

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 24, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 118 members present.
Reps. Henderson, Owens, B. Sharp and Winn were excused on verified illness.
Reps. Huy, Kauffman and Sawyer were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God—Author of wisdom and truth, send your Spirit of wisdom to be with us this day.

In the face of the daily demands of life, show us the way to live graciously.

In the moment of need, show us the way to draw on the endlessness of your love.

In the time of deliberation and decision, show us the wisdom within ourselves and others.

Especially bless this body today. Let your Spirit inform their work. May they speak in wisdom and remain silent in wisdom. May they act with wisdom and refrain from acting through wisdom. May they know wisdom in those who lead and those who follow, for your Spirit moves where it wills. Let it move in and through us today.

Hear our prayer for our colleague and friend Bonnie Sharp as she seeks healing. Be with her and strengthen her through the power of your love. Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

INTRODUCTION OF GUESTS

Speaker Mays welcomed Jaci Wilkening, of Ulysses, Girl's State Governor and paging today for Rep. Light.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE RESOLUTION No. 5014—

By Representatives Ballard, Carlin, Compton, Craft, Crow, DeCastro, Decker, Flaharty, Gilbert, Gordon, Horst, Huntington, Hutchins, Huy, Kirk, Kuether, Loganbill, M. Long, Judy Morrison, Neighbor, Pauls, Peterson, Pottorff, Ruff, B. Sharp, S. Sharp, Showalter, Storm and Winn

A CONCURRENT RESOLUTION recognizing the Kansas Legislative Women's Caucus.

WHEREAS, A significant number of Kansas state legislators, appointed executive officials, and statewide elected officials in Kansas are women; and

WHEREAS, Approximately 66 percent of women in Kansas are in the labor force - one of the top participation rates in the country; and

WHEREAS, Women in Kansas are much more likely than women nationwide as a whole to have completed high school; and

WHEREAS, Women in Kansas are much less likely than women in the rest of the country to work in managerial or professional occupations; and

WHEREAS, Single women with children are more likely to live in poverty in Kansas than they are nationally; and

WHEREAS, While mortality rates from breast cancer are lower in Kansas than nationally, they are higher for African American women; and

WHEREAS, Kansas ranks last in the regional states of Iowa, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, in women's voter turnout; and

WHEREAS, Kansas has no women's caucus or commission in the state legislature that is specifically targeted to work on these issues on behalf of the women of Kansas; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas legislature recognizes the establishment of the Kansas Legislative Women's Caucus; and

Be it further resolved: That the Kansas Legislative Women's Caucus is established for the purpose of improving the quality of life for women in Kansas.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2409**, **HB 2410**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2157** from Committee on Transportation and referral to Committee on Taxation.

MESSAGE FROM THE GOVERNOR

February 14, 2003

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 03-337 for your information.

EXECUTIVE DIRECTIVE NO. 03-337

Authorizing Transfer of Funds

KATHLEEN SEBELIUS

Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Reginald L. Robinson, President and CEO, Kansas Board of Regents, in accordance with K.S.A. 75-7226, KAN-ED Annual Report. Full text of the report is available electronically at <http://www.kan-ed.org/new/report.htm>.

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

CONSENT CALENDAR

Objection was made to **HB 2212**, **HB 2218** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **HB 2189**; **SB 52** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2242**, **HB 2243**, **HB 2245** appearing on the Consent Calendar for the second day.

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

COMMITTEE OF THE WHOLE

On motion of Rep. D. Johnson, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2158**, **HB 2159**, **HB 2166** be passed.

On motion of Rep. Dahl to amend **HB 2112**, the motion did not prevail. Also, on motion of Rep. Powers to strike the enacting clause, roll call was required.

On roll call, the vote was: Yeas 30; Nays 86; Present but not voting: 0; Absent or not voting: 9.

Yeas: Compton, Dahl, Davis, Decker, Dreher, Freeborn, Goico, Holmes, Howell, Huebert, Humerickhouse, D. Johnson, Landwehr, P. Long, Mason, McCreary, F. Miller, J. Miller, Judy Morrison, Myers, Neufeld, Newton, Osborne, Pauls, Powell, Powers, Schwartz, Sloan, Swenson, J. Williams.

