

# Journal of the House

THIRTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 28, 2003, 9:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Rep. B. Sharp was excused on verified illness.  
Rep. O'Neal was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord God, we thank you for work - for the toil that gives meaning to our lives. We thank you for the opportunity to do something for someone other than ourselves. We thank you for the chance to make a difference. You gave us the example of the joy that comes from work well done as you looked at the work of each day of creation and saw that it was good.

In your wisdom, you also gave us the example of rest, the gift of Sabbath. And this one gift you commanded us to accept, knowing that we can become so caught up in our work that we begin to believe we are indispensable. We begin to imagine that it is we who order the world and who decide its fate. But Sabbath rest reminds us that we all exist in your care, O God. We work for your purpose and in your time.

Grant rest now to your servants in this body as they head home for a long weekend. Grant them pride in the work just completed and in the spirit in which it was accomplished. May the days be a joy to them and to those they love and may you be honored and praised by their Sabbath rest, O God of all things. Amen.

The Pledge of Allegiance was led by Rep. Showalter.

## INTRODUCTION OF GUESTS

Rep. Burgess introduced the members of the Washburn Rural High School Soccer Team who won the 6A State Championship. They were accompanied by their coach, Lionel Suarez.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 131, SB 135.**

Appropriations: **SB 115, SB 223.**

Commerce and Labor: **SB 133.**

Corrections and Juvenile Justice: **SB 63, SB 67.**

Economic Development: **SB 65.**

Education: **SB 22; Sub. SB 83.**

Ethics and Elections: **SB 102, SB 166.**

Federal and State Affairs: **HB 2420.**

Financial Institutions: **SB 66.**

Health and Human Services: **SB 106.**

Judiciary: **HCR 5016; SB 70.**

Local Government: **SB 79, SB 167, SB 238.**  
 Taxation: **HB 2419; SB 146, SB 147.**  
 Tourism and Parks: **SB 134, SB 221.**  
 Transportation: **SB 68.**  
 Utilities: **SB 51; Sub. SB 104.**

#### MESSAGE FROM THE GOVERNOR

February 26, 2003

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

Enclosed herewith is Executive Directive No. 03-338 for your information.

EXECUTIVE DIRECTIVE NO. 03-338  
 Authorizing Expenditures of Federal Funds

KATHLEEN SEBELIUS  
*Governor*

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

#### MESSAGES FROM THE GOVERNOR

**HB 2026** approved on February 28, 2003.

##### **Governor's Message on HB 2026:**

I would like to thank the Legislature for the swift passage of House Bill 2026 and the inclusion of the majority of my FY03 budget proposals. The level of cooperation I have experienced in discussing this legislation is an encouraging and positive development. I hope we will continue to keep the doors of communication open while we work together to create a stronger Kansas.

It is my understanding that editing mistakes in the final bill version resulted in funding problems for the Kansas Highway Patrol budget. Language that would have lapsed SGF funding and replaced it with transfers from the Highway Fund were stricken from the bill. I have spoken with legislators regarding this mistake and have been assured it will be corrected shortly through an additional bill.

The safety of Kansas citizens is at stake and we must continue providing the Kansas Highway Patrol with the resources necessary to serve and protect the people of Kansas. My '04 budget provides the Kansas Highway Patrol with additional funding to assist them in filling vacant positions while also bringing officer's salaries in line with peer law enforcement agencies. I trust the legislation needed to correct the Kansas Highway Patrol budget will be quickly drafted and passed. I know these corrective measures will be taken to ensure that the Kansas Highway Patrol can effectively and efficiently protect Kansas citizen's health and property.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 110, SB 111, SB 145, SB 178, SB 187, SB 199, SB 206; Sub. SB 209.**

Announcing adoption of **SCR 1604, SCR 1606.**

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 110, SB 111, SB 145, SB 178, SB 187, SB 199, SB 206; Sub. SB 209; SCR 1604, SCR 1606.**

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Thimesch moved that the House reconsider it adverse action in not passing **HB 2212** (see Final Action on Bills and Concurrent Resolutions, HJ, p. 237). The motion prevailed.

