

# Journal of the House

## FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, January 13, 2003, 2:00 p.m.

This being the day fixed by the Constitution of the State of Kansas for the assembling of the 2003 session of the legislature, the House of Representatives was called to order at 2:00 p.m. by Ron Thornburgh, Secretary of State.

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

Almighty God, author of creation, our strength and our guide, hear us today as we ask for your blessing. We have received from your hand the great gift of freedom and the responsibility to protect and preserve it. We have received from your hand the gift of a plentiful land and the responsibility to exercise stewardship of it. We have received from your hand the fellowship of a special community of your children: our family, friends and neighbors in a place called Kansas and the responsibility to leave it better than we found it. We thank you Lord for your gifts and ask for your strength and guidance as we rise to meet the responsibilities that they bring.

On this day of new beginnings, send your blessing upon these your servants, the members of this House, who have gathered to deliberate and to govern. Make them worthy of the responsibility that they have accepted and strengthen them for the difficult work that lies ahead. Bless the leaders of the House with special gifts of wisdom, courage and patience. And bless the citizens of this great state through the work of this body of your servants. Amen.

The Pledge of Allegiance was led by Rep. Tafanelli.

Secretary of State Ron Thornburgh announced the appointment of Janet Jones as temporary Chief Clerk of the House.

**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. 2003.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 2nd day of December, A.D. 2002.

RON THORNBURGH  
*Secretary of State*  
JANET CHUBB  
*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 Chief Justice Kay McFarland, 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—R.J. Wilson  
 4th—Andrew Howell  
 5th—Bill Feuerborn  
 6th—Jene Vickrey  
 7th—Jeff Jack  
 8th—Jerry D. Williams  
 9th—Stanley Dreher  
 10th—Tom Holland  
 11th—James F. Miller  
 12th—C. Frank Miller  
 13th—Mary C. Compton  
 14th—Dan Williams  
 15th—Arlen Siegfried  
 16th—Jim Yonally  
 17th—Stephanie Sharp  
 18th—Cindy Neighbor  
 19th—Thomas C. (Tim) Owens  
 20th—Kevin W. Yoder  
 21st—Dean Newton  
 22nd—Sue Storm  
 23rd—Judy Morrison  
 24th—Robert “Bob” Tomlinson  
 25th—Terrie W. Huntington  
 26th—Larry L. Campbell  
 27th—Ray Merrick  
 28th—Doug Patterson  
 29th—Patricia Lightner °  
 30th—David Huff  
 31st—Bonnie Sharp  
 32nd—Rick Rehorn  
 33rd—Tom Burroughs  
 34th—Valdenia C. Winn  
 35th—Broderick Henderson  
 36th—Margaret E. Long  
 37th—Bill Reardon  
 38th—Rob Boyer  
 39th—Ray L. Cox  
 40th—L. Candy Ruff  
 41st—Marti Crow  
 42nd—Kenny A. Wilk  
 43rd—John Ballou  
 44th—Barbara W. Ballard  
 45th—Tom Sloan  
 47th—Lee Tafanelli  
 48th—Eric Carter  
 49th—Scott Schwab  
 50th—Becky J. Hutchins  
 51st—Mike Burgess  
 52nd—Lana Gordon

*District*

53rd—Roger E. Toelkes  
 54th—Doug Mays  
 55th—Annie Kuether  
 56th—Nancy Kirk  
 57th—Vaughn Flora  
 58th—Rocky Nichols  
 59th—Joe D. Humerickhouse  
 60th—Don Hill  
 61st—Verlyn (Vern) Osborne  
 62nd—Bruce F. Larkin  
 63rd—Jerry Henry  
 64th—Kathe Decker  
 65th—Barbara Craft  
 66th—Sydney Carlin  
 67th—Roger P. Reitz  
 68th—William A. Kassebaum  
 69th—Deena L. Horst  
 70th—Donald L. Dahl  
 71st—Carol Edward Beggs  
 72nd—Tom Thull  
 73rd—Clark Shultz  
 74th—Carl Krehbiel  
 75th—William G. Mason  
 76th—Peggy Long  
 77th—Everett L. Johnson  
 78th—Judy Showalter  
 79th—Joe Shriver  
 80th—Bill McCreary  
 81st—Ted Powers  
 82nd—Don V. Myers  
 83rd—Jo Ann Pottorff  
 84th—Donald Betts Jr.  
 85th—Steve Brunk  
 86th—Judith Loganbill  
 87th—Bonnie Huy  
 88th—Jim Ward  
 89th—Ruby Gilbert  
 90th—Steve Huebert  
 91st—Brenda Landwehr  
 92nd—Nile Dillmore  
 93rd—Daniel J. Thimesch  
 94th—Joe McLeland  
 95th—Tom Sawyer  
 96th—Willa DeCastro  
 97th—Dale A. Swenson  
 98th—Geraldine Flaharty  
 99th—Todd Novascone  
 100th—Mario Goico  
 101st—Mary Kauffman  
 102nd—Janice L. Pauls  
 103rd—Thomas Klein

*District*

104th—Michael R. “Mike” O’Neal  
 105th—Jeff Goering  
 106th—Sharon Schwartz  
 107th—Joann Lee Freeborn  
 108th—Joshua Svaty  
 109th—Clay Aurand  
 110th—Dan Johnson  
 111th—Eber Phelps  
 112th—John Edmonds  
 113th—Bob Bethell  
 114th—Melvin G. Minor

*District*

115th—Melvin J. Neufeld  
 116th—Dennis McKinney  
 117th—Larry R. Powell  
 118th—Ralph Ostmeyer  
 119th—Ethel M. Peterson  
 120th—John M. 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 13th day of January, 2003.

