

# Journal of the House

SEVENTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 5, 2003, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. Gilbert was excused on verified illness.

Rep. Reitz was excused on legislative business.

Present later: Rep. Reitz.

Prayer by guest chaplain, the Rev. Ronald Schultz, pastor, Crestview United Methodist Church, Topeka:

Gracious God, we come before you this morning with thankful hearts. We ask that your blessings be upon this dedicated body of men and women who have been elected to serve the people of Kansas, your people.

We ask that your presence fill this chamber and that the representatives be open to your direction as you guide them through this busy day. Guide the men and women meeting in this chamber in all the decisions that are made today and in the days to come. Help those representatives who are faithfully serving the people of the State of Kansas to see the needs of the people.

Give special insight to those who lead this House as they face their responsibility.

Finally, we pray affirming that everyone who serves in the House of Representatives will be able to leave here today knowing the satisfaction and the joy of having served willingly and well.

Bless this House of Representatives session today. In the name of our Lord, Amen.

The Pledge of Allegiance was led by Rep. Huff.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2188**, An act concerning livestock; relating to meat and poultry inspection; buffalo and domesticated deer; amending K.S.A. 65-6a18 and repealing the existing section, by Committee on Agriculture.

**HB 2189**, An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-134 and 8-143a and K.S.A. 2002 Supp. 8-143 and repealing the existing sections, by Committee on Transportation.

**HB 2190**, An act relating to motor vehicles; concerning the installation of air bags, by Committee on Transportation.

**HB 2191**, An act relating to port authorities; concerning certain powers; amending K.S.A. 12-3406 and repealing the existing section, by Committee on Transportation.

**HB 2192**, An act relating to the division of vehicles; concerning certain fees for drivers' licenses and identification cards; amending K.S.A. 8-240, 8-267 and 8-1324 and K.S.A. 2002 Supp. 8-1325 and repealing the existing sections, by Committee on Transportation.

**HB 2193**, An act relating to certificates of title; concerning certain fees and the disposition thereof; amending K.S.A. 2002 Supp. 8-135, 8-135a, 8-139, 8-145, 8-170, 8-171, 8-198, 58-4204 and 74-2013 and repealing the existing sections, by Committee on Transportation.

**HB 2194**, An act concerning school districts; disallowing the counting of certain pupils for purposes of computations under the school district finance and quality performance act; entering into reciprocal agreements; amending K.S.A. 72-1046a, 72-6407 and 72-6757 and repealing the existing sections; also repealing K.S.A. 72-6407a, by Representative Mason.

**HB 2195**, An act dissolving existing unified school districts; establishing county school districts; terminating certain administrator contracts; relating to continuing teacher contracts and assigning responsibility therefor; providing for continued payment of bonded indebtedness; amending K.S.A. 72-8202b and repealing the existing section, by Representative Mason.

**HB 2196**, An act amending the Kansas storage tank act; concerning unlawful acts; amending K.S.A. 65-34,109 and repealing the existing section, by Committee on Environment.

**HB 2197**, An act concerning persons with disabilities; relating to assistance dogs and other assistance animals; amending K.S.A. 39-1101, 39-1102, 39-1103, 39-1107, 39-1108 and 39-1109 and repealing the existing sections, by Committee on Environment.

**HB 2198**, An act concerning civil procedure; relating to limitations on damages; amending K.S.A. 60-19a02 and 60-3702 and K.S.A. 2002 Supp. 60-1903 and repealing the existing sections, by Representative Swenson.

HOUSE CONCURRENT RESOLUTION No. 5009—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the President and Congress of the United States to consider the removal of trade, financial and travel restrictions to Cuba.

