

# Journal of the House

## NINETEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 6, 2004, 8:30 a.m.

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

The roll was called with 80 members present.

Reps. Bethell and Davis were excused on legislative business.

Reps. Barbieri-Lightner, Brunk, Burroughs, Campbell, Carter, Cox, Decker, Faber, Faust-Goudeau, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Hill, Holland, Huff, Huntington, Jack, Kassebaum, Kirk, Long, F. Miller, J. Miller, O'Malley, O'Neal, Osborne, Reardon, Reitz, Sawyer, Scoggins-Waite, B. Sharp, Shultz, Siegfried, Storm, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder and Yonally were excused on excused absence by the Speaker.

Prayer by Representative D. Johnson:

Great and glorious Lord God, supreme architect of heaven and earth,  
You have promised that when two or three are gathered together in  
Your name, You will be in the midst of them and bless them.

Bless us with Your grace as we gather together in this beautiful place!

May the still small voice of Your spirit whisper in our ears words of  
wisdom.

Help us to work together to make Kansas a better place to live and  
raise our families.

May Your fatherly hand be ever about our brave men and women in  
our armed forces who are fighting to defend our freedom. Protect them  
from all evil and danger and bring them safely home to their families.

Keep us safe as we travel home to the love of our families and help us  
all to return safely on Monday.

All this we ask in the name of the Father, the Son, and the Holy Spirit!  
Amen!

The Pledge of Allegiance was led by Rep. Burgess.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2738**, An act concerning the Kansas self-service storage act; relating to late fees; amending K.S.A. 58-814 and repealing the existing section, by Committee on Judiciary.

**HB 2739**, An act concerning the Kansas self-service storage act; relating to notice, definition of property of no commercial value and lien sales; amending K.S.A. 58-814 and 58-817 and repealing the existing sections, by Committee on Judiciary.

**HB 2740**, An act concerning wildlife and parks; relating to certain licenses and fees for members of the Kansas national guard; amending K.S.A. 32-901 and 32-919 and K.S.A. 2003 Supp. 32-906 and repealing the existing sections, by Representative O'Neal.

**HB 2741**, An act concerning health care; relating to health care decisions, by Committee on Judiciary.

**HB 2742**, An act concerning the code for care of children; relating to records and reports; amending K.S.A. 38-1506 and 38-1508 and K.S.A. 2003 Supp. 38-1507 and 75-4319 and

repealing the existing sections; also repealing K.S.A. 38-1507b, by Committee on Corrections and Juvenile Justice.

**HB 2743**, An act concerning property taxation; relating to homestead property tax refunds; income determination; amending K.S.A. 2003 Supp. 79-4502 and repealing the existing section, by Committee on Taxation.

**HB 2744**, An act concerning taxation; relating to confidentiality of information; disclosure; amending K.S.A. 79-1119, 79-3392, 79-3614 and 79-4105 and K.S.A. 2003 Supp. 12-189, 75-5133, 79-3234 and 79-3657 and repealing the existing sections, by Committee on Taxation.

**HB 2745**, An act relating to the registration of certain fleet motor vehicles, by Committee on Transportation.

**HB 2746**, An act concerning motor vehicles; relating to export certificate of titles; amending K.S.A. 2003 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

**HB 2747**, An act relating to the records of the division of vehicles; amending K.S.A. 2003 Supp. 74-2012 and repealing the existing section, by Committee on Transportation.

**HB 2748**, An act concerning surplus property; transferring certain functions to the secretary of administration; amending K.S.A. 27-311, 27-314, 75-52,125, 75-6601, 75-6602, 75-6603, 75-6604, 75-6606 and 75-6608 and K.S.A. 2003 Supp. 75-6605 and repealing the existing sections; also repealing K.S.A. 75-52,118, by Committee on Appropriations.

**HB 2749**, An act concerning the state capitol and surrounding areas; relating to memorials; amending K.S.A. 75-2266 and K.S.A. 2003 Supp. 75-36,104 and 75-36,105 and repealing the existing sections, by Committee on Appropriations.

**HB 2750**, An act concerning governmental agencies; transferring the alternative fuels loan program to the Kansas corporation commission; amending K.S.A. 75-37,116, 75-37,117 and 75-37,119 and K.S.A. 2003 Supp. 75-37,118 and repealing the existing sections, by Committee on Appropriations.

**HB 2751**, An act concerning abortion clinics; providing for regulation, licensing and standards for the operation thereof; providing penalties for violations and authorizing injunctive actions, by Representatives Long-Mast, Barbieri-Lightner, Brunk, Burgess, Campbell, Carter, Dahl, DeCastro, Decker, Faber, Freeborn, Gatewood, Goering, Goico, Grant, Henry, Howell, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, Larkin, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Schwab, Shriver, Shultz, Siegfried, Svaty, Swenson, Thimesch, Vickrey, Wilk and J. Williams.

