D. Williams.

**HB 2812**, An act relating to compensation and expense allowances for legislators; amending K.S.A. 46-137a and 75-3215 and repealing the existing sections, by Committee on Appropriations.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Appropriations: **HB 2783, HB 2794, HB 2804.**

Corrections and Juvenile Justice: **HB 2777, HB 2778, HB 2779, HB 2780, HB 2785, HB 2790, HB 2791.**

Economic Development: **HB 2801.**

Education: **HB 2803, HB 2806, HB 2807.**

Federal and State Affairs: **HB 2784, HB 2798.**

Financial Institutions: **HB 2781.**

Higher Education: **HB 2795.**

Insurance: **HB 2796.**

Judiciary: **HB 2782, HB 2789, HB 2800, HB 2802.**

Local Government: **HB 2793, HB 2805.**

Taxation: **HB 2776, HB 2786, HB 2787.**

Transportation: **HB 2792.**

Utilities: **HB 2799.**

Select Committee on Pensions: **HB 2788, HB 2797.**

**CHANGE OF REFERENCE**

Speaker Mays announced the withdrawal of **HB 2733** from Committee on Education and referral to Select Committee on Pensions.

Also, the withdrawal of **HB 2676, HB 2677** from Committee on Judiciary and referral to Committee on Federal and State Affairs.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6023—

By Representatives Myers, Brunk, Carter, DeCastro, Dillmore, Flaharty, Gilbert, Goering, Goico, Hayzlett, Huebert, Huy, Johnson, E., Klein, Landwehr, Loganbill, Long, M., Mason, McCreary, McKinney, McLeland, Novascone, Pottorff, Powell, Powers, Sawyer, Sharp, B., Shriver, Swenson, Thimesch, Thull, Ward and Wilk

A RESOLUTION supporting an air transportation master plan that transforms the state transportation infrastructure into a catalyst for global business and tourism expansion.

WHEREAS, Fair Fare\$ strategies brought to the citizens of Kansas AirTran Airways, the Great Lakes/Frontier codeshare and Allegiant Air, plus affordable fares, more responsive service and a rapidly growing passenger base; and

WHEREAS, The Fair Fare\$ Plan for Kansas Air Service (Plan) stabilizes and expands the low-cost advantage at Mid-Continent Airport and extends Fair Fare\$ benefits to communities across the state; and

WHEREAS, The Plan optimizes Kansas' airfield utilization and the contributions from those airfields to the Kansas economy and to Kansans' quality of life; and

WHEREAS, The Plan developed Mid-Continent Airport, the state's largest commercial airfield, into a small hub with nonstop service to the Kansas top 20 markets, low-fare competition to all of the Kansas top 50 markets and low-cost competition maintained by AirTran Airways, Frontier Airlines, Allegiant Air and eventually Southwest Airlines; and

WHEREAS, The Plan would extend this low-cost, high service environment to communities across Kansas through realigned commuter air service, enhanced ground transportation infrastructure and collaborative market development initiatives; and

WHEREAS, The Plan would expand the Fair Fare\$ alliance of organizations in support of Fair Fare\$ to include representation by the governor, lieutenant governor, state legislature, federal officials representing Kansas, and community, business and economic development leaders across the market area: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the House of Representatives joins in partnership with the City of Wichita in promoting our state's air

transportation infrastructure to position Kansas companies as global contenders for economic development and tourist opportunities; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide five enrolled copies of this resolution to Representative Myers plus one copy each to Representatives Burroughs, Flaharty, Long, Mays and Wilk.

#### CONSENT CALENDAR

Objection was made to **HB 2248** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2612** appearing on the Consent Calendar for the first day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5027**, A concurrent resolution urging the insurance department and commissioner of insurance to pursue creation of an interstate compact or state-based regulation of certain insurance products, 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, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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: None.

Absent or not voting: Huy, Newton.

The resolution was adopted.

