

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 20, 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.
Reps. Holland, Krehbiel and Yonally were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Frank DeFisher, pastor, United Methodist Church, Cimarron, and guest of Rep. Powell:

Eternal God,

We pause in your presence this day, to ask that your wisdom and guidance be granted to each of us. We thank you for the dedication of the men and women in this chamber who serve the citizens of this state.

There are so many complex problems facing our state that we confess we're not sure we fully understand the problems, let alone how to grasp the solutions. Your word tells us "In all our ways to acknowledge you and you will direct our pathways," and we come as created beings in the presence of our creator asking for your help today. We acknowledge there are so many voices calling for our attention, so many forces pulling us in so many directions, that unless you grant us your wisdom we may make less than prudent decisions. May we adequately provide for those who cannot provide for themselves. Grant that love and compassion undergird all we do. These things we ask in Jesus' name. Amen.

The Pledge of Allegiance was led by Rep. M. Long.

SPECIAL RECOGNITION

Rep. Dahl recognized Rep. Mason and his wife, Betty, on their 50th wedding anniversary, and presented them with a certificate from the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2450. An act concerning maternity centers and child care facilities; relating to licensure requirements and exemptions therefrom; amending K.S.A. 59-2123, 65-501 and 65-503 and repealing the existing sections; also repealing K.S.A. 65-502, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Taxation: **HB 2449.**

Utilities: **HB 2448.**

MESSAGES FROM THE SENATE

Announcing passage of **SB 195, SB 237, SB 250, SB 251.**

Announcing passage of **HB 2221, HB 2315.**

Announcing passage of **HB 2018**, as amended; **Sub. HB 2064**, as amended; **HB 2158**, as amended; **HB 2169**, as amended; **HB 2207**, as amended.

The Senate adopts conference committee report on **SB 4**.

The Senate adopts conference committee report on **SB 175**.

The Senate concurs in House amendments to **SB 73**.

Also, announcing passage of **SB 260**.

Announcing passage of **HB 2016**, **HB 2017**, **HB 2089**, **HB 2191**, **HB 2193**.

Announcing passage of **HB 2106**, as amended.

Announcing adoption of **SCR 1609**, **SCR 1610**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 195, **SB 237**, **SB 250**, **SB 251**, **SB 260**; **SCR 1609**, **SCR 1610**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Tafanelli, **HR 6017**, A resolution supporting American Armed Forces and President Bush in their efforts to defend the United States against Saddam Hussein and the Iraqi regime as part of the war on terrorism, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 17, An act concerning district courts; relating to clerks and nonjudicial personnel; amending K.S.A. 2002 Supp. 20-343 and 20-345 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; 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, Henry, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, 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, Yoder.

Nays: Faber, Henderson, Howell, Ostmeyer, Winn.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Yonally.

The bill passed.

SB 65, An act concerning the Kansas certified capital formation company act; relating to certification of capital formation companies; tax credit revisions; amending K.S.A. 74-8222, 74-8223, 74-8225 and 74-8226 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 26; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, Decker, Dreher, Edmonds, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McKinney, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz,

B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Aurand, Ballou, Carter, DeCastro, Dillmore, Faber, Flora, Goering, Goico, Howell, Huebert, Huy, Kauffman, Klein, P. Long, McCreary, McLeland, F. Miller, Nichols, Osborne, Ostmeyer, Powers, Rehorn, Siegfried, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Yonally.

The bill passed.

SB 109, An act concerning certain municipalities; relating to the transfer of certain property acquired for cemetery purposes; amending K.S.A. 19-3101 and 19-3103 and repealing the existing sections; also repealing K.S.A. 19-3102, 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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, 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.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Yonally.

The bill passed, as amended.

SB 118, An act concerning the state board of education; relating to rules and regulations; amending K.S.A. 72-7514b and repealing the existing section; also repealing K.S.A. 72-7514a, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

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, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, 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, Huebert, Huy, P. Long, McKinney, Ostmeyer.

Present but not voting: None.

Absent or not voting: Holland, Krehbiel, Yonally.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 74** be adopted; and the bill be passed as amended.

Committee report to **SB 132** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Commerce and Labor** recommends **HB 2267** be passed.

