

Journal of the House

FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 10, 2005, 2:00 p.m.

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2005 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Brad Bryant, Assistant Secretary of State.

Prayer by the Rev. Michael Chamberlain, pastor, First Methodist Church, Topeka:

Almighty God, in whose presence we find redemption and rest, in whose love we find comfort and care, and in whose power we find wholeness and hope. Hear us this day as we lift our prayers to you.

O God of new beginnings and of hope-filled dreams, be with us today as this body of your servants gathers to do the work of your children, the citizens of Kansas. Bless each representative for the work that lies ahead. Give to each an overflowing measure of insight, diligence, humor, and grace as they prepare to grapple with issues that affect the lives of us all. Bless the leaders of this House for the holy mission of governance and leadership. Empower them with broad vision for the good and a passion for righteousness. Above all, grant to us all, a humility that reminds us that only you see all and that the best of human endeavors falls short of the perfection of your will.

The weather outside looks much like it did last year, Lord . . . and so do many of the challenges that face our state. But you have given us a new year and a new day in which to act justly and with compassion for all. You have provided all that we need to help your will be done on earth as it is in heaven.

Bless this day of new beginnings to your holy purpose and in accordance with your will. Bless this great state, our home on the range, and bless these United States of America, the land that we love. Amen.

The Pledge of Allegiance was led by Rep. Owens.

Assistant Secretary of State Brad Bryant announced the appointment of Janet Jones as temporary Chief Clerk of the House.

December 22, 2004

The Honorable Ron Thornburgh
Secretary of State
Memorial Hall, 1st Floor
120 SW 10th Avenue
Topeka, Kansas 66612

Dear Secretary Thornburgh:

Please receive this notice of my resignation. I was recently elected to serve in the 47th District of the Kansas House of Representatives for the 2005-2006 legislative sessions. I will be unable to fulfill this obligation due to my military deployment overseas. The effective date of this notice shall be January 10, 2005.

Sincerely,
 Representative Lee Tafanelli
 47th District
 Kansas House of Representatives

**OFFICE OF THE GOVERNOR
 STATE OF KANSAS
 CERTIFICATE OF APPOINTMENT**

I, Kathleen Sebelius, Governor of the State of Kansas, hereby appoint and commission Joann E. Flower as State Representative, District 47, and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.

Signed this 10th day of January, 2005.

KATHLEEN SEBELIUS
Governor

**STATE OF KANSAS
 OFFICE OF
 SECRETARY OF STATE**

I, RON THORNBURGH, Secretary of State, do hereby certify that the following persons were elected members of the House of Representatives of the State of Kansas for a two-year term beginning on the second Monday of January, A.D. 2005.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 6th day of December, A.D. 2004.

RON THORNBURGH
Secretary of State
 MELISSA A. WANGEMANN
Deputy Assistant Secretary of State

Members of the House of Representatives were then called in blocks of ten, came forward, took and subscribed, or affirmed, to their respective oaths of office, administered to them by Justice Robert Davis, Kansas Supreme Court, as follows:

State of Kansas, County of Shawnee, ss:

We, and each of us, do solemnly swear or affirm, that we will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Representative of the State of Kansas, so help us God.

District

1st—Doug Gatewood
 2nd—Robert (Bob) Grant
 3rd—Julie Menghini
 4th—Lynne Oharah
 5th—Bill Feuerborn
 6th—Jene Vickrey
 7th—Jeff Jack
 8th—Jerry D. Williams
 9th—Bill Otto
 10th—Tom Holland
 11th—Virgil Peck
 12th—Frank Miller
 13th—Forrest J. Knox
 14th—Lance Kinzer
 15th—Arlen Siegfried
 16th—Jim Yonally
 17th—Stephanie Sharp
 18th—Mary Pilcher Cook
 19th—Thomas (Tim) C. Owens
 20th—Kevin Yoder

District

21st—Dean Newton
 22nd—Sue Storm
 23rd—Judy Morrison
 24th—Ed O'Malley
 25th—Terrie Huntington
 26th—Robert (Rob) S. Olson
 27th—Ray Merrick
 28th—Pat Colloton
 29th—Patricia Kilpatrick
 30th—David Huff
 31st—Bonnie Sharp
 32nd—Louis E. Ruiz
 33rd—Tom Burroughs
 34th—Valdenia C. Winn
 35th—Broderick Henderson
 36th—Margaret E. Long
 37th—Michael J. (Mike) Peterson
 38th—Anthony R. Brown
 39th—Ray L. Cox
 40th—L. Candy Ruff

District

41st—Marti Crow
 42nd—Kenny A. Wilk
 43rd—S. “Mike” Kiegerl
 44th—Barbara W. Ballard
 45th—Tom Sloan
 46th—Paul Davis
 47th—Joann E. Flower
 48th—Eric Carter
 49th—Scott Schwab
 50th—Becky Hutchins
 51st—Mike Burgess
 52nd—Lana Gordon
 53rd—Ann Mah
 54th—Doug Mays
 55th—Annie Kuether
 56th—Nancy Kirk
 57th—Vaughn Flora
 58th—Harold Lane
 59th—Joe D. Humerickhouse
 60th—Don A. Hill
 61st—Richard Carlson
 62nd—Bruce F. Larkin
 63rd—Jerry Henry
 64th—Kathe Decker
 65th—Barbara Craft
 66th—Sydney Carlin
 67th—Tom Hawk
 68th—Shari Weber
 69th—Deena L. Horst
 70th—Donald L. Dahl
 72nd—Tom Thull
 73rd—Clark Shultz
 74th—Carl Krehbiel
 75th—John C. Grange
 76th—Peggy Long-Mast
 77th—Everett L. Johnson
 78th—Judy Showalter
 79th—Kasha Kelley
 80th—Bill McCreary
 81st—Ted Powers
 82nd—Don V. Myers
 83rd—Jo Ann Pottorff

District

84th—Oletha Faust-Goudeau
 85th—Steven R. Brunk
 86th—Judith E. Loganbill
 87th—Bonnie Huy
 88th—Jim Ward
 90th—Steve Huebert
 91st—Brenda Landwehr
 92nd—Nile Dillmore
 93rd—Richard F. Kelsey
 94th—Joe McLeland
 95th—Tom Sawyer
 96th—Willa DeCastro
 97th—Dale Swenson
 98th—Geraldine Flaharty
 99th—Todd M. Novascone
 100th—Mario Goico
 101st—Mark R. Treaster
 102nd—Janice L. Pauls
 103rd—Delia Garcia
 104th—Michael (Mike) R. O’Neal
 105th—Jason Watkins
 106th—Sharon Schwartz
 107th—Joann Lee Freeborn
 108th—Joshua Svaty
 109th—Clay Aurand
 110th—Dan Johnson
 111th—Eber E. Phelps
 112th—John Edmonds
 113th—Bob Bethell
 114th—Mitch Holmes
 115th—Melvin J. Neufeld
 116th—Dennis McKinney
 117th—Larry R. Powell
 118th—Virginia B. Beamer
 119th—Pat George
 120th—John Faber
 121st—Jim Morrison
 122nd—Gary K. Hayzlett
 123rd—Ward Loyd
 124th—Bill Light
 125th—Carl D. Holmes

Subscribed and sworn to, or affirmed, before me this 10th day of January, 2005.

ROBERT DAVIS
Justice of the Supreme Court

Nominations being in order for Speaker, Rep. DeCastro nominated Rep. Doug Mays for Speaker of the House. There being no further nominations, Rep. McKinney moved the nominations be closed, and that the temporary clerk be instructed to cast a unanimous ballot for Rep. Mays as Speaker of the House of Representatives. The motion prevailed.

Assistant Secretary of State Brad Bryant requested Rep. Mays to approach the bar for the oath of office.

Speaker-elect Mays subscribed to the following oath of office, which was administered by Justice Davis.

State of Kansas, County of Shawnee, ss:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Speaker of the House of Representatives, so help me God. Subscribed and sworn to before me, this 10th day of January, 2005.

ROBERT DAVIS

Justice of the Supreme Court

Speaker Mays addressed a few remarks to the members of the House.

Speaker Mays was presented with the gavel by Assistant Secretary of State Brad Bryant and assumed the chair.

Speaker Mays announced the appointment of Janet Jones as Chief Clerk and Wayne Owen as Sergeant-at-Arms of the House of Representatives.

Nominations being in order for Speaker pro tem, Rep. DeCastro nominated Rep. Ray Merrick for Speaker pro tem. There being no further nominations, Rep. Ward moved the nominations be closed and that the Chief Clerk be instructed to cast a unanimous ballot for Rep. Merrick as Speaker pro tem of the House of Representatives. The motion prevailed.

Speaker Mays requested Rep. Merrick approach the bar for the oath of office which was administered by Justice Davis:

State of Kansas, County of Shawnee, ss:

I do solemnly swear that I will support the constitution of the United States and the constitution of the State of Kansas, and faithfully discharge the duties of the office of Speaker pro tem of the House of Representatives, so help me God. Subscribed and sworn to before me, this 10th day of January, 2005.

ROBERT DAVIS

Justice of the Supreme Court

Rep. Merrick addressed the following remarks to the members of the House:

Thank you Justice Davis and Mr. Speaker:

First of all let me say what an honor it is to be able to serve you as Speaker Pro Tem.

This past year I have had an opportunity to travel the state. I can honestly say it is (Bigger than I thought). I didn't get to Rolla, Liberal, and Greensburg as promised, but will promise to make it in the future.

Robin Jennison was Speaker of the House during my first year in the Kansas House. He asked me one day, "Ray do you know everyone in the State?" I replied, "No, but I am working on it." After my many travels, I have discovered I have a lot of work to do if I am going to meet everyone.

There are many things you have time to think about while traveling this great state. One of these was how lucky I have been to make so many friends here in the Legislature. I have made friendships on both sides of the aisle that will last a lifetime. For that, I am grateful.

I have also discovered how diverse your districts are and the people you represent. Bottom line, I have discovered that the people of the state I have had the opportunity to meet want what's best for Kansas.

I can remember on several occasions, Speaker Mays saying, "Things are different in Johnson County than they are in Johnson City, Kansas. Things are different, but I think the people want what's best for Kansas.

When we leave here, after our ninety days, let us be judged not by the opinions of the Judicial Branch. Not by the expectations of the News Media, and not by how well we fulfill the wants of the bureaucracy here in Topeka, but how well we fulfill our obligations to the citizens of the State.

Again, Thank You for the confidence you've shown in me. Make me continue to earn your confidence and trust.

My staff and myself are ready to help you in any way we can. Please let us do our job and serve you.

Your constituents are my constituents. Your success is my success. Thank you.

Speaker Mays asked for announcements from the party caucuses:

Rep. DeCastro stated the majority (Republican) party had met and elected the following:

- (1) Majority Leader, Representative Clay Aurand
- (2) Assistant Majority Leader, Representative Joe McLeland
- (3) Majority Whip, Representative Steven Brunk
- (4) Caucus Chair, Representative Willa DeCastro

Rep. Aurand addressed the following remarks to the members of the House:

Thank you Mr. Speaker. When I first came to Topeka ten years ago, I was a month away from my first anniversary and four months away from my first child. Many things have changed since then. I'd like to say a special word of thanks to my wife Gina, my daughters Lexia, Lanessa and Lasandra and my son Blake. They make a sacrifice to come down here every January and I'd like to thank them for doing that. I'd also like to thank my caucus for allowing me the privilege of serving in this capacity for two more years.

What's the matter with Kansas? As many of you know, a book by the same title has recently been at the top of the New York Times' bestsellers list. I was invited by my brother-in-law to provide a rebuttal to this book to his students at the University of Nebraska. The author of this book is a typical Kansan: he grew up in Mission Hills, graduated from KU and moved to East Coast to write for a liberal magazine. The premise of the book asserts that Kansans have been duped into electing conservative Republicans who campaigned on social issues but who are really only concerned with cutting taxes for the very rich. In short, the people of Kansas don't do what is in their own economic best interest. They've been duped. As you know, this isn't why most of us are here.

As I was reading this book, I began to think about what is right with Kansas. More particularly, what is right with the way we make public policy in this institution. I began to think about what we can do in the next two years to strengthen what is already right with Kansas. There are many things right with Kansas. There are many people from modest backgrounds who have great influence in this body. We are citizens. We are not a collection of millionaires, bodybuilders and former all-star wrestlers who are here to impress somebody. We are here to represent our friends and neighbors; and to represent them well. We are not full-time politicians. The way we do business is much different from the way it is done in larger states or in D.C. We work with friendship. We work with trust. For ninety days, we come to Topeka and build bonds and trust with each other and develop public policy to the best of our ability. That trust is one of our strengths. I know that Speaker Mays has stopped at Rep. McKinney's farm in Greensburg and had a cup of coffee. I can't imagine Denny Hastert dropping by Nancy Pelosi's place when he swings through California. That is something that is special about this state. Those are the things we need to continue to build on.

As we approach this legislative session, I'd like everyone to keep two things in mind. The first thing to remember is that we all want the same thing. We all want our kids to be educated well. We all want the best healthcare available. Everybody wants clean air to breathe and clean water to drink. We all want the streets to be safe. We only differ in how best to accomplish this. Lets not look down our noses or antagonize each other only because we differ in opinion.

My second hope is that we keep a proper perspective about what we're doing here. As important as our job here is, lets keep in mind that the decisions we make aren't life and death. The logistics of working out school finance pale in comparison to the logistics of food and medicine distribution in southeast Asia where decisions can literally decide life or death for thousands of people. As we debate the definition of suitable education, let us keep a proper perspective in mind.

Finally, I'd like to extend a word of thanks to Rep. McKinney for his willingness to work together the last two years and note that I'm looking forward to working with him again. Lets work together to make this Legislature, and this body in particular, one of the things that is really right with Kansas. Thank you.

Rep. Ballard stated the minority party (Democrat) had caucused and elected the following officers:

- (1) Minority Leader, Representative Dennis McKinney
- (2) Assistant Minority Leader, Representative Jim Ward
- (3) Minority Whip, Representative Eber Phelps

- (4) Agenda Chair, Representative Marti Crow
- (5) Caucus Chair, Representative Barbara Ballard
- (6) Policy Chair, Representative Judy Showalter

Rep. McKinney addressed the following remarks to the members of the House:

Thank you Mr. Speaker.

First, I want to thank my colleagues for again allowing me the privilege of being the leader of the minority party. In this role I have found opportunities to grow and learn and to serve; all of which allow me to fulfill my duty and calling as a servant of the people of Kansas. Serving in this House, the People's House, is in itself an honor. To be a leader here is an even greater honor.

Second, I wish to congratulate Speaker Mays on again achieving the position of Speaker of the Kansas House of Representatives. Over the last two years I have appreciated your openness, your efforts to seek out bipartisan input in policy making, and your fair application of the rules. I look forward to working with you in your role as leader of the People's House.

I continue to believe that the role of the minority party is not so much of what is referred to as "loyal opposition." Opposition for the sake of opposition was referred to by Speaker of the U.S. House Sam Rayburn of Texas when he said "Any jack-ass can kick down a barn, but it takes a good carpenter to build one."

Rather, I see our duty in the minority party to participate as carpenters in the policy making process. To help surface ideas, sometimes contrasting ideas, and see that those ideas are tested in a vigorous but civil debate; to see that as many interests and views as possible are represented here, regardless of the power or status of those holding the views.

In the last few years it seems we desire to attach labels to each other, especially during the campaigns. But in our legislative process, my feelings were captured by Lyndon Johnson when he said, "I don't believe in labels. I want to do the best I can, all the time. I want to be progressive without getting both feet off the ground at the same time. I want to be prudent without having my mind closed to anything that is new or different."

With these things in mind I believe we can perform our duty in this process and meet the challenges facing Kansans. Rapid inflation in health care costs consumes our budgets. Health care costs cause Kansas businesses to drop health insurance coverage which means fewer people can pay their medical bills. As a result, health care providers raise their rates which in turn pushes up health insurance premiums. We must begin work immediately to break this cycle, to help Kansas businesses to thrive, and to reassure hard working Kansas citizens. Some will say that all efforts must be left to the federal government. But through history states have been the policy innovators. As Justice Louis Brandeis pointed out, "It is one of the happy incidents of the federal system that a single courageous state may. . . serve as a laboratory; and try novel social and economic experiments. . . (1932)."

In addition to health care, we also face the most serious challenge in many years in funding our public schools. The Kansas Supreme Court charges us with a duty to bring our school finance system into compliance with Article 6 of the Kansas Constitution within the next 92 days. Duty of this magnitude requires us to review the values of the founders who designed our Constitution.

