

Journal of the House

EIGHTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 6, 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. Davis was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Emilee D. Whitehurst, pastor, First Presbyterian Church, Lawrence, and guest of Rep. Sloan:

O Holy One, mysterious and magnificent,

We gather this day as servants of your people. Rest with us in this place so that, in the midst of our political strivings, we might heed you still, small voice urging us to tend to the sick, feed the hungry and grant decency to the prisoner.

O Nurturing One,

You never impose yourself on us but always offer yourself without constraints, respecting our freedom to choose you. Grant that we too may be vigilant for freedom and yet be always available to respond to cries for justice with open minds, open hands and open hearts.

O Mighty One, To you be all Glory. Amen.

The Pledge of Allegiance was led by Rep. Ward.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2218, An act concerning hazardous waste; amending K.S.A. 65-3441 and repealing the existing section, by Committee on Environment.

HB 2219, An act repealing K.S.A. 2002 Supp. 75-5662, relating to certain publications of the secretary of health and environment, by Committee on Environment.

HB 2220, An act amending the uniform commercial drivers' license act; amending K.S.A. 8-2,128, 8-2,132, 8-2,133, 8-2,135 and 8-2,142 and repealing the existing sections, by Committee on Transportation.

HB 2221, An act regulating traffic; concerning certain lighting equipment; amending K.S.A. 8-1723 and repealing the existing section, by Committee on Transportation.

HB 2222, An act relating to license plates for United States military veterans; amending K.S.A. 8-1,146 and repealing the existing section, by Committee on Transportation.

HB 2223, An act concerning solid waste; amending K.S.A. 65-3402 and repealing the existing section, by Committee on Environment.

HB 2224, An act relating to banking; concerning certain powers; amending K.S.A. 9-1101 and repealing the existing section, by Committee on Financial Institutions.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2188**; **HCR 5009**.

Commerce and Labor: **HB 2211**.

Corrections and Juvenile Justice: **HB 2200, HB 2216, HB 2217.**
 Economic Development: **HB 2208.**
 Education: **HB 2194, HB 2195, HB 2209, HB 2210.**
 Environment: **HB 2196, HB 2197.**
 Ethics and Elections: **HB 2213, HB 2214.**
 Health and Human Services: **HB 2207.**
 Judiciary: **HB 2198, HB 2205, HB 2215.**
 Local Government: **HB 2201, HB 2202, HB 2203, HB 2204, HB 2212.**
 Taxation: **HB 2206.**
 Transportation: **HB 2189, HB 2190, HB 2191, HB 2192, HB 2193.**
 Utilities: **HB 2199.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2182** from Committee on Health and Human Services and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Albert Murray, Commissioner, Juvenile Justice Authority, Winds of Change, The Kansas Juvenile Justice Authority Annual Report 2002.

From Roderick L. Bremby, Secretary, Kansas Department of Health and Environment, in accordance with K.S.A. 65-5001, et. seq., Final Report to the Legislature from the Secretary on the Application of Kansas Physical Therapy Association for Licensure, February 4, 2003.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 14, SB 17, SB 18, SB 19, SB 26, SB 31, SB 47, SB 52.**
 Announcing passage of **HB 2026**, as amended by **S. Sub. for HB 2026.**
 Announcing adoption of **HCR 5001.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 14, SB 17, SB 18, SB 19, SB 26, SB 31, SB 47, SB 52.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HR 6007, 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, 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, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gattewood, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Davis, Gilbert.

The resolution was adopted.

SB 34, An act relating to the Kansas tort claims act; defining charitable health care provider; amending K.S.A. 2002 Supp. 75-6102 and repealing the existing section, 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, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Davis, Gilbert.

The bill passed.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HB 2055** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Higher Education** recommends **HB 2008** be passed.

The Committee on **Higher Education** recommends **HB 2009** be amended on page 1, in line 21, by striking "July" and inserting "June"; in line 27, by striking "January" and inserting "July"; in line 42, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2037** be amended on page 1, in line 16, by striking "on and after" and inserting "incurred between"; in line 17, before the period, by inserting " , and June 30, 2004, inclusive"; after line 19, by inserting:

"(b) The provisions of this section and K.S.A. 66-1230 and 66-1231, and amendments thereto, shall expire on June 30, 2004."; and the bill be passed 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 2225, An act concerning the Kansas public employees retirement system; relating to the period of credited service required for vesting; amending K.S.A. 74-4917 and repealing the existing section, by Committee on Higher Education.

HB 2226, An act concerning alcoholic beverages; amending K.S.A. 41-2610 and 41-2704 and K.S.A. 2002 Supp. 41-2708 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2227, An act concerning the Kansas lottery; requiring selection of certain winning numbers or tickets to be on broadcast television, by Committee on Federal and State Affairs (By request).

HB 2228, An act redesignating and establishing the Persian Gulf War veterans health initiative board as a separate state agency to be known as the Kansas veterans health commission; redesignating the Persian Gulf War veterans health initiative act as the Kansas veterans health initiative act; prescribing and providing for the transfer of certain powers,

duties, functions, records, documents and property; preserving certain rights; amending K.S.A. 73-1221, 73-1222, 73-1223, 73-1224, 73-1225, 73-1226, 73-1227, 73-1229, 73-1230 and 73-1231 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2229, An act concerning teachers; relating to teacher preparation programs, by Committee on Education.

HB 2230, An act concerning certain motor vehicle accidents; classifying certain acts as misdemeanors and providing penalties therefor; concerning effect of evidence of conviction in civil actions, by Committee on Utilities.

HB 2231, An act concerning schools; relating to child care facilities; amending K.S.A. 72-8236 and repealing the existing section, by Committee on Education.

REPORT ON ENROLLED RESOLUTIONS

HR 6006 reported correctly enrolled and properly signed on February 6, 2003.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 107, please insert the following explanations of vote following the one by Tom Sawyer, Marti Crow and R.J. Wilson:

MR. SPEAKER: Cutting the salaries of Racing and Gaming Commissioners to save general fund money is a false issue. The salaries of the professionals that serve on this commission come from the revenues generated by the industry. This will not save the tax payers of Kansas a single cent. I vote no on **SB 6**.—NANCY KIRK, BRODERICK HENDERSON, RAY L. COX

MR. SPEAKER: When it comes to racing and gaming in Kansas we must be sure the industry is squeaky clean. Not very long ago the Kansas Lottery was besieged with questions. Eliminating the financial audit requirement would take away a vital tool in keeping our gaming industry accountable. Such measures, even if seemingly small, are not prudent in an age of Enron, Arthur Andersen, and World Com type scandals. I vote no on **SB 6**.—BILL REARDON, PAUL DAVIS, BOB GRANT, JERRY D. WILLIAMS, DOUG GATEWOOD, DONALD BETTS, JR., NILE DILLMORE, L. CANDY RUFF, GERALDINE FLAHERTY, JAMES F. MILLER, SYDNEY CARLIN, EBER PHELPS, DAVID HUFF

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, February 7, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

