

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 12, 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. Boyer was excused on verified illness.
Rep. Carter was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Steve McVey, pastor, Lamont Wesleyan Church, Lamont, and guest of Rep. Long-Mast:

Father God, Maker of heaven and earth,

We thank Thee today for the many blessings you have bestowed on this great country and state. Freedom, justice, and peace are all gifts from your gracious hand, and we thank you for them.

We recognize that all authority and power are also from your hand, and we thank you for the awesome responsibility you have bestowed on these before us.

We humbly ask for wisdom and grace for each legislator as they perform the business of the people this day. May you ordain their decisions and guide their thoughts.

May all that is done be pleasing in your sight. We put this day and this session into your hands, asking that your will be done.

We pray this in the name of The Father, The Son, and The Holy Spirit.
Amen.

The Pledge of Allegiance was led by Rep. Compton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2852, An act concerning motor vehicle liability insurance; allowing the insurance commissioner to require certain insurers to provide certain information in electronic format; amending K.S.A. 8-173 and repealing the existing section, by Committee on Insurance.

HB 2853, An act concerning private construction contracts; enacting the Kansas fairness in private construction contract act, by Committee on Federal and State Affairs.

HB 2854, An act concerning public improvements and buildings; relating to public works bonds; amending K.S.A. 2003 Supp. 60-1111 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2855, An act concerning crimes, punishments and penalties; relating to domestic battery; amending K.S.A. 2003 Supp. 21-3412a and repealing the existing section, by Committee on Federal and State Affairs.

HB 2856, An act concerning cities; relating to certain redevelopment projects; amending K.S.A. 12-1771a and repealing the existing section, by Committee on Federal and State Affairs.

HB 2857, An act concerning certain contracts; relating to public construction contracts; amending K.S.A. 75-6401, 75-6402 and 75-6403 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2858, An act relating to the state corporation commission; transferring certain powers to the department of transportation; concerning railroads; amending K.S.A. 66-105, 66-106, 66-154, 66-154a, 66-154b, 66-155, 66-230 and 66-319 and repealing the existing sections; also repealing K.S.A. 66-103, 66-112, 66-145, 66-146, 66-148, 66-149, 66-153, 66-157, 66-158, 66-159, 66-160, 66-161, 66-162, 66-163, 66-166, 66-168, 66-173, 66-174, 66-180, 66-181, 66-182, 66-201 through 66-216, 66-224, 66-225, 66-226, 66-234 through 66-241, 66-244 through 66-249, 66-273, 66-274, 66-277, 66-278, 66-285 through 66-294, 66-2,108, 66-2,109, 66-2,111, 66-2,112, 66-2,113, 66-2,119, 66-2,120, 66-304, 66-305, 66-306, 66-307 and 66-320, by Committee on Transportation.

HB 2859, An act concerning driving privileges; imposing school attendance requirements upon certain persons; amending K.S.A. 8-255 and repealing the existing section, by Committee on Transportation.

HB 2860, An act relating to salvage vehicle dealers; providing for buyer's identification cards, by Committee on Transportation.

HB 2861, An act concerning crimes and punishment; relating to driving under the influence; amending K.S.A. 2003 Supp. 8-1567, 21-4603d, 21-4610 and 21-4704 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

HB 2862, An act concerning juveniles; amending K.S.A. 38-1604, 38-1616, 38-1663, 38-1671, 38-1691, 38-16,130 and 38-16,133 and K.S.A. 2003 Supp. 21-3811, 21-3826, 38-1611 and 75-7023 and repealing the existing sections; also repealing K.S.A. 76-2111, by Committee on Corrections and Juvenile Justice.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2812, HB 2824.**

Commerce and Labor: **HB 2809, HB 2810, HB 2816, HB 2818, HB 2828, HB 2829; HCR 5037.**

Corrections and Juvenile Justice: **HB 2814, HB 2815, HB 2825, HB 2831.**

Economic Development: **HB 2821.**

Education: **HCR 5036.**

Ethics and Elections: **HB 2811.**

Federal and State Affairs: **HB 2830.**

Health and Human Services: **HB 2813, HB 2819, HB 2820, HB 2832.**

Insurance: **HB 2822, HB 2823.**

Judiciary: **HB 2808, HB 2817, HB 2826.**

Taxation: **HB 2827, HB 2834.**

Transportation: **HB 2833; HCR 6023.**

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, appearing on the Calendar as "To Be Referred," were referred to committee as indicated:

Agriculture: **HB 2836**

Appropriations: **HB 2850**

Commerce and Labor: **HB 2839, HB 2840, HB 2847**

Corrections and Juvenile Justice: **HB 2835, HB 2841, HB 2849, HB 2851**

Education: **HB 2837**

Financial Institutions: **HB 2838**

Judiciary: **HB 2845, HB 2846**

Taxation: **HB 2842, HB 2843**

Tourism and Parks: **HB 2844**

Transportation: **HB 2848**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2714** from Committee on Transportation and referral to Committee on Judiciary.

MESSAGE FROM THE SENATE

Announcing passage of **SB 298, SB 315, SB 316, SB 317, SB 336, SB 346, SB 359.**
Announcing adoption of **SCR 1616.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 298, SB 315, SB 316, SB 317, SB 336, SB 346, SB 359; SCR 1616.

CONSENT CALENDAR

No objection was made to **HB 2612** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2136, An act designating a portion of United States highway 400 as the 930th ordnance ammunition company by-pass, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carlin, 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, 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, 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, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Landwehr, Neufeld, Powers.

Present but not voting: None.

Absent or not voting: Boyer, Carter, Yonally.

The bill passed, as amended.