KAY MCFARLAND  
*Chief Justice of the Supreme Court*

Because of the vacancy created by the resignation on January 13, 2003 of Troy Findley, elected as a Representative to the 46th District, Secretary of State Thornburgh announced the House is now organized with 124 members.

**MESSAGES FROM THE GOVERNOR**

January 13, 2003

The Honorable Ron Thornburgh  
 Secretary of State

Please issue a Commission of Appointment to Paul Davis as State Representative for the 46th District, pursuant to the authority vested in me by K.S.A. 25-3902, effective January 13, 2003, to serve until a successor is elected and qualifies according to law. Succeeds Troy Findley.

Sincerely,  
 BILL GRAVES  
*Governor*

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

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that Paul T. Davis was appointed by the Governor effective January 13, 2003, for the unexpired term, Forty-Sixth House of Representative District, to fill the vacancy created by the resignation of Troy Findley.

IN TESTIMONY WHEREOF, I hereto set my hand and cause to be affixed my official seal. Done at the city of Topeka this 13th day of January, A.D. 2003

RON THORNBURGH  
*Secretary of State*

Secretary of State Thornburgh requested Paul T. Davis to approach the bar for the oath of office administered by Chief Justice MacFarland.

State of Kansas, County of Shawnee, ss:

I do solemnly swear or affirm, 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 Representative of the State of Kansas, so help me God. Subscribed and sworn to, or affirmed, before me this 13th day of January, 2003.

KAY MCFARLAND  
*Chief Justice of the Supreme Court*

The House is now organized with 125 members.

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.

Secretary of State Ron Thornburgh 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 Chief Justice McFarland:

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 13th day January, 2003.

KAY MCFARLAND  
*Chief Justice of the Supreme Court*

Speaker Mays addressed the following remarks to the members of the House:

Whenever I am confronted with difficult task or a long journey, among other things, I think of our state's motto: Ad Astra Per Aspera — "To the stars through difficulties." What wonderful words by which to be guided. For they tell us that if we aim high, work hard, and believe in our cause, we will succeed. That, in fact, has been the history of Kansas.

How many times throughout the last century and a half—through border wars and internal strife, droughts and tornados, dust storms and depression, and the unbelievable hardships experienced by the early settlers on the prairie—how many times has the wisdom of that simple Latin phrase been confirmed.

As modern men and women, we would like to believe that such experiences are behind us. Unfortunately, where humans are involved, history has a way of repeating. And so, once again, we find ourselves amidst great difficulties, some of our making, some not. And there, among them, hovers a frightful specter of uncertainty, quietly whispering a phrase feared by all who call themselves leaders, "What will you do?"

Our state stands at a crossroads. Its people are restless, and they demand and deserve from us, their elected representatives, our very best efforts. I would like to be able to tell you today exactly what the solutions to our problems are, but I can't do that. Granted, I have ideas, but so does everyone else in this chamber. As I see it, it is not my job to impose my opinions. Rather, as Speaker, my duty is to lead, to encourage and, if necessary, to push this body toward a logical, timely consensus. To that end, you will have *my* best efforts. My door will always be open, and I will listen. And most of all, I pledge that I will be fair and even-handed with each and every member of this body, and if I am not, I want to hear about it.

Between now and this session's conclusion some weeks away, what can we as a body, and as individual members, do to facilitate the process? I believe we need only look to our state's people—past and present day, and to those qualities that have sustained our citizens and have made Kansas, like America, more than just a place, but an ideal and a way of life. Certain traits that we, today, must emulate in order to achieve the standards set forth by the example of those upon whose shoulders we stand. Simple concepts to guide our efforts and our demeanor.

First, we must work hard. To learn as much as we can about the process and the issues. To attend our committees and be there on time. To pay attention on the floor, and to do our homework. And most of all, to vote.

Second, we must exercise common sense—the simple ability to discern right from wrong based on experience and observation. Never radical, this instinctive behavior cannot be bought, sold, or transplanted. It comes from within. Kansans are renowned for this.

Third, we must show respect. Respect for our system of democracy—the caldron of ideas and philosophies, often misunderstood by those not directly involved. Nonetheless, it is, in my opinion, mankind's greatest achievement.

We must have respect for this institution. Over the past 137 years, more than 5,000 Kansans have served in this House of Representatives. Brave men gave their lives so that we have the opportunity to sit in this Chamber as its members. Honor them by honoring the House and its traditions.

