

# Journal of the House

## SEVENTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 4, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Reps. D. Williams and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Holy God, we praise your name this day. You chart our course through history, guiding and directing us in the ways that lead to life and to truth. You are there when we triumph and when we fail. You are there in our moments of joy and in our deepest disappointments. You are there as life is born and as it slips away. You are a God of constant presence and help and we, your people, lift our hearts in praise and thanksgiving.

Lord, you blanket the land we love in the purity of fresh snow. You remind us that we too are blanketed in the purity of your grace. We are cleansed and put right with you by your mercy and love.

Make our lives and the work we do this day worthy of your grace. Give our words the gift of healing, our thoughts the gift of charity and all our actions the gift of humility. Send your blessing and protection upon those who shiver this day for lack of heat or the resources to get it. Walk with those who have no home or family to turn to for warmth. Grant determination and perseverance to those who struggle to find honest work and an honest wage. And Lord, be with us as we encounter these your children so that we might know the ways in which you call us to respond as their brothers and sisters.

Hear us, O God of purity and light. Amen.

The Pledge of Allegiance was led by Rep. McLeland.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2696**, An act concerning taxation; relating to delinquent taxes; injunctions and restraining orders related to taxpayer engaging in business, by Committee on Taxation.

**HB 2697**, An act concerning the uniform interstate enforcement of domestic violence protection orders act; amending K.S.A. 2003 Supp.60-3108 and repealing the existing section, by Committee on Judiciary.

**HB 2698**, An act providing for the regulation and licensing of radiologic technologists and x-ray technicians; granting powers and duties of the state board of healing arts; establishing a radiologic technology council and providing for the functions thereof; declaring unlawful acts and penalties, by Committee on Health and Human Services.

**HB 2699**, An act relating to teachers; concerning salary schedule, by Representative Bethell.

### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Appropriations: **HB 2688; HCR 5034.**  
 Corrections and Juvenile Justice: **HB 2690, HB 2693.**  
 Federal and State Affairs: **HCR 5033.**  
 Financial Institutions: **HB 2685.**  
 Health and Human Services: **HR 6019.**  
 Insurance: **HB 2689.**  
 Judiciary: **HB 2683, HB 2684.**  
 Taxation: **HR 6017.**  
 Transportation: **HB 2691, HB 2692, HB 2694, HB 2695.**  
 Select Committee on Kansas Security: **HB 2686, HB 2687.**

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6020—

By Committee on Agriculture

A RESOLUTION approving Executive Reorganization Order No. 32, relating to the transfer of certain powers, duties and functions to the department of agriculture.

*Be it resolved by the House of Representatives of the State of Kansas:* That Executive Reorganization Order No. 32 is hereby approved; and

*Be it further resolved:* That the secretary of state shall transmit a copy of this resolution to the governor.

#### COMMUNICATIONS FROM STATE OFFICERS

From Kansas Sentencing Commission, 2004 Report to the Legislature, February 1, 2004.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### CONSENT CALENDAR

No objection was made to **HB 2606** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2549** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2549**, An act concerning insurance; pertaining to HIPAA compliance; amending K.S.A. 2003 Supp. 40-2258 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: D. Williams, Winn.

The bill passed.

**HB 2522**, An act relating to crimes and punishment; concerning traffic control signal preemption devices, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, 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, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: Faber, Klein, Powers.

Present but not voting: None.

Absent or not voting: D. Williams, Winn.

The bill passed, as amended.

**HB 2528**, An act concerning fire protection; authorizing payment for acquisition, installation or maintenance of fire hydrants by fire districts and townships; relating to fire and explosion investigations; amending K.S.A. 31-137 and K.S.A. 2003 Supp. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1904, 80-1913, 80-1917 and 80-1921 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: D. Williams, Winn.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 254** be passed over and retain a place on the calendar.

Committee reports recommending a substitute bill to **H. Sub. for Sub. SB 153**, and recommending amendments to the substitute bill be adopted; also, on motion of Rep. Dillmore to amend, the motion did not prevail.

Also, on motion of Rep. Neighbor to amend **H. Sub. for Sub. SB 153**, the motion was withdrawn.

