

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 4, 2003, 11:00 a.m.

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

The roll was called with 122 members present.

Reps. Gilbert and Swenson were excused on verified illness.

Rep. Neighbor was excused on excused absence by the Speaker.

Prayer by guest chaplain, Dr. Harold C. Jones II, pastor, Eskridge Southern Baptist Church, Lake Wabaunsee, and guest of Rep. Burgess:

Our Father in Heaven, we come to you in a day like most every other day. A day where we find ourselves bombarded by seemingly endless streams of information, meetings, family needs and individual demands that all vie for our time and attention. We are called upon to make sense of all the data and to make wise and just decisions that affect all in our State of Kansas. We come to you, our Lord, in this quiet moment to lay our spiritual and earthly burdens as well as our hearts at your blessed Feet. Let us be still and know that you are God, that You are on your throne, and all is as You have ordained. From your vast storehouse of mercy, instill in us the faith, wisdom and courage to follow You, Lord, through this day. May all that we do or say bring glory to your Name and blessings upon our fellow Kansans. We ask all these blessings in the name of Jesus, our Lord and Savior. Amen.

The Pledge of Allegiance was led by Rep. Phelps.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2166, An act regulating traffic; concerning certain axles; amending K.S.A. 8-1908 and repealing the existing section, by Committee on Transportation.

HB 2167, An act concerning livestock; relating to ownership of such livestock by packers; prescribing penalties therefor, by Committee on Agriculture.

HB 2168, An act concerning state historic property; relating to farming and ranching operations; amending K.S.A. 75-2714, 75-2715, 75-2716, 75-2720 and 75-2721 and repealing the existing sections, by Committee on Agriculture.

HB 2169, An act concerning the Kansas board of examiners in optometry; relating to the fees charged and collected by the board; amending K.S.A. 65-1505 and 65-1509 and repealing the existing sections, by Committee on Health and Human Resources.

HB 2170, An act concerning the behavioral sciences regulatory board; relating to professions regulated by the board; privileged and confidential communications; amending K.S.A. 65-6315 and repealing the existing section; also repealing K.S.A. 65-5810, 65-6410, 74-5323 and 74-5372, by Committee on Health and Human Services.

HB 2171, An act concerning adult care home administrators; relating to licensure; amending K.S.A. 65-3503, 65-3504, 65-3506 and 65-3508 and repealing the existing sections, by Committee on Health and Human Services.

HB 2172, An act concerning adult care homes; relating to informal dispute resolution; providing for an independent review panel, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Education: **HB 2153.**

Federal and State Affairs: **HB 2163, HB 2164.**

Health and Human Services: **HB 2155, HB 2161; HCR 5008.**

Judiciary: **HB 2154, HB 2156, HB 2165.**

Taxation: **HB 2162.**

Transportation: **HB 2157, HB 2158, HB 2159, HB 2160.**

COMMUNICATIONS FROM STATE OFFICERS

From Clark Duffy, Director, Kansas Water Office, pursuant to K.S.A. 82a-1307, Contract Between the State of Kansas and Public Wholesale Water Supply District No. 23.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6007—

By Committee on Agriculture

A RESOLUTION urging the United States Department of Labor to award Senior Community Service Employment Program grants to Experience Works in Kansas and throughout the country.

WHEREAS, The United States Department of Labor announced an open, competitive process for all national, private sector grants under the Senior Community Service Employment Program (SCSEP); and

WHEREAS, Experience Works founded the program in 1965 as a small demonstration project to help older, low income farmers supplement their income and provide community service training and employment while providing important services to their local communities; and

WHEREAS, In 2002, Experience Works placed 38% of its SCSEP participants into good jobs through its program which is 190% of the 20% goal established by the United States Congress; and

WHEREAS, Experience Works has significantly improved the quality of life of its senior participants despite significant barriers to employment and has provided employment opportunities and resources in rural counties wherein such opportunities are frequently limited; and

WHEREAS, Experience Works operates in a very efficient manner by providing one of the lowest cost per participant rates and providing that \$.89 of every dollar goes directly to participants in the form of wages for community service assignments, benefits, training, support services and direct employment assistance; and

WHEREAS, Participants placed by Experience Works through this program have their earnings increased by 357% and participants provided 16 million hours of community service to over 10,000 organizations and agencies; and

WHEREAS, Every tax dollar invested in Experience Works returns roughly \$1.53 in the first year alone; and

WHEREAS, Experience Works is an organization with a proven, nationwide delivery service system, a state of the art information technology capability, a dedicated and knowledgeable staff, significant experience, an outstanding record of performance and fiscal accountability and an extensive delivery service system that demonstrates the benefits of employing the talents of our older citizens: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the United States Department of Labor to award Senior Community Service Employment Grants to Experience Works in Kansas and throughout the country; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States, the Secretary

of the United States Department of Labor and each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **HR 6007** to Committee of the Whole.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6008—

By Representatives Mays, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder and Yonally

A RESOLUTION in memory of Kenneth R. King.