It was Aristotle, the author of political science, who held that, "All who have meditated on the art of governing mankind have been convinced that the fate of empires depends on the education of youth." With this in mind, George Washington proposed a national university and, in his final address to Congress, asserted "how much a flourishing state of the arts and sciences contributes to national prosperity and reputation." Washington advocated the education of youth throughout the nation and asked what could be more pressing on a legislature than to support a plan to educate those who he said "are to be the future guardians of the liberties of the country."

In the same line, John Adams wrote the constitution for Massachusetts which was the first to charge the state with a responsibility to advance the arts and sciences and provide schools throughout the state. Even Thomas Jefferson, who advocated smaller government, especially at the national level, charged the government with a responsibility to provide a system of education and said, "I have two great measures at heart, without which no republic can maintain itself in strength: 1. That of general education, to enable every man to judge

for himself what will secure or endanger his freedom. 2. To divide every county . . . that all the children of each will be within reach of a central school in it.”

Knowing this history, it is not surprising then that the founders of Kansas, those who lived through the bloody conflict of bleeding Kansas, in 1859 wrote this requirement into the Constitution: “The Legislature shall encourage the promotion of intellectual, moral, scientific and agricultural improvement, by establishing a uniform system of Common Schools, and Schools of a higher grade, embracing normal, preparatory, collegiate, and university departments.” When this language was changed in 1966 it was made, if anything, stronger. And now the Supreme Court reminds us that this duty to improvement must be a constant process, never “static or regressive.”

As if to amplify this message, the very first provision of the Constitution, even before the preamble, set aside section 16 and 36 in each township to fund a system of public schools. And section 2 set aside 72 sections of land to develop higher education. Surely the values and commitment of our state’s founders still speak to us today.

As we fulfill our duty to fund schools, the course we choose should follow a few basic management guidelines. Our solution must be long term, not a temporary fix based on accounting maneuvers. It must not lower our state’s credit rating, we are already on the watch list. It can not raid the highway fund, we have already used that option to the maximum. We must not lower the standards to which we aspire, parents do not want us to dum down Kansas schools and our knowledge based economy demands our utmost in preparing students for the workforce. And finally, I believe that a good finance plan will allow us to continue to have schools in places like Haviland and Ingalls, those Kansas towns that define the word community.

Clearly, we can be proud of our history in Kansas. We have long sought to set people free. Those whose names are enshrined on these walls sought to break the bonds of slavery and injustice and insisted on a system of public schools. While Samuel Crumbine set the stage for public health in America, the Menningers helped break the chains of mental illness and William Allen White helped define government’s role in establishing economic justice. As Kansans we do these things because we believe in building stronger families, healthier communities, greater opportunity and encouraging personal responsibility. We also do these things because we believe what was told us by the one I consider my Lord and Savior when he said, “Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me (Matthew 25:40, KJV).”

Thank you Mr. Speaker.

Speaker Mays declared remarks given by the elected leadership hereby ordered spread upon the Journal.

The roll was called with 123 members present. The House is now organized with 123 members.

Representatives-elect Beggs and M. Miller were excused on verified illness.

STANDING COMMITTEES OF THE HOUSE LEGISLATIVE SESSION, 2005

Agriculture: D. Johnson, Chairperson; F. Miller, Vice-chairperson; Carlson, Dahl, Faber, Freeborn, Knox, Light, Peck, Powell, Powers.

Svaty, Ranking Minority Member; Feuerborn, Gatewood, Larkin, Showalter, Williams.

Appropriations: Neufeld, Chairperson; Landwehr, Vice-chairperson; Bethell, Flower, Hutchins, Light, McCreary, McLeland, Newton, Pilcher-Cook, Pottorff, Powell, Schwab, Schwartz, Weber.

Feuerborn, Ranking Minority Member; Ballard, Gatewood, Henry, Lane, Sawyer, B. Sharp, Williams.

Calendar and Printing: Aurand, Chairperson; Mays, Vice-Chairperson; Brunk, McLeland, Merrick.

McKinney, Ranking Minority Member; Ward.

Commerce and Labor: Dahl, Chairperson; Novascone, Vice-chairperson; Burgess, Grange, Humerickhouse, Huntington, Jack, D. Johnson, Kiegerl, Kilpatrick, S. Sharp, Swenson, Yoder.

Ruff, Ranking Minority Member; Garcia, Grant, Henderson, Pauls, Ruiz.

Corrections and Juvenile Justice: Loyd, Chairperson; Owens, Vice-chairperson; Beggs, Decker, Horst, Huntington, Kelsey, Knox, S. Sharp, Swenson, Yoder.

Davis, Ranking Minority Member; Crow, Faust-Goudeau, Pauls, Peterson, Ward.

Economic Development: Gordon, Chairperson; Huntington, Vice-chairperson; Brown, Carlson, Grange, Hill, M. Holmes, Horst, Krehbiel, Novascone, O'Malley.

Winn, Ranking Minority Member; Burroughs, Carlin, Kuether, Loganbill, Treaster.

Education: Decker, Chairperson; Horst, Vice-chairperson; Beggs, Colloton, Craft, DeCastro, Faber, M. Holmes, Huebert, E. Johnson, Kelsey, F. Miller, Otto, Powers, Yonally.

Storm, Ranking Minority Member; Crow, Flaharty, Holland, Loganbill, Mah, Phelps, Winn.

Environment: Freeborn, Chairperson; Burgess, Vice-chairperson; George, Hayzlett, D. Johnson, Knox, Light, Olson, Powers, Schwartz, Sloan.

Flora, Ranking Minority Member; Flaharty, Hawk, Menghini, Svaty, Thull.

Federal and State Affairs: Edmonds, Chairperson; Siegfried, Vice-chairperson; Brunk, Cox, Craft, Dahl, Huy, E. Johnson, Kinzer, Merrick, Judy Morrison, Myers, Novascone, Oharah, Wilk.

Burroughs, Ranking Minority Member; Dillmore, Hawk, Henderson, Loganbill, Mah, M. Miller, Ruff.

Financial Institutions: Cox, Chairperson; Humerickhouse, Vice-chairperson; Brown, Brunk, Burgess, George, Goico, Olson, O'Malley, Vickrey.

Grant, Ranking Minority Member; Burroughs, Dillmore, Faust-Goudeau, Thull.

Governmental Organization and Elections: Vickrey, Chairperson; Huy, Vice-chairperson; Beamer, Craft, Goico, Huebert, F. Miller, Oharah, Otto, Swenson, Yonally.

Holland, Ranking Minority Member; Faust-Goudeau, Lane, M. Miller, Sawyer, Storm.

Health and Human Services: Jim Morrison, Chairperson; Mast, Vice-chairperson; Bethell, Colloton, DeCastro, Goico, Hill, Kelley, Kiegerl, Kilpatrick, Landwehr, F. Miller, Otto, Watkins.

Kirk, Ranking Minority Member; Flaharty, Garcia, Holland, Phelps, Showalter, Storm.

Higher Education: Sloan, Chairperson; E. Johnson, Vice-chairperson; Craft, Hill, Horst, Huff, Kelsey, Krehbiel, Otto, Pottorff, S. Sharp.

Carlin, Ranking Minority Member; Kuether, Menghini, Phelps, Storm, Winn.

Insurance: Shultz, Chairperson; Carter, Vice-chairperson; Brunk, Cox, Faber, Kelsey, McCreary, McLeland, Peck, Schwab.

Dillmore, Ranking Minority Member; Grant, Kirk, Phelps, B. Sharp.

Interstate Cooperation: Merrick, Chairperson; Aurand, Vice-chairperson; Brunk, Mays, McLeland.

McKinney, Ward.

Judiciary: O'Neal, Chairperson; Jack, Vice-chairperson; Colloton, Hutchins, Kelley, Kiegerl, Kinzer, Loyd, Newton, Owens, Pilcher-Cook, Watkins, Yoder.

Pauls, Ranking Minority Member; Crow, Davis, Garcia, Peterson, Ward.

Rules and Journal: Shultz, Chairperson; Kinzer, O'Neal.

Sawyer, Vice-chairperson; Pauls.

Taxation: Wilk, Chairperson; Huff, Vice-chairperson; Brown, Brunk, Carlson, George, Goico, Gordon, Hill, Kelley, Kinzer, O'Malley, Owens, Peck, Siegfried.

Thull, Ranking Minority Member; Carlin, Davis, Dillmore, Kirk, Larkin, Menghini, Treaster.

Transportation: Hayzlett, Chairperson; Faber, Vice-chairperson; Beamer, Brown, Burgess, George, Humerickhouse, Jack, O'Malley, Olson, Peck, Vickrey, Yonally.

Long, Ranking Minority Member; Ballard, Henry, Menghini, Ruiz, Treaster.

Utilities: C. Holmes, Chairperson; Krehbiel, Vice-chairperson; Beamer, Carter, Huy, Knox, Mast, Jim Morrison, Judy Morrison, Myers, Oharah, Olson, Sloan, Watkins.

Kuether, Ranking Minority Member; Flora, Hawk, Long, M. Miller, Showalter, Svaty.

Wildlife, Parks and Tourism: Myers, Chairperson; Judy Morrison, Vice-chairperson; Beamer, Grange, Hayzlett, M. Holmes, Kilpatrick, Oharah, Shultz, Swenson, Weber.

Flaharty, Ranking Minority Member; Henderson, Long, Mah, Ruff, Treaster.

Budget Committees

Agriculture and Natural Resources Budget: Schwartz, Chairperson; Freeborn, C. Holmes, Powell, Sloan.

Flora, Williams.

Education Budget: Hutchins, Chairperson; Gordon, Huebert, Krehbiel, McLeland, Newton.

Feuerborn, Grant, Sawyer.

General Government and Commerce Budget: Pottorff, Chairperson; Carlson, Huff, Schwab, Shultz.

Kuether, Lane.

Legislative Budget: Neufeld, Chairperson; Aurand, Mays, McLeland, Merrick.

McKinney, Ward, Showalter.

Public Safety Budget: Light, Chairperson; Flower, M. Holmes, Neufeld, Pilcher-Cook, B. Sharp, Svaty.

Revenue, Judicial, Transportation and Retirement: McCreary, Chairperson; Carter, Grange, O'Neal, Weber.

Gatewood, Thull.

Social Services: Landwehr, Chairperson; Bethell, DeCastro, Edmonds, Mast, Siegfried, Ballard, Henry, Ruiz.

SELECT COMMITTEE

January 7, 2005

Chief Clerk, Janet Jones

In accordance with House Rule 1103, the Select committee on School Finance is established. The committee consists of nine Representatives.

Members of the committee are: Decker, Chair; O'Neal, Vice-Chair; DeCastro, Gordon, Hayzlett, Merrick.

Larkin, Ranking Minority Member; Crow, Winn.

Sincerely,

DOUG MAYS

Speaker of the House

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Aurand, **HR 6001**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6001—

A RESOLUTION relating to the organization of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the Chief Clerk of the House of Representatives notify the Senate that the House is organized with the following officers:

Doug Mays, speaker,

Ray Merrick, speaker pro tem,

Clay Aurand, majority leader,

Dennis McKinney, minority leader,

Janet Jones, chief clerk,

Wayne Owen, sergeant at arms,

and awaits the pleasure of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Aurand, **HR 6002**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6002—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the speaker

be assigned seat No. 3; the speaker pro tem be assigned seat No. 2; the majority leader be assigned seat No. 4; the minority leader be assigned seat No. 5; and the remaining members of the house be assigned the following seats: Ballard 35, Beamer 85, Beggs 105, Bethell 106, Brown 101, Brunk 93, Burgess 109, Burroughs 8, Carlin 21, Carlson 90, Carter 102, Colloton 82, Cox 116, Craft 107, Crow 16, Dahl 28, Davis 37, DeCastro 81, Decker 64, Dillmore 78, Edmonds 50, Faber 84, Faust-Goudeau 57, Feuerborn 19, Flaharty 95, Flora 51, Flower 23, Freeborn 61, Garcia 34, Gatewood 59, George 26, Goico 111, Gordon 46, Grange 43, Grant 40, Hawk 53, Hayzlett 27, Henderson 75, Henry 22, Hill 69, Holland 33, C. Holmes 119, M. Holmes 24, Horst 63, Huebert 88, Huff 124, Humerickhouse 42, Huntington 47, Hutchins 41, Huy 31, Jack 83, D. Johnson 121, E. Johnson 66, Kelley 86, Kelsey 44, Kiegerl 29, Kilpatrick 65, Kinzer 103, Kirk 60, Knox 89, Krehbiel 49, Kuether 52, Landwehr 79, Lane 76, Larkin 7, Light 68, Loganbill 54, Long 55, Loyd 14, Mah 72, Mast 87, McCreary 11, McLeland 45, Menghini 74, F. Miller 48, M. Miller 39, Jim Morrison 99, Judy Morrison 30, Myers 9, Neufeld 1, Newton 67, Novascone 97, O'Malley 91, O'Neal 13, Oharah 110, Olson 112, Otto 114, Owens 120, Pauls 94, Peck 108, Peterson 18, Phelps 36, Pilcher-Cook 92, Pottorff 15, Powell 25, Powers 115, Ruff 96, Ruiz 20, Sawyer 17, Schwab 100, Schwartz 10, B. Sharp 56, S. Sharp 104, Showalter 58, Shultz 12, Siegfried 113, Sloan 118, Storm 32, Svaty 77, Swenson 122, Thull 71, Treaster 70, Vickrey 123, Ward 6, Watkins 80, Weber 62, Wilk 117, Williams 38, Winn 73, Yoder 98 and Yonally 125.

The first three seats south of the center aisle in the last row are reserved for the sergeants at arms.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Auran, **HR 6003**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No 6003—

A RESOLUTION relating to the rules of the House of Representatives for the 2005-2006 biennium.

Be it resolved by the House of Representatives of the State of Kansas: That except as otherwise hereinafter provided, the rules of the House of Representatives for the 2003-2004 biennium in effect at the time of adjournment sine die of the 2004 regular session of the legislature shall constitute the temporary rules of the House of Representatives for the 2005 regular session until permanent rules are adopted; and

Be it further resolved: That Rule 507 shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 507. Computer Usage. Computers may be used on the floor of the House chamber only for legislative business during any time the House is in session.

Be it further resolved: That Rule 1101 of the 2003-2004 biennium shall be amended to read as follows and shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 1101. Standing Committees; Names and Members. (a) The standing committees of the House shall be the following and have the number of members indicated for each:

1. Agriculture	17
2. Appropriations	23
3. Calendar and Printing	7
4. Commerce and Labor	19
5. Corrections and Juvenile Justice	17
6. Economic Development	15 17
7. Education	23
8. Environment	17
9. Ethics and Elections	17
10. 9. Federal and State Affairs	23
11. 10. Financial Institutions	15
11. <i>Governmental Organization and Elections</i>	17
12. Health and Human Services	21

13. Higher Education 17
14. Insurance ~~17~~ 15
15. Interstate Cooperation 7
16. Judiciary ~~17~~ 19
~~17. Local Government 15~~
~~18. Rules and Journal 5~~
~~19. 18. Taxation 23~~
~~20. Tourism and Parks 17~~
~~21. 19. Transportation ~~23~~ 19~~
~~22. 20. Utilities 21~~
21. *Wildlife, Parks and Tourism* 17

(b) The house standing committee on ~~tourism and parks~~ *wildlife, parks and tourism* shall constitute the successor committee to the house standing committee on tourism and the house standing committee on tourism and parks for purposes of references in statutory or other documents. The house standing committee on economic development shall constitute the successor committee to the house standing committee on e-government and the house standing committee on new economy for purposes of references in statutory or other documents. *The house standing committee on governmental organization and elections shall constitute the successor committee to the house standing committee on local government and the house standing committee on ethics and elections for purposes of references in statutory or other documents.*

Be it further resolved: That Rule 1105 of the 2003-2004 biennium shall be amended to read as follows and shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 1105. Budget Committees. (a) There is hereby created the following budget committees of the committee on appropriations which shall have the number of members indicated for each:

1. Agriculture and natural resources budget committee 7
2. Education budget committee 9
3. General government and commerce budget committee 7
4. Public safety budget committee 7
5. Social services budget committee ~~9~~ 11
6. ~~Tax Revenue~~, judicial, transportation and retirement budget committee 5
7. Legislative branch budget committee 8

(b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson of each budget committee. The Speaker may remove or replace at any time any budget committee chairperson or any member of such committee appointed by the Speaker.

(c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees may recommend but are not authorized to introduce bills or resolutions.