We must also respect each other. We are all different, and we must acknowledge and accept those differences. We come from every corner of this state. We are PHD's and GED's, urban and rural, black and white, male and female, old and young. We are Republican and Democrat, and collectively we represent the entire spectrum of political philosophy, all shaped by our up-bringing and our life's experiences. We needn't celebrate our differences, rather, we should accept and appreciate them as a part of God's plan.

Fourth, we must demonstrate courage. To meet our challenges head-on. To act with boldness. To take risks in the pursuit of solutions. And to speak out when we see something that goes against our principals. For inspiration, one need only look to the walls of this Chamber and observe the names of ten early Kansans who, because of their disgust and hatred for the abominable institution of human slavery, were willing to sacrifice their careers, their homes, and, if necessary, their lives for that principle.

And finally, we must show humility. Each of you are one of only 125, representing more than 2.7 million Kansans. Pretty heady stuff. But, please remember we are representatives. We are not governors, or judges, or even senators. We have a special charge—to give voice to those people back home who might otherwise never be heard. The very essence of representation is humility. We must subjugate our will to that of the people in our district, and when there is no clear intent on their part, substitute our best judgement on their behalf. Be grateful for the opportunity to serve. Be in awe of where you are today. Wear your title with pride. But, above all, in spite of all that would pull you to the contrary, remain humble.

We face a great challenge ahead, and our charge is clear. We must find solutions. We must reach consensus. And we must work together for the people of Kansas.

In that regard, to my friend and colleague, Minority Leader McKinney, I extend my hand across the aisle in the spirit of friendship, respect, and cooperation.

I have served in this House for ten years. It has not always been enjoyable. But through good times and bad, not a day goes by during the session, that I don't look toward this great ceiling and the skies beyond, and thank God for the privilege serving.

Now, it is time to go to work. *Ad Astra Per Aspera.*

Speaker Mays was presented with the gavel by Secretary of State Ron Thornburgh 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. John Ballou for Speaker pro tem. There being no further nominations, Rep. Wilson moved the nominations be closed and that the Chief Clerk be instructed to cast a unanimous ballot for Rep. Ballou as Speaker pro tem of the House of Representatives. The motion prevailed.

Speaker Mays requested Rep. Ballou approach the bar for the oath of office which was administered by Chief Justice McFarland:

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 13th day of January, 2003.

KAY MCFARLAND  
*Chief Justice of the Supreme Court*

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

Thank you Chief Justice, Mr. Speaker:

I would like to thank my colleagues for the trust you have placed in me. It is an honor and privilege to be able serve as your Speaker Pro Tem for the next two legislative sessions.

Following is an excerpt from a message to the Kansas House of Representatives and Senate by Governor W.J. Bailey, which I would like to share with you. This message was delivered 100 years ago during a Special Session called to deal with the flooding that devastated our State in 1903.

“Assuring you of my highest personal regard, and with the earnest hope and belief that your acts during the present special session may prove beneficial to the whole people, whose interest you have in charge, I pledge you my hearty cooperation.”

These words could not be more fitting today, when instead of flooding we are faced with one of the driest periods in our State’s history. This factor, combined with low commodity prices, threatens the agriculture economy and rural communities of Kansas.

With the slowing economy, and layoffs in the larger cities, our urban areas are facing uncertain times. In addition, Kansas is confronting one of the most difficult financial periods of our State’s history. All of these elements combined effect the future of the citizens of Kansas, from every corner of our State, in every city and town, both large and small.

As with Governor Bailey and the Special Session of 1903, we must prove beneficial to the whole of Kansas. As representatives of the people, we must put aside our partisan politics and do what is right for Kansas and her citizens.

Governor Sebelius, Democratic leadership, to you and all the members of your caucus let me assure you that, myself and the members of our party are eager and ready to work with you to find the solutions to the challenges before our Great State.

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 Ray Merrick
- (3) Majority Whip, Representative Doug Patterson
- (4) Caucus Chairperson, Representative Willa DeCastro

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

The start of a new year and a new session is always a time for me to reflect on the past and to feel the pride that we all share in the history of this State and its people. My Great-Grandfather was 21 when he came from Pennsylvania in the 1870s. At the train station in Beloit, he must have seen what thousands of others saw, an open prairie filled with peril and uncertainty. But he also saw in this Kansas prairie the hope and opportunity that served as a beacon for early Kansans. A beacon of light that beckoned him and people from all over the world to come and settle the land.

I can only imagine the trials that he faced. His daily challenges were monumental. His hurdles were ones of life and death. Each and every day he fought to keep not only his dream alive, but his family as well. He persevered with hard work and determination.

And while he was laying the foundations for his family and his home on the very land on which I continue to live and work, others were laying the foundations for their families and their communities. In Topeka, Kansans were laying the foundations, not just of this Capitol building, but more importantly of a state government that reflected their independent spirit.

As Kansas has progressed and prospered over the years, our history shows there have been many hurdles to overcome, be they political confrontations on the steps of this capitol or be they a depression and dust bowl. Kansans have always persevered with hard work and determination.

Now it is our turn, for the next 90 days we will face hurdles that will feel monumental. While commentators across our state are expecting us to chart a course towards ruin, we must decide today to chart a course to success. For despite all of the challenges ahead, we know far greater struggles have been overcome in the past.