WHEREAS, Kenneth R. King, 72, of Leon and a former member of the Kansas House of Representatives, died January 20, 2003; and

WHEREAS, Kenneth R. King served in the Kansas House of Representatives from 1978 to 1996. He was the former chairperson of the committees on transportation and elections and vice-chairperson of the committees on public health and welfare and the joint committee on pensions, investments and benefits; other committee assignments were as a member of the committees on energy and natural resources, assessment and taxation, labor and industry, insurance, legislative, judicial and congressional apportionment, commercial and financial institutions, ways and means, appropriations, federal and state affairs, joint committee on special claims and economic development; and

WHEREAS, Kenneth R. King resided in Butler county all his life. He attended Augusta High School and graduated from Leon High School in 1948. In 1961 he took over the family farm in Bloomington township and established himself as a life-long farmer and rancher raising wheat and beef cattle. He was an avid pilot and airplane owner most of his life and took many memorable flying vacations with his family; and

WHEREAS, Kenneth R. King was very active in community service. His accomplishments included serving on the local selective service board, on Unified School District 205 as a board member and president, and as a member of the Kansas state board of education and the Kansas Turnpike Authority. He also served on the Prairie State Bank board of directors; and

WHEREAS, Kenneth R. King married Ruth Jean Schneider in 1953; she survives; also surviving are a daughter, two sons and seven grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family of Kenneth R. King and express our appreciation for the public service he gave to his community and state; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide four enrolled copies of this resolution to Mrs. Kenneth R. King, RR1, Leon, KS 67074.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Aurand, **HR 6006**, A resolution congratulating and commending Ben F. Barrett, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2031, An act concerning probate; relating to wills containing formula marital clauses; repealing K.S.A. 59-624, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Gilbert, Neighbor, Swenson.

The bill passed.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Mason in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Mason, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Landwehr to amend **SB 6** on page 1, by striking line 13 and inserting new material to read as follows:

"Section 1. On June 8, 2003, K.S.A. 74-8803 is hereby amended to read as follows: 74-8803. (a) There is hereby created the Kansas racing and gaming commission, consisting of five members who shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto. Except as provided by K.S.A. 46-2601 and amendments thereto, no person appointed to the commission shall exercise any power, duty or function as a member of the commission until confirmed by the senate.

(b) Before appointing any person as a member of the commission, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(c) The members of the commission shall meet the following qualifications:

(1) Each member shall be a citizen of the United States and an actual resident of Kansas at the time of appointment and during such member's term of office with the commission;

(2) each member shall have been a resident of Kansas for a continuous period of not less than five years immediately preceding appointment to the commission; and

(3) no member shall have been convicted of a felony under the laws of any state or of the United States at any time prior to appointment or during such member's term of office with the commission.

(d) The governor shall make appointments to the commission in such a manner that:

(1) Not more than three members belong to the same political party at the time of appointment and during their terms of office with the commission; and

(2) subject to the provisions of K.S.A. 75-4315c and amendments thereto each congressional district has at least one member residing in such district at the time of appointment.

(e) Except as provided by subsection (f), each member appointed before July 1, 1995, shall be appointed for a term of three years and until a successor is appointed and confirmed. Each member appointed on or after July 1, 1995, shall be appointed for a term of four years and until a successor is appointed and confirmed.

(f) The terms of members who are serving on the commission on the effective date of this act shall expire on January 15, of the year in which such member's term would have expired under the provisions of this section prior to amendment by this act. Thereafter, members shall be appointed for terms of four years and until their successors are appointed and confirmed.

(g) A vacancy on the commission shall be filled for the unexpired term by appointment by the governor.

(h) The commission shall meet at such times and places within this state as the chairperson or a majority of the commission members determines. A majority of the members shall constitute a quorum for the conduct of commission business.

(i) The governor shall designate a member of the commission as chairperson of the commission, to serve in that capacity at the pleasure of the governor. The members of the commission annually shall elect a vice-chairperson and secretary from the membership of the commission.