**HB 2752**, An act concerning state capital improvement projects; referring to architectural, engineering and land surveying services; amending K.S.A. 75-1253, 75-1269 and 75-5804 and repealing the existing sections, by Committee on Appropriations.

**HB 2753**, An act concerning management and investment by the board of trustees of the Kansas public employees retirement system of certain interest moneys on unclaimed property; relating to financing of certain programs of the department of corrections; amending K.S.A. 2003 Supp. 75-2263 and repealing the existing section, by Committee on Appropriations.

**HB 2754**, An act relating to tax increment financing; amending K.S.A. 2003 Supp. 72-6431 and repealing the existing section, by Representative Patterson.

**HB 2755**, An act relating to certain state educational institutions; relating to the men's basketball teams at Wichita State university and the university of Kansas, by Committee on Tourism and Parks.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were referred to committees as indicated:

Agriculture: **SB 352**, **SB 353**.

Appropriations: **HB 2734**; **SB 306**, **SB 323**.

Corrections and Juvenile Justice: **HB 2730**.

Education: **HB 2733**.

Federal and State Affairs: **HB 2732, SB 295**.  
 Financial Institutions: **SB 338**.  
 Health and Human Services: **HB 2735, HB 2737; HCR 5035**.  
 Insurance: **SB 311, SB 340**.  
 Judiciary: **SB 324**.  
 Local Government: **HB 2736; SB 292**.  
 Taxation: **SB 307, SB 368**.  
 Tourism and Parks: **HB 2731**.  
 Transportation: **HB 2728, HB 2729**.

#### MESSAGE FROM THE GOVERNOR

February 2, 2004

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 04-349 for your information.

EXECUTIVE DIRECTIVE NO. 04-349

Authorizing Expenditure of Federal Funds  
and Authorizing Personnel Transactions

KATHLEEN SEBELIUS  
*Governor*

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

#### MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HR 6016**, A resolution recognizing February 6 as Ronald Reagan Day, was adopted.

#### CONSENT CALENDAR

No objection was made to **HB 2606** 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

Speaker Mays announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

#### CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Powell as a member of the conference committee on **HB 2027** to replace Rep. Light.

#### REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2248** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Transportation** recommends **HB 2136** be amended on page 1, in line 16, by striking "903rd" and inserting "930th"; in line 19, by striking "903rd" and inserting "930th";

In the title, in line 9, by striking "903rd" and inserting "930th"; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 29**, by Representative Henderson, wishing Carlameta Anderson a happy birthday;

**Request No. 30**, by Representative Schwartz, congratulating Wesley and Marilyn Nelson on their 50th wedding anniversary;

**Request No. 31**, by Representative Pottorff, congratulating Charles Jenney on receiving the Milken Educator Award;

**Request No. 32**, by Representative Mason, congratulating the Butler County Junior College football team and coach on winning the National Junior College Athletic Association championship;

**Request No. 33**, by Representative Hayzlett, congratulating Alice Hayzlett Hill on her 90th birthday;

**Request No. 34**, by Representative Boyer, commending Keil E. Hileman on being named Kansas Teacher of the Year;

**Request No. 35**, by Representative Boyer, commending Marty Kobza on being named Rural and Small Schools Administrator of the Year;

**Request No. 36**, by Representative Scoggins-Waite, commending Ethel Peterson on her seven years of service in the House of Representatives;

**Request No. 37**, by Representative Ballou, commending Harold Ensley on being inducted into various sports halls of fame and being on the cover of Sports Illustrated;

**Request No. 38**, by Representative Shultz, congratulating Stanley and Eva Anderson on their 50th wedding anniversary;

**Request No. 39**, by Representative Novascone, congratulating Helena Lanterman Root on being the oldest person in Kansas;

**Request No. 40**, by Representative Phelps, congratulating Stanley Dean Dreiling and Mark Wittman on achieving National Board Certification;

**Request No. 41**, by Representative Phelps, congratulating Charles Reese on being named Hays Area Citizen of the Year;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Aurand, the committee report was adopted.

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 2756**, An act concerning a public safety communication system; authorizing the secretary of transportation to purchase certain equipment and lease such equipment or access to such equipment to certain entities; authorizing the issuance of revenue bonds, by Committee on Utilities.

