

Journal of the House

FORTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 18, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by guest chaplain, the Rev. Henry A. Roberts, Jr., retired Presbyterian USA minister, Ottawa, and guest of Rep. Feuerborn:

Eternal God, grant to the women and men of this prominent body a moment of sacred quiet and consecration before addressing the issues and responsibilities of the day.

We are indeed grateful for their devotion to their office. Bless us this day with your Holy Spirit and help all to discharge their duties faithfully and well. Let them be sensitive to the needs of their constituents. Bestow on them the courage not to spend time and energy in that which is less than the highest and the best. In their differences may they be kind; in agreements be humble, that your Holy Will be done in and through them.

O God of Truth, who alone can lead all humankind into the truth that is freedom and joy, we ask that You be their Teacher as they work in committees and in this House developing bills and making decisions affecting the lives of all those in our state.

Almighty God, bless Governor Sebelius and our great state of Kansas. Bless President Bush and our United States of America as we stand on the brink of war. We pray Your Divine protection for all in the Armed Forces that are in harms way. So help us all this day, through Jesus Christ our Lord. Amen.

The Pledge of Allegiance was led by Rep. Thull.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2444. An Act making and concerning appropriations for the fiscal years ending June 30, 2003, June 30, 2004, and June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2-223 and K.S.A. 2002 Supp. 55-193, 75-2319, 76-775, 79-2959, as amended by section 21 of 2003 House Bill No. 2026, 79-2964, as amended by section 22 of 2003 House Bill No. 2026, 79-34251, as amended by section 23 of 2003 House Bill No. 2026, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **HB 2443.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6015—

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

A RESOLUTION honoring the men and women of Kansas serving in America's armed forces.

WHEREAS, Several thousand Kansans serve in America's armed forces in Kansas and around the world; and

WHEREAS, These individuals sacrifice their time and comfort to train and execute the duties of protecting this free nation; and

WHEREAS, Families of those serving in the military unselfishly endure on the homefront while their loved ones serve our country; and

WHEREAS, We realize members of the armed forces fought for and provided the independence under which our country was conceived, and have continued throughout our nation's history to protect freedom; and

WHEREAS, In this time of unstable global security, these men and women courageously stand guard on the walls of democracy and freedom to protect those that reside within, and give hope to those who dwell in the darkness of tyranny; and

WHEREAS, By their service, America is, and will continue to be "One nation under God, indivisible, with liberty and justice for all": Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we express our support and gratitude for the men and women of Kansas serving in the United States armed forces, both home and abroad, protecting our nation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 26. An act concerning insurance; relating to risk-based capital requirements; amending K.S.A. 2002 Supp. 40-2c01 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 1; Absent or not voting: 0.

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

Nays: None.

Present but not voting: Landwehr.

Absent or not voting: None.

The bill passed.

SB 133, An act concerning workers compensation; relating to compilation and publication of certain statistics and data; amending K.S.A. 2002 Supp. 44-557a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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, 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: None.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 4**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 2, in line 12, by striking "and" and inserting a comma; also in line 12, following "2003-2004" by inserting ", school year 2004-2005, school year 2005-2006 and school year 2006-2007";

And your committee on conference recommends the adoption of this report.

MELVIN J. NEUFELD

CLARK SHULTZ

BILL FEUERBORN

Conferees on part of House

STEPHEN R. MORRIS

DAVID ADKINS

PAUL FELECiano, JR.

Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **SB 4** was adopted.

On roll call, the vote was: Yeas 109; Nays 16; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Barbieri-Lightner, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Holland, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Kirk, Klein, 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, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer,

Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, Beggs, Bethell, Dreher, Edmonds, Freeborn, Hill, Holmes, Huff, Jack, Kassebaum, Loyd, O'Malley, O'Neal, Reitz, Wilk.

Present but not voting: None.

Absent or not voting: None.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 175**, submits the following report:

The House recesses from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

MELVIN J. NEUFELD
CLARK SHULTZ
ROCKY NICHOLS
Conferees on part of House

STEPHEN R. MORRIS
PAUL FELECIANO, JR.
DAVID ADKINS
Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **SB 175** was adopted.