(d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a *et seq.*

Be it further resolved: That Rule 1507 shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 1507. Disposition of Bills Subject to Certain Deadlines. Any bill which is subject to a deadline for consideration under subsection (e) or subsection (f) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives and which remains on general orders at the close of business on such deadline day shall be considered as killed and shall be stricken from the calendar unless such bill is referred by the speaker to a committee before the close of business on such day. Any bill so referred shall be subject to all applicable deadlines under the Joint Rules of the Senate and House of Representatives.

Be it further resolved: That Rule 2505 of the 2003-2004 biennium shall be amended to read as follows and shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 2505. Explaining Vote. Any member may, when a roll call vote is being taken on the passage or adoption of any bill or resolution, explain their vote. Such member shall be allowed not more than one minute for such explanation. Such explanation, if furnished in writing *and signed* by such member *by 4:00 p.m. upon the day the vote is taken or if the vote is taken subsequent to 3:30 p.m., within one-half hour after the vote is taken*, shall be entered in the Journal, provided it does not contain more than 100 words.

Be it further resolved: That Rule 2705 of the 2003-2004 biennium shall be amended to read as follows and shall constitute a temporary rule of the House until a permanent rule is adopted:

Rule 2705. Consent Calendar. Whenever a standing committee is of the opinion that a bill or concurrent resolution upon which it is reporting is of a noncontroversial nature, it shall so state in its committee report. Whenever a bill or concurrent resolution is so reported, it shall be placed upon the Consent Calendar. Each bill or concurrent resolution placed on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. ~~At any time prior to the call for the vote~~ Under the order of business ~~Final Action on a bill or concurrent resolution on the Consent Calendar~~ *and prior to the call for the vote*, any member may object to the bill or concurrent resolution as being controversial and thereupon it shall be removed from the Consent Calendar and shall be placed on General Orders. If no objection is made prior to the call for the vote on the bill or concurrent resolution, it shall be ordered to Final Action for vote before other bills and concurrent resolutions on Final Action.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills and concurrent resolutions were introduced and read by title:

HB 2001. An act concerning insurance; establishing the Kansas health care commission and providing for the powers, duties and functions thereof; providing comprehensive, state-wide health insurance coverage for all residents of the state; providing for the financing thereof; and repealing K.S.A. 40-2248, 40-2249 and 40-2249a, by Representatives Swenson and Powers.

HB 2002. An act concerning the Kansas turnpike authority; prohibiting the changing and collecting of tolls on certain portions of the turnpike; amending K.S.A. 68-2004 and 68-2009 and repealing the existing sections, by Representative Lane.

HB 2003. An act concerning sales taxation; relating to isolated or occasional sales of motor vehicles; amending K.S.A. 2004 Supp. 79-3603 and repealing the existing section, by Representatives Lane, Dillmore and Ward.

HB 2004. An act defining the crimes of trafficking in the first degree and trafficking in the second degree; providing penalties for violation, by Representative Judy Morrison.

HB 2005. An act concerning elections; relating to disclosure of felony convictions by certain candidates; amending K.S.A. 2004 Supp. 12-4516 and 21-4619 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 21-4619, as amended by section 59 of chapter 154 of the 2004 Session Laws of Kansas, by Representative Lane.

HB 2006. An act concerning taxation; relating to sales tax exemptions; amending K.S.A. 2004 Supp. 79-3606 and repealing the existing section, by Representative Ruiz.

HB 2007. An act concerning the horsethief reservoir benefit district; relating to district sales tax; election therefor; amending K.S.A. 2004 Supp. 82a-2205 and repealing the existing section, by Representative Powell.

HB 2008. An act concerning employment; relating to the employment of illegal aliens; amending K.S.A. 21-4409 and K.S.A. 2004 Supp. 21-4503a and repealing the existing sections, by Representative Dillmore.

HB 2009. An act relating to salvage vehicles; concerning cost of repairs; amending K.S.A. 2004 Supp. 8-197 and repealing the existing section, by Representative Powers.

HB 2010. An act concerning economic development; relating to an annual report evaluating the cost effectiveness of income tax credits and sales tax exemptions; production

responsibility moved from Kansas, Inc. to the department of revenue; amending K.S.A. 79-1119 and 79-3614 and K.S.A. 2004 Supp. 79-3234 and repealing the existing sections; also repealing K.S.A. 2004 Supp. 74-8017 and 74-99b35, by Joint Committee on Economic Development.

HB 2011, An act concerning employment security law; relating to layoffs and separations because of lack of work in Kansas, by Representative Swenson.

HB 2012, An act regarding tax increment financing; clarification of statutes; amending K.S.A. 12-1774a and K.S.A. 2004 Supp. 12-1770a, 12-1771, 12-1771b, 12-1773, 12-1774, 12-1780b and 12-1780c and repealing the existing sections, by Joint Committee on Economic Development.

HB 2013, An act concerning exceptions to disclosure of records; amending K.S.A. 45-229 and repealing the existing section, by Special Committee on Local Government.

HB 2014, An act concerning the Kansas water authority; amending K.S.A. 2004 Supp. 74-2622 and repealing the existing section; also repealing K.S.A. 2004 Supp. 74-2622a, by Special Committee on Environment.

HB 2015, An act concerning the minimum wage and maximum hours law; increasing the minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Representative Powers.

HB 2016, An act concerning arbitration; relating to the validity of an agreement; amending K.S.A. 5-401 and repealing the existing section, by Representative Carter.

HB 2017, An act concerning public water supply systems; relating to disposition of certain fees; amending K.S.A. 2004 Supp. 82a-2101 and repealing the existing section, by Representative Sloan.

HB 2018, An act concerning certain rural water districts; providing procedures for acquisition of such districts' water supply and distribution systems by other rural water districts and providing procedures for the acquisition of the area within the boundaries of such districts by other rural water districts; amending K.S.A. 2004 Supp. 82a-647 and repealing the existing section, by Representative Sloan.

HB 2019, An act concerning cities and counties; concerning encroachment restriction districts, by Representative Sloan.

HB 2020, An act relating to state educational institutions; concerning the conversion of positions in the classified service to positions in the unclassified service; amending K.S.A. 2004 Supp. 75-2935 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2021, An act concerning state educational institutions under the control and supervision of the state board of regents; relating to interest earnings on moneys in certain special revenue funds; amending K.S.A. 74-3213, 74-5619, 74-5620, 76-6b02, 76-719, 76-753 and 76-755 and K.S.A. 2004 Supp. 76-326b, 76-327c, 76-385 and 76-762 and repealing the existing sections, by Legislative Educational Planning Committee.

HB 2022, An act concerning property taxation; relating to appeals of orders of the board of tax appeals; attorney fees and costs; amending K.S.A. 74-2426 and repealing the existing section, by Special Committee on Assessment and Taxation.

HB 2023, An act concerning taxation; relating to city and county retailers' sales tax; classes of cities; amending K.S.A. 12-195b and K.S.A. 2004 Supp. 12-187, 12-188, 12-189 and 12-192 and repealing the existing sections, by Special Committee on Assessment and Taxation.

HB 2024, An act concerning school districts; relating to special education; amending K.S.A. 72-979 and K.S.A. 2004 Supp. 72-978 and repealing the existing sections, by Legislative Educational Planning Committee.

HB 2025, An act concerning the state board of regents and postsecondary educational institutions; relating to insurance; amending K.S.A. 75-4101 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2026, An act concerning the Kansas universal service fund; relating to KAN-ED; amending K.S.A. 66-2010 and repealing the existing section, by Legislative Educational Planning Committee.

HB 2027, An act concerning library boards; amending K.S.A. 12-1222 and repealing the existing section, by Representatives Colloton and Wilk.

HB 2028, An act concerning franchise tax; relating to apportionment methodology; amending K.S.A. 2004 Supp. 79-5401 and repealing the existing section, by Special Committee on Assessment and Taxation.

HB 2029, An act concerning the uniform securities act; amending section 38 of chapter 154 of the 2004 Session Laws of Kansas and repealing the existing section, by Special Committee on Judiciary.

HB 2030, An act concerning eminent domain; relating to economic development purposes; notice and hearing requirements; amending K.S.A. 26-503 and repealing the existing section, by Special Committee on Judiciary.

HB 2031, An act concerning the division of post audit; relating to certain income tax abatements, audits and reports; amending K.S.A. 2004 Supp. 79-3233b and repealing the existing section, by Legislative Post Audit Committee.

HOUSE CONCURRENT RESOLUTION No. 5001—

By Special Committee on Assessment and Taxation

A PROPOSITION to amend section 5 of article 12 of the constitution of the state of Kansas, relating to the establishment of classes of cities by the legislature for purposes of imposing limitations and prohibitions as to levying of taxes, fees or charges.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 5 of article 12 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 5. Cities’ powers of home rule.** (a) The legislature shall provide by general law, applicable to all cities, for the incorporation of cities and the methods by which city boundaries may be altered, cities may be merged or consolidated and cities may be dissolved: *Provided*, That existing laws on such subjects not applicable to all cities on the effective date of this amendment shall remain in effect until superseded by general law and such existing laws shall not be subject to charter ordinance.

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: *Provided*, That the legislature may establish not to exceed ~~four~~ *ten* classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as herein provided for in subsection (c).

(c) (1) Any city may by charter ordinance elect in the manner prescribed in this section that the whole or any part of any enactment of the legislature applying to such city, other than enactments of statewide concern applicable uniformly to all cities, other enactments applicable uniformly to all cities, and enactments prescribing limits of indebtedness, shall not apply to such city.

(2) A charter ordinance is an ordinance which exempts a city from the whole or any part of any enactment of the legislature as referred to in this section and which may provide substitute and additional provisions on the same subject. Such charter ordinance shall be so titled, shall designate specifically the enactment of the legislature or part thereof made inapplicable to such city by the adoption of such ordinance and contain the substitute and additional provisions, if any, and shall require a two-thirds vote of the members-elect of the

governing body of such city. Every charter ordinance shall be published once each week for two consecutive weeks in the official city newspaper or, if there is none, in a newspaper of general circulation in the city.

(3) No charter ordinance shall take effect until sixty days after its final publication. If within sixty days of its final publication a petition signed by a number of electors of the city equal to not less than ten percent of the number of electors who voted at the last preceding regular city election shall be filed in the office of the clerk of such city demanding that such ordinance be submitted to a vote of the electors, it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. An election, if called, shall be called within thirty days and held within ninety days after the filing of the petition. The governing body shall pass an ordinance calling the election and fixing the date, which ordinance shall be published once each week for three consecutive weeks in the official city newspaper or, if there be none, in a newspaper of general circulation in the city, and the election shall be conducted as elections for officers and by the officers handling such elections. The proposition shall be: "Shall charter ordinance No. _____, entitled (title of ordinance) take effect?" The governing body may submit any charter ordinance to a referendum without petition by the same publication of the charter ordinance and the same publication of the ordinance calling the election as for ordinances upon petition and such charter ordinance shall then become effective when approved by a majority of the electors voting thereon. Each charter ordinance becoming effective shall be recorded by the clerk in a book maintained for that purpose with a statement of the manner of adoption and a certified copy shall be filed with the secretary of state, who shall keep an index of the same.

(4) Each charter ordinance enacted shall control and prevail over any prior or subsequent act of the governing body of the city and may be repealed or amended only by charter ordinance or by enactments of the legislature applicable to all cities.

(d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.

(e) This amendment shall be effective on and after July 1, ~~1967~~ 2007."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory statement. The purpose of this amendment is to allow the legislature to establish up to ten classes of cities for the purposes of imposing limitations and prohibitions as to the levying of taxes, excises, fees, charges and other exactions.

"A vote for this proposition would allow the legislature to establish up to ten classes of cities for the purposes of imposing limitations and prohibitions as to the levying of taxes, excises, fees, charges and other exactions. The legislature may currently establish up to four classes of cities for such purposes.

"A vote against this proposition would maintain the current authority of the legislature."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election on November 7, 2006, unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Aurand, **HCR 5002**, by Representatives Mays and McKinney, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5002—

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That a committee of two members from the Senate and three members from the

House of Representatives be appointed to wait upon the governor, and inform the governor that the two houses of the legislature are duly organized and are ready to receive any communications the governor may have to present.

In accordance with **HCR 5002**, Speaker Mays appointed Reps. Holmes, Pottorff and Henry to wait upon the Governor.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. Aurand, **HCR 5003**, by Representatives Mays and McKinney, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5003—

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Senate and the House of Representatives meet in joint session in Representative Hall at 7:00 p.m. on January 10, 2005, for the purpose of hearing the message of the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Governor.

Be it further resolved: That a committee of two members from the Senate and three members from the House of Representatives be appointed to wait upon the Lieutenant Governor.

In accordance with **HCR 5003**, Speaker Mays appointed Reps. O'Neal, Sloan and Larkin to escort the Governor; Reps. Hayzlett, Wilk and Ballard to escort the Lieutenant Governor; Reps. Landwehr, Huff and Pauls to escort the Supreme Court; and Reps. Neufeld, Decker and Ruff to escort the Senate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2032, An act concerning the state corporation commission; relating to motor carriers; amending K.S.A. 2004 Supp. 66-1,129 and repealing the existing section, by Representative Huff.

HB 2033, An act concerning crimes and punishment; relating to criminal use of weapons; stun guns or tasers; amending K.S.A. 2004 Supp. 21-4201 and repealing the existing section, by Representative Huff.

HB 2034, An act concerning judicial review and civil enforcement of agency actions; amending K.S.A. 77-603 and repealing the existing section, by Joint Committee on Administrative Rules and Regulations.

HB 2035, An act relating to the registration of vehicles; concerning the use of farm trucks; amending K.S.A. 2004 Supp. 8-142 and 8-143 and repealing the existing sections, by Representative Mast.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2020**, **HB 2021**, **HB 2025**, **HB 2026**.

Commerce and Labor: **HB 2008**, **HB 2011**, **HB 2015**.

Corrections and Juvenile Justice: **HB 2004**.

Economic Development: **HB 2010**.

Education: **HB 2024**.

Environment: **HB 2014**, **HB 2017**.

Governmental Organization and Elections: **HB 2007**, **HB 2013**, **HB 2018**, **HB 2019**, **HB 2027**, **HB 2030**; **HCR 5001**.

Insurance: **HB 2001**.

Judiciary: **HB 2005**, **HB 2016**, **HB 2029**.

Taxation: **HB 2003, HB 2006, HB 2009, HB 2012, HB 2022, HB 2023, HB 2028, HB 2031.**

Transportation: **HB 2002.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6004—

By Representatives Mays and McKinney

A RESOLUTION adopting permanent rules of the House of Representatives for the 2005-2006 biennium.

Be it resolved by the House of Representatives of the State of Kansas: The following rules shall be the permanent rules of the House of Representatives for the 2005-2006 biennium.

RULES OF THE KANSAS HOUSE OF REPRESENTATIVES 2005-2006

ARTICLE I. HOUSE SESSIONS; GENERAL OPERATION

Rule 101. Time of Meeting. The hour of meeting on the first day of each regular session shall be at 2:00 p.m., and on other days, shall be the hour set at adjournment on the previous legislative day except that if no hour of meeting is set at adjournment on the previous legislative day, the hour of meeting shall be 11:00 a.m.

Rule 102. Speaker Taking Chair. The Speaker shall take the chair each day, at the hour to which the House has adjourned. The Speaker shall call the House to order and proceed to business in accordance with the Rules of the House.

Rule 103. First Business. The first business each legislative day shall be the taking of the roll, the taking of roll shall be followed by prayer and the prayer shall be followed by the recitation of the pledge of allegiance to the flag of the United States of America led by a member designated by the Speaker.

Rule 104. Order of Business. (a) The regular order of business each legislative day, except on days and at times set apart for the consideration of special orders and except as provided by the joint rules of the House and Senate, shall be as follows:

- (1) Introduction and reference of bills and concurrent resolutions.
- (2) Reports of select committees.
- (3) Receipt of messages from the Governor.
- (4) Communications from state officers.
- (5) Messages from the Senate.
- (6) Introduction and notice of original motions and house resolutions.
- (7) Consideration of motions and house resolutions offered on a previous day.
- (8) The unfinished business before the House at the time of adjournment on the previous day.
- (9) Consent calendar.
- (10) Final Action on bills and concurrent resolutions.
- (11) Bills under consideration to concur and nonconcur.
- (12) General Orders.
- (13) Reports of standing committees.

(b) The presentation of petitions shall be a special order of business on Friday of each week immediately preceding the regular order of business.

Rule 105. Members Excused from Attendance. Members may be excused from attendance on any legislative day by the Speaker for the following reasons and such reasons shall be shown in the Journal: (1) verified illness; (2) legislative business; and (3) excused absence by the Speaker.

