

# Journal of the House

## FOURTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, January 31, 2003, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 122 members present.  
Rep. Huff was excused on verified illness.  
Reps. Neighbor and Pottorff were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord, in a world of so many choices, it's often hard to know which way to turn. We have hundreds of TV channels, a seemingly never-ending array of fast food possibilities and more options on soda, potato chip, cracker, and cookie flavors than we can cope with. And that's just our domestic lives!

Our community life seems even more complex and confusing. There are as many nuances to every problem as there are people facing it. When one issue is addressed, more issues spring from the resolution. When one constituency is satisfied, others are sure to be left out. And always there are those looking over our shoulders to see if we "got it right." Our souls cry out, "O Lord hear our prayer."

Lord, clear our heads. Clear our hearts. Clear our souls. Bring us to that place of peace where our simple choice is to follow you or to turn from you. And Lord, give us the wisdom to turn the right way. Amen.

The Pledge of Allegiance was led by Rep. Dahl.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2143**, An act concerning distinctive license plates for motor vehicles; amending K.S.A. 8-1,141 and repealing the existing section, by Committee on Transportation.

**HB 2144**, An act regulating traffic; relating to the authority to implement an automated traffic control signal enforcement system; providing for the imposition of penalties, by Committee on Transportation.

**HB 2145**, An act concerning public postsecondary education; certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions, by Committee on Higher Education.

**HB 2146**, An act concerning elections; relating to the date when certain primary elections are held; amending K.S.A. 12-1254, 12-2536, 19-4470, 25-203, 25-1115, 25-2102, 25-2502 and 25-3901 and K.S.A. 2002 Supp. 19-4427, 25-205, 25-302a, 25-1122, 25-3801 and 25-4005 and repealing the existing sections, by Representatives Loyd, Huntington, Jack, Light, Neighbor, O'Malley, O'Neal, Owens, Patterson, Reitz, S. Sharp, Yoder and Yonally.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2124**, **HB 2126**, **HB 2127**, **HB 2128**.

Commerce and Labor: **HB 2129**.

Corrections and Juvenile Justice: **HB 2125**, **HB 2132**, **HB 2138**.

Ethics and Elections: **HB 2134**.  
 Federal and State Affairs: **HB 2141**.  
 Judiciary: **HB 2133, 2139, HB 2140, HB 2142**.  
 Tourism and Parks: **HB 2123**.  
 Transportation: **HB 2135, HB 2136, HB 2137**.  
 Utilities: **HB 2130, 2131**.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 2, SB 8, SB 16, SB 34**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 2, SB 8, SB 16, SB 34**.

#### COMMUNICATIONS FROM STATE OFFICERS

From Roger Werholtz, Secretary of Corrections, in accordance with the provisions of K.S.A. 2001 Supp. 60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for the period of December 1, 2001 through December 1, 2002.

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

#### CONSENT CALENDAR

No objection was made to **HB 2031** appearing on the Consent Calendar for the second day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2026**. An act making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2005, and June 30, 2006, for the state bank commissioner, Kansas board of barbering, Kansas state board of cosmetology, state department of credit unions, board of nursing, board of examiners in optometry, state board of pharmacy, office of the securities commissioner of Kansas, lieutenant governor, insurance department, state board of indigents' defense services, department of administration, Kansas public employees retirement system, state board of tax appeals, department of revenue, Kansas racing and gaming commission, department of commerce and housing, Kansas technology enterprise corporation, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, Kansas state historical society, Emporia state university, Wichita state university, state board of regents, department of corrections, juvenile justice authority, adjutant general, Kansas highway patrol, Kansas department of agriculture, state fair board, state conservation commission, Kansas water office and department of transportation; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 2-223 and K.S.A. 2002 Supp. 79-2959, 79-2964 and 79-3425i and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Betts, Brunk, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Feuerborn, Flaherty, Flora, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Horst, Howell, Hutchins, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Beggs, Bethell, Boyer, Burgess, Campbell, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Holland, Holmes, Huebert, Humerickhouse, Huntington, Huy, Jack, D. Johnson, Kassebaum, Kauffman, Larkin, P. Long, Loyd, Judy Morrison, Newton, O'Malley, O'Neal, Owens, Reardon, S. Sharp, Sloan, Tafanelli, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Huff, Neighbor, Pottorff.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I support the Governor's proposal for the 2003 supplemental and **HB 2026** as passed by the Appropriations Committee. I have serious concerns however with the floor amendment that identifies over \$100 million in fee funds and loans to be repaid in the 2005 budget. Pledging to honor the legislature's previous commitments is exemplary. Listing some commitments to the exclusion of others however is shortsighted, and, in effect, prioritizes these commitments.

Funding the Transportation plan is important but so is our commitment to education and local units of government. Therefore, Mr. Speaker, I reluctantly vote no on **HB 2026**.—BILL REARDON, TOM HOLLAND

MR. SPEAKER: I vote "NO" on **HB 2026**. While yesterday's amendments restore some honesty by requiring reimbursement of monies raided from fee-based trust funds, we are triggering action that will force a tax increase on petroleum products and, ultimately, higher property taxes. True, there are no easy solutions in balancing the 2003 budget, and I support the bill's protection of education. Nevertheless, we must avoid passing our problems on to local units of government, ignoring our responsibility to maintain adequate ending balances and continuing to rely on "one-time" monies and raids on trust funds to solve every budget problem.—MICHAEL R. "MIKE" O'NEAL, DEAN NEWTON, ED O'MALLEY