Our forefathers who tamed this land and survived a depression, the dust bowl and two world wars, would tell us we can persevere with hard work and determination. They would tell us we can succeed if we focus on the hope and opportunity that brought the pioneer spirit to Kansas.

We know the beacon of light that my Great-grandfather saw still shines across our state today. We must foster that beacon so that it will continue to burn bright into the night ... and into the future.

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 R.J. Wilson
- (3) Minority Whip: Representative Eber Phelps
- (4) Caucus Chair: Representative Barbara Ballard
- (5) Agenda Chair: Representative Marti Crow
- (6) Policy Chair: Representative Judy Showalter

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

First, I want to thank my colleagues for allowing me the privilege of being the leader of the minority party. Serving in this House, the People's House is in itself an honor. To be a leader here is an even greater honor.

I also wish to congratulate Speaker Mays on achieving the honor of the Speaker's office. I have repeatedly told others that we have a good working relationship and I look forward to working with you in your role as leader of the House.

As we gauge the budget challenges facing us we have a greater appreciation for what our ancestors must have felt when they adopted the motto: *ad astra per aspera*.

Because of the magnitude of the challenge we face it is important that today we reflect on our role and duty. This is particularly important in a chamber with walls on which are inscribed such names. While the reason for one or two of these names we may not know, most of these leaders are remembered here because they stepped off the easy path and stood for justice and against the evil of slavery in a land known as "bleeding Kansas."

When we first think about our role it is the belief of our party that government must be limited. It must be limited so that our taxes are reasonable and our businesses thrive and create jobs. Most importantly, government must be limited to protect our civil liberties. But we do believe that government has an important role to protect and improve the quality of life in our state. Wise policies can and do encourage responsibility, provide opportunity, and help build stronger families and healthier communities.

In defining the role of the minority party some borrow the British term, the "loyal opposition." I do not like that term. The legendary Texan and Speaker of the United States House of Representatives Sam Rayburn believed that opposition for the sake of opposition is not important. Rayburn said, "Any jack ass can kick down a barn, but it takes a good carpenter to build one."

Rather, the role of the minority party is to help surface ideas, sometimes contrasting ideas, and see that those ideas are tested and refined 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.

Sometimes constituents will tell you to just forget "politics" and just get the job done. But our founding fathers understood that it is not practical to forget human nature and design our institutions to be run by legislators with altruistic, unselfish motives. Therefore they designed our legislatures to bring all interests to compete in a debate where, as Madison said, "ambition must be made to counteract ambition." In the Federalist Papers Madison further explained, "It may be a reflection on human nature that such devices should be necessary to control the abuses of government. But what is government itself, but the greatest of all reflections on human nature?"

Thus, our legislative system was designed to be deliberative and slow. It works best when there is debate not only to test and refine ideas but, most importantly, to protect freedom by preventing too great a concentration of power in the hands of too few people.

As we consider our duty we should be reminded of a provision John Adams placed in the Massachusetts Constitution, the oldest written Constitution still in use. Such a provision had never before been placed in the Constitution of a government. It says, "Wisdom and knowledge . . . diffused generally among the body of people being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advan-

tages of education . . . it shall be the duty of legislators and magistrates in all future periods . . . to cherish the interests of literature and the sciences . . . public schools, and grammar schools in the towns . . . .”

In the same way, the framers of the Kansas Constitution in 1859 made the first directive of our charter (Section 1, even before the preamble) to set aside sections 16 and 36 of each township to fund a system of public education. And section 2 sets aside 72 sections of land for a state university. Surely the priorities of those who suffered through the age of bleeding Kansas still speak to us today.

In sum, I hope to use this privilege of leadership in the Peoples’ House, the Kansas House, to work with legislators on both sides of this aisle to surface, debate, and put into law the best ideas to address the problems facing the people of Kansas.

As we do this we will make decisions affecting the way we administer justice. Those oppressed with disabilities will feel the results of our work as will the children who now find their homes in foster care and the senior citizens needing help in their final years.

As we make these decisions let us remember the charge given to us by the LORD God through the prophet Isaiah when he said to “seek justice, encourage the oppressed, defend the cause of the fatherless, plead the case for the widow.” (Isaiah 1:17).

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

The roll was called with 125 members present.

#### **STANDING COMMITTEES OF THE HOUSE LEGISLATIVE SESSION, 2003**

**Agriculture:** D. Johnson, Chairperson; Powell, Vice-Chairperson; Compton, Craft, Dahl, Faber, Freeborn, Kassebaum, Light, Ostmeyer, Schwartz.

Thimesch, Ranking Minority Member; Feuerborn, Gatewood, Larkin, J. Miller, Showalter.

**Appropriations:** Neufeld, Chairperson; Shultz, Vice-Chairperson; Bethell, Campbell, Howell, Huebert, Landwehr, Light, McCreary, McLeland, Merrick, Newton, Osborne, Pottorff, Schwartz.

Nichols, Ranking Minority Member; Ballard, Feuerborn, Gatewood, Henry, Klein, Minor, Shriver.