**HB 2212** was then returned to that order of business, Final Action on Bills and Concurrent Resolutions.

**HB 2212**, An act concerning cities; relating to annexation amending K.S.A. 12-523 and 12-529 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Ballou, Barbieri-Lightner, Betts, Boyer, Burgess, Burroughs, Carter, Cox, Craft, Davis, Decker, Feuerborn, Flaharty, Flora, Gilbert, Gordon, Grant, Henderson, Henry, Holland, Howell, Humerickhouse, Huntington, Hutchins, Huy, Jack, Klein, Kuether, Larkin, Loganbill, M. Long, P. Long, Mays, McKinney, Merrick, J. Miller, Minor, Neufeld, Nichols, O'Malley, Osborne, Patterson, Pauls, Peterson, Phelps, Powell, Reardon, Rehorn, Sawyer, Schwartz, Showalter, Shriver, Storm, Svatz, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Nays: Aurand, Beggs, Bethell, Brunk, Campbell, Carlin, Compton, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Freeborn, Gatewood, Goering, Goico, Hayzlett, Hill, Holmes, Horst, Huebert, Huff, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Light, Loyd, Mason, McCreary, McLeland, F. Miller, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, Ostmeyer, Owens, Pottorff, Powers, Reitz, Ruff, Schwab, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Neighbor, O'Neal, B. Sharp.

The bill passed, as amended.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2039**, An act concerning the division of vehicles; providing for issuance of temporary resident license; amending K.S.A. 8-234b, 8-235d, 8-237 and 8-240 and K.S.A. 2002 Supp. 8-247 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 57; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beggs, Bethell, Betts, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goico, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Huff, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, McKinney, J. Miller, Minor, Neighbor, Nichols, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Showalter, Shriver, Siegfried, Sloan, Storm, Svatz, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, Wilson, Winn, Yonally.

Nays: Ballou, Barbieri-Lightner, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering, Gordon, Holmes, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Patterson, Powell, Powers, Schwab, Schwartz, S. Sharp, Shultz, Tafanelli, Vickrey, D. Williams, J. Williams, Yoder.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The substitute bill passed.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: Not only does **Sub. HB 2039** fail to address the loophole that allowed Al Qaeda terrorists to obtain photo identification, board aircraft, and kill thousands of American citizens; it throws that loophole wide open.

Calling all terrorists—the Kansas House of Representatives is putting out the welcome mat. Not me. I vote no on **Sub. HB 2039**.—CARL KREHBIEL

MR. SPEAKER: I vote no on **Sub. HB 2039**. The tragedy of September 11 made it very clear that a license is more than simply proof of legal permission to drive. The reality is that a license is one of the primary documents we use to show identity. A license can be used

to open bank accounts, rent housing and establish identity for voting, law enforcement, employment, credit and retail transactions. Access to licenses by people in the country illegally poses risks and has the potential to undermine security. We should move toward tighter control of our drivers' license, not less.—DEAN NEWTON, KATHE DECKER, DOUG PATTERSON, ROB BOYER, MIKE BURGESS, LEE TAFANELLI, KEVIN YODER, WILLA DECASTRO, BONNIE HUY, BECKY HUTCHINS, JOE MCLELAND, RAY MERRICK, SCOTT SCHWAB, JUDY MORRISON, MARY KAUFFMAN, DONALD L. DAHL, RALPH OSTMEYER, VERN OSBORNE, PATRICIA BARBIERI-LIGHTNER, LANA GORDON, BARBARA CRAFT, JOE HUMERICKHOUSE, SHARON SCHWARTZ, ED O'MALLEY, TERRIE HUNTINGTON, JEFF JACK, STEVE HUEBERT, EVERETT L. JOHNSON, C. FRANK MILLER

