

# Journal of the House

THIRTY-EIGHTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, March 7, 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.

Reps. Swenson and D. Williams were excused on verified illness.

Reps. E. Johnson, Nichols, O'Neal, Pottorff, Schwab and Thimesch were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Scott Goltl, pastor, Ascension Lutheran Church, Wichita, and guest of Rep. McLeland:

In the name of the Father, and of the Son and of the Holy Spirit. Amen.

O Lord God almighty, as a dear father loves his children, so do you love us and have given us this new day to be about your work.

Heavenly Father, give wisdom to all who make, administer, and judge our laws that they might govern the people of Kansas according to your will and purpose.

Especially during these troubling days we pray for guidance so that all the people, with their many interests and needs, might be well represented here in this place.

We ask this all in Jesus' name and pray as he has taught us:

Our Father who art in Heaven

Hallowed by Thine name.

Thy Kingdom come, Thy will be done;

On earth as it is in heaven.

Give us this day our daily bread

And forgive us our trespasses as we forgive those who trespass against us.

Lead us not into temptation but deliver us from evil

For Thine is the kingdom and the power and the glory

Now and forever. Amen.

The Pledge of Allegiance was led by Rep. Sawyer.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HCR 5017**.

Appropriations: **HB 2426**.

Taxation: **HB 2427**.

Utilities: **HB 2428**.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HR 6012**, A resolution in memory of Sheriff John Foster, was adopted.

**CONSENT CALENDAR**

No objection was made to **HB 2397**, **HB 2399**, **HB 2400** appearing on the Consent Calendar for the first day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2182**, An act concerning the Kansas board of barbering; relating to certain fees; amending K.S.A. 65-1817 and repealing the existing section, was considered on final action. Call of the House was demanded.

On roll call, the vote was: Yeas 65; Nays 52; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Ballou, Beggs, Boyer, Burroughs, Carlin, Compton, Cox, Craft, Crow, Decker, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Horst, Huff, Huntington, D. Johnson, Kirk, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, J. Miller, Minor, Jim Morrison, Neighbor, Neufeld, Novascone, O'Malley, Patterson, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn.

Nays: Barbieri-Lightner, Bethell, Betts, Brunk, Burgess, Campbell, Carter, Dahl, Davis, DeCastro, Dillmore, Dreher, Edmonds, Faber, Flora, Goering, Goico, Henderson, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, Kassebaum, Kauffman, Klein, Krehbiel, Kuether, Landwehr, Larkin, P. Long, McKinney, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Newton, Osborne, Ostmeyer, Owens, Pauls, Powell, Powers, Reitz, Siegfried, Tafanelli, Vickrey, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The bill passed.

**HB 2343**, An act concerning financing of certain post secondary educational institutions; related to out-district tuition; amending K.S.A. 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and K.S.A. 2002 Supp. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33, 13-13a34 and 19-101a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 7; Present but not voting: 0; Absent or not voting: 8.

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, 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, Kauffman, Kirk, Klein, Krehbiel, Kuether, 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, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Reardon, Rehorn, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Storm, Svaty, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder.

Nays: Faber, Kassebaum, Landwehr, Powers, Reitz, Sloan, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The bill passed.

## EXPLANATION OF VOTE

MR. SPEAKER: I oppose **HB 2343**. In 1999 the Legislature decided that the out-district tuition charged to a student's home county for community colleges or municipal university tuition was inequitable. Last year a deferment was instituted at \$12.00 per hour from \$24 per hour and **HB 2343** defers the phase out for another year. This allows community

colleges to request county funds without any regard to an effect on county budgets. Passage of this bill increases financial stress on counties already burdened by planned action to withhold demand transfer funds. Counties deserve acknowledgment of their financial straits by their state representatives.—ROGER P. REITZ, JIM YONALLY

## PROTEST

MR. SPEAKER: Pursuant to Article 2, § 10 of the constitution of the State of Kansas, I protest **HB 2343**, *i.e.*, its necessity, even though I have no choice but to vote yes. **SB 345**, passed in 1999, provided for a four-year phase out of out-district tuition by reducing the \$24 per credit hour rate received by community colleges at the rate of 25% annually, and established a funding formula for offsetting the decreased out-district tuition revenue with state funding. The phase-out was implemented for the first two of the four years, and then stopped in the name of lack of available state general funding. Rather than honor our promise, for FY 2003, a bill similar to this one reinstated the local funding via out-district tuition, but only at the reduced rate of \$12 per credit hour. For FY 2004 no **SB 345** funding is recommended, therefore, this bill once again maintains the revenue to the institutions, by requiring counties to continue to pay out-district tuition at the FY 2003, reduced rate. It's bad enough our state community colleges have taken hits through the loss of both a share of higher education funding (3.9% pro rata), and a loss of LAVTRF (demand transfer) revenues. Now we perpetuate \$12 per credit hour funding where prior to **SB 345** the rate was \$24. This leaves but two options — increase tuition, which keeps those who want to improve themselves from securing higher education, and increase property taxes in districts with community colleges to preserve essential functions and programs. That is patently unfair to property owners of those districts. A promise not honored is a promise breached.—WARD LOYD

**HB 2367**, An act concerning state capital improvement projects; relating to inspections of such projects; amending K.S.A. 75-1262 and 75-3741c and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 9; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, 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, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Reardon, Rehorn, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Tapanelli, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Aurand, Campbell, Faber, Horst, Hutchins, Kassebaum, Powers, Reitz, Siegfried.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The bill passed, as amended.