**Calendar & Printing:** Aurand, Chairperson; Mays, Vice-Chairperson; Ballou, Merrick, McKinney, Ranking Minority Member; Crow, Wilson.

**Commerce and Labor:** Dahl, Chairperson; Novascone, Vice-Chairperson; Boyer, Burgess, Hill, Humerickhouse, D. Johnson, Kauffman, Patterson, S. Sharp, Swenson, Yoder.

Ruff, Ranking Minority Member; Betts, Carlin, Grant, Henderson, Holland, Rehorn.

**Corrections and Juvenile Justice:** Loyd, Chairperson; Owens, Vice-Chairperson; Carter, Goering, Gordon, Horst, Huntington, Kassebaum, Swenson, Tomlinson, Yoder.

Ward, Ranking Minority Member; Betts, Carlin, Crow, Dillmore, Pauls.

**Economic Development:** Wilk, Chairperson; Gordon, Vice-Chairperson; Boyer, Brunk, Craft, Hill, Huntington, Krehbiel, Novascone, Tomlinson.

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

**Education:** Decker, Chairperson; Beggs, Vice-Chairperson; Barbieri-Lightner, Craft, DeCastro, Horst, Hutchins, E. Johnson, Mason, F. Miller, Jim Morrison, Ostmeyer, Powell, D. Williams, Yonally.

Reardon, Ranking Minority Member; Crow, Flaharty, Loganbill, Peterson, Phelps, Storm, Winn.

**Environment:** Freeborn, Chairperson; Tafanelli, Vice-Chairperson; Compton, Faber, Hayzlett, D. Johnson, Light, Powell, Powers, Schwartz, Sloan.

Flora, Ranking Minority Member; Betts, Flaharty, J. Miller, Svaty, Thimesch.

**Ethics & Elections:** Myers, Chairperson; Powers, Vice-Chairperson; Huebert, Huff, Huy, McCreary, McLeland, F. Miller, S. Sharp, Siegfried, Yonally.

Sawyer, Ranking Minority Member; Davis, Gilbert, Svaty, Toelkes, Wilson.

**Federal & State Affairs:** Mason, Chairperson; D. Williams, Vice-Chairperson; Brunk, Cox, Craft, Dahl, Edmonds, Freeborn, Hutchins, Huy, E. Johnson, Judy Morrison, Novascone, Ostmeyer, Siegfried.

Rehorn, Ranking Minority Member; Burroughs, Gilbert, Henderson, Loganbill, Peterson, Ruff, Wilson.

**Financial Institutions:** Cox, Chairperson; Humerickhouse, Vice-Chairperson; Boyer, Brunk, Burgess, Campbell, Dreher, Goico, Vickrey, Wilk.

Dillmore, Ranking Minority Member; Burroughs, Flora, Grant, B. Sharp.

**Health & Human Services:** Jim Morrison, Chairperson; P. Long, Vice-Chairperson; Bethell, DeCastro, Goico, Hill, Landwehr, F. Miller, Neighbor, Patterson, Reitz, Schwab, S. Sharp.

Kirk, Ranking Minority Member; Flaharty, Holland, Phelps, Showalter, Storm, Svaty, J. Williams.

**Higher Education:** Sloan, Chairperson; Horst, Vice-Chairperson; Gordon, Hill, Huntington, E. Johnson, Krehbiel, Neighbor, Pottorff, Reitz, Tafanelli.

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

**Insurance:** Barbieri-Lightner, Chairperson; Dreher, Vice-Chairperson; Burgess, Cox, Goico, Huff, Humerickhouse, Kauffman, Neighbor, Schwab, S. Sharp.

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

**Interstate Cooperation:** Ballou, Chairperson; Aurand, Vice-Chairperson; Mays, Merrick; Larkin, McKinney, Minor

**Judiciary:** O'Neal, Chairperson; Patterson, Vice-Chairperson; Goering, Jack, P. Long, Loyd, Newton, Owens, Swenson, D. Williams, Yoder.

Pauls, Ranking Minority Member; Crow, Klein, Rehorn, Ruff, Ward.

**Local Government:** Vickrey, Chairperson; Ostmeyer, Vice-Chairperson; Campbell, Horst, Huy, E. Johnson, Kassebaum, Reitz, Siegfried, Yonally.

Gilbert, Ranking Minority Member; Peterson, Storm, Thull, Toelkes.

**Rules and Journal:** Owens, Chairperson; Klein, Vice-Chairperson; Loyd, Patterson; Sawyer.

**Taxation:** Edmonds, Chairperson; Huff, Vice-Chairperson; Brunk, Faber, Goering, Goico, Gordon, Huntington, Jack, Owens, Powers, Schwab, Siegfried, Tafanelli, Tomlinson.

Larkin, Ranking Minority Member; Davis, Flora, Gilbert, Kirk, J. Miller, Sawyer, B. Sharp.

**Tourism and Parks:** Hutchins, Chairperson; Judy Morrison, Vice-chairperson; Beggs, Hayzlett, Kauffman, Merrick, Novascone, Osborne, Schwab, Shultz, Tomlinson.