**SB 254**, An act concerning certain nuisances; restricting the use of pyrotechnics and pyrotechnic devices and materials and providing remedies for violations; concerning the powers and duties of the state fire marshal; amending K.S.A. 22-3902, 22-3904, 31-133 and 41-2611 and K.S.A. 2003 Supp. 22-3901 and 41-2708 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Carter, Faber, Flora, McLeland, Powers, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: Huy, Newton.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Clearly we have laws aplenty to deal with indoor pyrotechnics; this one is not necessary. Moreover, how chilling the thought of more rule & reg authority for the State Fire Marshall, in lieu of reserving the power to the people via the legislature? But, being a dutiful legislator, not wanting to appear insensitive, unpatriotic, or on a post card, I vote yes on **SB 254**.—WARD LOYD

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

**COMMITTEE OF THE WHOLE**

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

Recommended that committee report to **HB 2136** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2493** be adopted; also, on motion of Rep. Huntington be amended on page 1, following line 35, by inserting the following:

“(g) “Institution” means any foreign institution of postsecondary education or private postsecondary institution as defined by this act.”;

By relettering the remaining subsections accordingly;

On page 2, in line 17, by striking “or “institutions””; in line 42, by striking “and” and inserting “or”;

On page 5, in line 8, by striking “office” and inserting “department”;

On page 6, in line 20, by striking “and” where it appears for the first time and inserting “or”; in line 21, by striking “and” and inserting “or”; in line 27, by striking “and” and inserting “or”; in line 32, by striking “and” and inserting “or”;

On page 8, in line 20, by striking “private postsecondary”;

On page 9, in line 35, by striking “a private postsecondary” and inserting “an”; and **Sub. HB 2493** be passed as amended.

Committee report to **HB 2347** be adopted; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Commerce and Labor** recommends **HB 2330** be amended on page 1, in line 29, by striking “invoice price or the lowest terminal price” and inserting “average of the three lowest terminal prices posted by a supplier”; in line 32, by striking “or transportation”; in line 33, by striking “costs” and inserting “offered from a common carrier for hire designated for the terminal from which the most recent supply of motor fuel delivered to the retail location.”;

On page 2, in line 8, after the period, by inserting: “The secretary of agriculture may adopt rules and regulations as necessary to carry out the duties of the division of weights and measures under this act.”; in line 18, by striking “Any” and inserting “On the first”; also in line 18, by striking all after “section”; by striking all in lines 19, 20 and 21; in line 22, by striking all before “each” and inserting: “, the attorney general shall send to the violator by certified mail, return receipt requested, an order that the violator cease and desist from the violation within 24 hours of receipt of such order, a second violation of the provisions of this section shall render the violator liable for the payment of a civil penalty in a sum of \$1,000 for each day the violation occurs and a third or subsequent violation of the provisions of this section shall render the violator liable for the payment of a civil penalty in a sum of \$10,000 for”; in line 29, by striking “or” and inserting “and”; in line 30, by striking “, if applicable.”; preceding line 31, by inserting the following:

“(g) Any action brought under subsections (e) to (g), inclusive, shall be brought within six months of the act giving rise to such action.”; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **HB 2589** be amended on page 1, in line 36, by striking “commission” and inserting “secretary of state or county election officer as appropriate”; in line 37, by striking “commission” and inserting “secretary of state”;

On page 3, in line 16, by striking “commission” and inserting “secretary of state or county election officer as appropriate”; in line 17, by striking “commission” and inserting “secretary of state”;

On page 5, in line 25, by striking “commission” and inserting “secretary of state or county election officer as appropriate”; in line 26, by striking “commission” and inserting “secretary of state”; following line 26, by inserting the following:

“(j) Any report required by this section may be signed by the candidate in lieu of the candidate’s treasurer or the treasurer of the candidate’s committee.

Sec. 4. K.S.A. 25-4151 is hereby amended to read as follows: 25-4151. (a) Every report or statement made under the campaign finance act shall be made on forms prescribed by the commission, and contain substantially the following:

“I declare that this (report) (statement), including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor.”

(Date)

(Signature)

Every report or statement shall be dated and signed by: (1) The treasurer *or candidate* for any report required by K.S.A. 25-4148; (2) the candidate, for any report required by K.S.A. 25-4144; or (3) the chairperson of the committee, for any statement required by K.S.A. 25-4145. If the form is not available, the report or statement to which it relates shall be made as required, but in such form as the person signing such report or statement chooses, and the commission may require any such report or statement to be replaced after filing by a report or statement on the forms provided by the commission.

(b) Records in support of every report or statement filed under the campaign finance act shall be maintained and preserved by the person who files it for a period of time to be designated by the commission.

(c) Delay in filing a report or statement beyond the time required by law shall not prevent the acceptance of the report or statement.