Rule 106. Introduction of Guests. Except when permission has been given by the Speaker before taking the chair, no guests in the gallery shall be introduced to the House.

Rule 107. Session Proforma. (a) The House of Representatives may meet from time to time for the sole purposes of processing routine business of the House of Representatives. These sessions shall be known as Session Proforma.

(b) **Time of Meeting.** Session Proforma shall be announced at least one legislative day in advance with the hour for meeting Proforma set on the previous legislative day.

(c) **Order of Business.** The only orders of business that may be considered during Session Proforma are:

- (1) Introduction and reference of bills and concurrent resolutions.
- (2) Receipts of messages from the Governor.
- (3) Communications from State Officers.
- (4) Messages from the Senate.
- (5) Reports of Standing Committees.
- (6) Presentation of Petitions.

(d) **Motions.** No motion shall be in order other than the motion to adjourn.

(e) **Objections.** Any objection by any member shall require the Session Proforma to adjourn to the next day, Saturday and Sundays excluded, at 11:00 a.m.

(f) **Quorum and Roll.** There shall be no requirement for a quorum or taking of the roll. No demand for a roll call for a quorum shall be in order.

(g) **Effect on Certain Rules.** If a legislative day referred to in Rule 1309, 1503, 1505, 2303, 2705 or 3705 occurs on a legislative day which is also the day on which a session proforma is held, the term "legislative day" as used in such rule means the next legislative day subsequent to the legislative day on which the session proforma is held.

ARTICLE 3. QUORUM

Rule 301. Quorum, What Constitutes. A majority of all members then elected (or appointed) and qualified shall constitute a quorum. In the absence of a quorum no business shall be transacted by the House, except as provided in Rule 107, 302 and 303 or to recess or adjourn.

Rule 302. Absence of Quorum. In the absence of a quorum during any session of the House, the members present may do what is necessary to attain a quorum. In the absence of a quorum while in the committee of the whole, the committee shall rise and report. Reprimand, censure or expulsion may be imposed as provided by Article 49 when there is found to be no sufficient excuse for absence of a member.

Rule 303. Roll Call to Determine Quorum. A roll call shall be taken to determine the existence of a quorum on demand of any member. The result of each roll call to ascertain a quorum shall be recorded in the Journal by statement of the total number present, naming only the absentees.

ARTICLE 5. CONDUCT IN THE HOUSE CHAMBER

Rule 501. Admission to Floor. (a) During daily sessions, from the time of convening until adjournment to the following legislative day, only the following classes of persons shall be admitted to the floor of the House, the cloakrooms to the east of the house chamber and the hallway at the west of the house chamber: (1) Members of the Legislature; (2) officers and employees of the legislative branch who are properly identified; (3) persons having permits from the Speaker.

(b) No person who is an officer or employee of the executive or judicial branch of Kansas government or an employee of the federal government shall be admitted to the area of the chamber on which legislators' desks are located during the time the House of Representatives is in session, except as provided by resolution, nor shall any such person be on the floor of the House chamber during a call of the House.

(c) No person registered with the Secretary of State as a lobbyist shall be on the floor of the House chamber during the part of the year that the Legislature is in session.

(d) The sergeant at arms shall remove all persons from the floor, except persons authorized under the Rules of the House or a House resolution.

(e) The provisions of this rule shall not be construed to prevent the right of access (through the west hallway) by persons going directly to or returning from the offices of the Speaker and the Majority Leader.

Rule 502. Smoking and Tobacco Products; Food and Drink. (a) No smoking shall be permitted in the House chamber. No member may request a page to purchase any tobacco product. In addition to the areas of the house in which smoking is otherwise pro-

hibited under this rule, no smoking shall be permitted in the house cloakrooms, lounge, rest rooms or in the hallway which runs along the west side of the chamber.

(b) Members may have food or drink, or both, on their desks in the House chamber only when the member is present at the member's desk.

Rule 503. Galleries. Visitors shall be allowed in one or both galleries of the House in accordance with directions to the sergeant at arms from the Speaker. Except for security personnel authorized by the Speaker, the use of telephones and the making of telephone calls in the galleries of the House are prohibited.

Rule 504. Placing Material on Member's Desks. No items or material shall be placed upon the desk of any member of the House unless any such item or material bears the signature and printed name of the member responsible for its distribution. This Rule 504 shall not apply to items or material provided by legislative staff.

Rule 505. Photographic Record of Vote. No photographic or similar record shall be made of the vote of any member upon any measure upon which a division of the assembly has been called.

Rule 506. Wireless Electronic Telecommunications Devices. Except for security personnel authorized by the Speaker, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in the House chamber is prohibited during any time the House is in session.

Rule 507. Computer Usage. Computers may be used on the floor of the House chamber only for legislative business during any time the House is in session.

ARTICLE 7. INTRODUCTION OF BILLS AND RESOLUTIONS

Rule 701. Introduction of House Bills and Resolutions. Every House bill or resolution intended to be introduced shall be delivered to the chief clerk. The delivery shall be by a legislator who is a sponsor of the legislation or by a legislator who is the chairperson or vice chairperson of a legislative committee that has authorized the introduction, or by a legislative staff person or another member of the House authorized by such legislator. In lieu of introduction as provided by this rule, introduction may be as provided by law for prefiled bills and resolutions.

Rule 702. Introduction of Senate Bills and Concurrent Resolutions. Senate bills and concurrent resolutions sent to the House shall be introduced upon reading of the message received by the chief clerk.

Rule 703. Reading of Bills and Resolutions for Introduction. For the purpose of introduction, the chief clerk shall read bills and resolutions by title, except citations of statutes. The Speaker may require any House resolution to be read in full. The name of the sponsor shall be read if there is only one sponsor. If there are two sponsors, both names shall be read. If there are more than two sponsors, the name of the first sponsor shall be read, followed by the words "and others."

Rule 704. Senate Bills and Concurrent Resolutions; Procedure Following Introduction. Following introduction, all Senate bills and Senate concurrent resolutions when in the House shall follow the same procedure as House bills and House concurrent resolutions.

ARTICLE 9. REFERENCE OF BILLS AND RESOLUTIONS

Rule 901. Reference, Generally. (a) On the day of introduction or the following legislative day, the Speaker shall refer each bill to:

- (1) A standing committee,
- (2) a select committee,
- (3) the committee of the whole House,
- (4) two or more standing committees separately, or
- (5) two or more standing committees jointly.

(b) On the day of introduction or the following legislative day, the Speaker shall refer each concurrent resolution:

- (1) In any way that a bill may be referred under subsection (a), if the concurrent resolution is a proposition to amend the Constitution of Kansas, to call a constitutional convention to amend or revise the Constitution of Kansas, to ratify an amendment to the Constitution of

the United States, to apply for a United States constitutional convention, or to amend the joint rules of the House and Senate;

(2) if the concurrent resolution is not one of those specified in subpart (1) of this subsection (b), it may be referred in any way that a bill may be referred under subsection (a), or the Speaker may authorize consideration thereof on the day of introduction under the order of business introduction and reference of bills and concurrent resolutions.

(c) On the day of introduction, the Speaker may refer any House resolution (1) in any way that a bill may be referred under subsection (a) or (2) make no reference, except the Speaker shall make any reference required by the Rules of the House.

(d) Bills or resolutions prefiled under K.S.A. 46-801 *et seq.* and amendments thereto for the regular session of the legislature held in even-numbered years may be referred by the Speaker to the appropriate committee or the committee of the whole at any time subsequent to the prefiling of such bill or resolution with the chief clerk of the House.

Rule 902. Appropriation Bills. Bills containing more than one item of appropriation shall be referred to the standing committee on appropriations, except that bills introduced by the committee on appropriations may be referred to the committee of the whole House.

Rule 903. Separately Referred Bills and Resolutions. (a) When a bill or resolution has been referred separately to two or more standing committees, each committee shall consider the bill or resolution separately in the order specified by the Speaker.

(b) If the first committee to which a bill or resolution has been separately referred, reports the bill or resolution adversely, the bill or resolution shall not be considered by the second committee, unless returned to the second committee by the committee of the whole House in accordance with Rule 1505.

(c) When a bill has been referred separately and the report of the first committee was not adverse, the report of the second committee shall be the report considered by the committee of the whole House.

Rule 904. Jointly Referred Bills and Resolutions. When a bill or resolution is jointly referred, it shall be considered and acted upon at a joint meeting of the two committees. The chairperson of the first committee named in the joint referral shall be the chairperson of the joint committee when considering such bill or resolution.

ARTICLE 11. COMMITTEES; COMPOSITION

Rule 1101. Standing Committees; Names and Members. (a) The standing committees of the House shall be the following and have the number of members indicated for each:

1. Agriculture	17
2. Appropriations	23
3. Calendar and Printing	7
4. Commerce and Labor	19
5. Corrections and Juvenile Justice	17
6. Economic Development	17
7. Education	23
8. Environment	17
9. Federal and State Affairs	23
10. Financial Institutions	15
11. Governmental Organization and Elections	17
12. Health and Human Services	21
13. Higher Education	17
14. Insurance	15
15. Interstate Cooperation	7
16. Judiciary	19
17. Rules and Journal	5
18. Taxation	23
19. Transportation	19
20. Utilities	21
21. Wildlife, Parks and Tourism	17

(b) The house standing committee on wildlife, parks and tourism shall constitute the successor committee to the house standing committee on tourism and the house standing committee on tourism and parks for purposes of references in statutory or other documents. The house standing committee on economic development shall constitute the successor committee to the house standing committee on e-government and the house standing committee on new economy for purposes of references in statutory or other documents. The house standing committee on governmental organization and elections shall constitute the successor committee to the house standing committee on local government and the house standing committee on ethics and elections for purposes of references in statutory or other documents.

Rule 1102. Committee Appointments. (a) The Speaker shall appoint the members of the standing committees. The Speaker may remove or replace any such committee member at any time.

(b) The Speaker shall appoint the chairperson and vice chairperson of each standing committee. The Speaker may remove or replace any such chairperson or vice chairperson at any time.

Rule 1103. Select Committees. The Speaker may appoint select committees and the chairpersons and vice chairpersons thereof. The Speaker may remove or replace any such chairpersons or vice chairpersons or members of such committees. Select committees shall meet on call of the chairperson or when directed by the Speaker.

Rule 1104. Announce Appointments. All committee appointments shall be announced in open session.

Rule 1105. Budget Committees. (a) There is hereby created the following budget committees of the committee on appropriations which shall have the number of members indicated for each:

1. Agriculture and natural resources budget committee	7
2. Education budget committee	9
3. General government and commerce budget committee	7
4. Public safety budget committee	7
5. Social services budget committee	11
6. Revenue, judicial, transportation and retirement budget committee	5
7. Legislative budget committee	8

(b) Members of the budget committees are not required to be members of the committee on appropriations. The Speaker shall designate the number of members of each budget committee who are not members of the committee on appropriations and shall appoint the members of each budget committee who are not members of the committee on appropriations. The chairperson of the committee on appropriations shall appoint the members of each budget committee who are members of the committee on appropriations. The Speaker shall appoint the chairperson of each budget committee. The Speaker may remove or replace at any time any budget committee chairperson or any member of such committee appointed by the Speaker.

(c) Budget committees shall be advisory to and make recommendations to the committee on appropriations. Budget committees may recommend but are not authorized to introduce bills or resolutions.

(d) Budget committee meetings are subject to the Kansas open meetings act, K.S.A. 75-4317a *et seq.*

ARTICLE 13. COMMITTEES; PROCEDURE

Rule 1301. Committee Meetings; Time and Place. (a) When the Legislature is in session, standing committees shall meet at the times and place assigned by the Speaker on the call of the chairperson.

(b) Also, when the Legislature is in session, a standing committee shall meet upon written request of three members of the committee. Such a request shall be submitted to the Speaker and the chairperson at least one legislative day before the requested time of meeting. The time and place of a meeting under this subsection (b) shall be set by the chairperson with the approval of the Speaker.

Rule 1302. Notice and Agenda for Committee Meetings. The chairperson shall provide notice of meetings and an agenda or agenda information to committee members, the chief clerk and the public. The chief clerk shall include in the calendar such information as is practical.

Rule 1303. Duties of Committee Chairperson. The principal duties of the chairperson of a standing committee are:

- (a) To preside over meetings of the committee and to put all questions;
- (b) to maintain order and decide all questions of order subject to appeal to the committee;
- (c) to supervise and direct staff of the committee;
- (d) to keep, or have the committee secretary keep, subject to the approval of the committee at a subsequent meeting, minutes of meetings which shall include:
 - (1) The time and place of each meeting of the committee;
 - (2) the attendance of committee members; and
 - (3) the names and addresses of persons appearing before the committee and whom each represents;
- (e) to prepare and sign reports of the committee and submit them promptly to the chief clerk;
- (f) to appoint subcommittees to perform duties on an informal basis; and
- (g) to inform the Speaker of any committee activity which caused any member of the committee to be absent during any recorded vote.

Rule 1304. Introduction of Committee Bills and Resolutions. A committee may introduce bills and resolutions while the Legislature is in session respecting any matters referred to it. A standing committee may introduce bills and resolutions only within the general subject area assigned to the committee. No standing committee shall originate a bill which is substantially identical with any bill which has been referred to another standing committee, and which is under consideration by such committee.

Rule 1305. Quorum of a Committee. A quorum shall be present at a meeting for a committee to act officially. A quorum of a committee is a majority of the members of the committee. A quorum of a committee may transact business and a majority of the quorum, even though it is a minority of the committee, may adopt a committee report.

Rule 1306. Voting in Committees. (a) All final actions by a committee shall be taken at a called meeting while the Legislature is in session. The total vote for or against each action shall be recorded in the committee minutes.

(b) The committee chairperson may vote but shall not be required to vote unless the committee is equally divided. If the chairperson's vote makes the division equal, the question shall be lost.

(c) An action formally taken by a committee cannot be altered in the committee except by reconsideration and further formal action of the committee.

(d) A motion to take from the table may be adopted by the affirmative vote of a majority of the members present at any called meeting of the committee.

Rule 1307. Procedure in General. Committee procedure shall be informal, but where any questions arise thereon, the rules or practices of the House are applicable except that the right of a member to speak to any question shall not be subject to the limitations prescribed by Rule 1704. All motions in a committee shall require a second.

Rule 1308. Committee Action on Bills and Resolutions. (a) A committee may recommend amendments to measures referred to it which are germane to the subject of the measure. Committee recommendations shall be made by committee report to the House. Committee reports shall be signed by the chairperson or other committee members authorized by the committee to make the report, and shall be transmitted to the House not later than the second legislative day following the action of the committee.

(b) All committee reports on bills and resolutions shall be recorded in the journal.

(c) If amendments are pending on a measure when referred to a committee, the amendments accompany the bill and the committee may recommend the adoption or rejection of the amendments already proposed and make further recommendations.

Rule 1309. Motion to Withdraw a Bill or Resolution from a Committee. (a) Each standing committee should report to the House upon all matters referred to it within 10 legislative days after its reference to the committee.

(b) When a committee fails to report on any bill or resolution within the time directed by subsection (a), it may be withdrawn from the committee by an affirmative vote of 70 members of the House. Such a motion shall be made in writing, giving the reasons for withdrawal from the committee. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If the motion prevails, the bill or resolution shall be placed on the calendar under the order of business General Orders.

(c) Motions to withdraw a bill or resolution from a committee are not subject to amendment or debate.

(d) The provisions of subsections (a) through (c) of this rule shall not apply to resolutions adopting or amending rules of the House. Resolutions relating to the adoption or the amendment of rules of the House may be withdrawn from the Committee on Rules and Journal at any time by the affirmative vote of 63 members of the House.

Rule 1310. Wireless Electronic Telecommunications Devices. Except for security personnel authorized by the Speaker, the use of wireless electronic telecommunications devices emitting an audible sound or tone to announce or initiate communications in a committee room is prohibited during any time when a committee or subcommittee is in session in the room.

ARTICLE 15. CALENDAR LOCATION OF BILLS AND RESOLUTIONS

Rule 1501. General Orders; Description and Function. Bills, concurrent resolutions and House resolutions reported for further action by the committee to which they were referred and bills and concurrent resolutions referred directly to the committee of the whole shall constitute the General Orders of the calendar of the House. The titles of such bills and resolutions shall appear under the heading General Orders in the order directed by the committee on calendar and printing. The reporting committee and its action on the bill or resolution shall be shown under each thereof. Such bills and resolutions shall be considered by the committee of the whole in the order which they appear on General Orders.