Peterson, Ranking Minority Member; Flaharty, Henderson, Loganbill, M. Long, Thull.

**Transportation:** Hayzlett, Chairperson; Faber, Vice-Chairperson; Ballou, Beggs, Burgess, Compton, Dreher, Huff, Humerickhouse, Jack, Kauffman, Myers, Vickrey, Wilk, Yonally.

M. Long, Ranking Minority Member; Ballard, Davis, Henry, Larkin, J. Miler, Toelkes, Winn.

**Utilities:** Holmes, Chairperson; Krehbiel, Vice-Chairperson; Carter, Compton, Dreher, Huy, Kassebaum, P. Long, Judy Morrison, Myers, Neighbor, Reitz, Sloan.

Kuether, Ranking Minority Member; Dillmore, M. Long, Toelkes, Showalter, Svaty, Ward, J. Williams.

**Agriculture and Natural Resources Budget:** Schwartz, Chairperson; Holmes, Osborne, Powell.

Flora, Gatewood, Thull.

**Education Budget:** Shultz, Chairperson; Decker, Huebert, Krehbiel, McLeland, Newton.

Grant, Nichols, Reardon.

**General Government and Human Resources Budget:** Pottorff, Chairperson; Barbieri-Lightner, Howell, Sloan.

Kuether, Shriver, Thimesch.

**Public Safety Budget:** Light, Chairperson; Boyer, Merrick, Tafanelli.

Feuerborn, Minor, B. Sharp.

**Social Services Budget:** Landwehr, Chairperson; Bethell, Carter, DeCastro, Edmonds, Neufeld.

Ballard, Henry, J. Williams.

**Tax, Judicial and Transportation Budget:** McCreary, Chairperson; Campbell, O'Neal.

Klein, Sawyer.

**Select Committee on Kansas Security:** Tafanelli, Chairperson; Krehbiel, Vice-Chairperson; Dahl, Faber, Goico, Hayzlett, Holmes, Howell, Jack, D. Johnson, Owens.

#### JOINT COMMITTEE ASSIGNMENTS

**Administrative Rules and Regulations:** Holmes, Chairperson; Howell, Schwartz, D. Williams.

**Arts and Cultural Resources:** Horst, Chairperson; Gordon, Pottorff.

**Children's Issues:** Landwehr, Chairperson; Barbieri-Lightner, DeCastro.

**Corrections and Juvenile Justice:** Swenson, Goering, Light, Newton.

**Economic Development:** Wilk, Chairperson; Dahl, Faber, Gordon, Osborne.

**Information Technology:** McLeland, Faber, Jim Morrison.

**Legislative Post Audit:** Edmonds, F. Miller, McCreary.

**Pensions, Investments and Benefits:** Edmonds, Chairperson; Cox, McCreary, Neufeld, Schultz.

**Special Claims Against the State:** Huy, Chairperson; Howell, Powers, Swenson, Yoder.

**State Building Construction:** Pottorff, Humerickhouse, Neufeld, Grant, Minor.

**State-Tribal Relations:** Mason, Chairperson; Hutchins, Patterson.

#### SELECT COMMITTEE

January 10, 2003

Ms. Janet E. Jones

Chief Clerk of the House

Statehouse, Room 477-W

Topeka, KS 66612

Dear Ms. Jones:

In accordance with House Rule 1103 of the Rules of the House of Representative, I have established the Select Committee on Kansas Security as a seventeen member committee, and have appointed the following members:

Tafanelli, Chairperson; Krehbiel, Vice-Chairperson; Dahl, Faber, Goico, Hayzlett, Holmes, Howell, Jack, D. Johnson, Owens.

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,  
John Ballou, 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, Barbieri-Lightner 31, Beggs 105, Bethell 108, Betts 57, Boyer 82, Brunk 80, Burgess 83, Burroughs 8, Campbell 117, Carlin 21, Carter 44, Compton 62, Cox 115, Craft 65, Crow 16, Dahl 28, Davis 17, DeCastro 66, Decker 64, Dillmore 78, Dreher 106, Edmonds 50, Faber 84, Feuerborn 20, Flaharty 95, Flora 51, Freeborn 61, Gatewood 59, Gilbert 18, Goering 103, Goico 89, Gordon 46, Grant 124, Hayzlett 27, Henderson 75, Henry 22, Hill 69, Holland 33, Holmes 119, Horst 63, Howell 85, Huebert 88, Huff 104, Humerickhouse 42, Huntington 47, Hutchins 41, Huy 86, Jack 111, D. Johnson 121, E. Johnson 90, Kassebaum 107, Kauffman 48, Kirk 60, Klein 70, Krehbiel 49, Kuether 52, Landwehr 79, Larkin 7, Light 68, Loganbill 54, M. Long 125, P. Long 87, Loyd 14, Mason 12, McCreary 11, McLeland 43, Merrick 45, F. Miller 91, J. Miller 37, Minor 40, Jim Morrison 99, Judy Morrison 100, Myers 24, Neighbor 109, Neufeld 1, Newton 67, Nichols 76, Novascone 97, O'Neal 13, Osborne 30, Ostmeyer 29, Owens 120, Patterson 81, Pauls 94, Peterson 34, Phelps 36, Pottorff 15, Powell 25, Powers 23, Reardon 19, Rehorn 71, Reitz 113, Ruff 96, Sawyer 93, Schwab 101, Schwartz 10, B. Sharp 56, S. Sharp 112, Showalter 58, Shriver 74, Shultz 9, Siegfried 92, Sloan 118, Storm 32, Svaty 77, Swenson 122, Tafanelli 26, Thimesch 39, Thull 53, Toelkes 55, Tomlinson 110, Vickrey 123, Ward 72, Wilk 116, D. Williams 102, J. Williams 38, Wilson 6, Winn 73, Yoder 98 and Yonally 114.