(d) No treasurer shall accept or permit to be accepted any contributions or make or permit to be made any expenditures unless all reports or statements required of such treasurer prior to the time of such contributions or expenditures have been filed.”;

By renumbering sections accordingly;

On page 6, in line 1, by striking “commission” and inserting “secretary of state or county election officer as appropriate”; in line 2, by striking “commission” and inserting “secretary of state”;

On page 8, in line 17, by striking “commission” and inserting “secretary of state or county election officer as appropriate”; in line 18, by striking “commission” and inserting “secretary of state”; in line 21, following “25-4148,” by inserting “25-4151.”; in line 23, following “after” by inserting “July 1, 2005, and”;

On page 1, in the title, in line 10, following the semicolon, by inserting “pertaining to signatures on certain reports.”; also in line 10, following “25-4148,” by inserting “25-4151.”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2737** be amended on page 2, in line 24, by striking “, files a practice protocol”;

On page 4, in line 19, by striking “lapsed” and inserting “been canceled”; in line 20, by striking “lapsed” and inserting “canceled”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 106**, as amended by Senate Committee, be amended on page 1, in line 31, by striking “complemented” and inserting “complimented”; in line 32, by striking “Kansas” and inserting “Kansan”; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2545**, **HB 2597** be passed.

Committee on **Transportation** recommends **HB 2623** 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 resolutions were thereupon introduced and read by title:

**HB 2813**, An act concerning health care records; relating to the abandonment thereof, by Committee on Judiciary.

**HB 2814**, An act concerning admissible evidence; amending K.S.A. 60-445 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2815**, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3511 and K.S.A. 2003 Supp. 21-4603d, 21-4704 and 22-3303 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2816**, An act concerning workers compensation; relating to discounts for workplace safety consultation, by Representative Ward.

**HB 2817**, An act concerning consumer protection; relating to debit or credit transactions, by Representative Ward.

**HB 2818**, An act concerning the employment of illegal aliens; amending K.S.A. 21-4409 and K.S.A. 2003 Supp. 21-4503a and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2819**, An act enacting the adult care home group-funded pool act; authorizing adult care homes to pool liabilities; providing certificate of authority to operate pools and providing for the regulation thereof; amending K.S.A. 40-2121, 40-2209, 40-2209f, 40-2259, 40-3606, 44-559a and 65-474 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2820**, An act concerning the state board of healing arts; relating to actions taken for unprofessional conduct; expiration of licenses and registrations; creation of designations for certain licenses; amending K.S.A. 65-2005, 65-2012, 65-28a03, 65-5410, 65-5412, 65-5510, 65-5512, 65-7208 and 65-7209 and K.S.A. 2003 Supp. 65-2910 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2821**, An act concerning economic development; relating to recapture of development subsidy values, by Representative Swenson.

**HB 2822**, An act concerning long-term care insurance; requiring standardization of policies, by Representative Swenson.

**HB 2823**, An act concerning insurance; providing maternity coverage for dependent children; amending K.S.A. 2003 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Swenson.

**HB 2824**, An act creating the health care for seniors fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2003 Supp. 79-3620 and 79-3710 and repealing the existing sections, by Representatives Rehorn and Patterson, Ballard, Bethell, Boyer, Cox, Crow, Davis, Gilbert, Horst, Huff, Hutchins, Kirk, Loganbill, Merrick, Jim Morrison, Judy Morrison, Neighbor, Toelkes, Yonally.

**HB 2825**, An act concerning crimes and punishment; relating to endangering the food supply; amending K.S.A. 2003 Supp. 21-4221 and repealing the existing section, by Representative Barbieri-Lightner.

**HB 2826**, An act concerning the department of social and rehabilitation services; enacting the grandparents as foster parents act; prescribing powers, duties and functions for the secretary of social and rehabilitation services; prescribing certain guidelines and other criteria therefor, by Representatives Patterson and Rehorn, Ballard, Barbieri-Lightner, Bethell, Boyer, Burroughs, Carlin, Cox, Crow, DeCastro, Flaharty, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Horst, Huff, Hutchins, Huy, Kirk, Klein, Kuether, Loganbill, Mays, McKinney, Merrick, Jim Morrison, Judy Morrison, Neighbor, Ostmeier, Pauls, Phelps, Ruff, S. Sharp, Showalter, Sloan, Swenson, Toelkes, Ward, Yonally.