**HB 2757**, An act concerning workers compensation; relating to compensation for certain disabilities; amending K.S.A. 44-510c, 44-510d and 44-510e and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2758**, An act concerning the Kansas open records act; exempting certain records therefrom; amending K.S.A. 2003 Supp. 45-221 and repealing the existing section, by Committee on Local Government.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Kuether, **HR 6021**, by Reps. Kuether, 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, 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, D. Williams, J. Williams, Wilson, Winn, Yoder and Yonally, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6021—

A RESOLUTION encouraging participation in the American Heart Association's Go Red for Women Campaign.

WHEREAS, Friday, February 6, has been designated "National Wear Red Day for Women" by the American Heart Association. This action is part of the association's Go Red for Women campaign to raise awareness of cardiovascular disease, women's greatest killer, and to invite women to take charge of their heart health so as to be able to live a stronger, longer life; and

WHEREAS, Red is the American Heart Association's color for women and heart disease. The association is encouraging everyone to wear some red item of clothing on February 6 in support of all women who have experienced heart disease or stroke; and

WHEREAS, Heart disease and stroke claim more women's lives each year than the next seven causes of death combined, and nearly twice as many as all forms of cancer, including breast cancer. This endeavor, hopefully, will raise women's awareness of this problem. Although 90 percent of women feel they have some control over their health, only 27 percent believe their health is a top priority. This lack of urgency about their health contributes to the death of more than 500,000 American women every year; and

WHEREAS, Women who contact the American Heart Association will be provided with suggestions and information including a comprehensive brochure on heart disease and stroke risk factors, a red dress pin and information regarding free lifestyle programs to improve their health: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we support the efforts of the American Heart Association in reducing women's heart problems and urge individual participation in the American Heart Association's Go Red for Women campaign; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Kevin M. Walker, American Heart Association, 6800 W. 93rd Street, Overland Park, KS 66212.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representative Faber

A RESOLUTION regarding the mission of the land grant institutions.

WHEREAS, In the nineteenth century our federal government passed legislation providing public lands to establish institutions of higher education to teach branches of learning related to agriculture and the mechanical arts. The idea was to provide a liberal and practical education for the non-elite of our society. Additionally, agricultural extension work was to be carried on in cooperation with the United States Department of Agriculture; and

WHEREAS, The land grant institutions have been highly successful in providing practical, professional education for many of America's children. In this modern, complex age, however, the focus of our land grant institutions have changed to research, research projects and publication of the results of research. A dedicated researcher is not necessarily a good teacher, and the excellence of a land grant institution should not be measured by the number of research papers the faculty has published. A dark side of the frenzy for published research is the support and affiliation provided by commercial organizations: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the sense of this body is that careful consideration should be given to obtaining a balance of teaching, extension projects and research in our land grant institutions; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the President of Kansas State University and to each member of the Kansas legislative delegation in the federal congress.

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 2759**, An act concerning crime prevention; creating a program to target areas in the state with high incidences of crime, by Representatives Kuether, Klein, Loganbill, Ruff and Swenson.

**HB 2760**, An act concerning critical access hospitals; amending K.S.A. 65-468 and repealing the existing section, by Committee on Health and Human Services.

**HB 2761**, An act concerning insurance coverage for children; relating to children covered by a plan for such insurance; amending K.S.A. 2003 Supp. 38-2001 and repealing the existing section, by Committee on Health and Human Services.

**HB 2762**, An act relating to emergency contraception; providing for education and dissemination of information relating thereto, by Committee on Health and Human Services.

**HB 2763**, An act concerning adult care homes; relating to paid nutrition assistants; amending K.S.A. 2003 Supp. 39-923 and 39-936 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2764**, An act concerning civil procedure; relating to class actions; amending K.S.A. 2003 Supp. 60-223 and repealing the existing section, by Committee on Judiciary.

**HB 2765**, An act concerning sales taxation; relating to remittance credits for collection services provided by retailers, by Committee on Taxation.

**HB 2766**, An act concerning crimes, punishment and criminal procedure; relating to the nonprison sanction of a certified drug abuse treatment program, by Representative McCreary.

#### READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1029, insert the following Explanation of Vote after Final Action:

##### EXPLANATION OF VOTE

MR. SPEAKER: Who among us does not believe that public safety is a crucial role of state and local governments? However, the additional monthly tax presented in **H. Sub. for Sub. SB 153** will force a hardship on my constituents which cannot be equaled by the benefits. Also, I cannot support such a tax which has no sunset.

As technology improves, and demand for cellular and mobile phone coverage increases, I believe there will be little need for this type of legislation. Furthermore, I cannot support such legislation when the cellular tower coverage in southeast Kansas is spotty at best.

MR. SPEAKER, I respectfully vote no on **H. Sub. for Sub. SB 153**.—R.J. WILSON

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, February 9, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