The Committee on **Ethics and Elections** recommends **SB 103** be amended on page 1, in line 41, by striking "at" and inserting "for the office of the state officer sought to be recalled, such percentage to be based upon";

On page 2, in line 6, by striking "at" and inserting "for the office of the state officer sought to be recalled, such percentage to be based upon";

On page 3, in line 32, by striking "at" and inserting "for the office of the state officer sought to be recalled, such percentage to be based upon";

On page 4, in line 20, by striking "at" and inserting "for the office of the local officer sought to be recalled, such percentage to be based upon";

On page 5, in line 19, by striking "200" and inserting "180";

On page 6, in line 19, by striking "at" and inserting "for the office of the local officer sought to be recalled, such percentage to be based upon"; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **Sub. SB 204** 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 **Health and Human Services** recommends **SB 151** be amended on page 1, in line 39, by striking all after "services"; in line 40, by striking all before the period;

On page 2, in line 22, by striking "and to the"; in line 23, by striking "extent";

On page 4, in line 23, by striking all after "services"; in line 24, by striking "enterprise";

On page 5, in line 6, by striking "and to the"; in line 7, by striking "extent"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HCR 5016** be adopted.

The Committee on **Judiciary** recommends **SB 18** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 18," as follows:

"HOUSE Substitute for SENATE BILL No. 18

By Committee on Judiciary

"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."; and the substitute bill be passed.

(H. Sub. for **SB 18** was thereupon introduced and read by title.)

The Committee on **Judiciary** recommends **SB 61** be amended on page 8, in line 34, by striking "or a former student-athlete"; in line 35, by striking all after the period; by striking all in line 36; in line 39, by striking "or former student-athlete";

On page 9, in line 4, by striking all after "agent"; in line 5, by striking all before the period; in line 6, by striking all after "(d)"; by striking all in lines 7 and 8; in line 9, by striking "(e)";

On page 15, in line 7, before the period, by inserting " , except when such information is required to be submitted in an application pursuant to section 5, and amendments thereto"; 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 bill was thereupon introduced and read by title:

HB 2451, An act concerning property taxation; relating to exemptions; amending K.S.A. 2002 Supp. 79-201b and repealing the existing section, by Committee on Taxation.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6018—

By Representatives Phelps, 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, Kas-sebaum, 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, 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 and Yonally

A RESOLUTION in memory of Bill Levinson.

WHEREAS, William J. "Bill" Levinson, 76, of Junction City and the immediate past state representative for the 65th District of the Kansas House of Representatives, died October 7, 2002. A public funeral service was held for him at the municipal building in Junction City; and

WHEREAS, Bill Levinson was in his first term as a representative and was a candidate for reelection. He had served as a member of the Committees on Business, Commerce and Labor; E-Government; Tourism and Transportation; and

WHEREAS, Bill Levinson had a long career of public service. He was a military veteran having served on a submarine chaser in the Navy in the pacific theater during World War II and with the 7th Division of the Army during the Korean Conflict. He retired from the Kansas Department of Transportation with 30 years of service. He served on the Junction City Commission from 1995 to 2001 and as the city's mayor from 1997 to 1998; and

WHEREAS, Bill Levinson was a true patriot and booster of his state and community. He didn't miss a day when the legislature was in session; he started a fund drive to establish the Geary County Historical Society Museum and was instrumental in the downtown revitalization of Junction City; he and his wife painted the city's fire hydrants with patriotic themes in celebration of our nation's bicentennial; he worked closely on the project to erect a monument to the Buffalo Soldiers of the 9th and 10th Cavalry and he sponsored community antique and classic car shows for several years. He had stong feelings about our flag; he cared about people and this caring showed through everything he did. In many respects he was a committee of one when it came to making community events happen; and

WHEREAS, Bill Levinson married Inge Klein in 1958; she survives. They have a son, Ben, a daughter, Ingrid, and three grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family of William J. "Bill" Levinson and express our appreciation for the lifetime of devoted service he gave to his city, state and nation; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Mrs. William J. Levinson, 337 West Chestnut, Junction City, KS 66441.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, March 21, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