**HB 2827**, An act concerning homestead property tax refunds; amending K.S.A. 79-4509 and repealing the existing section, by Representatives Patterson and Rehorn, Barbieri-Lightner, Bethell, Boyer, Burroughs, Cox, Crow, DeCastro, Flaharty, Gatewood, Gilbert, Gordon, Horst, Huff, Hutchins, Kirk, Loganbill, McKinney, Merrick, Jim Morrison, Judy Morrison, Neighbor, Sloan, Toelkes, Ward, Yonally.

**HB 2828**, An act concerning commerce; relating to fairness in contracting for public construction projects; amending K.S.A. 75-6402 and 75-6403 and repealing the existing sections, by Representative Patterson.

**HB 2829**, An act concerning commerce; relating to fairness in contracting for private construction projects, by Representative Patterson.

**HB 2830**, An act concerning alcoholic liquor; relating to retailers' licenses; amending K.S.A. 41-308 and repealing the existing section, by Representative Patterson.

**HB 2831**, An act concerning crimes, punishment and criminal procedure; relating to a prison sanction of drug and alcohol abuse treatment program for certain offenders; amending K.S.A. 75-5202 and K.S.A. 2003 Supp. 8-1567, 21-4602, 21-4704, 38-1602, 72-978, 75-3765 and 76-3201 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 76-3205, by Representative Owens.

**HB 2832**, An act concerning emergency medical services; relating to attendant certification; amending K.S.A. 65-6129 and repealing the existing section, by Committee on Appropriations.

**HB 2833**, An act relating to roads and highways; designation certain parts of certain roads and highways; amending K.S.A. 68-1010 and repealing the existing section, by Committee on Transportation.

**HB 2834**, An act concerning taxation; relating to development excise taxes; requirements of municipalities thereto, by Representative Patterson.

HOUSE CONCURRENT RESOLUTION No. 5036—

By Representatives Rehorn and Patterson, Ballard, Barbieri-Lightner, Bethell, Boyer, Burroughs, Campbell, Cox, DeCastro, Gatewood, Gilbert, Gordon, Hayzlett, Horst, Huff, Hutchins, Kirk, Loganbill, Merrick, Jim Morrison, Judy Morrison, Neighbor, Ostneyer, B. Sharp, S. Sharp, Sloan, Thimesch, Toelkes, Ward, Yonally

A CONCURRENT RESOLUTION urging the Kansas State Board of Education to expand community service and service learning programs for increased youth volunteer service to enhance appreciation of the needs of elderly persons.

WHEREAS, Community service and service learning programs provide Kansas citizens services that strengthen our communities; and

WHEREAS, Community service and service learning programs provide Kansas students important knowledge of and involvement in serving the needs of Kansans; and

WHEREAS, The Legislature enacted K.S.A. 72-1126 which requires the State Board of Education to provide for a community service program to be offered to all accredited high schools in this state; and

WHEREAS, The community service program in Kansas is defined as a program of service performed by high school students, without monetary compensation or remuneration, for the purpose of benefitting the students' community; and

WHEREAS, The services performed under the community service program may include, but are not limited to, mentoring or tutoring elementary school pupils, assisting persons in nursing homes or adult care centers, providing lawn care or performing other tasks for senior citizens or disabled persons, assisting in homeless shelters or soup kitchens, organizing or assisting in fund raisers for disaster victims and other needy persons, assisting community-based nonprofit agencies that provide programs and services for low-income people, the disabled and the elderly, assisting fraternal organizations in charitable activities; and

WHEREAS, Research findings show that community service and service learning programs benefit students by boosting academic achievement, fostering a lifetime commitment to civic participation, improving social skills, and preparing students to enter the workforce; and

WHEREAS, By teaching young people that they can and should play a positive role in their community, community service and service learning programs encourage life-long civic participation and gives students a sense of competency; they see themselves as active contributors rather than passive recipients of adult support; and

WHEREAS, Community service and service learning programs also help address real community needs, build stronger connections between schools and communities and improve the overall school climate; and

WHEREAS, The State of Kansas has a fast growing population of elderly residents and the need for assistance and community-based services for older Kansans continues to grow; and

WHEREAS, The assistance and services provided to elderly Kansans by students through community service and service learning programs meet significant needs for such assistance and services and participation in such programs enhance the knowledge, awareness and appreciation of the needs of elderly persons in Kansas communities; Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Kansas State Board of Education provide increased support for community service and service learning programs to enhance appreciation of the needs of elderly persons.