Also, on motion of Rep. Freeborn **H. Sub. for Sub. SB 153** be amended on page 8, in line 35, after the period, by inserting “If stated separately in billings, the fees shall be labeled “public safety grants” and “public safety A.P. fee.””;

Also, on motion of Rep. McLeland **H. Sub. for Sub. SB 153** be amended on page 4, in line 33, after “include” by inserting “: (A) Expenditures necessary to provide wireless automatic location identification information unless the municipality has taken competitive bids for provision of such information and such expenditures are less than the bid of the lowest responsible bidder; or (B)”;

On page 8, in line 1, after “include” by inserting “: (A) Expenditures necessary to provide wireless automatic location identification information unless the municipality has taken competitive bids for provision of such information and such expenditures are less than the bid of the lowest responsible bidder; or (B)”;

Also, on motion of Rep. Huy **H. Sub. for Sub. SB 153** be amended on page 4, in line 22, after “11” by inserting “or 12”;

On page 10, in line 18, by striking “state corporation commission” and inserting “secretary”; in line 21, by striking “commission” and inserting “secretary”; in line 22, by striking “by order”; in lines 23 and 24, by striking “state corporation commission” and inserting “secretary”;

Also, on motion of Rep. Carter to amend **H. Sub. for Sub. SB 153**, the motion did not prevail.

Also, on motion of Rep. Ostmeyer to amend, the motion did not prevail. Also, on motion of Rep. Yonally to amend, the motion did not prevail.

Also, on motion of Rep. Neighbor **H. Sub. for Sub. SB 153** be amended on page 10, in line 21, by striking all after the period; by striking all in line 22; in line 23, by striking “carrier audited” and inserting “Any such audit shall be conducted at the expense of the State Corporation Commission”;

Also, on motion of Rep. Powers to amend **H. Sub. for Sub. SB 153**, the motion did not prevail and the substitute 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 were thereupon introduced and read by title:

**HB 2700**, An act concerning sales taxation; repealing streamlined sales tax implementation provisions; amending K.S.A. 2003 Supp. 12-189a, 12-191, 75-5151, 79-3602, 79-3603, 79-3606, 79-3607, 79-3608, 79-3650 and 79-3651 and repealing the existing sections; also repealing K.S.A. 2003 Supp. 79-3603c, 79-3666, 79-3667, 79-3668, 79-3669, 79-3670, 79-3671, 79-3672, 79-3673, 79-3674, 79-3675, 79-3676, 79-3677, 79-3678, 79-3679, 79-3680, 79-3681 and 79-3682, by Committee on Taxation.

**HB 2701**, An act concerning property taxation; relating to exemptions; certain personal property; amending K.S.A. 2003 Supp. 79-213 and repealing the existing section; also repealing K.S.A. 2003 Supp. 79-213c, by Committee on Taxation.

**HB 2702**, An act concerning taxation; relating to waiver of penalties and interest; destination-based sourcing; amending K.S.A. 2003 Supp. 79-3615 and 79-3706 and repealing the existing sections, by Committee on Taxation.

**HB 2703**, An act concerning personal property taxation; relating to valuation; rebuilt salvage vehicles; amending K.S.A. 79-5105 and repealing the existing section, by Committee on Taxation.

**HB 2704**, An act concerning sales taxation; relating to time for returns and payment of tax; amending K.S.A. 2003 Supp. 79-3607 and repealing the existing section, by Committee on Taxation.

**HB 2705**, An act concerning the state water plan fund; amending K.S.A. 2003 Supp. 82a-953a and repealing the existing section, by Committee on Appropriations.

**HB 2706**, An act concerning the state finance council; voting procedures; amending K.S.A. 75-3711 and repealing the existing section, by Committee on Appropriations.

**HB 2707**, An act designating K-4 highway in Wabaunsee county as the Maisie DeVore highway, by Committee on Transportation.

**HB 2708**, An act amending the motor vehicle drivers' license act; pertaining to moving violations; amending K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. 2003 Supp. 28-172a and repealing the existing sections, by Committee on Transportation.

**HB 2709**, An act relating to motor vehicles; concerning motorized skateboards; relating to the regulation thereof; amending K.S.A. 8-1437, 8-1575 and 8-2118 and K.S.A. 2003 Supp. 8-126 and 8-1486 and repealing the existing sections, by Committee on Transportation.

