

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 14, 2003, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 117 members present.
Rep. Sawyer was excused on verified illness.
Rep. Storm was excused on legislative business.
Reps. Edmonds, Goering, Horst, Klein, O'Neal and D. Williams were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, we stand before you today with the gift of rain falling about us. Thank you Lord, for the moisture that feeds the earth and which brings forth the grains that sustain us. Thank you for the spring that promises to come soon.

Lord, after the rain in Noah's day, you set a bow in the sky to remind us and to remind you of your covenant of protective love. Today, in a world broken by sin, the colors of the rainbow are used to signal danger. Today it is orange.

Loving God, remind us again, with the color code you created, that our world can be a place of blessing and peace, if we have the will and the courage to live according to your law and your Spirit. Send us the rain, O Lord, but please remember to send us the rainbow as well. Amen.

The Pledge of Allegiance was led by Rep. Henderson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2377, An act concerning the transfer of certain sales tax revenue to the state highway fund; amending K.S.A. 2002 Supp. 79-34,147 and repealing the existing section, by Committee on Transportation.

HB 2378, An act concerning livestock; relating to certain confined feeding facilities for hogs; authorizing counties to impose certain limitations thereon; procedures; election, by Committee on Agriculture.

HB 2379, An act concerning water and waterways; requiring certain standards for certain bridges, culverts and secondary drainage structures, by Committee on Agriculture.

HB 2380, An act concerning district attorneys; amending K.S.A. 22a-101 and repealing the existing section, by Committee on Judiciary.

HB 2381, An act concerning juries; relating to requirements of participation; rights; provisions for lengthy trials; amending K.S.A. 48-211, 48-512 and 69-101 and repealing the existing sections; also repealing K.S.A. 43-155, 43-158, 43-159 and 43-173, by Committee on Judiciary.

HB 2382, An act concerning the uniform commercial code; concerning securities interests in oil and gas production; amending K.S.A. 2002 Supp. 84-9-324 and repealing the existing section, by Committee on Judiciary.

HB 2383, An act concerning the behavioral sciences regulatory board; relating to membership; amending K.S.A. 74-7501 and repealing the existing section, by Committee on Health and Human Services.

HB 2384, An act relating to physical therapy; providing for licensure of physical therapists; amending K.S.A. 7-121b, 40-2,111, 60-513d, 60-2609, 65-1501, 65-1902, 65-2891, 65-2901, 65-2903, 65-2904, 65-2905, 65-2906, 65-2909, 65-2910, 65-2911, 65-2912, 65-2913, 65-2914, 65-2916, 65-2918, 65-2919, 65-4915, 65-4921, 65-5418 and 65-5912 and K.S.A. 2002 Supp. 17-2707, 21-3721 and 40-3401 and repealing the existing sections; also repealing K.S.A. 65-2902, 65-2907, 65-2908 and 65-2915, by Committee on Health and Human Services.

HB 2385, An act concerning government; relating to interlocal agreements and private businesses, by Committee on Commerce and Labor.

HB 2386, An act concerning charter schools; amending K.S.A. 72-1903, 72-1904, 72-1906, 72-1907, 72-1909 and 72-1910 and repealing the existing sections, by Committee on Education.

HB 2387, An act concerning the livestock commissioner; relating to fees; amending K.S.A. 47-1001a, 47-1001e and 47-1013 and K.S.A. 2002 Supp. 47-1011, 47-1011a and 47-1503 and repealing the existing sections, by Committee on Appropriations.

HB 2388, An act concerning blind persons; creating a commission for the blind and visually impaired, by Committee on Health and Human Services.

HB 2389, An act concerning county commissioner districts; relating to changes in election precinct boundaries; amending K.S.A. 25-26a02 and repealing the existing section, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **SB 46**.

Appropriations: **HB 2367**, **HB 2369**; **SB 73**.

Corrections and Juvenile Justice: **HB 2371**, **HB 2375**; **SB 11**, **SB 33**.

Economic Development: **HB 2373**.

Education: **SB 74**, **SB 117**, **SB 118**, **SB 119**, **SB 120**.

Federal and State Affairs: **HB 2372**; **SB 9**.

Judiciary: **SB 21**, **SB 28**, **SB 36**, **SB 37**, **SB 38**, **SB 48**.

Local Government: **HB 2368**, **HB 2376**; **SB 40**, **SB 53**.

Utilities: **HB 2370**, **HB 2374**.

CONSENT CALENDAR

No objection was made to **HB 2089**, **HB 2090**, **HB 2120** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2118** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2118, An act relating to antique vehicles; concerning the registration thereof; amending K.S.A. 8-172 and K.S.A. 2002 Supp. 8-170 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

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, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, 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, Neu-

feld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, Goering, Horst, Klein, O'Neal, Sawyer, Storm, D. Williams.

The bill passed.

HB 2038, An act creating the Kansas propane education and research council; providing for the powers, duties and functions thereof; providing for certain assessments, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 31; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Novascone, O'Malley, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Schwab, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Brunk, Carter, Dahl, Dillmore, Faber, Goico, Holland, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, P. Long, McLeland, Merrick, F. Miller, Minor, Neufeld, Newton, Nichols, Osborne, Ostmeyer, Powell, Powers, Schwartz, Vickrey.

Present but not voting: None.