WHEREAS, The relationship between the United States and Cuba has long been marked by tension and confrontation; and

WHEREAS, Further heightening this hostility is the 40-year-old United States trade embargo against the island nation, which remains the longest-standing embargo in modern history; and

WHEREAS, Cuba imports nearly a billion dollars' worth of food every year, including wheat, corn, flour and meat products; and

WHEREAS, Import amounts are expected to grow significantly in coming years as Cuba slowly recovers from the severe economic recession it has endured following the withdrawal of subsidies from the former Soviet Union in the last decade; and

WHEREAS, Kansas ranks number one in flour and wheat production, and this state is a leader in the overall value of agricultural exports at more than \$2.5 billion annually; and

WHEREAS, Agricultural production in Kansas is valued at more than \$6 billion annually; and

WHEREAS, Kansas is ideally positioned to benefit from the market opportunities that free trade with Cuba would provide; and

WHEREAS, Rather than depriving Cuba of agricultural products, the United States embargo succeeds only in driving sales to competitors in other countries that have no such restrictions; and

WHEREAS, Trade, financial and travel restrictions imposed by the United States against Cuba hinder the export of agricultural and food products from Kansas, and the right of Kansans to travel freely: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the President and Congress of the United States to remove trade, financial and travel restrictions relating to Cuba; and

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

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture: **HB 2167, HB 2168.**

Education: **HB 2177, HB 2178, HB 2179, HB 2180, HB 2181, HB 2187.**

Federal and State Affairs: **HB 2176, HB 2183.**

Health and Human Services: **HB 2169, HB 2170, HB 2171, HB 2172, HB 2182.**

Higher Education: **HB 2173.**

Insurance: **HB 2184, HB 2185.**

Taxation: **HB 2175.**

Transportation: **HB 2166, HB 2174.**

Utilities: **HB 2186.**

**COMMUNICATIONS FROM STATE OFFICERS**

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, Comprehensive Annual Financial Report for 2002.

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

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2003**, An act concerning certain rural water districts; providing procedures for acquisition of such districts' water supply and distribution systems by certain municipalities, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Gilbert, Reitz.

The bill passed, as amended.

**SB 6**, An act concerning the Kansas racing and gaming commission; relating to compensation of members and relating to certain audits of the accounts and transactions; amending K.S.A. 74-8803 and repealing the existing section; also repealing K.S.A. 74-8840, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Beggs, Betts, Burroughs, Carlin, Cox, Crow, Davis, Dillmore, Dreher, Flaharty, Flora, Gatewood, Grant, Henderson, Henry, Hill, Huff, Huntington, Kassebaum, Kirk, Klein, Kuether, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sawyer, Showalter, Shriver, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Gilbert, Reitz.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote No on **SB 6**. When it comes to gaming interests we can't be too careful. The people of Kansas expect us to protect their interests and to hold governmental agencies accountable.

After the problems the State of Kansas had with the Lottery operations a few years ago, this bill could prove to be penny-wise and pound-foolish.

This is *not* the time to eliminate an audit of the Racing Commission. We should make sure our gaming operations are squeaky clean! Mr. Speaker, in the interest of protecting the People of Kansas, I must vote No!—TOM SAWYER, MARTI CROW, R.J. WILSON

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 34** be passed.

**HR 6007** be adopted.

**HB 2048** be passed over and retain a place on the calendar.

**HCR 5004** be stricken from the calendar.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Local Government** recommends **HB 2044** be amended on page 1, in line 43, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Utilities** recommends **HCR 5007** be amended on page 1, in line 25, by striking "Kansas is third" and inserting "The United States Department of Energy recognizes that Kansas is first"; in line 30, by striking all following "system"; by striking all in lines 31 through 38; in line 39, by striking all preceding the colon and inserting "is increasingly incapable of providing reliable service to the native load in Kansas and does not have the capacity to support economic development of renewable and fossil-fuel resources or to economically dispatch power within the state; and

WHEREAS, The existing transmission system experiences significant constraints to the importation of additional power from outside the state and export of additional power to markets beyond the state's boundaries in support of national energy reliability and clean air standards; and

WHEREAS, The leadership of the Federal Energy Regulatory Commission is crucial to resolving issues related to cost recovery of transmission facility upgrades and regional transmission system reliability issues";

Also on page 1, in line 42, by striking all following "to"; by striking all in line 43;

On page 2, by striking all in lines 1 and 2; in line 3, by striking all preceding the semicolon and inserting "work with the State of Kansas in development of sufficient transmission facility infrastructure to support the state's economic development efforts and the nation's growing energy, security and reliability needs, along with the design and implementation of regional transmission organizations and cost recovery mechanisms";

In the title, in line 10, by striking all following the first "to"; by striking all in line 11; in line 12, by striking "needs" and inserting "work to develop sufficient electric transmission facility infrastructure and design and implement regional transmission organizations and cost recovery mechanisms"; and the concurrent resolution be adopted as amended.