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. Aurand, **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 2003-2004 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 2001-2002 biennium in effect at the time of adjournment sine die of the 2002 regular session of the legislature shall constitute the temporary rules of the House of Representatives for the 2003 regular session until permanent rules are adopted; and

*Be it further resolved:* That Rule 1101 of the 2001-2002 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.** 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
<del>3. Business, Commerce and Labor.....</del>	<del>19</del>
<del>3. Calendar and Printing.....</del>	<del>7</del>
4. <i>Commerce and Labor</i> .....	19
5. <i>Corrections and Juvenile Justice</i> .....	17
6. <i>Economic Development</i> .....	15
<del>7. Education.....</del>	<del>23</del>
<del>6. Government.....</del>	<del>15</del>

<del>7</del> 8. Environment .....	17
<del>8</del> 9. Ethics and Elections .....	<del>15</del> 17
<del>9</del> 10. Federal and State Affairs .....	23
<del>10</del> 11. Financial Institutions .....	15
<del>11</del> 11. Fiscal Oversight .....	<del>14</del>
12. Health and Human Services .....	<del>17</del> 21
13. Higher Education .....	17
14. Insurance .....	17
15. Interstate Cooperation .....	7
16. Judiciary .....	<del>21</del> 17
<del>17</del> 17. Kansas Futures .....	<del>17</del>
<del>18</del> 17. Local Government .....	15
<del>19</del> 19. New Economy .....	<del>15</del>
<del>20</del> 18. Rules and Journal .....	5
<del>21</del> 19. Taxation .....	23
<del>22</del> 20. Tourism and Parks .....	17
<del>23</del> 21. Transportation .....	23
<del>24</del> 22. Utilities .....	21

*Be it further resolved:* That Rule 1105 of the 2001-2002 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 and legislative budget committee .....	9
3. General government and human resources budget committee .....	7
4. Public safety budget committee .....	7
5. Social services budget committee .....	9
6. Tax, judicial and transportation budget committee .....	<del>5</del> 7

(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.*

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following prefiled bills were introduced and read by title:

**HB 2001.** An act concerning state finances; relating to appropriations and demand transfers from the state general fund; amending K.S.A. 75-6702 and repealing the existing section, by Representative Light.

**HB 2002.** An act concerning municipalities; relating to the investment of public moneys; amending K.S.A. 12-1675 and repealing the existing section, by Representative Sloan.

**HB 2003.** An act concerning certain rural water districts; providing procedures for acquisition of such districts' water supply and distribution systems by certain municipalities, by Representative Sloan.

**HB 2004.** An act concerning schools; relating to the resolution of conflicts; amending K.S.A. 72-6407 and repealing the existing section; also repealing K.S.A. 72-6407a and 72-7108a, by Legislative Educational Planning Committee.

**HB 2005.** An act concerning income taxation; relating to credits for property taxes paid upon certain railroad machinery and equipment; amending K.S.A. 2002 Supp. 79-32,206 and repealing the existing section, by Special Committee on Assessment and Taxation.

**HB 2006.** An act concerning the state inservice education opportunities act; renaming the act the education professional development act; amending K.S.A. 72-6409, 72-9601, 72-9602, 72-9603, 72-9604, 72-9605, 72-9606, 72-9607, 72-9608, 72-9609, 72-9610 and 72-9901 and repealing the existing sections, by Legislative Educational Planning Committee.

**HB 2007.** An act concerning abortion, prohibiting third trimester abortions; amending K.S.A. 65-6703 and 65-6721 and repealing the existing sections, by Representative F. Miller.

**HB 2008.** An act concerning proprietary schools; relating to certification and registration fees; amending K.S.A. 72-4938 and repealing the existing section, by Legislative Educational Planning Committee.

**HB 2009.** An act concerning general education development credentials; relating to fees; amending K.S.A. 72-4530 and repealing the existing section, by Legislative Educational Planning Committee.

**HB 2010.** An act concerning educational benefits for dependents of deceased public safety officers; amending K.S.A. 2002 Supp. 75-4364 and repealing the existing section, by Representative Sloan.