On roll call, the vote was: Yeas 70; Nays 55; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballou, Barbieri-Lightner, Betts, Brunk, Burgess, Carlin, Carter, Compton, Craft, Dahl, DeCastro, Decker, Faber, Flaharty, Freeborn, Goering, Goico, Gordon, Grant, Hayzlett, Holmes, Horst, Howell, Huebert, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Light, Loganbill, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Owens, Patterson, Peterson, Pottorff, Powell, Powers, Schwab, Schwartz, B. Sharp, Showalter, Shultz, Siegfried, Tafanelli, Thimesch, Thull, Vickrey, D. Williams, Wilson.

Nays: Ballard, Beggs, Bethell, Boyer, Burroughs, Campbell, Cox, Crow, Davis, Dillmore, Dreher, Edmonds, Feuerborn, Flora, Gatewood, Gilbert, Henderson, Henry, Hill, Holland, Huff, Humerickhouse, Huntington, Jack, Kassebaum, Klein, Larkin, M. Long, Loyd, Judy Morrison, Neighbor, Newton, Nichols, O'Malley, O'Neal, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Shriver, Sloan, Storm, Svaty, Swenson, Toelkes, Ward, Wilk, J. Williams, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: None.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House Rule 2306, **SB 115** was withdrawn from the Calendar under that order of business General Orders and referred to Committee on Taxation.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 130**, **SB 53** be passed.

Committee report to **SB 102** be adopted; and the bill be passed as amended.

SB 17 be passed over and retain a place on the calendar.

Committee report to **SB 21** be adopted; and the bill be passed as amended.

Committee report to **SB 43** be adopted; also, on motion of Rep. Powell be amended on page 1, after line 15, by inserting the following:

“Section 1. K.S.A. 2002 Supp. 32-964 is hereby amended to read as follows: 32-964.
(a) As used in this section:

(1) “Commercial guide services” means providing, offering to provide, arranging for or assisting with hunting or fishing activities for others on a commercial basis, including but not limited to providing any one or more of the following when used in conjunction with or for hunting or fishing activities: Pack or riding livestock, transportation other than by commercial carrier, equipment or facilities.

(2) “Commercial basis” means that the recipient of the services agrees to provide valuable consideration as compensation for the guide services, and the services are provided as part of a business relationship. Evidence of a business relationship includes, without limitation, advertisement of the guide services, written agreement of the terms of payment or services provided by an employee of a commercial guide. Providing guide services on land not owned or leased by the individual providing the services shall not by itself constitute evidence that the services are provided on a commercial basis.

(3) Terms defined in K.S.A. 32-701 and amendments thereto have the meanings provided by that section.

(b) A valid commercial guide permit or associate guide permit is required to provide commercial guide services in this state.

(c) The provisions of subsection (b) do not apply to a person who:

(1) Possesses a controlled shooting area license and commercial guide services performed by the person are confined to the licensed controlled shooting area;

(2) owns private land and commercial guide services performed by the person are confined to lands owned by the individual;

(3) is a tenant, as defined by K.S.A. 32-937 and amendments thereto, and commercial guide services performed by the person are confined to farm or ranch land with respect to which the person is such a tenant; ~~or~~

(4) provides commercial guide services only in cooperation with an educational or not-for-profit event approved by the secretary; *or*

(5) *provides commercial guide services only in the hunting of game birds as defined in K.S.A. 32-943 and amendments thereto.*

(d) Any person who desires to provide commercial guide services shall apply to the secretary for a commercial guide permit. The application shall give the name and address of the applicant, the type of commercial guide services to be provided, the area of the state where guide services would occur, a listing of facilities proposed for use, a listing of equipment to be available to the commercial guide service customers, including pack or riding livestock, and such other information as required by the secretary. The fee prescribed pursuant to K.S.A. 32-988 and amendments thereto shall accompany the application.

(e) The secretary may issue a commercial guide permit if the secretary determines that:

(1) The applicant possesses adequate knowledge of wildlife and parks laws of this state and rules and regulations of the secretary;

(2) the applicant possesses adequate knowledge of hunting or fishing skills;

(3) the applicant is 16 or more years of age; and

(4) the application is complete and accurate.