MR. SPEAKER: These are extraordinarily difficult times, everywhere in our great state. I question the propriety of running out and voting on a supplemental budget bill proposed by the Executive Branch without having the benefit of receiving and reviewing our own Legislative Research Budget Analysis. I cannot vote on Friday for an appropriation measure that allows no margin for error, when Monday we will have word on revenues for January that may compel revisions. I vote no on **HB 2026**.—WARD LOYD, KENNY WILK, JIM YONALLY, LEE TAFANELLI

MR. SPEAKER: I vote NO on **HB 2026** because my constituents sent me to Topeka to protect their families, businesses and the education of their children. This bill does none of the above. **HB 2026** proponents claim it "holds harmless" K-12 education funds. However, with a zero percent balance, what happens if revenues continue to fall below estimates and Kansas cannot make year-end payments to our school? That is a cut to education. Furthermore, eliminating transfers to cities and counties only passes the buck by forcing Shawnee and Lenexa to balance their budgets through reduced services or increased taxes, both of which discourage economic development.—STEPHANIE SHARP

MR. SPEAKER: I vote no on **HB 2026**. I fully support the supplemental appropriation for local option budget for schools and social services. What I cannot support is the legislature making lawful what I feel is an unlawful act by former Governor Graves to cut statutory revenue sharing funds to local units of government.—BRUCE LARKIN

MR. SPEAKER: I vote "No" on **HB 2026**. I believe the unintended consequence of this bill will be to damage K-12 education, because it is based on revenue projections that I believe are unrealistically optimistic, and without further action, we will not be able to meet our ending obligations to our school districts. This bill also shifts too much of the tax burden to local units of government, and balances the state budget on the backs of the local property tax payers. I believe we should exercise our constitutional responsibility and be more deliberative in searching for solutions to our current budget situation.—JEFF JACK

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 6** be passed.

**REPORT OF STANDING COMMITTEE**

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

**Request No. 18**, by Representative Tafanelli, commending the 226th Engineer Company (combat heavy) for personal sacrifices and commitment to freedom and democracy;

**Request No. 19**, by Representative Ward, congratulating Thomas and Laural Ward on the birth of their daughter, Meghan Catherine Ward;

**Request No. 20**, by Representative Neighbor, representing the Shawnee Mission/Johnson County Delegation, congratulating Shawnee Mission Technology students on their understanding of 2-dimensional animation and multimedia technology;

**Request No. 21**, by Representative Dreher, congratulating Bonnie and Jimmie Higginbotham on their 50th wedding anniversary;

**Request No. 22**, by Representative Dreher, congratulating Maxine and Stanley Dreher on their 50th wedding anniversary;

**Request No. 23**, by Representative Howell, honoring Glenn Newcomer on 37 years of service as Bourbon County Extension Agent;

**Request No. 24**, by Representative Owens, congratulating Mackenzie Evan Smith on achieving the Girl Scout Gold Award;

**Request No. 25**, by Representative Patterson, honoring the students of Mission Trail Elementary School for winning first place in the Leawood Scholastic Chess Association tournament;

**Request No. 26**, by Representative Phelps, congratulating Kim Hodny as the Hays Citizen of the Year;

**Request No. 27**, by Representative Dahl, congratulating Warren and Gladys Thompson on their 50th wedding anniversary;

**Request No. 28**, by Representative Burroughs, commending Randall Murphy on 30 years of service to city of Kansas City, Kansas;

**Request No. 29**, by Representative Schwartz, congratulating Maxine and Stanley Dreher on their 50th wedding anniversary;

**Request No. 30**, by Representative Compton, congratulating Maxine and Stanley Dreher on their 50th wedding anniversary;

**Request No. 31**, by Representative Merrick, congratulating Laura C. Burton and Megan L. O'Dell on achieving academic honors in the Washburn University President's Honors Program;

**Request No. 32**, by Representative Larkin, congratulating the Centralia Lady Panther Volleyball team for winning the State Volleyball Championship Class 1A tournament;

**Request No. 33**, by Representative Nichols, congratulating Washburn students on academic achievement on the President's Honor Program;

**Request No. 34**, by Representative Vickrey, congratulating Shannon S. Findley on academic honors and membership in the Washburn University President's Honors Program;

**Request No. 35**, by Representative Patterson, commending Dennis Landsman and Richard Jennings for being awarded a Kansas Arts Commission Fellowship;

**Request No. 36**, by Representative Patterson, honoring Bradley Friedman, Aaron Ogilvie, Calen Henderson, Evan Nichols, Blake Hylton, Ryan Ogden, Charles Janssen, David Gunter, Jared Palmer and John Blessing for achieving 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 2147**, An act concerning the state board of tax appeals; relating to membership thereof; amending K.S.A. 74-2433 and repealing the existing section, by Committee on Taxation.

**HB 2148**, An act concerning taxation; relating to sales tax exemptions; construction and manufactured homes; amending K.S.A. 2002 Supp. 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

**HB 2149**, An act concerning open meetings; relating to advisory committees; amending K.S.A. 2002 Supp. 75-4318 and repealing the existing section, by Committee on Ethics and Elections.

**HB 2150**, An act concerning townships; relating to traffic control devices; amending K.S.A. 8-2005 and 68-526 and repealing the existing sections, by Representative Sloan.

**HB 2151**, An act concerning counties; relating to law enforcement; amending K.S.A. 19-4425 and 19-4426 and repealing the existing sections, by Representative O'Neal.

**HB 2152**, An act concerning motor vehicles; providing for the independent order of odd fellows license plate, by Representative DeCastro (By request).

#### REPORT ON ENGROSSED BILLS

**HB 2026** reported correctly engrossed January 30, 2003.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6004** reported correctly enrolled and properly signed on January 31, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, February 3, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