Nays: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Cox, Craft, Crow, DeCastro, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Horst, Huff, Huntington, Hutchins, Jack, E. Johnson, Kas-sebaum, Kirk, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McKinney, McLeland, Merrick, Minor, Jim Morrison, Neighbor, Nichols, Novascone, O'Malley, O'Neal, Ostmeyer, Patterson, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Schwab, S. Sharp, Showalter, Shriver, Siegfried, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, Wilson, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Henderson, Huy, Kauffman, Klein, Owens, Sawyer, B. Sharp, Shultz, Winn.

The motion to strike the enacting clause did not prevail, and **HB 2112** be passed.

Committee report to **HB 2201** be adopted; and the bill be passed as amended.

HB 2071, **HB 2374** be passed over and retain a place on the calendar.

Committee report to **HB 2280** be adopted; and the bill be passed as amended.

Committee report to **HB 2131** be adopted; and the bill be passed as amended.

Committee report to **HB 2186** be adopted; and the bill be passed as amended.

Committee report to **HB 2191** be adopted; and the bill be passed as amended.

On motion of Rep. Compton, **HB 2220** be amended on page 8, in line 8, by striking "8-132" and inserting "8-2,132"; and **HB 2220** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2182**, **HB 2241**, **2343** be passed.

The Committee on **Commerce and Labor** recommends **HB 2329** be passed.

The Committee on **Corrections and Juvenile Justice** recommends **HB 2016** be amended on page 3, in line 15, by striking all after "means"; by striking all in line 16 and inserting the following: "a certified employee of the juvenile justice authority working at a juvenile correctional facility assigned by the commissioner with responsibility for maintaining custody, security and control of juveniles in the custody of the commissioner at a juvenile correctional facility."

(s) "Investigator" means an employee of the juvenile justice authority assigned by the commissioner with the responsibility for investigations concerning employees at the juvenile correctional facilities and juveniles in the custody of the commissioner at a juvenile correctional facility.;

Also on page 3, in line 40, after "receive" by inserting "not less than";

On page 4, in line 5, before the last comma, by inserting "and every investigator"; in line 8, after "duties" where it appears for the first time by inserting: "for the purpose of regaining or maintaining custody, security and control of any person in the custody of the commissioner"; after line 17, by inserting the following:

"Sec. 4. K.S.A. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.

(c) "Dean" means the dean of the division of continuing education of the university of Kansas.

(d) "Director," as created in K.S.A. 74-5603 and amendments thereto, means the director of police training at the law enforcement training center.

(e) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; campus police officers at all state educational institutions or a municipal university; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of *the commissioner of juvenile justice*, the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) "Full-time" means employment requiring at least 1,000 hours of work per year.

(g) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of work per year.

(h) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 2002 Supp. 21-3412a and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(i) "Auxiliary personnel" means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.;

And by renumbering sections accordingly;

Also on page 4, in line 18, by striking "is" and inserting "and 74-5602 are";

On page 1, in the title, in line 11, after "38-1602" by inserting "and 74-5602"; also in line 11, by striking "section" and inserting "sections"; 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 2411, An act concerning taxation; relating to state agencies; collection and remittance of sales tax by state contractors; amending K.S.A. 75-3740a and K.S.A. 2002 Supp. 75-3739 and repealing the existing sections, by Committee on Taxation.

HB 2412, An act concerning the Kansas development finance authority act; authorizing the sale of certain state tobacco settlement receipts by the state; creating the great plains tobacco settlement financing corporation as an affiliate of the Kansas development finance authority; authorizing the issuance of bonds payable from tobacco asset payments; amending K.S.A. 38-2101, 74-8904, 74-8905 and 74-8909 and repealing the existing sections, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Ballou announced Rep. Phelps will replace Rep. B. Sharp temporarily on Committee on Insurance.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, February 25, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