Rule 1502. Posting of Sequence for Succeeding Day. When the committee on calendar and printing has prepared the sequence of bills and resolutions to appear on General Orders for the succeeding legislative day, a copy of the list giving the number designation of each bill and resolution in the order they are to appear shall be posted near the entrance to the House chamber. No bill or resolution shall appear on General Orders or be considered in the Committee of the Whole without notice of the same having been announced in the House not later than 4:00 p.m. or prior to adjournment if at a later hour on the previous day.

Rule 1503. Change in the Sequence on General Orders. (a) The order of a bill or resolution on General Orders may be changed by unanimous consent or by the affirmative vote of 70 members.

(b) Also, the order of a bill or resolution on General Orders may be changed by vote of a majority of all members then elected (or appointed) and qualified of the House on a motion made as provided in this subsection (b). Such a motion shall be made in writing, giving the reasons for the proposed change. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions. Only one bill or resolution may be named in such a motion. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made. If such a motion fails, a motion to change the order on General Orders of such bill shall not be in order until the fifth legislative day following such failure.

(c) Motions to change the order of a bill or resolution on General Orders are not subject to amendment or debate.

(d) This Rule 1503 does not apply to the addition or removal of a bill or resolution from General Orders.

Rule 1504. Adversely Reported Bills and Resolutions; Calendar Location. Bills and resolutions that are adversely reported shall appear on the calendar for one day under the heading bills adversely reported.

Rule 1505. Motion to Move Adversely Reported Bill or Concurrent Resolution to General Orders. (a) A motion to add an adversely reported bill or resolution to General Orders shall be made in writing. Such motion shall be made under the order of business introduction and notice of original motions and House resolutions, and such motion may not be made after the legislative day when the bill or resolution appears on the calendar under Rule 1504. The motion shall be read by the chief clerk or the member making the motion and shall be printed in the calendar of the next legislative day under the order of business consideration of motions and House resolutions offered on a previous day. The motion shall be considered on the legislative day following the day it is made.

(b) When a bill or resolution has been separately referred and is adversely reported by the first committee of separate reference, a motion to add the adversely reported bill or resolution to General Orders is not in order, but a motion to move the adversely reported bill or resolution to the next committee of separate reference may be made in the same manner as the motion in subsection (a).

(c) Adoption of a motion under this Rule 1505 requires the affirmative vote of 70 members of the House.

(d) If a motion under subsection (a) prevails, the words “Adversely Reported” shall be printed in a line below the title of the bill when it is listed on General Orders.

Rule 1506. Motion to Lay on Table Bill or Resolution while on Final Action Subject to Amendments and Debate. When a motion to lay on the table a bill or resolution is adopted while on final action subject to amendment and debate, on the next legislative day such bill or resolution shall be placed on the calendar under the order of business the unfinished business before the House at the time of adjournment on the previous day.

Rule 1507. Disposition of Bills Subject to Certain Deadlines. Any bill which is subject to a deadline for consideration under subsection (e) or subsection (f) of Joint rule 4 of the Joint Rules of the Senate and House of Representatives and which remains on general orders at the close of business on such deadline day shall be considered as killed and shall be stricken from the calendar unless such bill is referred by the speaker to a committee before the close of business on such day. Any bill so referred shall be subject to all applicable deadlines under the Joint Rules of the Senate and House of Representatives.

ARTICLE 17. MEMBERS ADDRESSING THE HOUSE

Rule 1701. Requesting the Floor. Any member desiring to request the floor shall press the “present” button, and shall not proceed until recognized by the chair.

Rule 1702. Order During Speaking. While a member is speaking to the House, no other member shall engage in private conversation or pass between the member speaking and the chair.

Rule 1703. When Question is Put. While a question is being put or a roll call or division is being taken, members are not to speak or leave their seats.

Rule 1704. Violation of Rules While Speaking. (a) Members shall address the House from the microphone located in the well of the House chamber.

(b) No member shall speak more than twice on the same day to the same question without leave of the House, unless the member is the mover or is carrying the measure, in which case such member may open and close the debate and may respond to direct questions from other members addressed to them during the course of consideration of the measure. For the purposes of this subsection, an amendment to any measure shall be considered as a separate and independent question.

(c) The privilege of a member carrying a measure to open and close the debate shall not be affected by any order for the previous question or that debate shall cease. Such member may occupy 20 minutes in closing the debate after the previous question is ordered and may divide that time with other members.

(d) While a member is carrying a measure, such member may yield to another member for explanation of the measure, or for personal explanation, or for a motion to adjourn without losing the privilege to carry the measure for the remainder of their time except that such member may not yield to any member who has already spoken twice on such question on the same day.

(e) If any member, in speaking, violates the rules of the House, the chair shall call such member to order.

ARTICLE 19. COMMITTEE OF THE WHOLE

Rule 1901. Motion to go into Committee of the Whole House. When the order of business General Orders is reached, a motion shall be in order for the House to go into committee of the whole for consideration of bills and resolutions as listed on General Orders.

Rule 1902. Committee of the Whole; Normal Procedure. Bills and resolutions shall be considered in the committee of the whole as follows: If the standing committee has recommended that the bill or resolution be amended, the standing committee report shall first be considered, and if it is adopted, the bill as amended by the committee report shall be considered section by section, and as each section is considered, amendments from the floor are in order to that section. If the committee report is not adopted, or if the committee has recommended no amendments, the bill, without committee amendments, shall be considered section by section, and as each section is considered amendments from the floor are in order to that section. After a section has been once considered, no amendment thereto shall be in order until the whole bill shall have been considered section by section. After the original bill, together with standing committee amendments if any, has been considered section by section, the chairperson shall announce "Amendments to the bill generally are in order," and amendments not before offered may be made to any part of the bill. A motion that when the committee arises it report a bill favorably, or report a bill favorably as amended, shall not be in order until all other motions have been disposed of, and such a motion shall not be offered as a substitute motion. A motion to strike the enacting clause is in order at any stage until the final vote is announced. The motion to strike the enacting clause may be debated upon the merit of the proposition, and shall not be subject to amendment or substitution. A roll call vote shall be taken upon a motion to strike the enacting clause.

Rule 1903. Motion to Pass Over a Bill or Resolution While in Committee of the Whole. When in the committee of the whole, either (1) a motion to pass over a bill or resolution and that it retain its place on the Calendar or (2) a motion to pass over a bill or resolution and that it retain a place on General Orders shall be in order only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Either such motion shall require the vote of a majority of the members present for adoption. Motions under this rule shall not be subject to debate.

Rule 1904. Motions to Refer Bills or Resolutions to a Committee While in Committee of the Whole. When in the committee of the whole, motion may be made to refer a bill or resolution to a standing committee only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it. Such motion shall require the vote of a majority of the members present for adoption. No motion to refer a bill or resolution to the committee on fiscal oversight shall be in order.

Rule 1905. Striking Bills and Resolutions from the Calendar While in Committee of the Whole. (a) While in committee of the whole, a motion to strike a bill or resolution from the calendar shall be in order only after the chairperson has announced that the next order of business is such bill or resolution and has recognized a member to carry it.

(b) A motion to strike a bill from the calendar under this Rule 1905 (1) shall require a vote of a majority of the members present for adoption, and (2) shall be subject to roll call in accordance with subsection (e) of Rule 2507, but shall not be subject to a call of the House under Rule 2508.

Rule 1906. Requesting the Floor. Any member desiring to request the floor shall press such member's "present" button, and shall not proceed until recognized by the chairperson of the committee of the whole.

Rule 1907. Rules Applicable. The same rules, except Rule 2508, shall be observed in the committee of the whole as in the House, so far as the same are applicable, except that the previous question and the motion to lay on the table shall not apply.

Rule 1908. Rise and Report. A motion for the committee of the whole to rise and report shall be in order at any stage, and shall be decided without debate. When the committee of the whole has a bill under consideration and rises without final action thereon, the bill shall retain a place on General Orders.

Rule 1909. Effect of Recommendation of Committee of the Whole. Bills recommended for passage and resolutions recommended for adoption by the committee of the whole shall not be subject to amendment or debate after the adoption by the House of the committee of the whole report. When a bill or resolution is reported with the recommendation that the enacting or resolving clause be stricken, and the committee of the whole report is adopted by the House, the bill or resolution shall be considered as killed and shall be stricken from the calendar.

Rule 1910. Report of Committee of the Whole. When the report of the committee of the whole recommends the passage of a bill or adoption of a resolution, and the report is adopted by the House, such bills and resolutions shall be considered as ordered to the order of business Final Action. If the bill or resolution has been amended by the committee of the whole it shall be reprinted.

ARTICLE 21. AMENDMENT OF BILLS AND RESOLUTIONS

Rule 2101. Germaneness. Amendments to bills and resolutions shall be germane to the subject of the bill or resolution. The principal test of whether an amendment is germane shall be its relationship to the subject of the bill or resolution, rather than to wording of the title thereof. The amendment must be relevant, appropriate, and have some relation to or involve the same subject as the bill or resolution to be amended. For the purposes of this rule the subject matter of any appropriation bill is the spending and appropriating of money and any amendment which changes the amount of money spent in any state agency or program is germane to any appropriation bill.

Any member, upon recognition by the presiding officer, may request a ruling upon the germaneness of any amendment to a bill or resolution. All rulings upon the question of germaneness shall be made by the chairperson of the House Committee on Rules and Journal. At the time of making such ruling, the chairperson shall state the reasons or basis for such ruling. Appeals from rulings of the chairperson may be taken upon the motion of any member. Such appeals shall be in order at the time of the making of the ruling and shall take precedence over any question pending at the time the chairperson makes such ruling. Appeals from the ruling of the chairperson shall be debatable only by the member making the motion to amend which is the subject of the ruling, the member carrying the measure sought to be amended, the Majority Leader or a member designated by the Majority Leader and the Minority Leader or a member designated by the Minority Leader. Debate upon the ruling of the chairperson shall be limited to the question of the germaneness of the proposed amendment. At the conclusion of debate the presiding officer shall inquire: "Shall the chairperson's ruling be sustained?"

Rule 2102. Form of Amendment Motions. Motions to amend bills and resolutions shall specify the page and line number, as shown on the printed bill or resolution, and shall be in writing on a form provided by the House or a form substantially similar. In the case of amendment by substitute bill, motion shall be made to substitute a written bill for the bill under consideration.

Rule 2103. Reading Amendments; General Rule. Motions to amend bills and resolutions shall not require readings as for bills introduced, except as otherwise provided in Rule 2107, but shall be subject to Rule 2306.

Rule 2104. Motions to Amend Motions. A motion to amend a motion to amend a bill or resolution shall not be in order.

Rule 2105. Dividing Amendments. (a) When any motion to amend a bill or resolution contains distinct propositions it shall be divided by the chairperson at the request of any member. The division by the chairperson shall be made in accordance with the following:

- (1) A motion to strike out and insert words of less than a sentence shall be indivisible;

(2) the distinct propositions shall be only in the form submitted in the motion to amend;
 (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own.

(b) Upon a request to divide a motion to amend a bill or resolution, the chairperson shall inquire as to whether there is a request for a ruling on germaneness of the motion to amend. If such a request is made, the issue of germaneness shall be determined prior to dividing the motion. If no request for a ruling on germaneness of the motion to amend is made, the chairperson shall proceed to divide the motion to amend in accordance with this rule, and no subsequent request for a ruling on germaneness of any distinct proposition of the motion so divided shall be in order.

(c) The chairperson, or any member, may request that the member requesting the division make the request in writing specifying the manner in which the motion to amend should be divided.

(d) The chairperson may request that the member requesting the division and the chairperson or the vice-chairperson of the committee on rules and journal recommend an appropriate division, but the final ruling on how to divide the motion to amend shall be that of the chairperson who shall announce the division to the body.

(e) The division of the motion to amend shall be in accordance with the rules of the House and with items (1) to (3), inclusive, of subsection (a). The ruling of the chairperson on how to divide the motion to amend shall not be subject to appeal except that any member may appeal the ruling of the chairperson on the grounds that the division is not in accordance with a rule of the House including the provisions of items (1), (2) or (3) of subsection (a), or any combination thereof.

Rule 2106. Substitute Motions. No substitute motion to amend a bill or resolution shall be in order.

Rule 2107. Subject Change by Senate. (a) When the Senate adopts amendments to a House bill which materially changes its subject, upon return of such bill to the House, it shall be read as provided for the introduction of bills and be referred as provided in Rule 901.

(b) The Speaker may determine when a bill is subject to subsection (a).

Rule 2108. Motions to Strike Out and Insert. The rejection of a motion to amend a bill or resolution by striking out and inserting one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule 2109. Identical Motions. Except upon the unanimous consent of the House, an identical motion to amend a bill or resolution shall not be made a second time on the same legislative day.

ARTICLE 23. PROCEDURAL MOTIONS

Rule 2301. Order of Motions. When a question is under consideration, no motion shall be received except as specified under the Rules of the House, which motions shall have precedence in the following order:

- (a) For adjournment of the House.
- (b) For call of the House.
- (c) To lay on the table.
- (d) For the previous question.
- (e) To postpone to a certain time.
- (f) To commit to a standing committee.
- (g) To commit to a select committee.
- (h) To reject the adoption of reports of conference committees coupled with the request for appointment of a new conference committee.
- (i) To adopt the report of conference committees.
- (j) To amend.
- (k) To postpone indefinitely.

Rule 2302. Motion to Adjourn. The motion to adjourn shall always be in order, except while a vote is being taken and until announced, or when a member has the floor, or when

the previous question is pending; but a motion to recess is not equivalent to a motion to adjourn.

Rule 2303. Motion to Reconsider. A motion to reconsider shall take precedence of all other questions except the motion to adjourn. No motion for reconsideration of any vote shall be in order, unless made on the same day or the legislative day following that on which the decision to be reconsidered took place, nor unless a member voting with the prevailing side shall move such reconsideration. A motion for reconsideration, being put and lost, shall not be renewed, nor shall any subject or vote be a second time reconsidered without unanimous consent, but this provision shall not be construed as preventing the introduction of a bill on the same subject. The member moving for reconsideration shall be allowed not more than two minutes for stating the reasons in support of the motion. Such motion shall be subject to debate by any member, stating reasons in support or opposition to the motion. Each of such members shall be allowed not more than one minute for the purpose of such debate. Such motion shall require the affirmative vote of members equal in number to that required to take the action proposed to be reconsidered. A motion to reconsider any final action of the House shall be in order at any time prior to the time at which the message of the House thereon is read into the record of the Senate. A motion to reconsider any final action of the House may be made after the time at which the message of the House thereon is read into the report of the Senate but any action taken pursuant thereto will be contingent upon the return of the measure to the House by the Senate.

Rule 2304. Previous Question. The "previous question" shall be: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When voting on the previous question, the House decides that the main question shall not now be put, the main question shall be considered as still remaining under debate. The main question shall be on the passage of the bill, resolution or other matter under consideration. When amendments are pending, a vote shall first be taken upon such amendments in their order without further debate or amendment. A majority vote of the members present shall order the previous question.

Rule 2305. Motions Not Subject to Debate. All questions relating to priority of business shall be decided without debate. The motion to adjourn, to change the order of consideration of a bill, for a call of the House, and to lay on the table shall be decided without amendment or debate. The several motions to postpone or commit shall preclude all debate on the main question.

Rule 2306. Motion to Refer Bills or Resolutions to Committee When Not in Committee of the Whole. When not in the committee of the whole, a motion to refer a bill or resolution from the calendar to a standing committee shall be in order only when the body is meeting as the House of Representatives and shall be authorized only when offered by the Majority Leader, or in the absence of the Majority Leader, by the Assistant Majority Leader. Such motion shall require the affirmative vote of a majority of the members then elected (or appointed) and qualified to the House. No motion to refer a bill or resolution to the committee on fiscal oversight shall be in order.

Rule 2307. Motion to Strike Bills and Resolutions from Calendar When Not in Committee of the Whole. When not in the committee of the whole, a motion to strike a bill or resolution from the calendar shall be in order only when the body is meeting as the House of Representatives and shall be authorized only when offered by the Majority Leader, or in the absence of the Majority Leader, by the Assistant Majority Leader. Such motion shall require the affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

Rule 2308. Stating Question. Every motion shall be first stated by the presiding officer or read by the chief clerk, before debate, and again immediately before putting the question.

Rule 2309. Dividing Motion. If any motion, other than a motion under Rule 2105, contains distinct propositions it shall be divided by the chairperson at the request of any member. Motions under Rule 2105 shall be divided in accordance with that rule.

