

Journal of the House

SIXTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, May 3, 2003, 2:00 p.m.

The House met pursuant to adjournment with Speaker Mays in the chair.

The roll was called with 117 members present.

Rep. Thimesch was excused on legislative business.

Reps. Ballou, Merrick, J. Miller, O'Neal, Osborne, Pottorff and Tafanelli were excused on excused absence by the Speaker.

Present later: Rep. Osborne.

Prayer by Chaplain Chamberlain:

Almighty God, you are the beginning and the end of every journey. You are our divine companion as we tread the mountaintops of success and as we walk hesitantly through the valley of shadows. You never abandon us, even when we imagine that all our triumphs are our own, or when we imagine that every setback signals your inattention to our needs.

We thank you Lord that this body of your servants began their journey in prayer and that you have walked faithfully with them in these days. Now Lord, we ask for your presence at the completion of their journey. Give them an ability to see the way forward in the final days of their labor. Lead them in the way that honors you and shows their respect and love for the democracy we received from your hands.

Bless also, Lord, those with whom your servants work. Bless colleagues in the Senate and their leadership; bless our Governor and those who labor in state government on our behalf and for all the citizens of Kansas. Lead us all together and keep us always aware of your presence.

On this day, we offer a special prayer for colleagues who are struggling with sorrow and concern for loved ones. We pray for Jo Ann Pottorff, whose mother struggles with grave illness and for John Ballou, whose father has suffered a life-threatening accident. Be with them in power, providing them comfort and reminding them of your never-failing presence. Amen.

The Pledge of Allegiance was led by Rep. Patterson.

MESSAGE FROM THE SENATE

Announcing passage of **SB 284**.

Announcing passage of **HB 2423**, as amended; **HB 2444**, as amended by **S. Sub. for HB 2444**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

HB 284.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **SB 284** to Committee of the Whole.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6029—

By Representatives Gilbert, McLeland and Sawyer

A RESOLUTION congratulating and commending the Wichita State University Women's Bowling Team for placing third in the 2003 Intercollegiate Bowling National Championship.

WHEREAS, The Wichita State University (WSU) Women's Bowling Team took third place in the 2003 Intercollegiate Bowling National Championship in Tulsa, Oklahoma, on April 23-26, 2003; and

WHEREAS, The WSU Women's Bowling Team has won a total of six national titles, in 1975, 1977, 1978, 1986, 1990 and 1994; and

WHEREAS, The WSU Coach Gordon Vadakin has coached the team since 1978, leading them to the National Collegiate Bowling Championship 24 times and has coached the team to four national titles; and

WHEREAS, WSU senior Kristal Scott was named to the All-Tournament team; and

WHEREAS, Since 1982, the WSU Women's Bowling Team has finished no lower than eighth in the nation: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Wichita State University Women's Bowling Team for placing third in the 2003 Intercollegiate Bowling National Championship; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Head Coach Gordon Vadakin, Assistant Head Coach Mark Lewis and team members Tish Carpenter, Mandy Etem, Anita Manns, Ruth Papa, Olivia Sandham, Kristal Scott, Shannon Sellens, Leslie Shelton, Maggie Smith, Cathy Westberg, and Samantha Wong, all in care of Wichita State University, 1845 N. Fairmont, Wichita, Kansas 67260-0056.

HOUSE RESOLUTION No. 6030—

By Representatives Gilbert, McLeland and Sawyer

A RESOLUTION congratulating and commending the Wichita State University Men's Bowling Team for winning the 2003 Intercollegiate Bowling National Championship.

WHEREAS, The Wichita State University (WSU) Men's Bowling Team won the 2003 Intercollegiate National Championship in Tulsa, Oklahoma, on April 23-26, 2003; and

WHEREAS, WSU beat defending champion Western Illinois 4 games to 3 in a best of 7 series after being down 3 games to 1 and beat California State University-Fullerton 4.5 games to 3.5 in a tie breaking 8th game and had to beat California State University-Fullerton again 4 games to 2 to advance out of the contender's bracket and defeated Morehead State University 2 games to 1 to win the National Championship; and

WHEREAS, The WSU Men's team has won seven Intercollegiate Bowling National Championships in 1980, 1987, 1993, 1994, 1995, 1998 and 2003; and

WHEREAS, Coach Gordon Vadakin has coached the team since 1978, leading them to the Intercollegiate Bowling National Championship Tournament 23 times and has coached the team to seven national titles; and

WHEREAS, WSU junior Sean Rash was named to the All-Tournament team: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the Wichita State University Men's Bowling Team for winning the 2003 Intercollegiate Bowling National Championship Tournament; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to Head Coach Gordon Vadakin, Assistant Head Coach Mark Lewis, Assistant Men's Coach Lonnie Waliczek and team members Nathan Bohr, Mark Buffa, A.J. DeMond, Chris Greene, Scott How, Tony Johnson, Joe Keltner,

Aaron Koch, Sean Rash, Kevin Tabron, Russ Wilson and Derrick Woods, all in care of Wichita State University, 1845 N. Fairmont, Wichita, Kansas 67260-0056.

