

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 10, 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.  
Rep. Judy Morrison was excused on verified illness.  
Rep. Jack was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord of providence and grace, we gather again to do your work this day, to give voice where voice is needed, to bring wisdom that comes from you to the pressing problems of our communities and our state. We come from many different places and from many different circumstances. We are lawyers, teachers, farmers, preachers, business men and women, healers. We are moms and dads, grandparents and funny aunts and uncles. We have known joy and we have known pain. We are, in short, O Lord, just like the people we represent.

Let us be the voice this day of the people who gave us the honor of this service. Let our work be pleasing to you because it serves them. Even when they do not understand, or cannot agree, let us do our best to give them our best. And especially, Lord, let us be the clear voice of those who have no voice, or no home or no hope. Make us their voice for fairness, justice, mercy and hope.

Lord of Providence and Grace, hear our prayer. Amen.

The Pledge of Allegiance was led by Rep. Hill.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2776**, An act concerning taxation; relating to delinquent taxes and returns; revocation or nonrenewal of certain professional licenses; procedures, by Committee on Taxation.

**HB 2777**, An act concerning controlled substances; relating to manufacturing; amending K.S.A. 2003 Supp. 65-4101 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2778**, An act concerning crimes and punishment; relating to sentencing; amending K.S.A. 21-4710 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2779**, An act concerning offender registration; concerning lewd and lascivious behavior; amending K.S.A. 2003 Supp. 22-4902 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2780**, An act concerning crimes, punishment and criminal procedure; relating to persistent sex offenders; amending K.S.A. 2003 Supp. 21-4704 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2781**, An act relating to prearranged funeral agreements, contracts or plans; amending K.S.A. 2003 Supp. 16-304 and 16-311 and repealing the existing sections, by Committee on Financial Institutions.

**HB 2782**, An act concerning workers compensation; relating to duties of employers; amending K.S.A. 2003 Supp. 44-532 and repealing the existing section, by Committee on Judiciary.

**HB 2783**, An act concerning appropriation bills; relating to the provisions thereof, by Committee on Judiciary.

**HB 2784**, An act concerning crimes, punishment and criminal procedure; relating to arrest powers of federal law enforcement officers, by Committee on Judiciary.

**HB 2785**, An act concerning crimes and punishment; relating to domestic battery; amending K.S.A. 2003 Supp. 21-3412a and repealing the existing section, by Representatives Yonally, Barbieri-Lightner, Davis, Neighbor, Reitz and Storm.

**HB 2786**, An act concerning taxation; relating to alcoholic beverages; amending K.S.A. 79-4101 and 79-41a02 and K.S.A. 2003 Supp. 41-501 and repealing the existing sections, by Representative Campbell.

**HB 2787**, An act concerning sales taxation; relating to sales tax reimbursement payment; destination-based sourcing implementation costs of retailer, by Committee on Taxation.

**HB 2788**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 74-4914 and repealing the existing section, by Committee on Taxation.

**HB 2789**, An act concerning restitution; relating to statistics compiled by the judicial administration; amending K.S.A. 20-318 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2790**, An act concerning the criminal justice coordinating council; amending K.S.A. 74-9501 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2791**, An act concerning crimes and punishment; relating to aggravated arson; amending K.S.A. 21-3719 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2792**, An act concerning the regulation of traffic; relating to pedestrians; amending K.S.A. 8-1533 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2793**, An act concerning drainage districts; relating to the powers and duties of the governing body thereof; amending K.S.A. 2003 Supp. 24-639 and repealing the existing section, by Representatives Loyd and Powell.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2768**.

Health and Human Services: **HB 2769**, **HB 2770**.

Judiciary: **HB 2775**.

Local Government: **HB 2767**, **HB 2773**, **HB 2774**.

Transportation: **HB 2771**.

Utilities: **HB 2772**.

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

On motion of Rep. Thimesch, **HR 6006**, A resolution congratulating and commending the rescuers of Timothy Potter, was adopted.

There being no objection, the following remarks of Rep. Thimesch are spread upon the Journal:

Mr. Speaker, I was approached by the family of Timothy Potter to see if something special could be done to recognize these local heroes. I have distributed two newspaper articles and pictures of what was left of the car in which Timothy was trapped. It gives us a better idea of how Linda and officers Costello, Stout and Lieurance went over and beyond the call of duty. The three officers with many years of combined police experience, said it was the most dangerous rescue in which they have ever been involved.

Police Chief Doyle Dyer from Goddard also commented that because citizen Linda Musil used the fire extinguisher slowly it allowed his officers more time to free Timothy. Very easily this could have become a tragedy.

Mr. Speaker, there is no greater love in this world than one willing to risk his life for another. Our faith in God has us believe the Holy Angels must have been with them all.

Rep. Thimesch introduced Linda Musil, Chief Doyle Dyer, Captain Mike Costello, Lt. Chris Stout, and Ronny G. Lieurance to the members of the House.

#### CONSENT CALENDAR

No objection was made to **HB 2248** appearing on the Consent Calendar for the second day.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2136** be passed over and retain a place on the calendar.

**HCR 5027** be adopted.

Committee report to **SB 254** be adopted; also, on motion of Rep. Pauls, be amended on page 7, in line 23, following "any" by inserting "house, room,";

Also, on motion of Rep. Huy to amend **SB 254**, the motion did not prevail.

