

Journal of the House

FORTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 11, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Rep. Swenson was excused on verified illness.
Reps. Bethell and E. Johnson were excused on excused absence by the Speaker.

Prayer by Rep. D. Johnson:

Great and Glorious Lord God, supreme architect of Heaven and Earth.
You have promised that where two or three are gathered together in your name, you will be in the midst of them and bless them.

Bless us as we gather together in this beautiful place — this beautiful place called Kansas.

May the still, small voice of your spirit whisper in our ear words of wisdom. May your fatherly hand be ever about us, and oh God, we pray you would direct our feet in paths of wisdom and peace.

Bless us as we gather together here to do the state's work. Help us to do what is best for our constituents and for the people of Kansas.

All this we ask in the name of the Father, the Son, and the Holy Spirit!
Amen!

The Pledge of Allegiance was led by Rep. Toelkes.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2430. An act concerning taxation; relating to interest on overpayments; periods of limitation on refunds or credits; amending K.S.A. 79-2968 and K.S.A. 2002 Supp. 79-3230, 79-32,105 and 79-3609 and repealing the existing sections, by Committee on Taxation.

HB 2431. An act concerning sales taxation; relating to exemptions; clubs providing recreational activities; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2432. An act concerning sales taxation; providing for exemption related to school-related programs and activities; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **HB 2429.**

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hayzlett, **HR 6008**, A resolution in memory of Kenneth R. King, was adopted.

Rep. Mason addressed a few remarks to the members of the House in recognition of former Representative Kenneth R. King. Rep. Hayzlett introduced Ruth King, his wife, and other family members and friends.

CONSENT CALENDAR

No objection was made to **HB 2397**, **HB 2399**, **HB 2400** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2397, An act concerning the Kansas water office; establishing the water supply storage assurance fund, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, 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, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dahl, Shriver.

Present but not voting: None.

Absent or not voting: Bethell, Decker, E. Johnson, Swenson.

The bill passed.

HB 2399, An act authorizing the Kansas water office to obtain loans under certain prescribed conditions; relating to the pooled money investment board, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, 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, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Shriver.

Present but not voting: None.

Absent or not voting: Bethell, E. Johnson, Swenson.

The bill passed.

HB 2400, An act concerning the Kansas water office; establishing the local water project match fund, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Ga-

tewood, 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, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, 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: Bethell, E. Johnson, Swenson.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Freeborn, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2329; SB 31** be passed.

On motion of Rep. Wilk, **SB 175** be amended on page 1, in line 32, by striking "22 in lieu of on or before April"; in line 33, after "4", by inserting the following: "and shall prepare a joint update to such joint estimate on April 22 by preparing an additional, supplemental estimate of revenue to the state general fund for fiscal year 2003 and fiscal year 2004 from income taxes, and from such other revenue sources as may be deemed appropriate by the director of the budget and the director of the legislative research department, and such joint update shall be deemed to be part of such joint estimate for all purposes under law"; and **SB 175** be passed as amended.

On motion to recommend **HB 2423** favorably for passage, the motion did not prevail.

On motion of Rep. O'Neal, **SB 4** be amended on page 2, in line 10, by striking "and each school year thereafter" and inserting ", school year 2002-2003 and school year 2003-2004"; and **SB 4** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 135** 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 **Agriculture** recommends **SCR 1604** be adopted and, because the committee is of the opinion that the concurrent resolution is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Education** recommends **SB 118** 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 **Ethics and Elections** recommends **SB 102**, as amended by Senate Committee, be amended on page 2, in line 22, by striking all following "resides"; by striking all in lines 23 and 24 and inserting ". If the voter returns the advance voting ballot to a judge or clerk at the precinct polling place, the judge or clerk shall void such advance voting ballot. Any such provisional ballot shall be counted only if the county board of canvassers determines that the provisional ballot was properly cast and the voter has not otherwise voted at such election."; and the bill be passed as amended.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2433, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; retirant dividend payments to certain retirants thereof, by Committee on Appropriations.

HB 2434, An act concerning school district finance; amending K.S.A. 72-6407 and 72-6413 and repealing the existing sections; also repealing K.S.A. 72-6407a, by Committee on Appropriations.

HB 2435, An act concerning the governor's office; relating to dislocated workers; transferring the advisory committee on Hispanic affairs; the commission on disability concerns and the advisory commission on African-American affairs to the governor's office; amending K.S.A. 74-6509, 74-6701, 74-6702, 74-6703, 74-6706, 74-6707, 74-6708, 74-9901, 74-9904 and 74-9906 and repealing the existing sections, by Committee on Appropriations.

HB 2436, An act relating to the state fire marshal; transferring powers, duties and personnel regarding industrial health and safety from the secretary of human resources to the office of the state fire marshal; transferring the powers and duties of the boiler safety act from the secretary of human resources to the state fire marshal's office; amending K.S.A. 44-636, 44-638, 44-914, 44-915, 44-916, 44-917, 44-918, 44-919, 44-920, 44-922, 44-923, 44-924, 44-925 and 44-928 and K.S.A. 2002 Supp. 44-926 and repealing the existing sections, by Committee on Appropriations.

HB 2437, An act concerning school districts; creating attendance center districts; levying taxes therefor; amending K.S.A. 72-8213b and repealing the existing section, by Committee on Taxation.

REPORT ON ENROLLED RESOLUTIONS

HR 6005, HR 6008 reported correctly enrolled and properly signed on March 11, 2003.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, March 12, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