Rule 2310. When Motions to be in Writing. Every motion, except those specified in Rules 2301 and 2303, shall be in writing if the Speaker or any member desires it. All motions to amend a bill or resolution and all resolutions shall be in writing.

Rule 2311. Suspension of Rules of the House. (a) No rule of the House shall be suspended except by unanimous consent or by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House, subject to the following exceptions:

(1) A motion to suspend the rules, and to declare an emergency and to advance a bill to the order of business Final Action, as contemplated in article 2, section 15 of the Constitution shall require an affirmative vote of $\frac{2}{3}$ of the members present in the House.

(2) A motion to suspend the rules and to permit amendment and debate of a bill under the order of business Final Action shall require an affirmative vote of $\frac{2}{3}$ of the members present in the House.

(b) When under the rules of the House a motion, question or action requires a vote of a majority greater than a majority of the members present, the majority specified for such motion, question or action shall be required to suspend the rules for the purpose of such motion, question or action. When under the rules of the House notice of a motion reduces the required majority for adoption of the motion, the required majority shall not be reduced if the notice is disposed of by suspension of the rules.

(c) Suspension of the rules or unanimous consent shall not reduce the majority required under subpart (1) of subsection (a) of this rule.

Rule 2312. Mason's Manual; When Applicable. (a) In any case where rules of the House or the joint rules of the Senate and House do not apply, Mason's Manual of Legislative Procedure (2000 edition), with the exception of section 4, paragraph 2, shall govern.

(b) Rules of legislative procedure are derived from several sources and take precedence in the order listed below. For the Kansas House of Representatives, the principal sources are as follows: (a) Constitutional provisions; (b) statutory provisions; (c) adopted rules; (d) adopted parliamentary authority.

ARTICLE 25. VOTING

Rule 2501. Control and Use of Voting System. The electronic voting system shall be under the control of the Speaker or other presiding officer and shall be operated by the chief clerk. The electronic voting system shall be used to record the vote whenever a roll call vote is taken on any question and may be used for ascertaining the vote upon any measure upon which a division of the assembly has been called. In the event that the system is not operating properly, roll call votes may be taken by calling the roll.

Rule 2502. Procedure for Taking a Roll Call Vote. When a roll call vote is taken, the presiding officer shall state the question and instruct the members to proceed to vote. When sufficient time has been allowed the members to vote, the presiding officer shall inquire: "Has every member had an opportunity to vote?" After a short pause the presiding officer shall direct the chief clerk to close the roll. After the roll has been closed, when Rule 2505 applies, the presiding officer shall inquire: "Does any member desire to explain their vote?" and any member so desiring may give such explanation when recognized by the presiding officer. The presiding officer shall inquire: "Does any member desire to change their vote?" If any member does desire to change their vote, such member when recognized by the presiding officer, shall advise how they desire to change such vote and the presiding officer shall then instruct the chief clerk to make the appropriate change. A member who has not previously voted may vote at this time when permitted by the presiding officer. Such member shall advise how they wish to vote and the presiding officer shall then instruct the chief clerk to record such vote. After all members who desire to vote or to change their votes have had reasonable opportunity to do so, the presiding officer shall direct the chief clerk to record the vote, and when the vote is recorded the presiding officer shall announce the vote.

Rule 2503. Display of Recurring Totals. Under Rule 2502, recurring totals shall be displayed only after the roll is closed. No recurring totals shall be displayed for a determination of the vote upon a division of the assembly.

Rule 2504. Voting by Members. (a) A member may vote only when at their desk or at any place within the chamber of the House when authorized by the presiding officer, who shall direct the chief clerk to so vote for such member.

(b) No member shall vote for another member. No person not a member shall cast a vote for a member, except as otherwise provided in the rules. In addition to such penalties as may be prescribed by law, any member who votes or attempts to vote for another member shall be subject to Article 49 of these rules. If a person not a member votes or attempts to vote for any member, such person shall be barred from the floor of the House for the remainder of the session, and, in addition to penalties prescribed by law, may be punished further as the House determines.

(c) The Speaker shall not be compelled to vote except in case of a tie.

Rule 2505. Explaining Vote. Any member may, when a roll call vote is being taken on the passage or adoption of any bill or resolution, explain their vote. Such member shall be allowed not more than one minute for such explanation. Such explanation, if furnished in writing and signed by such member by 4:00 p.m. upon the day the vote is taken or if the vote is taken subsequent to 3:30 p.m., within one-half hour after the vote is taken, shall be entered in the Journal, provided it does not contain more than 100 words.

Rule 2506. Copies of Voting Records. (a) Unless otherwise ordered, the chief clerk shall record each roll call vote and make copies available for the use of the news media. No record shall be made of the vote of any member voting upon any measure upon which a division of the assembly has been called.

(b) When a roll call vote is taken, it shall be recorded in the Journal by a statement of the names and total number voting in the affirmative, the names and total number voting in the negative, names and total number indicating presence but not voting and the names and total number absent or not voting, except that the provisions of this section shall not permit a member to fail to vote in violation of Rule 2508.

Rule 2507. When Roll Call Vote to be Taken. (a) A roll call vote shall be taken for the passage of any bill.

(b) A roll call vote shall be taken for the adoption of any concurrent resolution to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate. A roll call vote is not required for adoption of concurrent resolutions pertaining to commendations or acknowledgments, unless required under subsection (e) of Rule 2507.

(c) A roll call vote shall be taken for the adoption of any House resolution to adopt, amend or revoke any rule of the House or to reject any executive reorganization order.

(d) A roll call vote shall be taken to concur in Senate amendments to any bill or concurrent resolution or to adopt any conference committee report other than a report agreeing to disagree.

(e) A roll call vote shall be taken on any question on demand of 15 members, unless a roll call vote is already pending.

Rule 2508. Call of the House. (a) A call of the House shall be ordered on the demand of any 10 members at any stage of the voting previous to the announcing of the vote or, if the voting system is used, prior to recording the vote. This Rule 2508 shall apply to the taking of a vote upon the final passage of any bill or final adoption of any resolution whether under the order of business Final Action or under any order of business. Also, this Rule 2508 shall apply to the taking of a vote on a motion to strike the enacting clause of a bill and the resolving clause of a resolution and on a motion to strike all after the enacting clause or resolving clause, except when the House is in the committee of the whole. When the call of the House is once invoked, then all members present during the call, shall be required to vote before the call is raised. The call of the House shall not be raised (so long as 10 members continue the demand) until a reasonable effort has been exerted to secure absentees.

(b) Any member, who is directly interested in a question, may be excused from voting, when there is a call of the House. The member, who is requesting to be excused from voting, shall state the reasons therefor, occupying not more than five minutes. The question on excusing such member from voting shall be taken without debate and a $\frac{2}{3}$ majority of members present shall be necessary to excuse such member. If a member refuses to vote,

when not excused, such refusal shall constitute grounds for reprimand, censure or expulsion under Article 49 of the Rules of the House.

Rule 2509. Voice Vote; Division of the Assembly. Except when a roll call vote is required a voice vote shall be taken on all questions. Any member may call for a division of the assembly to determine the vote by the voting system.

ARTICLE 27. FINAL ACTION

Rule 2701. Description and Function. Subject to Rule 2705, bills and resolutions reported favorably by the committee of the whole shall constitute the order of business Final Action of the House. The titles of such bills and resolutions shall appear under the heading Final Action in numerical order. The standing committee which reported it and the committee of the whole action on the bill or resolution shall be shown under each thereof.

Rule 2702. Reading and Vote. Each bill and resolution under the order of business Final Action shall be read by title, except citations of statutes amended or repealed and a roll call vote shall then be taken upon final passage or adoption without amendment or debate.

Rule 2703. Amendment and Debate, When. Upon motion as provided in subpart (2) of subsection (a) of Rule 2311 or when recommended in the committee of the whole report which has been adopted by the House, bills or resolutions may be debated and amended on Final Action prior to the vote taken upon final passage or adoption. Each bill or concurrent resolution considered under this Rule 2703 shall be considered in the manner provided in Rule 1902 so far as it is applicable. A motion to strike the enacting clause or resolving clause shall be in order.

Rule 2704. Speaker to Preside. Subject to Rule 3303, the Speaker shall preside during the order of business Final Action.

Rule 2705. Consent Calendar. Whenever a standing committee is of the opinion that a bill or concurrent resolution upon which it is reporting is of a noncontroversial nature, it shall so state in its committee report. Whenever a bill or concurrent resolution is so reported, it shall be placed upon the Consent Calendar. Each bill or concurrent resolution placed on the Consent Calendar shall remain thereon for at least two full legislative days before being considered under the order of business Final Action. Under the order of business Consent Calendar and prior to the call for the vote, any member may object to the bill or concurrent resolution as being controversial and thereupon it shall be removed from the Consent Calendar and shall be placed on General Orders. If no objection is made prior to the call for the vote on the bill or concurrent resolution, it shall be ordered to Final Action for vote before other bills and concurrent resolutions on Final Action.

Rule 2706. Majority for Bill Passage. As provided in section 13 of article 2 of the Constitution of Kansas, a majority of the members then elected (or appointed) and qualified, voting in the affirmative, shall be necessary for the passage of a bill.

Rule 2707. Vote Required for Adoption of House Resolutions and Concurrent Resolutions. (a) A majority of the members then elected (or appointed) and qualified voting in the affirmative shall be necessary to adopt House resolutions and concurrent resolutions, except as otherwise specified in these rules.

(b) Adoption of concurrent resolutions to amend the Constitution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall require a $\frac{2}{3}$ majority of the members then elected (or appointed) and qualified, voting in the affirmative.

Rule 2708. Motion to Adopt Report of Conference Committee. The member carrying the report of a conference committee shall move that such report be adopted prior to yielding the floor to any other member and a motion to adopt a report of a conference committee shall not be offered as a substitute motion.

ARTICLE 29. RESOLUTIONS

Rule 2901. Resolving Clause; Form. (a) Concurrent resolutions to amend the Consti-

tution of the state of Kansas, to call a Kansas constitutional convention, to extend a session of the Legislature in even-numbered years, to ratify any amendment of the Constitution of the United States, to make any application for Congress to call a convention for proposing amendments to the Constitution of the United States and when required by the joint rules of the House and Senate shall have a resolving clause which reads "Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the House of Representatives and two-thirds of the members elected to the Senate concurring therein."

(b) Concurrent resolutions for any purpose other than subsection (a) shall have a resolving clause which reads "Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein."

(c) House resolutions shall have a resolving clause which reads "Be it resolved by the House of Representatives of the State of Kansas."

Rule 2902. House Resolutions; Introduction and Consideration. (a) House resolutions, except for those changing rules of the House or approving or rejecting executive reorganization orders, shall lay over at least one legislative day before action is taken thereon and do not require a roll call vote unless required under subsection (e) of Rule 2507.

(b) House resolutions shall be considered under the order of business consideration of motions and house resolutions offered on a previous day, except house resolutions to (1) adopt, amend or revoke any rule of the House or (2) when the resolution has been referred to a standing committee and reported favorably. Resolutions under subparts (1) and (2) shall take a place on General Orders when favorably reported or when referred to the committee of the whole by the Speaker.

Rule 2903. Resolutions; Limitations. (a) Appropriations shall not be made by resolutions.

(b) Resolutions do not require approval of the Governor.

Rule 2904. Applications for Introduction of certain Resolutions; Committee on Calendar and Printing; Certificate of the House. Notwithstanding any other rule of the House of Representatives to the contrary, no House resolution or concurrent resolution which congratulates, commemorates, commends, honors or is in memory of any individual, entity or event shall be introduced by a member or committee of the House of Representatives unless application for approval of the introduction of such resolution is first made to the committee on calendar and printing, and the resolution is approved for introduction by the committee on calendar and printing. The application shall be determined on the basis of content alone. The committee on calendar and printing shall consider all such applications and shall determine whether a House resolution or House concurrent resolution should be approved for introduction, or whether a certificate of the House should be approved for issuance or whether no action should be taken on the application. The committee on calendar and printing shall report to the House the decision of the committee on each application approved by the committee under this rule for the introduction of a House resolution or House concurrent resolution or issuance of a certificate of the House.

ARTICLE 33. MEMBER OFFICERS

Rule 3301. Elected Member Officers. The Speaker and the Speaker Pro Tem shall be members and shall be elected by the members of the House, except as otherwise provided in subsection (b) of Rule 3304.

Rule 3302. Duties of the Speaker. In addition to other powers and duties of the Speaker provided by the Rules of the House and by law, the Speaker shall have the powers and duties as follows:

- (a) To preserve order and decorum;
- (b) to decide all questions of order, subject to appeal to the House;
- (c) in the absence of the Speaker Pro Tem, to appoint any member to perform the duties of the chair for not more than two consecutive legislative days; and
- (d) to name a chairperson to preside when the House is in committee of the whole.

Rule 3303. Speaker Pro Tem. In the absence of the Speaker, the Speaker Pro Tem shall exercise the powers and duties of the Speaker.

Rule 3304. Filling Certain Vacancies. (a) When a vacancy occurs in the office of Speaker and the Legislature is adjourned to a date more than 60 days after the occurrence

of the vacancy, the House of Representatives shall meet within 30 days and elect a member to fill the vacancy. The Speaker Pro Tem shall within 10 days of such occurrence issue a call for such meeting at a time not less than 10 days and not more than 20 days after the date of the call.

(b) When a vacancy occurs in the office of Speaker Pro Tem or Majority Leader of the House of Representatives, the Speaker shall appoint an acting Speaker Pro Tem or acting Majority Leader, to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original election or selection of such officer.

(c) When a vacancy occurs in the office of Minority Leader of the House of Representatives and the Legislature is adjourned to a date less than 30 days after the occurrence of the vacancy, the Assistant Minority Leader shall become the acting Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of such officer. When a vacancy occurs in the office of the Minority Leader of the House and the Legislature is adjourned to a date 30 days or more after the occurrence of the vacancy, the Assistant Minority Leader shall within 10 days after such occurrence issue a call for a meeting of the members of the minority party at a time not less than 10 and not more than 20 days after the date of the call to be held in the state capitol for the purpose of filling the vacancy in the office of Minority Leader for the remainder of the term of office. From the time of the occurrence of such vacancy until the filling of the vacancy, the Assistant Minority Leader shall serve as acting Minority Leader and shall exercise the powers and duties of the Minority Leader. When a vacancy occurs in the office of Assistant Minority Leader, the Minority Leader shall appoint an Assistant Minority Leader to serve until the convening of the next session of the Legislature, at which time the vacancy shall be filled in the manner provided for the original selection of such officer.

(d) Any person elected, appointed or designated to fill a vacancy under this rule shall exercise all of the duties and powers prescribed for the office so filled.

ARTICLE 35. NONMEMBER OFFICERS

Rule 3501. Chief Clerk; Appointment. The chief clerk shall be appointed by the Speaker and shall serve under the Speaker's direction, control and supervision and at the pleasure of the Speaker. As used in the Rules of the House, "chief clerk" means the chief clerk appointed under this Rule 3501 or a person designated by the chief clerk to perform a function of the chief clerk.

Rule 3502. Duties of the Chief Clerk. The chief clerk shall supervise the keeping of and be responsible for a record of all proceedings of the House; number and present to the House all bills, resolutions, petitions and other papers which the House may require; deliver all messages from the House to the Senate; transmit bills and other documents to be printed and take a receipt therefor; transmit bills for engrossment and take receipt therefor; receive all bills, resolutions and other papers which are enrolled and give receipt therefor; and cause all enrolled bills, resolutions and other documents to be proofread and corrected prior to signing thereof by officers of the House.

Rule 3503. Other Clerks. The chief clerk shall appoint additional clerks and personnel to assist in performance of the duties of the chief clerk. Such additional clerks and personnel shall serve under the chief clerk's direction, control and supervision and at the pleasure of the chief clerk.

Rule 3504. Document Care. No bill, resolution, petition or other document shall be loaned or delivered to any person, except when delivered to an officer of the House, to the director of printing, the revisor of statutes or the Senate and only upon a written receipt therefor.

Rule 3505. Sergeant at Arms; Appointment. The sergeant at arms shall be appointed by the Speaker and shall serve under the Speaker's direction, control and supervision and at the pleasure of the Speaker.

Rule 3506. Duties of the Sergeant at Arms. The sergeant at arms shall preserve order within the chamber of the House and its lobby and galleries. The sergeant at arms may arrest and take into custody any person for disorderly conduct, subject at all times to the

authority of the House or Speaker, or chairperson of the committee of the whole, and shall be responsible for the enforcement of Rules 501 through 506 and 2506(a). The sergeant at arms shall receive items or material for distribution among the members of the House. The sergeant at arms shall execute all orders of the House not otherwise provided for.