(j) ~~Members of the commission shall receive such compensation as determined by the governor, subject to the limitations of appropriations therefor, and, when attending meetings of the commission, or a subcommittee meeting thereof approved by the commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto, except that such compensation for members of the commission shall be provided at the per diem rate provided in K.S.A. 75-3223 and amendments thereto for members of the legislature.~~

Sec. 2. On June 8, 2003, K.S.A. 74-8803 is hereby repealed.

Sec. 3. K.S.A. 74-8840 is hereby repealed.”;

By renumbering the remaining section accordingly;

Also on page 1, in line 15, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, in line 9, by striking “repealing K.S.A. 74-8840;”; also in line 9, before “relating”, by inserting “concerning the Kansas racing and gaming commission; relating to compensation of members and”; in line 10, by striking “of the racing and gaming commission” and inserting “; amending K.S.A. 74-8803 and repealing the existing section; also repealing K.S.A. 74-8840”;

Roll call was demanded.

On roll call, the vote was: Yeas 78; Nays 44; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballou, Barbieri-Lightner, Betts, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Craft, Dahl, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Kirk, Krehbiel, Landwehr, Larkin, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Powers, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Tafanelli, Thull, Vickrey, Ward, D. Williams, Yoder.

Nays: Ballard, Beggs, Bethell, Burroughs, Cox, Crow, Davis, Dreher, Flaharty, Flora, Gatewood, Grant, Henderson, Henry, Huntington, Kassebaum, Klein, Kuether, Light, Loganbill, M. Long, Loyd, McKinney, Minor, Nichols, Pauls, Peterson, Phelps, Pottorff, Rardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Shriver, Svaty, Thimesch, Toelkes, Wilk, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Gilbert, Neighbor, Swenson.

The motion prevailed and **SB 6** be passed as amended.

Committee report to **HB 2003** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **SB 34**, 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 bills were thereupon introduced and read by title:

HB 2173, An act relating to the state board of regents; concerning seats in accredited schools of dentistry, by Committee on Higher Education.

HB 2174, An act relating to roads and highways; concerning certain signs, by Representative Ostmeyer.

HB 2175, An act concerning sales taxation; relating to exemptions; cystic fibrosis foundation; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2176, An act concerning abortion clinics; standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, by Representatives P. Long, Barbieri-Lightner, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Dahl, DeCastro, Decker, Faber, Freeborn, Gatewood, Goering, Goico, Henry, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, Larkin, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Schwab, Shriver, Shultz, Siegfried, Svaty, Swenson, Tafanelli, Thimesch, Vickrey, Wilk, D. Williams and J. Williams.

HB 2177, An act concerning school districts; relating to budgetary funds; amending K.S.A. 72-6409, 72-6410, 72-6430, 72-6433, 72-8302, 72-8316 and 72-8317 and repealing the existing sections; also repealing K.S.A. 72-6421, 72-6423, 72-6425, 72-6426, 72-6427, 72-6428 and 72-6429, by Committee on Education.

HB 2178, An act concerning school district finance; increasing state prescribed percentage for the purpose of local option budgets; amending K.S.A. 72-6433 and repealing the existing section, by Committee on Education.

HB 2179, An act repealing K.S.A. 25-1904; relating to members of the state board of education, by Committee on Education.

HB 2180, An act concerning school districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 72-8205 and repealing the existing section, by Committee on Education.

HB 2181, An act concerning school districts; enacting the school district budget law; amending K.S.A. 12-1765, 12-2615, 44-505e, 72-8415a, 75-4322, 75-4330, 75-4332, 75-6110, 79-1808, 79-2925, 79-2926 and 79-2927 and K.S.A. 2002 Supp. 75-37,125 and repealing the existing sections; also repealing K.S.A. 72-8204a, by Committee on Education.

HB 2182, An act concerning the Kansas board of barbering; relating to certain fees; amending K.S.A. 65-1817 and repealing the existing section, by Committee on Appropriations.

HB 2183, An act concerning bingo; amending K.S.A. 2002 Supp. 79-4706 and repealing the existing section, by Representative Reardon.

HB 2184, An act concerning insurance; providing coverage for wigs and scalp prosthesis under certain circumstances; amending K.S.A. 2002 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HB 2185, An act concerning insurance; providing coverage for contraceptives; amending K.S.A. 2002 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

HB 2186, An act concerning certain public utilities; relating to residential customers; providing for special payment and service disconnection procedures under certain circumstances, by Committee on Utilities.

HB 2187, An act concerning schools; relating to nonresident pupils; amending K.S.A. 72-1046a and repealing the existing section, by Representative O'Neal (By request).

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 5, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

