

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 25, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. B. Sharp was excused on verified illness.
Rep. Schwab was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord of every season, here we are at the end of January and outside it feels more like spring than winter. Surely there are days coming that will chill our bones, but today the sun is bright, the sky is blue and the warmth of your care for us can be felt in our being.

Just as the sun warms our bodies, your grace, O God, warms our souls. It warms us even when the storms of life assail us. It comforts us even when misfortune rains on us. It blesses us even when the cold of doubt in ourselves and in you chills us to the bone. You never let up, Lord. You never abandon us. You are always present, showering us with your unending love.

Help us now, on this sunny day, to respond to your grace in all that we do. Let our conversations and deliberations reflect your love. Let our thanksgiving for your forgiveness and grace radiate from us to warm others. And help us remember when the days turn cold and dreary, that your light still shines on us all. Amen.

The Pledge of Allegiance was led by Rep. Carlin.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2699, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3719 and 31-155 and K.S.A. 2005 Supp. 21-3436, 21-3608a, 21-3718 and 21-3731 and repealing the existing sections, by Committee on Judiciary.

HB 2700, An act concerning civil procedure; relating to worthless checks; amending K.S.A. 60-2610 and 60-2611 and repealing the existing sections, by Committee on Judiciary.

HB 2701, An act concerning crimes, punishment and criminal procedure; relating to controlled substances; amending K.S.A. 65-4151 and repealing the existing section, by Committee on Judiciary.

HB 2702, An act concerning insurance; relating to the health care stabilization fund; notice of action; amending K.S.A. 40-3409 and repealing the existing section, by Committee on Judiciary.

HB 2703, An act relating to crimes and punishment; concerning nuclear generating facilities; relating to armed nuclear security guards; amending K.S.A. 2005 Supp. 21-3721 and repealing the existing section, by Joint Committee on Kansas Security.

HB 2704, An act relating to the small claims procedures act; concerning the number of actions filed in a calendar year; amending K.S.A. 61-2704 and repealing the existing section, by Representative Otto.

HB 2705, An act designating a portion of interstate highway 135 as the Vietnam war veterans memorial highway, by Committee on Transportation.

HB 2706, An act concerning driver's licenses; relating to child support enforcement; amending K.S.A. 8-255 and K.S.A. 2005 Supp. 74-2012 and repealing the existing sections, by Committee on Transportation.

HB 2707, An act relating to drivers' licenses; concerning medical requirements; amending K.S.A. 2005 Supp. 8-247 and repealing the existing section, by Committee on Transportation.

HB 2708, An act regulating traffic; concerning auxiliary driving lamps; amending K.S.A. 8-1728 and repealing the existing section, by Committee on Transportation.

HB 2709, An act concerning the rail service improvement program; relating to the funding thereof; amending K.S.A. 2005 Supp. 75-5048 and repealing the existing section, by Committee on Transportation.

HB 2710, An act concerning water; creating the water right transition assistance program, by Committee on Environment.

HB 2711, An act concerning the appointment of the commissioner of education; amending K.S.A. 72-7601 and repealing the existing section, by Committee on Education.

HB 2712, An act relating to the special education for exceptional children act; amending K.S.A. 2005 Supp. 72-987 and repealing the existing section, by Committee on Education.

HB 2713, An act concerning the practice of physical therapy; amending K.S.A. 2005 Supp. 65-2901 and 65-2912 and repealing the existing sections, by Committee on Health and Human Services.

HB 2714, An act concerning certain applications for medical assistance under medicaid; requiring certain applicants to have a living will and advance directives prior to approval of the application; amending K.S.A. 2005 Supp. 39-709 and repealing the existing section, by Committee on Health and Human Services.

HB 2715, An act relating to the department of health and environment; concerning certain fees for state radiation control; amending K.S.A. 48-1606 and repealing the existing section, by Representative Jim Morrison.

HB 2716, An act concerning water; granting an easement for construction of diversion works along the Kansas river, by Representatives Olson, Beamer, Brown, Brunk, Burgess, Carlson, Carter, Colloton, Cox, Freeborn, George, Goico, Grange, Hawk, Hayzlett, Huebert, Huntington, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Lane, Long, Mast, Masterson, Mays, Merrick, Judy Morrison, Oharah, Otto, Owens, Pilcher-Cook, Powers, Proehl, Ruff, Ruiz, S. Sharp, Siegfried, Sloan, Svaty, Swenson, Treaster, Vickrey, Watkins, Wilk, Williams, Wolf, Yoder and Yonally.

HB 2717, An act concerning agriculture; relating to sale of transgenic wheat seed; notification requirements, by Committee on Agriculture.