**HB 2011.** An act concerning municipalities; relating to the investment of public moneys; amending K.S.A. 12-1675 and 12-1675a and repealing the existing sections, by Representative Sloan.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following prefiled bills were referred to committees as indicated:

Appropriations: **HB 2001, HB 2010.**

Education: **HB 2004, HB 2006, HB 2008, HB 2009.**

Federal and State Affairs: **HB 2007.**

Local Government: **HB 2002, HB 2003, HB 2011.**

Taxation: **HB 2005.**

#### MESSAGES FROM THE GOVERNOR

January 13, 2003

The Honorable Doug Mays  
Speaker of the House  
State Capitol, 3rd Floor  
Topeka, KS 66612

The Honorable Dave Kerr  
President of the Senate  
State Capitol, 3rd Floor  
Topeka, KS 66612

RE: Communication to the House and Senate pursuant to K.S.A. 22-3703

Gentlemen:

This is my report of pardons to the Legislature pursuant to K.S.A. 22-3703. That statute requires that I communicate to both houses at each regular session a list of all persons pardoned by me during the preceding year.

For calendar year 2002, no pardons or clemencies were granted. A total of 19 applications for pardon or clemency were denied.

My policy regarding pardons and clemencies remains the same, i.e., that they should be granted when a gross miscarriage of justice has occurred and all other judicial remedies

have been exhausted and have failed to correct the injustice. I have yet to review an application that fits these criteria.

Very sincerely,  
 BILL GRAVES  
*Governor*

#### **MESSAGE FROM THE SENATE**

Announcing adoption of **SCR 1602**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2003 session of the Legislature is duly organized and ready to receive communication.

Also, announcing the appointment of Senators Vratil and Haley as Senate members of the committee to wait upon the Governor.

#### **INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

On motion of Rep. Aurand, **SCR 1602**, a concurrent resolution relating to a committee to wait upon the Governor and advise him the 2003 session of the Legislature is duly organized and ready to receive communication, was introduced and adopted.

In accordance with **SCR 1602**, Speaker Mays appointed Reps. Holmes, Pottorff and Minor to wait upon the Governor.

#### **INTRODUCTION OF GUESTS**

Speaker Mays introduced Dr. Rick Glover, President of the Kansas Association 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. Glover is a graduate of the University of Kansas School of Medicine and currently practices in Newton.

#### **COMMUNICATIONS FROM STATE OFFICERS 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 2002 Regular Session of the Legislature.

From Attorney General Carla J. Stovall, a copy of a Complaint relating to the reapportionment of Congressional districts which was filed in the United States District Court for the Federal District of Kansas on June 5, 2002.

From Secretary of Revenue Stephen S. Richards, the Department of Revenue Annual Statistical Report for the fiscal year ending June 30, 2001.

From Dale Brunton, Director, Division of Accounts and Reports, the State of Kansas Monthly Financial Perspective for the months of April, May, 2002.

From Barbara Tombs, Executive Director, Kansas Sentencing Commission, the 2001 fiscal year Annual Report.

From William H. Layes, Chief, Labor Market Information Services, the Kansas Employment Security Advisory Council Annual Report 2002.

From Clark Duffy, Acting Director, Kansas Water Office, the Fiscal Year 2004 Update of The Kansas Water Plan, and Recommendations to Implement the Kansas Water Plan for FY 2004 by the Kansas Water Authority.

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, the Annual Report for the fiscal year ending June 30, 2002.

From the Office of Governor Bill Graves:

The Report of the Kansas Territorial Sesquicentennial Commission  
 Executive Order No. 2002-04, establishing the State Energy Resources Coordination Council

Executive Order No. 2002-05, continuing the Governor's Military Affairs Coordinating Council.

Executive Order No. 2002-06, rescinding certain executive orders.

Executive Order No. 2002-07, concerning offer of a reward.

Executive Directive No. 02-325, Authorizing Personnel Transactions and a Transfer of Funds.

Executive Directive No. 02-326, Authorizing a Personnel Transaction and a Revenue Transfer.

Executive Directive No. 02-327, Authorizing Revenue Transfers.

Executive Directive No. 02-328, Authorizing a Revenue Transfer.

Executive Directive No. 02-329, Authorizing Revenue Transfers.

Executive Directive No. 02-330, Authorizing and Expenditure of Federal funds.

Executive Directive No. 02-331, Authorizing Expenditure of Federal funds.

Executive Directive No. 02-332, Authorizing a Revenue Transfer and Expenditure of Federal Funds.

Executive Directive No. 02-233, Authorizing Expenditure of Federal funds.

Executive Directive No. 02-334, Authorizing a Transfer of Funds.

Executive Directive No. 02-335, Authorizing Transfers of Funds.

Executive Directive No. 02-336, Authorizing Expenditure of Federal funds.

Also, from Derl S. Treff, Director of Investments, in compliance with K.S.A. 75-4222(h), Annual Report of the Pooled Money Investment Board for Fiscal Year 2002.

From E. Dean Carlson, Secretary of Transportation, in compliance with K.S.A. Supp. 68-2315 as amended, Kansas Department of Transportation Annual Report, January 2003.

From M.L. Korphage, Director, Kansas Corporation Commission, Remediation Site Status Report, January 13, 2003.

From M.L. Korphage, Director, Kansas Corporation Commission, Abandoned Oil & Gas Well Status Report, January 13, 2003.

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 adjourned until 11:00 a.m., Tuesday, January 14, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