The secretary may require an applicant to successfully complete a written or oral examination before issuing a commercial guide permit and may establish an annual date by which applications must be submitted.

(f) A commercial guide permittee shall make such reports of permitted activities to the secretary as required by rule and regulation adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.

(g) A commercial guide permittee may employ one or more associate guides to conduct services authorized by the commercial guide permit while the associate guide is in the employment of the commercial guide permittee. A commercial guide permit or associate guide permit is required for any individual so employed by a commercial guide permittee.

(h) Any individual who desires to obtain an associate guide permit shall apply to the secretary. The application shall give the name and address of the applicant; the name,

address and commercial guide permit number of the commercial guide by whom the applicant would be employed; the notarized signature of such commercial guide permittee; and such other information as required by the secretary. The fee prescribed pursuant to K.S.A. 32-988 and amendments thereto shall accompany the application.

(i) The secretary may issue an associate guide permit if the secretary determines that:

- (1) The applicant possesses adequate knowledge of wildlife and parks laws of this state and rules and regulations of the secretary;
- (2) the applicant possesses adequate knowledge of hunting or fishing skills; and
- (3) the application is complete and accurate.

The secretary may require an applicant to successfully complete a written or oral examination prior to issuance of an associate guide permit and may establish an annual date by which applications must be submitted.

(j) Commercial guide permits and associate guide permits expire on December 31 of each year.

(k) A commercial guide permittee or associate guide permittee may assist with the legal taking of wildlife while providing commercial guide services but shall not perform the actual taking or shooting of wildlife for the guided person.

(l) Unless exempt pursuant to K.S.A. 32-919 and amendments thereto, a commercial guide permittee or associate guide permittee shall be required to possess a valid hunting license issued to such permittee in order to conduct hunting activities. Unless exempt pursuant to K.S.A. 32-911 and amendments thereto, a commercial guide permittee or associate guide permittee shall be required to possess a valid fishing license issued to such permittee in order to conduct fishing activities. A commercial guide permittee or associate guide permittee shall be required to possess any stamp as required by law to engage in the activity.

(m) It shall be unlawful to perform commercial guide services without having in possession the written permission of the owner or the person in lawful possession of the land where the commercial guide services are performed.

(n) The secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, such rules and regulations as necessary to administer and govern commercial guide services, including such restrictions and conditions as required for wildlife resource protection and to protect the public interest and public safety.

(o) In addition to any other penalty prescribed by law, the secretary, in accordance with the Kansas administrative procedure act, may refuse to issue, refuse to renew, suspend or revoke a commercial guide permit or an associate guide permit if the secretary finds that the applicant has:

- (1) Failed to comply with the wildlife and parks laws of this state or rules and regulations of the secretary;
- (2) been convicted of a violation of the fish, wildlife, boating or parks laws of another jurisdiction;
- (3) been convicted of a felony involving the use of violence or the use of weapons;
- (4) been convicted of any other felony within the previous five years; or
- (5) failed to provide required reports.

(p) The secretary upon request shall receive from the Kansas bureau of investigation such criminal history record information relating to arrests and criminal convictions as necessary for the purpose of determining initial and continuing qualifications of applicants for commercial guide permits and associate guide permits.

(q) The secretary may prepare a general publication listing commercial guide permittees and services offered by the permittees for the purpose of assisting the public in securing the services of a commercial guide. No commercial guide permittee shall be included in such publication without the written consent of the permittee.”;

And by renumbering sections accordingly;

On page 3, in line 24, after “Supp.” by inserting “32-964 and”;

Also on page 1, in the title, in line 11, after the semicolon, by inserting “commercial guide permits;”; in line 12, after “Supp.” by inserting “32-964 and”; and **SB 43** be passed as amended.

Committee report to **SB 199** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Education** recommends **SB 74** be amended on page 1, in line 27, before "may", by inserting "and governing authorities of accredited nonpublic schools"; and the bill be passed as amended.