HB 2718, An act concerning agriculture; relating to pesticide law; private applicators certificate; amending K.S.A. 2005 Supp. 2-2445a and repealing the existing section, by Committee on Agriculture.

HB 2719, An act concerning the open meetings law; relating to executive sessions; amending K.S.A. 2005 Supp. 75-4319 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2720, An act concerning planning and zoning; relating to the approval of plats; amending K.S.A. 12-752 and repealing the existing section, by Committee on Governmental Organization and Elections.

HB 2721, An act concerning water districts; relating to the detachment of territory therefrom, by Committee on Governmental Organization and Elections.

HB 2722, An act concerning higher education; establishing a pilot program to provide an incentive for low-income families to establish postsecondary savings accounts, by Committee on Higher Education.

HB 2723, An act concerning electric public utilities; providing for income tax credits for certain amounts related to sales of energy from renewable resources or technologies, by Committee on Utilities (By request of Select Joint Committee on Energy).

HB 2724. An act concerning juvenile justice; relating to racial disproportionality; creating the Kansas commission on juvenile justice; amending K.S.A. 2005 Supp. 75-7033 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2725. An act concerning cruelty to animals; amending K.S.A. 2005 Supp. 21-4310 and 21-4704 and repealing the existing sections, by Representatives O'Neal, Brunk, Gordon, Grange, Hill, Horst, Huebert, Huff, Hutchins, Huy, Kelsey, Landwehr, Loyd, Mast, F. Miller, Proehl, Roth and Vickrey.

HB 2726. An act concerning eminent domain; relating to tax incentives; amending K.S.A. 2005 Supp. 12-1773 and 12-1774 and repealing the existing sections, by Representative Knox.

HB 2727. An act concerning state officers and employees; relating to certain payroll deductions; amending K.S.A. 2005 Supp. 75-5531 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2728. An act concerning veterans; requiring employers to give paid leave to certain veterans on Veterans' Day; providing penalties for violations, by Committee on Federal and State Affairs.

HB 2729. An act providing for civil action against the submission of false claims to the state or to local governments; providing for qui tam awards; enacting the Kansas false claims act; amending K.S.A. 21-3910 and repealing the existing section, by Committee on Appropriations.

HB 2730. An act concerning Kansas educational institutions; requiring the provision of educational benefits for certain students who have been placed in foster care; providing for payment of fees for such students, by Committee on Appropriations.

HB 2731. An act concerning the division of workers compensation; relating to a survey of employers regarding workers compensation insurance carriers, self-insurers and group-funded workers compensation pools, by Committee on Insurance.

HOUSE CONCURRENT RESOLUTION No. 5031—

By Committee on Health and Human Services

A CONCURRENT RESOLUTION urging providers of health insurance to encourage certain insured individuals to have an up-to-date living will and advanced directives.

WHEREAS, The cost of health care continues to increase faster than the cost of living; and

WHEREAS, Under Kansas law a Kansas citizen may execute a document termed a durable power of attorney for health care decisions, commonly referred to as advanced directives, wherein the individual may direct the withholding or withdrawal of life-sustaining procedures in a terminal condition; and

WHEREAS, Under Kansas law, a Kansas citizen may execute a document termed a declaration, commonly referred to as a living will, authorizing another individual to act for an ill person upon the ill person's subsequent disability or incapacity; and

WHEREAS, Unless a person has a living will or advanced directives, such person when hospitalized for a life-threatening condition may be subject to being treated with life-saving measures against the person's will and desire; and

WHEREAS, The unnecessary use of life saving measures increases the costs of health care for all citizens of the state of Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature strongly urges the insurance industry to consider providing rate reductions or other incentives for policyholders or applicants for health insurance, particularly any person who is at least 40 years of age, to have a current living will and durable power of attorney for health care decisions; and

Be it further resolved: That the Secretary of State provide an enrolled copy of this resolution to the Commissioner of Insurance who is hereby directed to send a copy of this resolution to each insurance company which sells health insurance in this state.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2696**.
Higher Education: **HB 2694, HB 2695**.
Insurance: **HB 2690, HB 2691, HB 2692, HB 2693**.
Taxation: **HB 2698**.
Transportation: **HB 2697**.

REPORTS OF STANDING COMMITTEES

Committee on **Insurance** recommends **HB 2553** be passed.

Committee on **Judiciary** recommends **HB 2555, HB 2608, HB 2609** be adopted and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2629, HB 2630** be passed.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2732. An act relating to motor vehicles; enacting the unattended and unsupervised children in motor vehicles safety act; amending K.S.A. 8-2106 and repealing the existing section, by Representative Huff.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, January 26, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

