

Journal of the House

NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 21, 2005, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 114 members present.
Reps. Huy and M. Miller were excused on verified illness.
Reps. Craft and C. Holmes were excused on legislative business.
Reps. Edmonds, Jack, Kirk, Larkin, O'Neal and Powers were excused on excused absence by the Speaker.

Due to the death of Rep. Carol Edward Beggs from Salina, Representative of the 71st District, the House is now organized with 124 members.

Prayer by Chaplain Chamberlain:

Glory be to you, O God of all creation and God of every living thing. We lift your name and bring our prayers of thanksgiving and praise before you this day as we seek, once more, your guidance and your grace.

We pray especially this day in thanksgiving for the life and service of Carol Beggs whom you have received into your presence. Grant him your eternal peace and comfort those who mourn with us.

Bless your servants gathered today in this chamber. For each comes as one person to form this house of the people. Each brings their life, which is a gift from you. Each brings their experience, which flows from your providence. Each brings their intellect and wisdom, which is your holy gift. Each brings their family and friends and colleagues, who are the fabric of their life. And all of these, O Lord, flow from your grace and abundant blessing.

So today, Lord, this chamber is filled with your blessings, filled with your providence, filled with your gifts, and filled with your love; all of it contained in the hearts and minds of those who stand before you. Bless each member of this house today that they might know of your generosity and of their responsibility. Grant them the joy of knowing that they have done the work that you have given to them with the resources that you have provided. For all is made complete in our acknowledgment of you, O God of grace and power. Amen.

The Pledge of Allegiance was led by Rep. DeCastro.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2122, An act concerning crimes and punishment; relating to the loss of value of the crime; amending K.S.A. 16-305, 19-3519, 21-3720, 21-3729, 21-3734, 21-3902, 21-3904, 21-3905, 21-4111, 39-717, 40-247, 40-2,118 and 44-5,125 and K.S.A. 2004 Supp. 21-3437, 21-3707, 21-3763, 21-3846, 32-1005, 40-5013 and 47-1827 and repealing the existing sections, by Representative Huff.

HB 2123, An act relating to railroads; concerning the transfer of certain powers, duties and functions of the state corporation commission to the Kansas department of transpor-

tation; amending K.S.A. 66-105, 66-154, 66-154a, 66-154b, 66-155, 66-230, 66-525, 66-532 and 66-1217 and repealing the existing sections; also repealing K.S.A. 44-564, 66-103, 66-112, 66-145, 66-146, 66-148, 66-149, 66-153, 66-157 through 66-163, 66-166, 66-168, 66-173, 66-174, 66-180, 66-181, 66-182, 66-201 through 66-216, 66-224, 66-225, 66-226, 66-235 through 66-241, 66-244 through 66-249, 66-277, 66-278, 66-285 through 66-294, 66-2,108, 66-2,109, 66-2,111, 66-2,112, 66-2,113, 66-2,119, 66-304 through 66-307, 66-319 and 66-320, by Committee on Transportation.

HB 2124, An act concerning certificates of title on vehicles; relating to security interest on vehicles registered by a federally recognized Indian tribe; amending K.S.A. 2004 Supp. 8-135 and repealing the existing section, by Committee on Financial Institutions.

HB 2125, An act relating to mortgages on real property; concerning the entry of satisfaction; fees; amending K.S.A. 2004 Supp. 58-2309a and repealing the existing section, by Committee on Financial Institutions.

HB 2126, An act concerning children in need of care; relating to the confidentiality of proceedings; amending K.S.A. 38-1552 and repealing the existing section, by Representatives F. Miller, Brunk, Burroughs, Dahl, Faber, Goico, Grant, Huy, Jack, E. Johnson, Kelley, Kiegerl, Knox, Mast, McCreary, Merrick, Judy Morrison, Oharah, Pilcher-Cook, Powell and Williams.

HB 2127, An act regulating traffic; concerning the use of head lamps; amending K.S.A. 8-1703 and repealing the existing section, by Representative Gordon (By request).

HB 2128, An act concerning the department of social and rehabilitation services; creating access to criminal history records, by Committee on Corrections and Juvenile Justice.