The Committee on **Education** recommends **SB 82** be amended on page 4, after line 26, by inserting the following:

"Sec. 5. K.S.A. 72-8134 is hereby amended to read as follows: 72-8134. (a) Each member district of unified school district No. 512, Johnson county, Kansas shall have a five-member advisory board. The member of the board of education elected from each member district shall be a member and chairperson of the advisory board for ~~his or her member~~ such member's district. ~~Commencing in 1978, the four (4) The four~~ members of the advisory board other than the chairperson shall be elected during the month of May of each even-numbered year at a meeting of school patrons of that member district called for the purpose by the board of education, and shall serve for a term of two ~~(2)~~ years. ~~The members of the advisory board incumbent under the provisions of this section, prior to its amendment by this act, and on the effective date of this act, shall continue in office after the expiration of the term for which each was elected and shall serve as members of the advisory board until such time as the newly elected members of the advisory board are elected and take office in the month of May, 1978. Such newly elected members shall serve for a term of two (2) years as herein provided.~~ Absentee ballots may be cast at any election of advisory board members in the manner and under the conditions prescribed by the board of education. If a vacancy shall occur on any advisory board, the board of education shall appoint a person to fill such vacancy for the unexpired term.

(b) The advisory board of each member district shall serve to provide liaison between the citizens of the member district and the board of education of the unified school district. Each advisory board shall be responsible to make recommendations to the board of education on all matters relating to education including, but without excluding others, the following subject areas: (1) Personnel of the school district, (2) curricula, (3) budget and (4) budget allocation. On or before December 1 of each year each advisory board shall adopt its recommendations with respect to curricula and shall submit the same to the board of education of the unified school district. On or before February 1 of each year each advisory board shall make its recommendations on personnel and submit the same to such board of education. Each advisory board shall meet at least monthly at a time and place determined by it, and such time and place shall be specified in a publication notice thereof at least one time each year in a newspaper having general circulation in the member district. Such publications shall not be required to be in the form of a legal publication, and such publication may be made in a paper not authorized to make legal publications in such unified school district.

New Sec. 6. On or about October 1 of each year, in all school districts, the board shall cause to be delivered to a newspaper in the school district for printing and publishing, at the discretion of the newspaper, a statement showing the name, position and salary of the superintendent, deputy superintendents, assistant superintendents, directors, principals and heads of departments of such school system.;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 12, after "1623a," by inserting "72-8134,;" in line 15, after "through" where it appears for the second time, by inserting "72-8133, 72-8135,;" in line 19, by striking "; relating to school districts"; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **SB 132** be amended on page 1, following line 16, by inserting the following:

"(b) As used in this section, "qualified person" means a person who: (1) Has completed a course in cardiopulmonary resuscitation or a basic first aid course of training that includes cardiopulmonary resuscitation training; (2) has completed a course of training in the use of automated external defibrillators; and (3) has demonstrated proficiency in the use of an automated external defibrillator.;"

And by relettering the remaining subsections accordingly;

Also on page 1, in line 32, by striking “author-”; by striking all in lines 33 through 41; in line 42, by striking all before the period and inserting the following:

“pursuant to a prescription order authorizes the acquisition of an automated external defibrillator or participates in the development of usual and customary protocols for an automated external defibrillator by a person or entity which owns, leases, possesses or otherwise controls such automated external defibrillator and provides such automated external defibrillator for use by others shall be held liable for any civil damages as a result of such use”;

On page 2, in line 13, following “administration” by inserting “, in conjunction with the Kansas highway patrol,”; by striking all in lines 29 through 34; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2445. An act concerning the department of wildlife and parks; prescribing certain procedures for acquisition of land by such department, by Committee on Appropriations.

HB 2446. 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, by Committee on Appropriations.

