

# Journal of the House

## EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, January 23, 2003, 1:30 p.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called 121 with members present.  
Reps. Huff and J. Williams were excused on verified illness.  
Reps. Novascone and Pottorff were excused on legislative business.

Prayer by Chaplain Chamberlain:

Loving and Faithful God, our pause today reminds us that we stand in an ever-flowing stream of humanity. We are given the gift of life at our birth and called by you to receive and make something of the gift. As we stand in this chamber today, we are especially aware of those who have traveled here before us, for we stand in the presence of a great cloud of witnesses who, themselves, responded to your gift of life.

Make us worthy of your gift and of the history upon which we stand. Find in us the wisdom and will to uphold the gift of freedom for those who follow us, and help us to discover ways to build upon the foundations of liberty and reverence that define our land. Amen.

The Pledge of Allegiance was led by Rep. Reardon.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2044**, An act concerning fire protection; relating to the powers and duties of certain municipalities; amending K.S.A. 19-3612a and repealing the existing section, by Committee on Local Government.

**HB 2045**, An act concerning certain road and highway projects; relating to the relocation of water lines, by Committee on Local Government.

**HB 2046**, An act concerning juveniles; relating to juvenile offender classification; relating to decaying sentences; amending K.S.A. 21-4709, 21-4710, 38-1601 and 38-1602 and K.S.A. 2002 Supp. 21-4711 and repealing the existing sections, by Representative Owens.

**HB 2047**, An act concerning insurance premium taxes; relating to health insurance premiums received; amending K.S.A. 40-252 and repealing the existing section, by Committee on Taxation.

**HB 2048**, An act concerning campaign finance; relating to expenditures for political campaigns; amending K.S.A. 25-4149 and repealing the existing section, by Committee on Ethics and Elections.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2041**.

Federal and State Affairs: **HB 2042**.

Local Government: **HB 2043**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Barbara S. Tombs, Executive Director, Kansas Sentencing Commission, Kansas Sentencing Guidelines, 2002.

From Dale Brunton, Director, Division of Accounts and Reports, Department of Administration, the State of Kansas *Comprehensive Annual Financial Report* is available on the Internet at the Financial Reporting Section of the Division of Accounts and Reports web site under Annual Financial Report — FY 2002.

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

**REPORTS OF STANDING COMMITTEES**

The Committee on **Education** recommends **HB 2004** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

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

**HB 2049**, An act concerning district attorneys; relating to the creation of the office of district attorney in certain judicial districts; amending K.S.A. 22a-106 and K.S.A. 2002 Supp. 22a-105 and 22a-107 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2050**, An act concerning criminal procedure; relating to diversion; amending K.S.A. 22-2908 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2051**, An act concerning the department of health and environment; relating to fees for copies of certain vital statistic documents; amending K.S.A. 65-2418 and repealing the existing section; also repealing K.S.A. 65-2418d, by Committee on Appropriations.

**HB 2052**, An act concerning state finance; relating to revenues credited to the state general fund; prescribing certain transfers from the state general fund to the state highway fund and guidelines relating thereto, by Committee on Appropriations.

**HB 2053**, An act concerning the Kansas judicial center; providing for a seal of justice in the supreme court courtroom, by Committee on Appropriations.

**HB 2054**, An act concerning wildlife and parks; relating to age exemptions for permits and licenses; amending K.S.A. 32-901 and 32-919 and K.S.A. 2002 Supp. 32-906 and repealing the existing sections, by Committee on Tourism and Parks.

**HB 2055**, An act concerning agriculture; relating to agricultural production loan deposit agreements; interest rate; amending K.S.A. 2002 Supp. 75-4272 and repealing the existing section, by Committee on Agriculture.

**HOUSE CONCURRENT RESOLUTION No. 5003—**

A CONCURRENT RESOLUTION urging the United States Congress to provide emergency disaster assistance to agricultural producers.

WHEREAS, Agricultural producers have suffered substantial losses as a result of natural disasters in the 2001 and 2002 production years; and

WHEREAS, Devastating negative economic impacts are being experienced by Kansas and American farmers, ranchers and their communities throughout much of rural America due to natural disasters beyond their control; and

WHEREAS, This production disaster is caused by a myriad of natural causes from drought and reduced water supplies for livestock, flooding, increased incidence of crop pests and diseases and frost and heavy freeze conditions; and

WHEREAS, Almost 90% of U.S. Counties have received a USDA disaster designation in 2002; and

WHEREAS, Drought and reduced water supplies have hit Kansas extremely hard with related crop losses estimated at between \$1.1 and \$1.4 billion in 2002 alone; and

WHEREAS, Kansas will produce 346.34 million less bushels of its primary crops and Kansas producers abandoned 1.69 million acres more than normal of its primary crops; and

WHEREAS, Kansas livestock losses total nearly \$300 million; and

WHEREAS, Net farm income in Kansas is forecast to average approximately \$10,000 in 2002 which is \$35,000 less than necessary to cover family living expenses and income taxes; and

WHEREAS, Government payments will decrease approximately 60% or \$24,000 per farm in 2002; and

WHEREAS, Traditional forms of relief cannot effectively respond to this unprecedented and expansive devastation being experienced across Kansas and a large part of the United States of America: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the United States Congress to provide emergency disaster assistance to agricultural producers to respond to severe crop losses and livestock losses incurred in 2001 and 2002; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of the Kansas Congressional Delegation.

On motion of Rep. Aurand, the House recessed until 5:00 p.m.

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## EVENING SESSION

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

### MESSAGE FROM THE SENATE

Announcing passage of **SB 4, SB 6.**

Also, announcing passage of **SB 44.**

### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

**SB 4, SB 6, SB 44.**

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **SB 44** to Committee of the Whole.

### INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2311 and Article 2, Section 15 of the Kansas Constitution, Rep. Aurand moved that the rules be suspended and an emergency be declared and **SB 44** be advanced to that order of business, Final Action on Bills and Concurrent Resolutions, subject to amendment, debate and roll call. The motion prevailed.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 44.** An act relating to hospitals; providing for transfer of hospital assets under certain circumstances to a foundation created under this act; providing for the creation of such foundations and the appointment of a board of directors therefor; placing certain limitations and prohibitions on such foundations and associated persons; and defining certain terms, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker,

Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Tolkes, Vickrey, Ward, D. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Campbell, Cox, Ruff, Tafanelli, Wilk.

Present but not voting: None.

Absent or not voting: Grant, Huff, Mason, Novascone, Pottorff, J. Williams.

The bill passed.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, January 24, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