MR. SPEAKER: I support **Sub. HB 2039**. By allowing non citizens to obtain driver licenses with proof of a valid I.R.S. Tax Identification Number, we will be supporting public safety in two distinct ways: First, such persons will be able to obtain auto insurance, which will protect you or me if we are in an accident. Second, this bill will give law enforcement a way to identify non citizens, and will eliminate the needless expense of keeping such persons in custody until proper identification can be secured.—EBER PHELPS

MR. SPEAKER: I vote "yes" on **Sub. HB 2039**. I worked hard to defeat the bill last year on driver's licenses for undocumented aliens. I would still be fighting against it if this were the same bill. This bill gives undocumented aliens a distinct license that is not the same as a license for anyone who is either a documented alien or a citizen. This bill ensures that the individuals receiving this license are not put on a list for jury duty, selective service, or to register to vote.—JANICE L. PAULS

**HB 2122**, An act concerning abandoned property; relating to the rehabilitation thereof; amending K.S.A. 12-1750, 12-1756a, 12-1756b and 12-1756e and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 1; 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: F. Miller.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2125**, An act concerning the support and care of children; relating to children in need of care; concerning rights of foster parents to be present at certain proceedings; emergency change of placement; amending K.S.A. 38-1552 and 38-1567 and repealing the existing sections, 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2133.** An act concerning municipal courts; relating to collection of fines and court costs, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2154.** An act concerning construction contracts; relating to indemnification provisions, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Aurand, Freeborn.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed.

**HB 2196.** An act amending the Kansas storage tank act; concerning unlawful acts; amending K.S.A. 65-34,109 and 65-34,113 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Feuerborn.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2204.** An act concerning planning and zoning; relating to planning commissions; amending K.S.A. 12-744 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; 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, 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, 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, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Gatewood, Kirk, Klein, Ward.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed.

**HB 2205.** An act concerning special assessments; amending K.S.A. 79-503a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flora, Freeborn, 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, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Edmonds, Flaharty, Gatewood, Kirk, Loyd, Minor, Thimesch.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2221.** An act regulating traffic; concerning certain lighting equipment; amending K.S.A. 8-1723 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Feuerborn, Flaharty, Flora, 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, 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, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Brunk, Dillmore, Dreher, Edmonds, Faber, Freeborn, Gatewood, Krehbiel, Neufeld, Powell, Powers.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2231.** An act concerning schools; relating to child care facilities; amending K.S.A. 72-8236 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 80; Nays 43; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Crow, Davis, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mays, McKinney, J. Miller, Minor, Neighbor, Neufeld, Newton, Nichols, O'Malley, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Brunk, Campbell, Craft, Dahl, DeCastro, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Henderson, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, P. Long, Mason, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Powell, Powers, Schwab, Shultz, Siegfried, Tafanelli, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2231** because establishing preschools in our public schools is going beyond the scope and mission of the Kansas Public Education system.

At a time when we are struggling to maintain funding and teachers in our K-12 classrooms — efforts should be concentrated where we are obligated. Not creating new ones.

This bill, should it become law, will only open the door towards the state eventually being obligated and pressured into including preschool as a mandatory attendance requiring additional state funding. A Pandora's box sits before us. I vote no.—PATRICIA BARBIERI-LIGHTNER, BRENDA LANDWEHR

**HB 2233.** An act enacting the uniform prescription drug information card act, 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2234.** An act relating to the behavioral sciences; licensure reciprocity; amending K.S.A. 65-5807, 65-6406 and 74-5315 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; 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, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Carter, Edmonds, Howell, Huebert, Landwehr, McLeland, Owens.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2247.** An act concerning environmental contamination of real property; providing for prohibition or restriction of activities on and use of such property, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kirk, Krehbiel, Landwehr, Larkin, Light, Loganbill, M. 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, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz,