HOUSE CONCURRENT RESOLUTION No. 5037—

By Representatives Rehorn and Patterson, Ballard, Barbieri-Lightner, Bethell, Boyer, Burroughs, Campbell, Cox, Crow, Davis, DeCastro, Gilbert, Gordon, Hayzlett, Horst, Huff, Hutchins, Kirk, Loganbill, Merrick, Jim Morrison, Judy Morrison, Neighbor, Ostmeyer, S. Sharp, Showalter, Sloan, Toelkes, Yonally

A CONCURRENT RESOLUTION supporting the inclusion of older job seekers as a hard-to-serve population under the Workforce Investment Act, the funding of statewide worker training and employment services from the 15% state-level set-aside reserve under that act and increased support for and expansion of existing work training and retraining services for older Kansans, including the Older Kansans Employment Program (OKEP), and urges evaluation of certain existing workforce training and retraining programs administered by the Department of Commerce to ensure that such programs meet the needs of older Kansas workers.

WHEREAS, An increasing number of older workers have been losing their jobs in recent years through no fault of their own; and

WHEREAS, Despite the positive attributes they bring to the work place, they are among the first to be laid off in downsizing or corporate restructuring and they experience longer periods of unemployment, discrimination in the hiring process and often lack access to job placement services in rural communities; and

WHEREAS, Today's older workers have a considerable education deficit compared to their younger counterparts; about half of these workers did not complete high school, and the education acquired at that time is outdated; lacking computer skills and the knowledge required for the modern job market, they require careful assessment to determine their best skills and the most suitable training or retraining programs to help them stay in the labor force or re-enter it; yet government-sponsored programs often have an age 35 cut-off for eligibility, or do not adequately address the needs of older learners; and

WHEREAS, Preparation for retirement throughout one's working life, and the transition into retirement, whether abrupt or gradual, by choice or not, are critical issues for both the individual and society; older workers who lose their jobs in their peak earning years will not be able to save enough to live well for the final third of their lives, will lose ground more rapidly in their health status, and will be less able to contribute to our communities; and

WHEREAS, The nature of work has changed rapidly over the last decade; nonstandard forms of employment, part-time, contract and seasonal jobs, self-employment, etc., often with poor security, low wages and few or no benefits, have replaced many of the full-time positions workers used to hold throughout their careers; and

WHEREAS, With inadequate income, older workers barely meet day-to-day needs, let alone invest in their future by saving for retirement and cannot replace pensions or investments depleted by changes in the stock market, mutual funds, interest rates or Individual Retirement Accounts (IRA's); and

WHEREAS, The youth-dominated society of the last few decades will dramatically change in the future; the United States Census Bureau estimates that senior citizens will

account for up to 25% of the population by the year 2031; global competitiveness dictates our attention to this demographic shift; the United States of America, and Kansas in particular, cannot expect to maintain a trained and productive work force if the needs of older workers are ignored; as a result, programs designed to continually update the work skills of older Kansans are essential for a thriving future economy; and

WHEREAS, By taking into account the long-term impact of such programs, a cohesive set of social policy reforms can help Kansas become the best possible place to live, work and grow older: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature supports inclusion of older job seekers as a hard-to-serve population under the Workforce Investment Act and the funding of statewide worker training and employment services from the 15% state-level set-aside reserve; and

*Be it further resolved:* That the Legislature supports a requirement that a portion of Workforce Investment Act funding be retained from the 15% state-level set-aside reserve from the Workforce Investment Act discretionary fund in the amount of \$200,000, and use of such moneys be utilized to provide additional opportunities for the development and funding of special services for older workers; and

*Be it further resolved:* That the Legislature supports increased financial support for job training and retraining programs designed to serve older Kansans including the Older Kansans Employment Program (OKEP); and

*Be it further resolved:* That the Legislature urges evaluation of existing workforce training and retraining programs administered by the Department of Commerce, including, but not limited to the Kansas Industrial Training (KIT) and Kansas Industrial Retraining (KIR) programs and the State of Kansas Investment in Lifelong Learning (SKILL) projects, to ensure that such programs are adequately designed and properly administered to meet the needs of older Kansas workers.

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

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### 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 2835**, An act defining and classifying the crime of unlawful use of a recording device, by Committee on Federal and State Affairs.