Absent or not voting: Edmonds, Goering, Horst, Klein, O'Neal, Sawyer, Storm, D. Williams.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I understand that Propane is a very dangerous gas to be working with and using. I believe we should be trained and educated for safety. I believe safety is of utmost importance. I vote no on **HB 2038** because I believe the education and training of the use of Propane is already in existence and could be furthered by the Propane Retailers with the money they would use for this bill. This bill does have a hidden tax. Also, there is no cap to this tax after the initial assessment. Since I believe in smaller government control and less taxes, therefore, Mr. Speaker, I vote no.—MARY KAUFFMAN

MR. SPEAKER: The intent of the act creating the Kansas Propane Education and Research Council and its functions is presently being accomplished by many propane retailers without imposing a fee/tax. There is no guarantee that the additional fee will not end up as an increase in cost to the consumer. As a result, I vote no on **HB 2038**.—SHARON SCHWARTZ, DEAN NEWTON, LARRY POWELL

HCR 5005, A concurrent resolution urging Congress to modify the provisions of the National Voter Registration Act of 1993 to simplify the procedure for removal of voters from voter registration lists, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 54; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballou, Barbieri-Lightner, Bethell, Boyer, Brunk, Burgess, Carlin, Carter, Compton, Craft, Dahl, DeCastro, Decker, Faber, Freeborn, Goico, Gordon, Hayzlett, Hill, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton,

Novascone, Osborne, Ostmeyer, Patterson, Pottorff, Powell, Reitz, Schwab, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, J. Williams, Yoder, Yonally.

Nays: Ballard, Beggs, Betts, Burroughs, Campbell, Cox, Crow, Davis, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Huff, Huntington, Kirk, Kuether, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Neighbor, Nichols, O'Malley, Owens, Pauls, Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Schwartz, B. Sharp, Showalter, Shriver, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Edmonds, Goering, Horst, Klein, O'Neal, Sawyer, Storm, D. Williams.

The resolution was adopted, as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HCR 5009** be amended on page 1, in line 40, after "restrictions" by inserting ", with the exception of arms sales,;" in line 41, after "Cuba" by inserting "while continuing to encourage Cuba to fully recognize the fundamental rights of its citizens";

Also on page 1, in the title, in line 11, after "restrictions" by inserting ", with the exception of arms sales,;" also in line 11, after "Cuba" by inserting "while continuing to encourage Cuba to fully recognize the fundamental rights of its citizens"; and the concurrent resolution be adopted as amended.

The Committee on **Environment** recommends **HB 2223** 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 **Environment** recommends **HB 2219** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2219," as follows:

"Substitute for HOUSE BILL NO. 2219

By Committee on Environment

AN ACT concerning certain documents of the secretary of health and environment; amending K.S.A. 2002 Supp. 75-5662 and repealing the existing section.; and the substitute bill be passed.

(Sub. **HB 2219** was thereupon introduced and read by title.)

The Committee on **Tourism and Parks** recommends **HB 2106** be amended on page 1, in line 41, by striking "and seven" and inserting ", one shall be appointed from a list of three nominations by the Kansas sport hunting association and six"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

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

Request No. 46, by Representative Wilson, commending Jeffrey Scott on receiving a 2003 Prudential Spirit of Community Award;

Request No. 47, by Representative Jack, commending Kandy Trotnic on receiving a 2003 Prudential Spirit of Community Award;

Request No. 48, by Representative D. Johnson, congratulating The Reverend Helen Svoboda-Barber on completing the Walt Disney Marathon;

Request No. 49, by Representative Grant, congratulating R. Michael Pommier on achieving the rank of Eagle Scout;

Request No. 50, by Representative Landwehr, congratulating LeRoy and Doris Ternes on 50 years of marriage;

Request No. 51, by Representatives Horst, Beggs and Svaty, congratulating Terence Newman on his football awards;

Request No. 52, by Representative Krehbiel, congratulating the Moundridge Debate Team on being the 2003 State Class 3-2-1A Debate Champions;

Request No. 53, by Representative E. Johnson, congratulating Charles Appleman on receiving a Purple Heart medal;

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 2390, An act concerning the civil commitment of sexually violent predators; amending K.S.A. 2002 Supp. 59-29a01, 59-29a04, 59-29a06, 59-29a07, 59-29a08 and 59-29a10 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2391, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-3513 and 21-3608 and K.S.A. 2002 Supp. 21-3415, 21-3502, 21-4635, 21-4638 and 21-4706 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2392, An act requiring the registration of pharmacy benefits management companies; prescribing powers and duties of the commissioner of insurance with respect thereto, by Committee on Insurance.

HB 2393, An act establishing the joint committee on Kansas security, by Select Committee on Kansas Security.

HB 2394, An act concerning property tax; relating to triennial valuation requirements in certain counties; amending K.S.A. 79-1412a and K.S.A. 2002 Supp. 79-1476 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 79-1476b, by Committee on Taxation.

COMMITTEE ASSIGNMENT CHANGE

February 14, 2003

Rep. R.J. Wilson is hereby appointed to replace Rep. Phelps on the House Committee on Insurance.

Thank you,
DENNIS MCKINNEY
Minority Leader

REPORT ON ENGROSSED BILLS

HB 2038 reported correctly engrossed February 13, 2003.

HB 2026 reported correctly re-engrossed February 13, 2003.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5005 reported correctly engrossed February 13, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, February 17, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