Also, on motion of Rep. Loyd, **SB 254** be amended on page 4, in line 14, by striking all of line 14, and renumbering accordingly the subsections which follow; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2530** be amended on page 1, in line 15, after the stricken material by inserting "from their number"; in line 16, by striking ", who shall be a director"; in line 29, by striking "majority"; in line 31, after the period by inserting "Nothing in this subsection shall be construed as removing from the board of directors any such officer removed from such office pursuant to the provisions of this subsection."; and the bill be passed as amended.

Committee on **Appropriations** recommends **HB 2669, HB 2670, HB 2673** be passed.

Committee on **Ethics and Elections** recommends **HB 2641** be amended on page 2, by striking all in lines 4 through 36;

By renumbering sections accordingly;

Also on page 2, in line 37, by striking "and 24-459 are" and inserting "is";

On page 1, in the title, in line 10, by striking "and 24-"; in line 11, by striking "459"; also in line 11, by striking "sections" and inserting "section"; and the bill be passed as amended.

Committee on **Financial Institutions** recommends **HB 2580** be amended on page 7, in line 20, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2553, HB 2555, HB 2565** be passed.

Committee on **Judiciary** recommends **HB 2612** 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 **Judiciary** recommends **HB 2556** be amended on page 4, by striking all in lines 22 through 43;

On page 5, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

Also on page 5, in line 24, by striking "have"; in line 25, by striking "received" and inserting "receive"; in line 35, by striking "agent" and inserting "attorney in fact";

On page 12, in line 14, by striking "58a-111,";

On page 1, in the title, in line 10, by striking "58a-111,"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2564** be amended on page 2, in line 10, after "tenant" by inserting ", in writing, signed by both parties or as stipulated to in court on the record,"; 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 were thereupon introduced and read by title:

**HB 2794**, An act concerning home and community based services for traumatic brain injured persons; amending K.S.A. 39-7,100a and repealing the existing section, by Committee on Health and Human Services.

**HB 2795**, An act relating to compulsory school attendance; concerning students in postsecondary educational institutions; amending K.S.A. 72-1111 and repealing the existing section, by Committee on Higher Education.

**HB 2796**, An act concerning the Kansas business health policy partnership; relating to duties, expenditures and creation of a fund; amending K.S.A. 2003 Supp. 40-4702, 40-4704 and 40-4706 and repealing the existing sections, by Committee on Appropriations.

**HB 2797**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit increase; amending K.S.A. 2003 Supp. 74-4920 and repealing the existing section, by Representatives Toelkes, Ballard, Davis, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henry, Humerickhouse, Kuether, Lane, M. Long, Showalter, Tafanelli, Thull, Vickrey, J. Williams and Wilson.

**HB 2798**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 12-4516 and K.S.A. 2003 Supp. 21-4201 and 21-4619 and repealing the existing sections, by Representatives Ruff and Hayzlett, Ballou, Brunk, Burgess, Campbell, Compton, DeCastro, Faber, Horst, Huebert, Humerickhouse, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, Lane, Light, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, Novascone, Osborne, Ostmeyer, Pauls, Powell, Powers, Sawyer, Schwartz, Tafanelli, Vickrey, D. Williams.

**HB 2799**, An act imposing a moratorium on Flint Hills region wind turbine development; amending K.S.A. 2003 Supp. 19-101a and repealing the existing section, by Committee on Utilities.

**HB 2800**, An act concerning real property; relating to eminent domain; amending K.S.A. 26-507 and K.S.A. 2003 Supp. 26-508 and 26-518 and repealing the existing sections, by Committee on Judiciary.

**HB 2801**, An act concerning tax increment financing; concerning special bond projects; amending K.S.A. 2003 Supp. 12-1770a and repealing the existing section, by Committee on Judiciary.

**HB 2802**, An act concerning civil procedure; relating to hearsay evidence exceptions; relating to certain elder and dependent adults; amending K.S.A. 2003 Supp. 60-460 and repealing the existing section, by Committee on Judiciary.

**HB 2803**, An act relating to schools; concerning false or misleading enrollment information; amending K.S.A. 72-8901 and repealing the existing section, by Representative Storm.

**HB 2804**, An act relating to public safety officers; concerning tuition and fee waivers for spouses of certain deceased public safety officers; amending K.S.A. 2003 Supp. 75-4364 and repealing the existing section, by Representative Storm.

**HB 2805**, An act concerning counties; relating to law enforcement, by Committee on Local Government.

**HB 2806**, An act concerning the state gaming revenues fund; relating to the use of moneys therein; amending K.S.A. 72-6438 and K.S.A. 2003 Supp. 79-4804 and repealing the existing sections, by Representatives Barbieri-Lightner and Yonally.

**HB 2807**, An act relating to school finance; amending K.S.A. 72-979, 72-6405, 72-6408, 72-6441 and 72-8190 and K.S.A. 2003 Supp. 10-1116a, 72-6407, 72-6417, 72-6428, 72-6431 and 72-8251 and repealing the existing sections; also repealing K.S.A. 72-6410, 72-6411, 72-6412, 72-6413, 72-6414, 72-6415, 72-6416, 72-6421, 72-6422, 72-6433, 72-6433b, 72-6435, 72-6442, 72-6443, 72-6444 and 72-9509 and K.S.A. 2003 Supp. 72-6425, 72-6434 and 72-9609, by Committee on Education.

**CHANGE OF REFERENCE**

Speaker pro tem Ballou announced the withdrawal of **HB 2596** from Committee on Judiciary and referral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2489** from Committee on Local Government and referral to Select Committee on Kansas Security.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6016, HR 6021** reported correctly enrolled and properly signed on February 9, 2004.

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

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