Ruff, Sawyer, Schwab, 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: Ballou, Crow, Dreher, Huebert, Kassebaum, Kauffman, Klein, Kuether, P. Long, Powell, Powers, Schwartz.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2254.** An act concerning dependent persons; relating to the reporting of abuse, neglect or exploitation of such persons; amending K.S.A. 39-1401, 39-1403, 39-1404, 39-1405, 39-1406, 39-1407, 39-1408, 39-1409, 39-1430, 39-1432, 39-1433, 39-1436 and 39-1437 and K.S.A. 2002 Supp. 39-1402 and 39-1431 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, 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, Newton, Nichols, Novascone, O'Malley, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Carter, Goering, Neufeld, Osborne, Ostmeyer, Powell, Siegfried, Wilk.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2271.** An act concerning crimes and punishment; relating to crimes against property; amending K.S.A. 21-3704 and 21-3720 and K.S.A. 2002 Supp. 21-3701 and repealing the existing sections, 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2289.** An act concerning the Kansas development financing authority; relating to funding of out-of-state or in-state projects; authorizing issuance of bonds for certain pur-

poses; amending K.S.A. 74-8904 and 74-8905 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 37; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, DeCastro, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, Kirk, Klein, Landwehr, Larkin, Light, M. Long, Loyd, Mays, McKinney, J. Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, Novascone, O'Malley, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Burgess, Carter, Dahl, Decker, Dillmore, Dreher, Edmonds, Faber, Goico, Howell, Huebert, Hutchins, Huy, E. Johnson, Kassebaum, Kauffman, Krehbiel, Kuether, Loganbill, P. Long, Mason, McCreary, McLeland, Merrick, F. Miller, Myers, Neighbor, Osborne, Ostmeyer, Peterson, Powers, Schwab, Siegfried, Svaty, D. Williams.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2293.** An act concerning fees for services by sheriffs; amending K.S.A. 28-110 and 28-170 and K.S.A. 2002 Supp. 60-2001 and 60-2003 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; 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, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, 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, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Crow, Faber, Klein, Loyd, Rehorn.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HB 2293**. As the son of a former sheriff, I strongly support law enforcement. **HB 2293** would allow the sheriff to recoup part of the costs of serving process, while generating significant taxpayer savings. **HB 2293** will also allow the sheriff to spend county appropriations for other vital operations, including fighting the evils of meth production. A vote in favor of **HB 2293** is a vote in favor of your local sheriff department, and I am proud to support the men and women of law enforcement.—EBER PHELPS

MR. SPEAKER: I rise in support of **HB 2293**. By shifting the burden of serving process from the taxpayers to the individuals who file such suits, this bill will save the taxpayers of Sedgwick County over \$1,000,000 annually and will save taxpayers over \$8,000,000 statewide. Such savings will be split between the sheriff departments and the clerk of the local district courts. Furthermore, the person who wins the lawsuit may recoup the service of process fees. Therefore this bill saves taxpayer dollars and improves judicial services.—PEGGY LONG

**Sub. HB 2294.** An act concerning civil procedure; relating to the filing of lawsuits concerning construction defects, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; 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, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faber, Flaharty, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Landwehr, Larkin, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reardon, Reitz, Ruff, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Vickrey, Wilk, D. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Crow, Edmonds, Feuerborn, Flora, Freeborn, Holland, Kirk, Klein, Krehbiel, Kuether, Loganbill, J. Miller, Minor, Pauls, Peterson, Phelps, Powers, Rehorn, Sawyer, Thimesch, Thull, Toelkes, Ward, J. Williams.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The substitute bill passed.

