

# Journal of the House

FORTY-THIRD DAY

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

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Reps. O'Neal and Yonally were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Jan Nolting Carter, associate pastor, First Presbyterian Church, Topeka:

You call the vulnerable and the mighty and claim each as your own.  
You call each of us to live lives of compassion and sensitivity to neighbors and strangers.

We come to you, seeking the whisper of your Spirit and the hand of your guidance.

We struggle with limited resources and multiplying needs.

We worry about those who are on the margins of society—  
those who hunger for assistance,  
those who hunger for education and knowledge,  
those who desperately need healthcare, and  
those who are unable to live up to their potential.

We worry about the children of Kansas,  
especially those who do not have adequate early learning  
opportunities,

those who live in unstable and chaotic homes, and  
those who find it difficult to dream about tomorrow.

Guide us, Holy One, to use the creativity you have given us to provide the best opportunities for developing potential. Help us to find inspiring solutions to difficult problems.

Our hearts are heavy, dear God, as we listen to the news about the possibility of war.

We pray for peace.

We pray for the servicemen and women who have been deployed from the State of Kansas and throughout the nation.

We pray for the innocent men, women and children of Iraq who are victims of a ruthless regime.

We yearn for a creative solution, Holy One.

Be with this legislature, dear God. Guide them to make wise decisions that care for your people. We offer this prayer in your name. Amen.

The Pledge of Allegiance was led by Rep. Thimesch.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Judiciary: **HB 2441**.

Taxation: **HB 2442**.

**CHANGE OF REFERENCE**

In accordance with House Rule 1304, relating to the introduction of identical bills, Speaker Mays announced the withdrawal of **HB 2439** from Committee on Federal and State Affairs and **HB 2441** from Committee on Judiciary and referral to Committee on Calendar and Printing.

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 7, SB 123.**

Announcing passage of **HB 2006, HB 2031, HB 2159, HB 2166, HB 2196.**

Announcing adoption of **HCR 5007.**

The Senate nonconcurrs in House amendments to **SB 4**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 175**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 7, SB 123.**

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 4.**

Speaker Mays thereupon appointed Reprs. Neufeld, Shultz and Nichols as conferees on the part of the House.

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 175.**

Speaker Mays thereupon appointed Reprs. Neufeld, Shultz and Nichols as conferees on the part of the House.

**CONSENT CALENDAR**

Objection was made to **SB 118** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 26, SB 133** appearing on the Consent Calendar for the second day.

No objection was made to **SCR 1604** appearing on the Consent Calendar for the third day. The resolution was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**SCR 1604**, A concurrent resolution urging the United States President and Congress to approve federal energy legislation that promotes the use of ethanol and biodiesel fuel, 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, 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, Newton, Nichols, Novascone, O'Malley, 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, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Neufeld, O'Neal, Yonally.

The resolution was adopted.

**HB 2005.** An act concerning income taxation; relating to credits for property taxes paid upon certain railroad machinery and equipment; amending K.S.A. 2002 Supp. 79-32,206 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 82; Nays 40; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Neighbor, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Schwab, Schwartz, S. Sharp, Shriver, Shultz, Siegfried, Sloan, Swenson, Tafanelli, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Yoder.

Nays: Ballard, Betts, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gilbert, Henderson, Henry, Holland, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, McKinney, Minor, Myers, Nichols, Pauls, Peterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Showalter, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, Winn.

Present but not voting: None.

Absent or not voting: Neufeld, O'Neal, Yonally.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2005**. An affirmative vote on **HB 2005** blows a \$1.4 million hole in the FY 2004 budget. I can't, in good conscience, take that money away from school children, elderly waiting for services, and working families burdened with high property taxes.

This state is in a financial crisis, everyone recognizes that. The passage of **HB 2005** added another \$1.4 million special interest tax break for railroads which compounds our budget problem. The fact is it could have been put off until next year when the state is in a better financial situation.—BILL REARDON, BILL FEUERBORN, SYDNEY CARLIN, JERRY HENRY, BRUCE LARKIN, ROGER TOELKES, JUDITH LOGANBILL, ETHEL PETERSON, TOM HOLLAND, TOM THULL

MR. SPEAKER: I vote no on **HB 2005**. An affirmative vote on **HB 2005** blows a \$1.4 million hole in the FY 2004 budget. I can't, in good conscience, take that money away from school children, elderly waiting for services, and working families burdened with high property taxes.