HB 2129, An act concerning criminal procedure; relating to indigent defense services; amending K.S.A. 2004 Supp. 22-4507 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2130, An act concerning confidential communications and information; relating to treatment facility patients; amending K.S.A. 2004 Supp. 65-5603 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

HB 2131, An act concerning sales taxation; relating to destination sourcing rules; amending K.S.A. 2004 Supp. 12-191, 79-3603, 79-3667, 79-3668, 79-3669, 79-3670, 79-3671, 79-3672, 79-3673 and 79-3682 and repealing the existing sections, by Committee on Taxation.

HB 2132, An act concerning sales taxation; relating to countywide retailers' sales tax in Sedgwick county; amending K.S.A. 2004 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2133, An act concerning certain restrictive covenants, by Committee on Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2103**.

Appropriations: **HB 2095** (separately); **HB 2105**, **HB 2106**, **HB 2107**, **HB 2108**, **HB 2116**.

Corrections and Juvenile Justice: **HB 2087**.

Economic Development: **HB 2096**.

Financial Institutions: **HB 2097**, **HB 2098**, **HB 2099**.

Governmental Organization and Elections: **HB 2091**, **HB 2092**, **HB 2093**, **HB 2094**, **HB 2095** (separately); **HB 2111**, **HB 2118**, **HB 2119**, **HB 2120**, **HB 2121**.

Health and Human Services: **HB 2088**.

Judiciary: **HB 2104**, **HB 2110**, **HB 2112**, **HB 2113**, **HB 2114**.

Taxation: **HB 2100**, **HB 2101**, **HB 2102**.

Transportation: **HB 2089**, **HB 2090**, **HB 2109**.

Wildlife, Parks and Tourism: **HB 2115**, **HB 2117**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2030** from Committee on Governmental Organization and Elections and referral to Committee on Judiciary.

Also, the withdrawal of **HB 2079** from Committee on Wildlife, Parks and Tourism and referral to Committee on Calendar and Printing.

COMMUNICATIONS FROM STATE OFFICERS

From Senator Derek Schmidt, Chair, Legislative Post Audit Committee, The Annual Report of the Legislative Post Audit Committee and the Legislative Division of Post Audit, fiscal year 2004.

From Senator Derek Schmidt, Chair, Legislative Post Audit Committee, Follow-Up Report, Adoption of Audit Recommendations By Agencies Audited During Calendar Year 2003, September 2004.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 23**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 23.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Pottorff, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2007** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Governmental Organization and Elections** recommends **HB 2018**, **HB 2027** be passed.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 7, by Representative Pottorff, congratulating Marilyn Chapman on receiving a Secretaries of State Medallion Award for 22 years of service to promote elections and voter education;

Request No. 8, by Representative Pottorff, congratulating Jeff Orr on receiving a Clay Barton Scholarship Award;

Request No. 9, by Representative Beamer, commending Jack Mendenhall for his 421/2 years of service as Sheriff of Rush County;

Request No. 10, by Representative Schwartz, congratulating Bob and Bonnie Edwards on their 50th Wedding Anniversary;

Request No. 11, by Representative Schwartz, congratulating Alice and Ross Wineinger on their 60th Wedding Anniversary;

Request No. 12, by Representative D. Johnson, congratulating Kora Hollinger on her 100th Birthday, February 22, 1905;

Request No. 13, by Representative D. Johnson, commending Patty Stull for serving as President of Hays Rotary, 2004-2005;

Request No. 14, by Representative Kiegerl, congratulating Robert and Julia Page on their 50th Wedding Anniversary;

Request No. 15, by Representative Hayzlett, congratulating William Alexander Gentry on attaining the rank of Eagle Scout; be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2134, An act concerning schools and school districts; relating to the Kansas state high school activities association; amending K.S.A. 72-130 and repealing the existing section, by Committee on Education.

HB 2135, An act establishing the Kansas school board development program, by Committee on Education.

HB 2136, An act amending the child passenger safety act; amending K.S.A. 8-1343a, 8-1344 and 8-1345 and repealing the existing sections, by Representative Vickrey.

HB 2137, An act concerning schools; relating to healthy food choices in vending machines, by Committee on Health and Human Services.

HB 2138, An act concerning amusement rides; relating to insurance therefor; amending K.S.A. 40-4802 and repealing the existing section, by Committee on Insurance.

HB 2139, An act concerning fences; relating to fence viewers; amending K.S.A. 29-201 and repealing the existing section, by Representatives Dillmore and Ward.

On motion of Rep. Aurand, the House adjourned until 9:30 a.m., Monday, January 24, 2005.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