**HB 2836**, An act concerning horse pulling; providing for adoption and enforcement of certain standards, by Representative Merrick.

**HB 2837**, An act relating to school districts; concerning school districts with less than 100 pupils; providing for the transfer of territory of school districts; authorizing the levy of an ad valorem tax for the enhancement of teachers' salaries; providing for cost of living weighting; amending K.S.A. 2003 Supp. 72-6407 and repealing the existing section, by Representatives Patterson, Carter, S. Sharp and Merrick, Aurand, Barbieri-Lightner, Boyer, Campbell, Gordon, Huebert, Huff, Huntington, Judy Morrison, Neighbor, Novascone, O'Malley, Owens, Siegfried, Sloan, Yoder and Yonally.

**HB 2838**, An act relating to credit cards; requiring certain notices, by Representative Yonally.

**HB 2839**, An act concerning employment security; amending K.S.A. 2003 Supp. 44-710a and repealing the existing section, by Representative Swenson.

**HB 2840**, An act regarding workers compensation; concerning intentional, wanton and reckless acts; amending K.S.A. 44-501, 44-510e, 44-545 and 44-5a07 and repealing the existing sections, by Representative Ward.

**HB 2841**, An act concerning crimes, punishment and criminal procedure; relating to the maximum statutory prison sentence; amending K.S.A. 21-4719 and K.S.A. 2003 Supp. 21-4704, 21-4705 and 21-4720 and repealing the existing sections, by Representative Ward.

**HB 2842**, An act concerning certain business entities; imposing a franchise tax; franchise fees; amending K.S.A. 17-1513, 17-1618, 17-7510, 17-7511, 17-7512 and 56-1a608 and K.S.A. 2003 Supp. 17-2036, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-76,125, 17-76,139, 45-221, 56-1a606, 56-1a607, 56a-1201, 56a-1202 and 56a-1203 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 17-7508, by Representative Holland.

**HB 2843**, An act concerning income taxation; relating to credits; certain home repairs, by Representatives O'Malley, Jack, Davis and Siegfried.

**HB 2844**, An act concerning agriculture; enacting the agritourism promotion act, by Representatives Patterson, Barbieri-Lightner, Feuerborn, Goico, Hill, Holland, Jack, Long-Mast, J. Miller, Osborne, Ostmeyer, Pauls, Phelps, Showalter, Svaty and J. Williams.

**HB 2845**, An act concerning medicaid fraud; enacting the medicaid false claims act; relating to asset seizure and forfeiture; amending K.S.A. 60-4107 and 60-4119 and K.S.A. 2003 Supp. 60-4104, 60-4105 and 60-4117 and repealing the existing sections, by Committee on Judiciary.

**HB 2846**, An act concerning jury service; amending K.S.A. 43-155, 43-158, 43-159, 43-165 and 43-173 and repealing the existing sections, by Committee on Judiciary.

**HB 2847**, An act concerning the workers compensation act; relating to medical compensation; amending K.S.A. 2003 Supp. 44-510h and repealing the existing section, by Representative Ruff.

**HB 2848**, An act concerning distinctive license plates; providing for the issuance of the drive for the cure license plate, by Representatives Loganbill, Ballard, Burgess, Carlin, Crow, Davis, Faust-Goudeau, Flaharty, Gilbert, Grant, Henderson, Huntington, Kuether, M. Long, McKinney, Novascone, Pottorff, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Svaty, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilson and Winn.

**HB 2849**, An act relating to criminal procedure; concerning certain traffic violations; relating to diversion; amending K.S.A. 12-4416 and 22-2909 and repealing the existing sections, by Representative Newton.

**HB 2850**, An act concerning the state health care benefits program; relating to costs of participation by certain medicare-eligible persons; amending K.S.A. 75-6508 and repealing the existing section, by Representatives Kirk, Burgess, Flora, Gordon, Kuether, Lane and Toelkes.

**HB 2851**, An act concerning crimes and punishment; relating to giving birth without medical assistance, by Representative Long-Mast.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6006** reported correctly enrolled and properly signed on February 11, 2004.

#### READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1043, under Reports of Standing Committees, the committee report on **HB 2580** should read: Committee on "**Financial Institutions** recommends" rather than "Committee on **Financial Institutions and Insurance** recommends."

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 12, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