This state is in a financial crisis, everyone recognizes that fact. Today, by the passage of **HB 2005** we added another \$1.4 million special interest tax break for railroads. That tax break compounds our budget problem and allows the train lobby in this state to move from fried chicken to porterhouse steak. I vote no.—TOM SAWYER, MARTI CROW

**HB 2101.** An act concerning a license to be a private detective or private detective agency; concerning the terms of licenses and firearm permits; amending K.S.A. 2002 Supp. 75-7b05, 75-7b07, 75-7b17 and 75-7b21 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

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, 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, 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, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Carter, Faber.

Present but not voting: None.

Absent or not voting: Neufeld, O'Neal, Yonally.

The bill passed, as amended.

**HB 2310.** An act concerning the juvenile justice authority; relating to unclassified employees; amending K.S.A. 76-3202 and repealing the existing section, 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, 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, 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, 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, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Neufeld, O'Neal, Yonally.

The bill passed, as amended.

**SB 73.** An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, 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, 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, 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, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Neufeld, O'Neal, Yonally.

The bill passed, as amended.

**REPORTS OF STANDING COMMITTEES**

The Committee on **Economic Development** recommends **SB 65 be passed**.

**REPORT OF STANDING COMMITTEE**

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

**Request No. 84**, by Representative Powell, congratulating Homer and Fern Delaney on their 69th wedding anniversary;

**Request No. 85**, by Representatives Phelps and D. Johnson, commending the soldiers of Detachment 3 731st Medium Truck Company for their personal sacrifices and commitment to freedom and democracy;

**Request No. 86**, by Representative D. Johnson, congratulating Barbara and Kendal Grecian on being named Kansas Master Farmer and Master Farm Homemaker;

**Request No. 87**, by Representative Ballard, congratulating Henry and Gina Wigington, John and Helen Scanlan, and Mr. and Mrs. Clarence Denton on their 50th wedding anniversaries;

**Request No. 88**, by Representative Dreher, congratulating Max and Bethel Ludlum on their 50th wedding anniversary;

**Request No. 89**, by Representative Flaharty, congratulating James E. and V. Jean Whalen on their 50th wedding anniversary;

**Request No. 90**, by Representative Compton, congratulating Blake Zimmerman on winning 3rd place, 215 Pound Class, and Nash Burtin on winning 4th place, 103 Pound Class, at the 3-2-1A State Wrestling Meet;

**Request No. 91**, by Representative Dreher, congratulating Keith and Beverly Locke on their 50th wedding anniversary;

**Request No. 92**, by Representative Wilson, congratulating William J. Scott on 22 years of service as Fire Chief to the people of Pittsburg;

**Request No. 93**, by Representative Phelps, congratulating Julie Schmeidler of Kennedy Middle School for winning 1st place at the Ellis County Spelling Bee;

**Request No. 94**, by Representative Ostmeyer, congratulating Sonny Weinhardt on being honored by the Kansas State High School Activities Association for fifty years of service to the schools and youth of Kansas as a registered high school basketball official;

**Request No. 95**, by Representative D. Johnson, congratulating Chaplain (Maj.) Peter Nissen on his retirement as a military chaplain;

**Request No. 96**, by the 2003 Legislature, congratulating Bill and Betty Mason on their 50th wedding anniversary;

**Request No. 97**, by Representative Dahl, honoring Andrew Holt on achieving the rank of Eagle Scout;

**Request No. 98**, by Representative Dahl, congratulating Joe and Irene States on their 50th wedding anniversary;

**Request No. 99**, by Representative Pottorff, congratulating Carol Konek on receiving the A. Price Woodard Award from the National Conference for Community and Justice;

**Request No. 100**, by Representative Pottorff, congratulating Jill Docking and Barbara and David Rolph on receiving the Brotherhood/Sisterhood Award from the National Conference for Community and Justice;

**Request No. 101**, by Representative E. Johnson, congratulating Leann Buethner on her completion of the requirements for National Board Certification as an Early Childhood Generalist;

**Request No. 102**, by Representative E. Johnson, congratulating Mr. and Mrs. Bill Dennett on their 60th wedding;

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.

**REPORT ON ENGROSSED BILLS**

**HB 2005, HB 2101, HB 2310** reported correctly engrossed March 13, 2003.

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

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