**HB 2710**, An act concerning vessels; imposing certain requirements; prohibiting certain acts; providing penalties for certain violations; relating to certain healthcare records; amending K.S.A. 32-1102, 32-1110, 32-1111, 32-1119, 32-1125, 32-1128 and 32-1180 and K.S.A. 2003 Supp. 32-1173 and repealing the existing sections, by Committee on Tourism and Parks.

**HB 2711**, An act concerning certain crimes relating to computers; amending K.S.A. 2003 Supp. 21-3755 and repealing the existing section, by Representative Barbieri-Lightner.

**HB 2712**, An act concerning property taxation; relating to fire district tax levies; amending K.S.A. 19-3610 and repealing the existing section, by Committee on Local Government.

**HB 2713**, An act concerning athletic competitions; establishing an athletic commission, boxing commissioner, athletic fee fund, powers and duties; prohibitions and complaint procedure; amending K.S.A. 21-1801 and repealing the existing section; also repealing K.S.A. 12-5101, 12-5102, 12-5103, 12-5104, 12-5105, 12-5106, 12-5107, 12-5108, 12-5109, 12-5110, 12-5111, 12-5112, 12-5113, 12-5114, 12-5115, 12-5116, 12-5117, 12-5118, 12-5119, 12-5120, 12-5121, 12-5122, 12-5123, 12-5124, 12-5125 and 12-5126, by Representatives Burroughs, Beggs, Carter, Cox, Davis, Gatewood, Gilbert, Goering, Grant, Henry, Holland, Huff, M. Long, Novascone, Patterson, Phelps, Reardon, Rehorn, Ruff, Sawyer, B. Sharp, Shriver, Siegfried, Svaty, Thull, Wilson and Yoder.

**HB 2714**, An act concerning motor vehicles; relating to driver's licenses, permits and identification cards; amending K.S.A. 2003 Supp. 8-240, 8-243, 8-2,135 and 8-1324 and repealing the existing sections, by Committee on Judiciary.

**HB 2715**, An act concerning insurance; relating to uninsured motorist coverage; amending K.S.A. 40-284 and repealing the existing section, by Representative Goering.

**HB 2716**, An act concerning the board of adult care home administrators; relating to removal of the board from the department of health and environment; also relating to the standards established for licensure; amending K.S.A. 65-3501 and K.S.A. 2003 Supp. 65-3503 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2717**, An act concerning mortuary arts; relating to licensure of crematory operators; amending K.S.A. 65-1762 and repealing the existing section, by Committee on Health and Human Services.

**HB 2718**, An act concerning mortuary arts; relating to funeral and cemetery merchandise agreements; amending K.S.A. 2003 Supp. 16-303 and repealing the existing section, by Committee on Health and Human Services.

**HB 2719**, An act concerning the Kansas manufactured housing act; prescribing installation standards; providing for manufactured home installers' licenses; providing for apprentice installers' licenses; authorizing certain fees and civil penalties; amending K.S.A. 2003 Supp. 58-4202 and repealing the existing section, by Committee on Commerce and Labor.

**HB 2720**, An act concerning automobile insurance; relating to payment of certain claims, by Committee on Insurance.

**HB 2721**, An act concerning insurance; providing coverage for colorectal cancer screening; amending K.S.A. 2003 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance.

**HB 2722**, An act concerning motor vehicle insurance; pertaining to the display of proof of financial responsibility; amending K.S.A. 40-3104 and repealing the existing section, by Committee on Insurance.

**HB 2723**, An act concerning alcoholic liquor; relating to farm wineries; amending K.S.A. 41-308a, 41-310 and 41-312 and repealing the existing sections, by Committee on Agriculture.

**HB 2724**, An act concerning labor and employment; relating to medical treatment for employees; penalty, by Committee on Corrections and Juvenile Justice.

**HB 2725**, An act concerning county jails; relating to the costs of maintaining inmates; amending K.S.A. 2003 Supp. 19-1930 and repealing the existing section, by Representative Merrick.

**HB 2726**, An act concerning criminal procedure; relating to preliminary examinations; amending K.S.A. 2003 Supp. 22-2902 and repealing the existing section, by Representative Merrick.

**HB 2727**, An act concerning public assistance; relating to persons convicted of a controlled substance related felony, by Committee on Corrections and Juvenile Justice.

#### **REPORT ON ENGROSSED BILLS**

**HB 2522, HB 2528** reported correctly engrossed February 3, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 5, 2004.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