HB 2447. An Act making and concerning appropriations for the fiscal year ending June 30, 2004, for the Kansas technology enterprise corporation; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5020—

By Representative Davis

A PROPOSITION to revise article 10 of the constitution of the state of Kansas, relating to redistricting of legislative districts, state board of education districts and congressional districts.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 10 of the constitution of the state of Kansas is hereby revised to read as follows:

“Article 10. — LEGISLATIVE, STATE BOARD OF EDUCATION AND CONGRESSIONAL REDISTRICTING

“§ 4. **Redistricting required; basis.** (a) Kansas house of representatives districts, Kansas senate districts, state board of education districts and United States congress districts shall be redistricted in 2012 and every 10th year thereafter, as provided by this article.

(b) Redistricting of Kansas house of representatives districts, Kansas senate districts, state board of education districts and congressional districts shall be based upon the population of the state of Kansas as established by the most recent actual enumeration of population taken and published by the United States bureau of the census.

“§ 5. **Establishment of redistricting commission.** (a) A redistricting commission shall be established to recommend to the legislature redistricting plans for Kansas house of representatives districts, Kansas senate districts, state board of education districts and United States congress districts.

(b) The redistricting commission shall consist of five members. One member each shall be appointed by the president of the Kansas senate, the minority leader

of the Kansas senate, the speaker of the Kansas house of representatives and the minority leader of the Kansas house of representatives. Such members shall be voting members and shall be appointed not later than the 10th legislative day of the regular legislative session in the year before the year when redistricting is required. The chairperson of the commission shall be selected by the voting members of the commission from among persons nominated pursuant to subsection (d). The legislature shall provide by law for legislative staff to call a meeting of the voting members of the commission for the purpose of selecting the chairperson. If the chairperson is not selected within 20 legislative days after the last of the four voting members is appointed, the chief justice of the Kansas supreme court, within 30 legislative days after the last of the four voting members is appointed, shall select the chairperson from among persons nominated pursuant to subsection (d). The chairperson shall be a nonvoting member of the commission.

(c) Each member of the redistricting committee shall be a qualified voter of the state of Kansas. A person shall not be eligible to serve as a member of the commission if such person:

(1) Holds or, within the preceding 24 months, has held any federal, state or local office;

(2) is a relative or employee of any Kansas legislator, member of the Kansas state board of education or representative for Kansas to the United States house of representatives;

(3) is or, within the preceding 24 months, has been a registered lobbyist registered in the state of Kansas; or

(4) is an officer of any political party.

(d) On or before the 10th legislative day of the regular legislative session in the year before the year when redistricting is required, the supreme court nominating commission shall nominate and submit to legislative staff, as provided by statute, six qualified voters of the state of Kansas from among whom the chairperson of the redistricting commission shall be selected. Not more than three of the nominees shall be members of any one political party.

(e) Any vacancy in the membership of the redistricting commission shall be filled in the same manner as the original appointment.

(f) The redistricting commission shall meet on call of the chairperson of the commission.

(g) Members of the redistricting commission shall receive compensation and reimbursement of expenses in the same manner and amounts as provided for legislators attending meetings of the legislature. The legislature shall provide for legislative staff to staff the commission and shall provide for office space, equipment and materials adequate for the commission to carry out its duties.

(h) The terms of members of the redistricting commission shall expire on July 1 of the year when redistricting occurs pursuant to this article and the commission shall be inactive until reestablishment of the commission at the time of the next redistricting pursuant to this article.

“§ 6. **Commission procedure and recommendations.** (a) The redistricting commission shall establish such rules and procedures as necessary to carry out the commission’s functions. Such rules and procedures shall include rules requiring formal submission to the commission of all communications with commission members regarding matters before the commission. *Ex parte* communications with members of the commission in relation to the merits of matters before the commission shall be prohibited.

(b) All meetings of a majority of a quorum of the commission or subcommittees of the commission shall be open to the public.

(c) In recommending redistricting plans, the redistricting commission shall consider the following, in descending order from highest to lowest priority: Equality of population as required by law; protection of voting rights of racial, ethnic and language minority groups as required by law; preservation of political subdivisions; con-

tiguity and compactness of districts; and avoidance of placing more than one incumbent in a district.