SPECIAL REMARKS

Rep. Huff presented a certificate to Rep. Peggy Long-Mast congratulating her on her recent marriage to John Mast.

In accordance with House Rules 3302(c), Speaker Mays appointed Rep. Holmes to perform the duties of Speaker pro tem.

SPECIAL REMARKS

Rep. Mays recognized Janet Jones, Chief Clerk, on 20 years of full-time service to the state of Kansas and presented her with her 20-year pin and a certificate.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Landwehr, **HR 6027**, A resolution memorializing the United States Congress to fund the F/A-22 Raptor Program, was adopted.

On motion of Rep. Powell to adopt **HR 6028**, A resolution memorializing the United States Congress regarding the Health Insurance Portability and Accountability Act (HIPPA), final action was delayed until the next legislative day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 261, An act concerning the transfer of certain powers, duties and functions between certain state agencies; and powers, duties and functions from the department of health and environment to the department on aging; amending K.S.A. 39-924, 39-925, 39-926, 39-930, 39-938, 39-940, 39-944, 39-945, 39-946, 39-947, 39-948, 39-950, 39-951, 39-952, 39-953a, 39-954, 39-958, 39-961, 39-963, 39-965, 39-969, 39-1404, as amended by section 5 of 2003 House Bill No. 2254, 39-1405, as amended by section 6 of 2003 House Bill No. 2254, 39-1406, as amended by section 7 of 2003 House Bill No. 2254, 39-1409, as amended by section 10 of 2003 House Bill No. 2254 and 39-1411 and K.S.A. 2002 Supp. 32-906, 39-923, 39-936 and 39-1402, as amended by section 3 of 2003 House Bill No. 2254, and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 0; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, 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, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballou, Faber, Merrick, J. Miller, O'Neal, Osborne, Pottorff, Tafanelli, Thimesch.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **HB 2423** and asked for a conference.

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

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **S. Sub. for HB 2444** and asked for a conference.

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 281**.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 281** be adopted; also, on motion of Rep. Burroughs to amend, the motion did not prevail.

Also, on further motion of Rep. Burroughs **SB 281** be amended on page 4, after line 42 by inserting the following:

“(k) Bonds issued under this section shall not be used to provide for or to increase compensation packages, rewards, bonuses, pensions, enhanced retirement, stock options, buyouts or substantial severance pay or other financial benefits to any chief executive officer, chief financial officer or any officers of the company.”;

And by relettering the remaining subsection accordingly; and the bill be passed as amended.

On motion of Rep. Aurand, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker Mays in the chair.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2461**.

Announcing passage of **HB 2067**, as amended.

The Senate adopts conference committee report on **HB 2014**.

The Senate accedes to the request of the House for a conference on **HB 2423** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2444** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **HB 2067** and asked for a conference.

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

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Aurand pursuant to House Rule 2311, **SB 281** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 281, An act enacting the economic revitalization and reinvestment act; relating to the secretary of commerce and Kansas development finance authority; authorizing the issuance

of bonds for certain economic development purposes; amending K.S.A. 74-8017 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 6; Present but not voting: 3; Absent or not voting: 9.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Crow, Davis, DeCastro, Decker, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, 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, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powell, Powers, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Edmonds, Faber, Henderson, Peterson, Reardon, Rehorn.

Present but not voting: Dahl, Goico, Huebert.

Absent or not voting: Ballou, Betts, Craft, Merrick, J. Miller, O'Neal, Pottorff, Tafanelli, Thimesch.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **SB 281**. This legislation is a wonderful example of the Legislature coming together to discover a creative solution to solve a difficult economic development challenge. The result will be a better Kansas.—ED O'MALLEY

On motion of Rep. Aurand, the House recessed until 5:30 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

The House stood at ease until the sound of the gavel.

Speaker Mays called the House to order.

MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 261**, 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 **H. Sub. for SB 263**, 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 **H. Sub. for SB 268**, 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 281**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2067** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

Also, announcing passage of **SB 285**.

The Senate concurs in House amendments to **H. Sub. for SB 27**, and requests return of the bill.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 285.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced the referral of **SB 285** to Committee of the Whole.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 261**.

Speaker Mays thereupon appointed Reps. 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 **H. Sub. for SB 263**.

Speaker Mays thereupon appointed Reps. 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 **H. Sub. for SB 268**.

Speaker Mays thereupon appointed Reps. 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 281**.

Speaker Mays thereupon appointed Reps. Wilk, Gordon and Burroughs as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2053, HB 2471 reported correctly engrossed May 3, 2003.

REPORT ON ENROLLED RESOLUTIONS

HR 6026 reported correctly enrolled and properly signed on May 3, 2003.

On motion of Rep. Aurand, the House adjourned until 2:00 p.m., Monday, May 5, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