**HB 2369**, An act concerning the state employee suggestion program; relating to employee suggestion bonus awards; amending K.S.A. 2002 Supp. 75-37,105 and repealing the existing section, 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, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers,

Neighbor, Neufeld, Newton, Novascone, O'Malley, Patterson, Pauls, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, Schwartz, B. Sharp, Showalter, Shriver, Siegfried, Storm, Svaty, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn.

Nays: Aurand, Brunk, Campbell, Carter, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Huebert, Huntington, Jack, D. Johnson, Kassebaum, Krehbiel, Light, P. Long, Merrick, F. Miller, Osborne, Ostmeyer, Owens, Powell, Powers, Reitz, S. Sharp, Shultz, Sloan, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote "no" on **HB 2369**. It provides a bonus to any state employee who can convince his/her agency that the suggestion *might* save money. What if, after a year, the suggestion turns out to not produce any savings, but actually cost the state more? Is the employee bound to reimburse the state?

Whatever happened to the concept that employees should help the organization save money just because it's the right thing to do?

As Yoda, the ancient Jedi Master teaches, "the road to the dark side is paved with good intentions." **HB 2369** is just another stepping stone along that path.—JIM YONALLY, ROGER P. REITZ, WILLIAM A. KASSEBAUM, STEPHANIE SHARP, JEFF JACK

**HR 6005**, A resolution memorializing the Congress of the United States to enact a Medicare Prescription Drug Benefit, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 7; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, 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, 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, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Brunk, Carter, Decker, F. Miller, Myers, Powers.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The resolution was adopted.

**SB 40**, An act concerning fire protection; relating to the powers and duties of certain municipalities; amending K.S.A. 19-3612a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 11; 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, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, B. Sharp,

S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Faber, Howell, Huy, Kauffman, P. Long, Merrick, F. Miller, Ostmeyer, Powell, Powers.

Present but not voting: None.

Absent or not voting: E. Johnson, Nichols, O'Neal, Pottorff, Schwab, Swenson, Thimesch, D. Williams.

The bill passed.

#### EXPLANATION OF VOTE

MR. SPEAKER: **SB 40** would take power currently exercised by elected officials and give that power to appointed officials. A further reduction in the accountability of elected officials to the voters they represent. Boards and or committees thus created have historically shown a tendency to seek ever-broadening authority and this bill would worsen that trend. I vote no on **SB 40**.—C. FRANK MILLER

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2423**, **SB 4** be passed.

The Committee on **Appropriations** recommends **HB 2310** be amended on page 1, in line 22, following "Topeka" by inserting "juvenile"; and the bill be passed as amended.

The Committee on **Corrections and Juvenile Justice** recommends **SB 31** be passed.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 75**, by Representative Patterson, congratulating Coach Bill Davis on being selected as Debate Coach of the Year;

**Request No. 76**, by Representative Huntington, congratulating Maeve O'Connor on being awarded a Prudential Spirit of Community Award;

**Request No. 77**, by Representative Dahl, honoring Allen and Leona Funk on their 60th wedding anniversary;

**Request No. 78**, by Representative Dahl, congratulating Warren C. Winter on being named the Kansas Dairy Leader of the Year;

**Request No. 79**, by Representative Ostmeyer, congratulating Clayton James Popp on attaining the rank of Eagle Scout;

**Request No. 80**, by Representative Jim Morrison, congratulating the "Battle on the Plains" on establishing the "Battle on the Plains" Semi-Pro Football Bowl;

**Request No. 81**, by Representative Powers, congratulating Kevin Nicholas Kohls on attaining the rank of Eagle Scout;

**Request No. 82**, by Representative Mason, congratulating Leroy "Ozzie" and Jane Hildreth on their 50th wedding anniversary;

**Request No. 83**, by Representative Sloan, commending Command Sgt. Major Steve Rodino on his leadership in the Kansas Army National Guard;

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.

#### COMMITTEE ASSIGNMENTS

March 6, 2003

In accordance with House Rule 1103, the Select Committee on Pensions is established.

Members are: Representative Edmonds, Chair; Representative McCreary, Vice-Chair; Representatives Cox, Neufeld, Shultz, Schwartz; Representative Flaharty, Ranking Minority Member; Representatives Flora, M. Long

DOUG MAYS

*Speaker of the House*

**CHANGE OF REFERENCE**

Speaker Mays announced the withdrawal of **HB 2012, HB 2013, HB 2124, HB 2127, HB 2225, HB 2325, HB 2410; SB 47** from Committee on Appropriations and referral to Select Committee on Pensions.

**REPORT ON ENGROSSED BILLS**

**HB 2367** reported correctly engrossed March 6, 2003.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6012** reported correctly enrolled and properly signed on March 7, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, March 10, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