Rule 3507. Assistant Sergeants at Arms. The Speaker may appoint and remove assistant sergeants at arms to serve under the supervision of the sergeant at arms. All doorkeepers shall be assistant sergeants at arms.

ARTICLE 37. AMENDMENT OF RULES OF THE HOUSE

Rule 3701. Adopting, Amending or Revoking Rules of the House. No rule of the House shall be adopted, amended or revoked except by a House resolution which has been adopted by an affirmative vote of a majority of the members then elected (or appointed) and qualified to the House.

Rule 3702. Resolutions for Rule Changes. (a) Notwithstanding any other rule of the House, the Speaker shall refer all resolutions which provide for the adoption, amendment or revocation of any House rule to the standing Committee on Rules and Journal before its consideration by the House.

(b) No resolution relating to the rules of the House which has been referred to the standing Committee on Rules and Journal shall be tabled or reported adversely by such committee except by the unanimous vote of all members of such committee.

Rule 3703. Printing. Resolutions to which this Article 37 apply shall be printed and are subject to subsection (c) of Rule 2507.

Rule 3704. Adoption of Resolutions. Resolutions to which this Article 37 apply shall be subject to Rule 2902.

Rule 3705. Special Sponsorship of Rule Change Resolutions. Notwithstanding any provision of the rules of the House to the contrary, no referral to the standing committee on rules and journal shall be required for the adoption of a resolution adopting, amending or revoking any one or more rules of the House at the commencement of a legislative session, and adoption of any such resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified, subject to the following conditions: (a) The resolution is sponsored by the Speaker or the standing committee on rules and journal and (b) either (1) a copy thereof is mailed to each member by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence or (2) in lieu of mailing, copies of the resolution are made available to members on the first day of the legislative session and consideration under Rule 3704 occurs on the second legislative day.

ARTICLE 39. FORM AND PRINTING OF BILLS AND RESOLUTIONS

Rule 3901. Bills Amending Existing Statutes. Any bill intended to amend or repeal any section or sections of the Kansas Statutes Annotated shall recite in its title the section or sections to be amended or repealed, and if to amend or repeal any section of a session law not in Kansas Statutes Annotated, the section and chapter of the session law affected.

Rule 3902. Bills, Copies. Each bill introduced shall consist of an original and copies. All bills shall be printed with as many copies as the Speaker specifies. Except for prefiled bills, printing shall be ordered subsequent to introduction.

Rule 3903. Showing Committee Amendments. All bills and resolutions reported by a committee with recommendation for amendments and to be passed as amended shall be reprinted.

Rule 3904. Substitute Bills and Substitute Concurrent Resolutions. (a) When a substitute bill is recommended by a committee report, and when an amendment from the floor is adopted replacing the bill under consideration with a substitute bill, the substitute bill shall be printed in the manner provided for bills introduced, and the bill number designation shall be substantially as follows:

(1) In the case of bills substituted for House bills, "Substitute for House Bill No. ____," and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(2) In the case of bills substituted for Senate bills, “House Substitute for Senate Bill No. _____,” and the blank shall be filled with the number of the bill for which substitution is made or recommended.

(b) When a substitute concurrent resolution is recommended by a committee report, and when an amendment from the floor is adopted replacing the concurrent resolution under consideration with a substitute concurrent resolution, the substitute concurrent resolution shall be printed in the manner provided for concurrent resolutions introduced, and the concurrent resolution number designation shall be substantially as follows:

(1) In the case of concurrent resolutions substituted for House concurrent resolutions, “Substitute for House Concurrent Resolution No. _____,” and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

(2) In the case of concurrent resolutions substituted for Senate concurrent resolutions, “House Substitute for Senate Concurrent Resolution No. _____,” and the blank shall be filled with the number of the concurrent resolution for which substitution is made or recommended.

Rule 3905. Appropriation Bills. All bills making an appropriation shall be printed and distributed at least 48 hours before such bills are considered by the House.

Rule 3906. Committee of the Whole Amendments. If a bill or concurrent resolution is amended by the committee of the whole, it shall be reprinted showing the amendments.

Rule 3907. Concurrent Resolutions, When Printed. (a) Concurrent resolutions to amend the Constitution of Kansas, to call a constitutional convention to amend the Kansas constitution, to ratify amendments to the Constitution of the United States, to apply for a United States constitutional convention or to amend the joint rules of the House and Senate shall be printed as provided for bills under Rule 3902.

(b) Other concurrent resolutions shall be printed as provided for bills under Rule 3902, unless otherwise directed by the Speaker.

Rule 3908. Embellished Printing of Certain Resolutions. Unless otherwise directed by the Speaker, not more than five copies of any enrolled House resolutions and any enrolled House concurrent resolutions may be printed on embellished parchment and shall be distributed as directed by the resolution. Additional copies of any resolution may be printed on embellished parchment and mailed at the expense of the member requesting such additional copies.

Rule 3909. House Resolutions. Subject to Rule 3908, House resolutions shall not be printed, except resolutions to amend rules of the House, to approve or disapprove executive reorganization orders or if the resolution has been referred to a committee, in which cases the resolution shall be printed.

ARTICLE 41. JOURNAL AND CALENDAR

Rule 4101. Journal; Preparation. The daily Journal of the House of Representatives shall be prepared by the chief clerk in accordance with the Rules of the House.

Rule 4102. Entering in Journal. When a bill, order, motion or resolution is entered in the Journal, the names of the members or legislative committee introducing or moving the same shall be entered.

Rule 4103. Resolutions in Journal. All House resolutions and all House concurrent resolutions shall be printed in the Journal when introduced.

Rule 4104. Messages from the Governor in Journal. All messages from the Governor and all executive reorganization orders shall be printed in the Journal.

Rule 4105. Calendar; Preparation. The House Calendar shall be prepared for each legislative day by the chief clerk in accordance with the Rules of the House.

Rule 4106. Status of Bills and Resolutions Shown in Calendar. The status of all House and Senate bills and concurrent resolutions and House resolutions shall be shown by number in the Calendar for each legislative day.

Rule 4107. Copies of Journals and Calendars. Each member shall be furnished with a printed copy of the daily Journal and the daily Calendar.

ARTICLE 43. MISCELLANEOUS

Rule 4301. Employees; Employment. Such employees as are necessary to enable the

officers, members and committees to properly perform their duties and transact the business of the House with efficiency and economy shall be recruited under the supervision of the director of legislative administrative services subject to approval of the Speaker. The director of legislative administrative services shall keep a roster of the employees of the House and an account of the hours of service performed. No employee shall lobby for or against any measure pending in the Legislature and any employee violating this rule shall be discharged immediately.

Rule 4302. Special Order. Any matter may be made the special order for any particular time or day, but all requests and motions for special orders shall be referred to the committee on rules and journal, which may designate particular times and days for such special orders and report to the House for its approval. Upon adoption of such report by $\frac{2}{3}$ of the members present, the matters designated shall stand as special orders for the times stated, but no special order shall be made more than seven days in advance. This Rule 4302 shall not apply to executive reorganization orders or resolutions relating thereto.

Rule 4303. Petitions; Presentation. Petitions and memorials addressed to the House shall be presented by a member.

Rule 4304. Petitions; Endorse Name. Each member presenting a petition or memorial shall endorse it with their name or the name of the committee, and a brief statement of its subject.

Rule 4305. Open Meetings. The open meeting law (K.S.A. 75-4317 *et seq.* and amendments thereto) shall apply to meetings of the House of Representatives and all of its standing committees, select committees, special committees and subcommittees of any of such committees.

ARTICLE 45. EXECUTIVE REORGANIZATION ORDERS

Rule 4501. Referral of Executive Reorganization Orders. Whenever an executive reorganization order is received from the Governor, it shall be referred to an appropriate committee by the Speaker.

Rule 4502. Committee Report on Executive Reorganization Orders. The committee to which an executive reorganization order is referred shall report its recommendations upon every executive reorganization order referred to it, in the form of a House resolution, not later than the 60th calendar day of any regular session, and not later than 30 calendar days after it has received such referral whichever of the foregoing occurs first.

Rule 4503. Return in Event of Committee's Failure to Report. In the event that a committee fails to report upon an executive reorganization order and upon all resolutions relating thereto referred to it within the time specified in Rule 4502, such committee shall be deemed to have returned the same to the House without recommendation thereon.

Rule 4504. Special Order of Business for ERO. When a report or return of an executive reorganization order is made, it and all resolutions for approval or disapproval thereof shall be made the special order of business on a particular day and hour specified by the Speaker but not later than the last day the executive reorganization order may be disapproved under section 6 of article 1 of the Constitution of Kansas. A resolution for approval or disapproval of an executive reorganization order shall be considered under the order of business Final Action and shall be subject to debate and final action by the House.

Rule 4505. Nonapplication to Bills. This Article 45 shall not apply to bills amending or otherwise affecting executive reorganization orders.

Rule 4506. Nonaction When Moot. The House shall act to approve or reject every executive reorganization order unless at the time set for such action the Senate shall have already rejected such executive reorganization order.

ARTICLE 47. IMPEACHMENT

Rule 4701. Impeachment; Powers. Nothing in the rules of the House or in any statute shall be deemed to impair or limit the powers of the House of Representatives with respect to impeachment.

Rule 4702. Same; Select Committee. The Speaker may appoint a select committee comprised only of members of the House of Representatives, and appoint its chairperson, to inquire into any impeachment matter. Any such committee may be appointed at any time

and shall meet at the call of its chairperson or at the direction of the House, with the numbers of such appointees being minority party members and majority party members in the same proportion as for the entire House membership.

Rule 4703. Same; Reference. The Speaker may refer any impeachment inquiry or other impeachment matter to any standing committee or any select committee appointed under Rule 4702, and any committee to which such a referral has been made shall meet on the call of its chairperson.

Rule 4704. Same; Report. Whenever a report is made by a committee to which an impeachment inquiry or other impeachment matter has been referred, the report thereon shall be made to the full House of Representatives, except that any such report may be submitted preliminarily to the Speaker.

Rule 4705. Same; Call into Session. The Speaker or a majority of the members then elected (or appointed) and qualified of the House of Representatives may call the House of Representatives into session at any time to consider any impeachment matter.

Rule 4706. Same; Procedure. The Speaker and any officer or committee acting under authority of this rule may follow any statutory procedure to the extent the same is not in conflict with the provisions of this rule, but nothing in this rule nor in any statute shall be deemed to constitute a waiver of any inherent powers of the House of Representatives.

ARTICLE 49. REPRIMAND, CENSURE OR EXPULSION OF MEMBERS

Rule 4901. Complaint. When any member of the House of Representatives desires to lodge a complaint against any other member of the House of Representatives, requesting that the member be reprimanded, censured or expelled for any misconduct, the complaining member shall file a written statement of such complaint with the chief clerk, and such complaint shall bear the signature of the complaining member.

Rule 4902. Select Committee; Consideration of Complaint. (a) Whenever any complaint has been filed under Rule 4901, the Speaker shall appoint a select committee of six members for consideration thereof except that if the complaint is filed against the Speaker, the Speaker Pro Tem shall appoint the select committee of six members. A select committee created under this subsection (a) shall be comprised equally of majority and minority party members.

(b) The select committee may dismiss the complaint after the inquiry or may set the matter for hearing. Reasonable notice and an opportunity to appear shall be afforded the member complained of at any hearing held hereunder. Any select committee meeting under authority of this section shall constitute an investigating committee under article 10 of chapter 46 of the Kansas Statutes Annotated and shall be authorized to meet and exercise compulsory process without any further authorization of any kind, subject, however, to limitations and conditions prescribed in article 10 of chapter 46 of Kansas Statutes Annotated.

(c) Upon completing its hearing the deliberations thereon, the select committee may dismiss the complaint or may make recommendations to the full House of Representatives for reprimand, censure or expulsion.

Rule 4903. Action by House. Upon receiving any report under Rule 4902, the House of Representatives may, without further hearing or investigation, reprimand, censure or expel the member complained of. Reprimand, censure or expulsion of a member shall require a $\frac{2}{3}$ majority vote of those members elected (or appointed) and qualified of the House of Representatives.

MESSAGE FROM THE SENATE

Announcing adoption of **SR 1801**, a resolution relating to the organization of the 2005 Senate and selection of the following officers:

Steve Morris, President,
John Vratil, Vice President,
Derek Schmidt, Majority Leader,
Anthony Hensley, Minority Leader,
Pat Saville, Secretary,
Jody Kirkwood, Sergeant-at-Arms,

and awaits the pleasure of the House of Representatives.

INTRODUCTION OF GUESTS

Speaker Mays introduced Dr. Verlin Janzen, President of the Kansas Academy of Family Physicians. The association sponsors the doctor of the day program and provides daily assistance for health concerns of those serving the Statehouse during the session. Dr. Janzen is a graduate of the University of Nebraska Medical Center and completed his family practice residency at St. Joseph Medical Center in Wichita. He serves as director of the Hutchinson Clinic's laboratory.

COMMUNICATIONS FROM STATE OFFICERS

Dear Mr. Speaker:

This letter is to advise you that the Office of Chief Clerk has received the following communications during the interim since adjournment of the 2004 Regular Session of the Legislature.

From the Office of Governor Kathleen Sebelius:

Executive Order No. 2004-04, continuing a moratorium on employee bonuses for Fiscal Year 2005.

Executive Order No. 2004-05, reformulating the composition and mission of the State Energy Resources Coordination Council, hereafter to be known as the Kansas Energy Council.

Executive Order No. 2004-06, enhancing agencies' ability to hire unclassified executive level positions by enhancing amount of sick leave and vacation leave in offers to hire.

Executive Order No. 2004-07, declaring Friday, June 11, 2004, as a National Day of Mourning for President Ronald Reagan.

Executive Order No. 2004-08, declaring a Drought Watch, Drought Warning or Drought Emergency for certain counties, and rescinding drought stage declarations for certain counties.

Executive Order No. 2004-09, declaring a Drought Watch or Drought Warning for certain counties.

Executive Order No. 2004-10, designating the Governor's Mental Health Services Planning Council to be the coordinating body in Kansas for stakeholder efforts in utilization of the President's New Freedom Commission's recommendations.

Executive Order No. 2004-11, creating the Governor's Domestic Violence Fatality Review Board.

Executive Order No. 2004-12, designating the building at 700 S.W. Harrison "The Dwight D. Eisenhower State Office Building in honor of the former president of the United States.

Executive Order No. 2004-13, extending the application of certain administrative regulations of the Secretary of Administration to certain positions in the unclassified service under the Kansas Civil Service Act.

Executive Order No. 2004-14, creating the Governor's Commission on Healthcare Cost Containment.

Executive Directive No. 04-351, modifying the Kansas Civil Service Basic Pay Plan.

Executive Directive No. 04-352, authorizing expenditure of federal funds and authorizing a fund transfer.

Executive Directive No. 04-353, authorizing a personnel transaction.

Executive Directive No. 04-354, authorizing expenditure of Federal Funds.

Executive Directive No. 04-354, authorizing expenditure of Federal Funds.

From the Kansas Sentencing Commission, The 2004 Kansas Sentencing Guidelines Desk Reference Manual, which may also be accessed at: www.accesskansas.org/ksc.

From the Kansas Human Rights Commission, the Kansas Human Rights Commission, the Annual Report for Fiscal Year 2004.

From Molly McGovern, Administrator for the Commission, the Annual Report and Comprehensive Annual Financial Report for the Kansas and Missouri Metropolitan Culture District Commission.

From Carol E. Williams, the Governmental Ethics Commission's 2004 Annual Report and Recommendations.

From Mike Boehm, Chair, Kansas Advisory Council on Intergovernmental Relations, the 2004 Annual Report.

From Glenn Deck, Executive Director of the Kansas Public Employees Retirement System, the Annual Report for the fiscal year ending June 30, 2004.

From the Kansas Energy Council, the Kansas Energy Report 2005.

From Irene Cumming, President and Chief Executive Officer, the University of Kansas Hospital Authority, the fiscal year 2004 Annual Report.

From the Honorable Lynn Jenkins, Kansas State Treasurer, the Annual Report for Fiscal Year 2004.

From Derl S. Treff, Director of Investments, the Annual Report of the Pooled Money Investment Boards for Fiscal Year 2004.

From the Kansas Water Authority, the 2005 Annual Report.

From Dale Brunton, Director, Division of Accounts and Reports, the July 1, 2003 to June 30, 2004 Comprehensive Annual Financial Report.

Also, from Deb Miller, Secretary of Transportation, in compliance with K.S.A. Supp. 68-2315, Annual Report, January 2005.