In recommending congressional redistricting plans, the commission shall not divide any city between two or more districts unless necessary to achieve equality of population as required by law or to protect voting rights of racial, ethnic and language minority groups, as required by law. In recommending Kansas house of representatives districts and Kansas senate districts, the commission shall ensure that the number of counties and cities divided between two or more districts is as small as possible and that, when such districts would divide political subdivisions, preference is given to dividing the most populous subdivisions.

(d) Except as expressly provided in this subsection, the commission shall not intentionally develop districts that favor or discriminate against any candidate, political party or other person or group of persons. To ensure compliance with the provisions of this subsection, political affiliation of voters, election results and demographic data other than that required to comply with federal law shall not be considered by the commission in recommending any redistricting plan.

“§ 7. Proposed plans; legislative action; court review and action. (a) Prior to release by the United States bureau of the census of the population data upon which redistricting is based, the redistricting commission shall meet for orientation, education and training of commission members. Within 30 days after such release of the population data, the commission shall establish a schedule of public hearings. Such hearings shall be held within 90 days after release of such data and at least one hearing shall be held in each state board of education district. On or before September 1 of the year before the year when redistricting is required, the commission shall make public an official report of the public hearing conducted by the commission.

(b) On or before December 1 of the year before the year when redistricting is required, the redistricting commission shall make public proposed plans for redistricting Kansas house of representatives districts, Kansas senate districts, Kansas state board of education districts and United States congress districts. On or before the first day of the regular legislative session in the year when redistricting is required, the redistricting commission shall introduce in the house of representatives a bill redistricting congressional districts in accordance with the plan proposed pursuant to subsection (a) and shall introduce in the senate a bill redistricting Kansas senate districts, Kansas house of representatives districts and state board of education districts in accordance with the plans proposed pursuant to subsection (a). Such bills shall not be subject to amendment by either house of the legislature and each such bill shall be acted upon by each house not earlier than five legislative days nor later than 10 legislative days after such bill is introduced in such house.

(c) If a bill introduced pursuant to subsection (b) is not enacted, the redistricting commission, within 21 legislative days after rejection of the bill by either house of the legislature or veto of the bill by the governor, shall introduce another bill redistricting such districts. Either the house of representatives or the senate may transmit to the commission a letter stating the reasons why the bill was not enacted and the commission shall take such reasons into consideration in introducing a bill pursuant to this subsection, subject to the requirements of subsection (c) of section 6. Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the senate president and the minority leader of the senate. Introduction of a bill pursuant to this subsection shall be in the same house as introduction of the original bill pursuant to subsection (b). Such bill shall not be subject to amendment by either house and shall be acted upon by each house not earlier than five legislative days nor later than 10 legislative days after the bill is introduced in such house.

(d) If a bill introduced pursuant to subsection (c) is not enacted, the redistricting commission, within 21 legislative days after rejection of the bill by either house of the legislature or veto of the bill by the governor, shall introduce another bill redistricting such districts. Either the house of representatives or the senate may transmit to the commission a letter stating the reasons why the bill was not enacted but the

commission shall not be required to take such reasons into consideration in introducing a bill pursuant to this subsection. Any such letter shall be signed by both the speaker of the house of representatives and the minority leader of the house of representatives or both the senate president and the minority leader of the senate. Introduction of a bill pursuant to this subsection shall be in the same house as introduction of the original bill pursuant to subsection (b). Such bill shall be subject to amendment by each house, subject to the requirements of subsection (c) of section 6. Such bill shall be acted upon by each house not earlier than seven legislative days nor later than 21 legislative days after the bill is introduced in such house.

(e) Redistricting bills shall be published in the Kansas register immediately upon final passage and approval by the governor. The districts enacted shall be effective for the next following regular election and thereafter until again such districts are redistricted, except that the senate districts shall be effective for the next following regular election at which all senators are elected.

(f) If no bill becomes law to redistrict any districts as required by this article or if a law redistricting any districts as required by this article is declared invalid by the Kansas supreme court, the supreme court shall redistrict such districts in accordance with law, making as little change as practicable in the existing districts and taking into consideration only the requirements of this constitution and federal law. The legislature shall make staff and technical resources available to the supreme court for use in redistricting such districts.