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 2199.** An act concerning certain unsolicited telephone calls; amending K.S.A. 2002 Supp. 50-670 and repealing the existing section, by Committee on Utilities.

**HB 2200.** An act concerning municipal courts; relating to penalties for violations of an ordinance; amending K.S.A. 12-4510 and repealing the existing section, by Committee on Local Government.

**HB 2201.** An act concerning fire and fire protection; relating to investigations of fires and explosions; amending K.S.A. 31-137 and repealing the existing section, by Committee on Local Government.

**HB 2202.** An act concerning land to be incorporated as, or added to cities; amending K.S.A. 12-401 and repealing the existing section, by Committee on Local Government.

**HB 2203.** An act concerning cities; relating to the annexation of land located within water districts; amending K.S.A. 12-527 and repealing the existing section, by Committee on Local Government.

**HB 2204.** An act concerning planning and zoning; relating to planning commissions; amending K.S.A. 12-744 and repealing the existing section, by Committee on Local Government.

**HB 2205.** An act concerning real estate transactions; requiring certain disclosures prior to entering contracts for sale, by Committee on Local Government.

**HB 2206.** An act concerning property taxation; concerning determination of fair market value; special assessments; amending K.S.A. 79-503a and repealing the existing section, by Committee on Taxation.

**HB 2207.** An act concerning the state board of pharmacy; providing for registration of pharmacy technicians; amending K.S.A. 65-1642 and repealing the existing section, by Committee on Health and Human Services.

**HB 2208.** An act concerning tax increment financing and sales tax revenue bonds; relating to major commercial, entertainment and tourism areas and redevelopment of property located in Sedgwick county; amending K.S.A. 12-1770a and 12-1774 and K.S.A. 2002 Supp. 79-3620 and repealing the existing sections, by Committee on Economic Development.

**HB 2209.** An act concerning school districts; relating to the consolidation thereof, by Representative Decker.

**HB 2210.** An act concerning school districts; relating to the consolidation of administrative services; concerning consolidation of small school districts; amending K.S.A. 72-8202b and repealing the existing section, by Representative Decker.

**HB 2211.** An act concerning the licensure of plumbers, electricians and certain contractors; amending K.S.A. 12-1508, 12-1509, 12-1525, 12-1526, 12-1541, 12-1542, 12-1556 and 12-1557 and repealing the existing sections, by Committee on Local Government.

**HB 2212.** An act concerning cities; relating to annexation; relating to time of publication before election; amending K.S.A. 12-523 and repealing the existing section, by Committee on Ethics and Elections.

**HB 2213.** An act concerning elections; relating to the timing of placing special questions on the ballot, by Committee on Ethics and Elections.

**HB 2214.** An act concerning elections; relating to handling ballots after canvass; establishing write-in boards; amending K.S.A. 25-3008 and repealing the existing section, by Committee on Ethics and Elections.

**HB 2215.** An act concerning civil procedure; relating to small claims; amending K.S.A. 61-2706 and K.S.A. 2002 Supp. 61-2703, 61-2704 and 61-2713 and repealing the existing sections, by Representative Huff.

**HB 2216.** An act concerning crimes and punishments; relating to controlled substances, acts within 1,000 feet of certain property; amending K.S.A. 65-4161 and 65-4163 and K.S.A. 2002 Supp. 21-4717 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2217**, An act concerning motor vehicles; relating to driving under the influence of alcohol or drugs; ignition interlock devices; amending K.S.A. 8-1015 and repealing the existing section, by Committee on Judiciary.

**REPORT ON ENGROSSED BILLS**

**HB 2003** reported correctly engrossed February 4, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 6, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