**HB 2297.** An act concerning civil procedure; relating to garnishment; amending K.S.A. 2002 Supp. 60-739 and 61-3512 and repealing the existing sections, 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

**Sub. HB 2307.** An act concerning district magistrate judges; relating to the reassignment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-354 and 20-2908 and K.S.A. 2002 Supp. 20-348 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 62; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burroughs, Campbell, Carlin, Carter, Cox, Crow, Davis, DeCastro, Dillmore, Feuerborn, Gilbert, Goering, Goico, Henderson, Holland, Huebert, Huff, Humerickhouse, Huntington, Huy, E. Johnson, Kassebaum, Kirk, Kuether, Landwehr, M. Long, McCreary, McLeland, Judy Morrison, Neighbor, Newton, Nichols, Novascone, O'Malley, Patterson, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, S. Sharp, Shultz, Siegfried, Sloan, Storm, Vickrey, Ward, Wilk, D. Williams, Yoder, Yonally.

Nays: Aurand, Bethell, Burgess, Compton, Craft, Dahl, Decker, Dreher, Edmonds, Faber, Flaharty, Flora, Freeborn, Gatewood, Gordon, Grant, Hayzlett, Henry, Hill, Holmes, Horst, Howell, Hutchins, Jack, D. Johnson, Kauffman, Klein, Krehbiel, Larkin, Light, Loganbill, P. Long, Loyd, Mason, Mays, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Osborne, Ostmeyer, Owens, Pauls, Peterson, Phelps, Powell, Schwartz, Showalter, Shriver, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The substitute bill did not pass.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **Sub. HB 2307**. In the name of saving dollars, we are spending the rights of people to prompt justice. We are limiting the opportunity for battered women to have protection orders signed in a timely manner and to provide justice for those who will be miles from the nearest court service. My own district will not be affected by this bill at this time, but I am concerned — both for those that are affected now, and for what the future may hold for us all.

I respectfully vote *no* on **Sub. HB 2307**.—ETHEL M. PETERSON

MR. SPEAKER: I vote no on **Sub. HB 2307**. Although I support measures to eliminate waste and inefficiency in government, **Sub. HB 2307** does not accomplish this goal. Under current law, if a law enforcement officer makes an arrest, the arrested person must be taken before a magistrate without unnecessary delay. Maintaining a magistrate judge in every county will prevent law enforcement officers from spending needless time transporting prisoners to magistrates in other counties. Although I applaud the intent of this bill, I cannot support imposing more unfunded mandates on law enforcement.—PEGGY LONG

MR. SPEAKER: Kansas Statutes provide as follows: "In each county of the state there shall be at least one judge of the district court." The promise of a resident judge of the district court was part of the agreement made when counties gave up their county courts pursuant to court unification in 1978.

Passage of **Sub. HB 2307** will result in some counties being left without a resident judge. It is important to provide equal access to justice for the citizens of every county of the state.

For these reasons I vote no on **Sub. HB 2307**.—SHARON SCHWARTZ

MR. SPEAKER: Our court system is struggling financially and we know that we will not be able to provide them with additional funding. The very least we can do is provide them with the flexibility to allocate their resources appropriately. A lot of us talk about making government more efficient. I vote to root out waste and make our government work more effectively. I vote yes on **Sub. HB 2307**.—PAUL DAVIS

**HB 2352**. An act concerning state government; relating to sexual harassment and discrimination policies, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; 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, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Carter, Faber, Goering, Humerickhouse, Mason, Ostmeyer, Powers.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed.

**HB 2353.** An act concerning the employment security laws; relating to domestic violence; amending K.S.A. 2002 Supp. 44-706 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, 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, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

**HB 2374.** An act concerning public utilities; relating to procedures to recover certain security costs, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Kuether, Landwehr, Larkin, Light, M. Long, P. Long, Loyd, Mason, Mays, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Owens, Patterson, Powell, Reitz, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Ward, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Betts, Burroughs, Crow, Dillmore, Faber, Feuerborn, Flaharty, Flora, Gatewood, Hayzlett, Henderson, Henry, Holland, Howell, Kirk, Klein, Loganbill, McCreary, McKinney, F. Miller, J. Miller, Minor, Ostmeyer, Pauls, Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Ruff, Storm, Svaty, Thimesch, Thull, Toelkes, Wilk, Winn.