From Phill Kline, Attorney General, pursuant to K.S.A. 50-628 and K.S.A. 50-109, Consumer Protection and Antitrust Division, 2003 Annual Report.

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

On motion of Rep. Aurand, the House recessed until 6:30 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

It being the hour in accordance with **HCR 5002** to meet in joint session with the Senate to hear the message of the Governor, Reps. Neufeld, Decker and Ruff escorted members of the Senate to seats in the House.

Reps. Landwehr, Huff and Pauls escorted the Supreme Court to seats in the House.

Reps. Hayzlett, Wilk and Ballard escorted the Lieutenant Governor to a seat in the House.

Reps. O'Neal, Sloan and Larkin escorted the Governor to the rostrum.

GOVERNOR KATHLEEN SEBELIUS' COMPLETE TEXT OF THE STATE OF THE STATE January 10, 2005

Mr. Speaker, Mr. President, Madam Chief Justice, members of the Legislature, members of the Court, Cabinet officers, elected officials, leaders of Indian nations, honored guests, and fellow Kansans.

I am pleased to report to you this evening that the state of the state of Kansas is good. And improving. Yet we have much to do. Over the past two years, working together, we have met the essential challenges of balancing the state's budget and enhancing its fiscal health, all without raising taxes on Kansas families. The economy is growing, and more Kansans go to work each day - overall, a growth of 25,000 jobs in the past year.

As governor, I have worked hard to insure that Kansas government makes the best use of every tax dollar that it receives. From paper clips to pharmaceuticals, driving down the cost of government and creating more value for the people of Kansas is the order of the day. I pledge to you, as your governor, I will continue these efforts. I will be vigilant in the use of our citizens' tax dollars - dollars that we invest to build a smarter, healthier, safer, and more prosperous Kansas.

This vigilance has produced real benefits for Kansas taxpayers. This year's budget will actually reduce General Fund expenditures by 9.3 million dollars from the figure approved by the Legislature. And my budget for Fiscal Year 2006 will also be lean - a proposed total increase of less than one percent over our fixed spending obligations.

Budget numbers are important to be sure, but this evening's remarks will not focus on the state's finances. We will have plenty of time for that in the months to come. Rather, I want you to envision, with me, what a truly healthy Kansas would look like. Let's think of new opportunities, not past constraints, as we visualize the future of the state that we call home.

We should not forget, however, how far we have come together. Today, we don't experience the deep sense of vulnerability that we felt in the wake of the September 2001 terrorist attacks. Nor do we face a fiscal crisis like that of 2002, when our state was left essentially broke.

Indeed, since 2003 we've gone beyond stabilizing our resources and have enacted far-reaching new initiatives that will move the Kansas economy forward, in every corner of the state. Over the past two years we have helped shore up Wichita's aircraft industry, spurred business development in small-town Kansas, and invested heavily in world-class bioscience research at our universities and medical centers.

In 2005, we can look ahead - to building the healthier, stronger Kansas that is well within our grasp. The challenges are great, and we must meet them head-on, with imagination, with good will, and with honest and civil discourse. These challenges include:

- an education system that requires not only more resources, but real reform;
- health care needs that grow larger each year;
- the solemn obligation to ensure the safety and security of all Kansans; and
- the need to generate more good jobs for a state economy that will provide the engine of growth well into the 21st Century.

I call upon all legislators to work with me to create a Healthy Kansas for every Kansan. And while the physical health of our citizens is of great importance, I see the health of Kansas extending far beyond the issues of prescription drugs, insurance costs, and affordable care. A Healthy Kansas means a state in which our well-being is ensured and enhanced through every policy we pursue.

Kansas public schools can boast of many success stories, ranging from the heartening test score increases in the Kansas City, Kansas, school district to the remarkable set of improvements at the Meadows Elementary School, just a few blocks from the state capitol.

Kansas students do - by and large - go to good schools with caring, effective teachers. Indeed, our best students compete with the very best in the nation. This November, for example, Ruth Anne French, a senior at the University of Kansas, became the 27th student from Kansas public universities to win a Rhodes Scholarship. Ruth Anne is a fifth-generation Kansan from Partridge. She graduated from Haven High School, and attended Hutchinson Community College. She will study environmental policy at Oxford as she prepares for a career in natural-resource protection.

Congratulations, Ruth Anne, and come see me about a job when you return.

Behind every successful student stands a corps of highly motivated, highly effective teachers. Tonight, we're also honored to have with us, Brett Potts, the 2004 Kansas Teacher of the Year. Brett teaches biology at Blue Valley Northwest, and is a graduate of both Pittsburg State University and Kansas State University. We salute your talent, energy, and commitment, Brett, and hope that all our children will have many teachers like you to inspire them.

At the same time, Kansas schools face an urgent need for action. Since 1999 the Kansas Legislature has deferred any decision to address issues of the adequacy and equity in K-through-12 school funding. Many proposals have been made, and many opportunities missed.

Now we have no choice.

We must act, and soon. The Supreme Court has spoken, and we must make responsible and effective decisions in the next three months, with the best interests of our children in our hearts and our heads.

Last Spring, I offered a package of educational reforms to strengthen Kansas schools, and I was disappointed when the Legislature failed to pass these initiatives, or the bipartisan proposals that others introduced. But this is a new year, and a new Legislature. We do not have the luxury of failing to act. So let's work together, to make sure that no Kansas child is actually left behind. We must back up rhetoric about commitment to schools with actions

and resources that will guarantee a high quality education to all Kansas students, from the day they enter preschool to the day they graduate from high school, and beyond.

The Supreme Court's ruling requires the Legislature to fund a truly suitable education for all Kansas children. Neither the people of Kansas nor the Court will accept gamesmanship in interpreting the words of the decision. Reducing the standard for a "suitable" education is not an option. We cannot "dumb down" our standards, nor should we. We must strive for real improvement, rather than employing rhetorical devices that the Court might well reject.

Nor should we consider any one-time funding proposals or short-term fixes. We must address the issues raised by the Court through solid, long-lasting solutions, based on dedicated resources that will serve Kansas students for decades to come.

At the same time, we must be sure that Kansas school districts are spending their funds as effectively and efficiently as possible. Last year I proposed state-funded audits of school systems, but to no avail. Because I feel so strongly about ensuring accountability for every tax dollar spent, I sought private funds for these audits. I'm pleased that the Kauffman Foundation has agreed to support a series of efficiency evaluations for a number of Kansas school districts, both large and small.

These evaluations will show us where our money is well spent, and where changes are needed. We should spend every tax dollar as if it were our own, because, in the end, it is. This year's budget calls for more audits, and I hope you will join me in supporting increased accountability for Kansas school districts, as we have demanded throughout state government.

I believe we all agree that, for the health of Kansas, nothing is more important than education. In a knowledge-based economy, first-rate schools — from preschool classrooms through our Universities' graduate programs — represent the best investment we can make for our children and for the future of our state. That is why we must respond to the Court's urgent call for action with dispatch, common sense, and a commitment to educational excellence. Failing to do so would abdicate our most fundamental obligation as public servants.

Our citizens also face a quiet crisis in health care delivery, services, and costs. These costs continue to spiral upward, and put a quarter-of-a-million uninsured Kansans in financial peril every day of their lives.

Recently, a friend told me about a minor weekend calamity. His three-year-old son took a spill, cut his forehead, and ended up in the emergency room. Three stitches later, the hospital bill came to almost \$1,000.

This was no family crisis. The father had health insurance and a good job. But what if this had been a Kansas family, with no insurance and barely making ends meet? A \$1,000 hospital bill would put the family in an impossible position, forcing a choice between paying the bill and putting food on the table.

That's just not right, and it's time for us to do something about it.

Over the past 18 years, as a legislator, as insurance commissioner, and now as Governor, I have fought for better health care, stronger insurance, and lower medical costs for all Kansans. In a bipartisan alliance with Insurance Commissioner Sandy Praeger, we have organized a single division that consolidates the state's purchasing power to obtain the best possible health-care pricing for the many Kansans who rely on the health insurance we provide. We also pay particular attention to private employers and have asked the Business Health Policy Committee to develop new ways to help small business owners offer affordable health care to their employees.

Attacking the rising cost of health care also means reducing how much we pay for its administration. Nationally, administrative costs for health care have increased by more than a third over the past four years. We simply must reverse this trend in Kansas, where these costs account for more than 30 cents of every dollar Kansans spend on health care. In December, I created the Kansas Health Care Cost Containment Commission, led by Lt. Governor John Moore and consisting of expert members from the worlds of medicine and business. The Commission will find ways to reduce the out-of-control administrative costs of health care and encourage a greater use of technology. In the end, more Kansans will receive affordable, high-quality care.

This past November, Kansas became the fourth member of the I-SaveRx program, in which states drive down costs by allowing their citizens to buy safe, low-cost prescription drugs from state-approved pharmacies in Europe and Canada. I urge the Legislature to work with me to make sure that this program lives up to its potential for assisting all Kansans who rely on prescription drugs.

No single program can address all the problems of providing first-rate health care to all our citizens. But the initiatives before us, along with my absolute commitment to fight any Medicaid cuts from Washington, will allow us to protect more children, to offer more coverage for working families and small business employees, and to reduce the costs of prescription drugs.

Health care costs continue to soar, and that affects all Kansas families and all Kansas businesses. This trend will only accelerate in years to come, consuming public resources that would otherwise be spent on schools, roads, and economic development. Even more importantly, businesses will suffer from rising costs, reducing their ability to compete effectively. We do not face a Supreme Court ruling that forces our hand in health care, but the need to act is no less urgent.

In sum, a Healthy Kansas means that we must be committed to improving health care for all Kansans and investing in efforts — such as reducing tobacco use — that will produce benefits for the state over the long run.

A Healthy Kansas is most certainly a prosperous Kansas. Agriculture, aviation, and energy - the historic cornerstones of our economy - have been stabilized and stand ready to expand. We continue to fight for additional markets - both overseas with beef, grain, and technology, and at home with increased production of ethanol and other value-added agricultural products.

In the past two years, the state has regained much of its economic footing, and I am confident that we are on the right track. On this score, you don't need to take my word for it. Rather, you can rely on the *Forbes* magazine report that ranked Kansas first among all states for economic freedom. That is, businesses face the fewest obstacles here in either establishing a new enterprise or expanding one that already exists. And *Site Selection* magazine ranked Kansas tied for first in its rating of states that have moved the farthest in encouraging the online conduct of governmental business.

We must take advantage of this solid foundation of economic freedom and streamlined bureaucracy to build an even more vibrant, more productive business environment to benefit all Kansans.

Our Economic Revitalization Plan has succeeded in encouraging new investments in biosciences and other knowledge-based fields, but we must do more. Likewise, if we are to tackle tough education, health care, and security issues, the state must have the jobs and growth to support these key initiatives. With many new economic tools in place, we will continue our progress in expanding the economy.

But the dollars spent on economic incentives and new investment strategies are wasted unless we seriously address the two most important economic issues in Kansas: education and health care.

Kansas cannot be a truly healthy state unless it is both safe and secure. All our citizens must feel safe from crime and secure from the threat of terrorism, and feel protected from the natural disasters that have demonstrated their power, both here and around the world, over the past year.

Effective protection from terrorism and natural disasters requires the best possible communication among a wide range of government agencies. Using Homeland Security funds, we are well on our way to making sure that first responders — police, fire, and other emergency personnel — can talk directly with each other and can coordinate early warnings, searches, rescues, and relief efforts.

As for crimes that affect all Kansans, nothing is more important than stopping the illicit methamphetamine industry in its tracks. Working with the Kansas Bureau of Investigation, the Kansas Highway Patrol, and the Attorney General, I have charged a task force with developing legislation, and I am pleased that some lawmakers have already embraced this idea by pre-filing a bill on the subject. We simply must make it more difficult for meth producers to obtain the chemicals that they use to concoct their deadly drugs. Oklahoma

has already enacted a law that does just this, and I feel confident that we will have strong, effective laws in place by mid-year.

In large part, we in Kansas are secure because of the immense sacrifices of our military. Sixteen Kansans have made the ultimate sacrifice in Iraq and Afghanistan. These include two members of the Kansas National Guard, Army Sgt. First-Class Clinton L. Wisdom of Atchison and Sgt. Don A. Clary of Troy, both of whom served in the 130th Field Artillery. I join with all Kansans in expressing our grief over these most profound losses, as well as those suffered by the families of the 42 Fort Riley soldiers who have lost their lives.

America's global involvements continue to affect us here at home. Even election to public office has not precluded the call to military duty. State Representative Lee Tafanelli, from Ozawie, who also serves as a Lieutenant Colonel in the Kansas National Guard, resigned his seat effective today, given his yearlong assignment in Iraq. He joins the thousands of Kansans serving around the globe. I greatly respect Representative Tafanelli's dual service to his state, and we look forward to his safe return, along with all our fellow Kansans who serve.

But wishing our Kansas soldiers "God speed" is not enough. We need to comfort, care for, and protect their families. And we should ease the financial burdens that these families often face. That is why later this month I will propose a Military Bill of Rights for Kansans who serve. This important legislation will offer financial assistance to state employees called to duty, address broader financial issues for all Kansans who serve, and create a relief fund for military families.

Those who serve abroad honor us at home by defending the very democratic values that have made this state and this nation great. In turn, we must honor them by being able to disagree with each other without demeaning our opponents.

A healthy state encourages discussion on the great issues of the day, and finds ways to resolve them. A healthy state values the beliefs of all its citizens, and honors the contributions of citizens from all races, religions, and ethnicities.

The bedrock of a healthy state lies in the people's trust of the electoral system. Citizens must feel that elections have been conducted freely and fairly. All votes should count the same, and all political contributions and expenditures should be treated the same.

Kansans should be proud that, in the state's great progressive tradition, our elections have not been plagued with controversy and uncertainty. But our campaign finance laws do need a serious and thoughtful overhaul to address changes in electoral politics. All campaign contributions and expenditures must be reported in timely and transparent ways by candidates, parties, and outside groups. These groups now raise and spend large sums to affect election results, and they must play by the same rules that apply to candidates and parties.

A healthy state also requires a strong and talented corps of state employees. I want to express my personal gratitude to the Kansas state workforce, whose members contribute so much, day in, day out, to the quality of state services. We have become leaner and more productive over the past two years of belt-tightening. Much as I worked to avoid layoffs in tough fiscal times, the state's workers have found hundreds of ways to increase the efficiency of government. I thank them one and all, and will continue to find ways to reward them for their good work.

Tonight, I have outlined my vision of a Healthy Kansas: a robust, growing state with a vibrant economy from east to west, a state with solid and improving schools that will encourage all children to reach their potential, a state with health care investments that improve the lives of all its citizens, especially the most vulnerable among us.

A Healthy Kansas goes beyond schools, physical well-being, and jobs, of course. We must be safe in our homes, and secure as we face an uncertain world. We must have a political system in which elections are fought out freely and fairly, with an electorate that has all the information it needs in choosing among candidates.

Kansans should engage in healthy, productive discussions over core issues of faith and family. We must strive to respect the values of all our citizens, both in our policies and in the ways we address these issues. The moral power of Kansans will guide our actions and will strengthen the fabric of a state that encourages the expression of deeply held personal values.

And I welcome — indeed, I encourage — the active participation of all Kansas citizens in the discussions that take place and in the decisions that are made under the Capitol dome. I am your Governor, and this is your Legislature. If your voices are not heard, you can be sure that many others will be — in particular those who are paid to present a point of view, and often do it most effectively. In the spirit of civility and democracy, I urge you to make your feelings known, whether to your local officials, to your lawmakers, to your school board, or to me.

But I ask one further thing in return.

You must listen to those who do not share your feelings; you must respect their points of view. If we all do that in our coffee shops, our church basements, and our city halls, then those who serve in this building will be all the more likely to follow suit. A healthy state encourages many voices — and lots of listening.

Nowhere is this more important than in supporting our schools. We in this building must listen to the Court, listen to the people of Kansas, and listen to each other, as we strive to meet our constitutional obligations and maintain our control, as elected officials, over the schools of our state.

As we begin this new year, there is much to be accomplished. I urge the Legislature to roll up its sleeves and to join me in making sure that the health of the state continues to improve in every way. I pledge my best efforts to do this, and fully expect the same of those who represent our neighbors across the state.

These are exciting times, with great opportunities to be grasped. And we must reach for these opportunities with an optimistic, productive, and bipartisan approach that serves the interests of all Kansans.

I thank you for the great honor of allowing me to serve as your governor. Good night, and may God bless the great state of Kansas and the United States of America.

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

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