(g) The Kansas supreme court shall have original jurisdiction in all proceedings concerning the validity of any law redistricting any districts as required by this article. The redistricting commission or the attorney general may file an action in the Kansas supreme court to determine the validity of any law redistricting any districts as required by this article.

“§ 8. **Implementing legislation.** The legislature may enact legislation, not in conflict with the provisions of this article, as reasonably necessary to implement such provisions.”

Sec. 2. The following statement shall be printed on the ballot with the revision as a whole:

Explanatory statement. This revision of article 10 of the state constitution would govern redistricting of legislative, state board of education and congressional districts. Under the revision a redistricting commission would be established to recommend redistricting plans to the legislature. The legislature would enact a plan which would be subject to review by the state supreme court. There would be strict deadlines for legislative action and if no plan is adopted by the deadline, the state supreme court would redistrict the districts. Redistricting would be based on the most recent census taken by the U.S. bureau of the census without adjustment.

“A vote for this proposition would change the procedure for redistricting of legislative, state board of education and congressional districts and the population data on which legislative and state board of education redistricting is based.”

“A vote against this proposition would continue the current procedures and basis for redistricting.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2004 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6016—

By Committee on Education

A RESOLUTION urging the local school boards to maintain efforts to support early childhood education.

WHEREAS, “Early experience has a decisive and long-lasting impact on ability to learn and control emotions. Effective, timely interventions can improve results for children, especially those most at risk.” Material quoted from a power-point presentation made by staff from the Education Commission of the States before a legislative committee in September 2000; and

WHEREAS, “Young children exposed to high-quality early childhood settings exhibit better language and mathematics skills, better cognitive and social skills, and better relationships with classmates than do children in lower-quality care.” Executive Summary of Quality Counts, quoted in Education Week, January 10, 2002; and

WHEREAS, “Evaluations of well-run early-learning programs also have found that children in those environments were less likely to drop out of school, repeat grades, need special education or get into future trouble with the law than similar children who did not have such exposure.” Executive Summary of Quality Counts, quoted in Education Week, January 10, 2002; and

WHEREAS, “Families with low incomes, particularly the working poor, have the least access to high-quality early-childhood services.” Executive Summary of Quality Counts, quoted in Education Week, January 10, 2002; and

WHEREAS, “There is highly uniform evidence of long-term positive effects (of early childhood education) on school success as measured by rates of grade retention, special education, and high school graduation.” “Long-Term Cognitive and Academic Effects of Early Childhood Education on Children in Poverty,” W. Steven Barnett, Preventive Medicine, 1998; and

WHEREAS, “Programs that produce substantial improvements in the cognitive development and school success of children in poverty can be expected to produce substantial direct benefits through educational cost-savings and substantial indirect benefits as the result of increased productivity and social responsibility.” “Long-Term Cognitive and Academic Effects of Early Childhood Education on Children in Poverty,” W. Steven Barnett, Preventive Medicine, 1998; and

WHEREAS, A Michigan study compared students in their twenties who had had high-quality early childhood education with a group that had had none. The early childhood education group had: Higher monthly earnings; significantly higher percentages of home ownership; significantly higher level of schooling; significantly lower percentage of receiving social services at some time in the previous 10 years; and significantly fewer arrests by age 27. Significant Benefits; The High/Scope Perry Preschool Study Through Age 27, L.J. Schweinhart, H.V. Barnes, and D.P. Weikart. Monographs of the High/Scope Educational Research Foundation, No. 10, Ypsilanti, Michigan: High/Scope Press, 1993; and

WHEREAS, The No Child Left Behind Act holds schools accountable for performance. The law requires teacher quality standards and an increased emphasis on early childhood reading programs. States that fail to attain standards face sanctions that require local districts or the state to take corrective action: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the local school districts, despite difficult financial times, to make every effort to continue supporting and maintaining early childhood education, pre-kindergarten through the third grade; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the boards of education of the 303 school districts in the state of Kansas.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Ballou announced Rep. B. Sharp will resume her position on Committee on Insurance, replacing Rep. Wilson who was appointed temporarily.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, March 19, 2003.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