Present but not voting: None.

Absent or not voting: O'Neal, B. Sharp.

The bill passed, as amended.

**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 and 21-4704 and repealing the existing sections, 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, 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, Mays,

McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: O'Neal, B. Sharp.

The bill passed, as amended.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 60**, by Southeast Kansas Delegation, honoring Nancy Bogina on her retirement from the Kansas Department of Transportation;

**Request No. 61**, by Representative Aurand, congratulating Myrtle Nondorf on her 100th birthday;

**Request No. 62**, by Representative Dan Johnson, commending Timothy Wiley on receiving the National Lifesaving Award;

**Request No. 63**, by Representative Peggy Long, commending Americus school on being a 1st place 2002 Red Ribbon Award winner for a Drug Free School;

**Request No. 64**, by Representative Peggy Long, commending Burlington High School SADD Chapter on being a 3rd place Best School Activity 2002 Red Ribbon Award winner for a Drug Free School;

**Request No. 65**, by Representative Merrick, congratulating Chad Rudolph on winning first place in his weight class at the EKL Wrestling Championship, and qualifying to participate in the 2003 State Wrestling Championship;

**Request No. 66**, by Representatives Minor and McKinney, congratulating Jack Veverka for 29 years of hard work and service to the Kansas Highway Patrol;

**Request No. 67**, by Representative Everett Johnson, congratulating Taylor Metcalf on winning the 2003 Butler County Spelling Bee;

**Request No. 68**, by Representative Pottorff, congratulating Ivonne K. Goldstein on being named a Woman of Distinction, Wing Walker VIII;

**Request No. 69**, by Representatives Burgess, Gordon, Mays and Toelkes congratulating Washburn Rural High School Soccer Team on winning the Class 6A State Soccer Championship;

**Request No. 70**, by Representative Dreher, congratulating Noah and Alma Herschberger on their 50th wedding anniversary;

**Request No. 71**, by Representative Schwartz, congratulating Marshall and Alberta Griffee on their 50th wedding anniversary;

**Request No. 72**, by Representative Schwartz, congratulating Mary Kessinger-Wassom on being named 4A Girls' Tennis Coach of the Year;

**Request No. 73**, by Representative Powers, congratulating Kevin James White on attaining the rank of Eagle Scout;

**Request No. 74**, by Representative Schwartz, congratulating Tom Buchanan on being named Conservation Communicator of the Year and Ron Klataske on being named Conservationist of the Year by the Kansas Wildlife Federation;

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 2421**, An act concerning taxation; relating to imposition of sales tax on rendering or furnishing of all services; eliminating sales tax exemptions; amending K.S.A. 2002 Supp. 79-3602, 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

**HB 2422**, An act concerning cigarettes; relating to unlawful shipment or transport thereof; prescribing certain penalties therefor, by Committee on Taxation.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, pursuant to House Rule 2306, the following bills were withdrawn from the Calendar under the heading of General Orders and were rereferred to the following committees:

Commerce and Labor: **HB 2242, HB 2243.**

Corrections and Juvenile Justice: **Sub. HB 2049.**

Ethics and Elections: **HB 2149.**

Also, on motion of Rep. Aurand, pursuant to House Rule 2307, the following bills and resolution were stricken from the Calendar:

**HB 2048, HB 2086, HB 2134; Sub. HB 2211; HB 2217, HB 2249; HCR 5003.**

**REPORT ON ENGROSSED BILLS**

**HB 2035, HB 2078, HB 2161** reported correctly engrossed February 27, 2003.

**HB 2171, HB 2208, HB 2375** reported correctly engrossed February 28, 2003.

On motion of Rep. Aurand, the House adjourned pro forma until 4:00 p.m., Tuesday, March 4, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