HB 2347, An act enacting the Kansas uniform securities act; amending K.S.A. 12-1675, 12-1677b, 12-4516, 16-214, 17-4632, 50-1009, 50-1016, 66-1508, 74-8229 and 75-6302 and K.S.A. 2003 Supp. 17-49a01, 21-4619 and 75-3170a and repealing the existing sections; also repealing K.S.A. 17-1260, 17-1266, 17-1267, 17-1269, 17-1273, 17-1274 and 17-1275 and K.S.A. 2003 Supp. 17-1252, 17-1253, 17-1254, 17-1255, 17-1257, 17-1258, 17-1259, 17-1261, 17-1262, 17-1262a, 17-1263, 17-1264, 17-1264a, 17-1265, 17-1265a, 17-1266a, 17-1268, 17-1270, 17-1270a, 17-1270b, 17-1271 and 17-1272, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carlin, 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, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Carter, Yonally.

The bill passed, as amended.

Sub. HB 2493, An act relating to education; concerning private and postsecondary institutions; repealing K.S.A. 72-4916, 72-4919, 72-4920, 72-4921, 72-4922, 72-4924 through 72-4937, inclusive, 72-4939, 72-4940 and 74-3249 through 74-3253, inclusive and K.S.A. 2003 Supp. 72-4938, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 33; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Carlin, Compton, Craft, Crow, Dahl, Davis, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, Merrick, J. Miller, Minor, Neighbor, Newton, Novascone, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Brunk, Burgess, Burroughs, Campbell, Cox, DeCastro, Faber, Goering, Goico, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Long-Mast, McLeland, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Osborne, Ostmeyer, Powell, Powers, Schwab, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Boyer, Carter.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I am opposed to **Sub. HB 2493** because it provides The Board of Regents with very strong regulatory powers over private Colleges and Universities. I have been assured that it will not interfere with present Colleges and Universities, but what about the future? This bill authorizes the Regents power to approve any future new institutions, approve curriculum, adequacy of space and equipment, and pass on the qualifications of directors, administrators, and instructors. The nature of this bill leaves me somewhat in the dark about what it changes, thus we should vote this bill down.—C. FRANK MILLER

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2553**, **HB 2555** be passed.

Committee report to **HB 2530** be adopted; and the bill be passed as amended.

Committee report to **HB 2556** be adopted; and the bill be passed as amended.

HB 2564, **HB 2565** be passed over and retain a place on the calendar.

Committee report to **HB 2580** be adopted; and the bill be passed as amended.

Committee report to **HB 2641** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2531** be amended on page 2, in line 38, by striking "an unincorporated portion of"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2525**, **HB 2603** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2542** 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 **Corrections and Juvenile Justice** recommends **HB 2477** be amended on page 1, in line 26, by striking “a” where it appears the first time and inserting “any”; also in line 26, after “firearm” by inserting “or weapon as described in K.S.A. 21-4201, and amendments thereto;” and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2568** be amended on page 1, by striking all in lines 16 through 43;

On page 2, by striking all in lines 1 through 7;

And by renumbering the sections accordingly;

Also, on page 2, in line 8, by striking “charged with” and inserting “convicted of”; in line 11, by striking “\$50” and inserting “\$100”; in line 19, by striking all after “(b)” by striking all in lines 20 and 21; in line 22, by striking “defendant”; by striking all in line 32;

And by renumbering the remaining section accordingly;

On page 1, in the title, in line 11, by striking “conditions of bond;” in line 12, by striking “; amending K.S.A.”; in line 13, by striking all before the second period; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **HB 2569** be amended on page 1, in line 20, after “alleged” by inserting “sexual abuse or”;

On page 2, in line 11, by striking “has”; in line 12, by striking “the meaning” and inserting “and” “sexual abuse” have the meanings”; and the bill be passed as amended.

Committee on **Ethics and Elections** recommends **HB 2642** 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 **Financial Institutions** recommends **HB 2685** be amended on page 3, in line 4, by striking “made under” and inserting “subject to”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2554, HB 2616** be passed.

Committee on **Judiciary** recommends **HB 2678** be amended on page 1, by striking all in lines 36 through 43;

On page 2, by striking all in lines 1 through 7;

And by renumbering sections accordingly;

On page 5, in line 43, by striking “, 61-2704”;

On page 1, in the title, in line 14, by striking “, 61-2704”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 297**, be amended on page 2, in line 1, by striking “judicial branch” and inserting “state general”;

On page 7, by striking all in lines 18 through 25;

And by renumbering sections accordingly; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2624** be passed.

Committee on **Utilities** recommends **HB 2516** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2516,” as follows:

“Substitute for HOUSE BILL No. 2516

By Committee on Utilities

“AN ACT concerning utilities; providing certain incentives to increase electric transmission system and electric generating capacity; relating to powers and duties of the state corporation commission; relating to inclusion of certain expenses in rates; amending K.S.A. 66-128 and K.S.A. 2003 Supp. 66-1239 and 74-8946 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2516** was thereupon introduced and read by title.)

Committee on **Utilities** recommends **HB 2652** be amended on page 1, after line 34, by inserting:

“New Sec. 2. The amendment by this act of the definition of “pool” shall not be considered a statement of legislative intent for the purpose of interpretation of the definition of “pool” prior to its amendments by this act.”;

By renumbering the remaining sections accordingly; 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 2863, An act concerning children; relating to placement in a residential treatment facility, by Committee on Judiciary.

HB 2864, An act concerning victims of domestic violence; relating to housing discrimination and tenancy agreements; amending K.S.A. 44-1015, 44-1016, 58-2543 and 58-2559 and K.S.A. 2003 Supp. 58-2570 and repealing the existing sections, by Committee on Judiciary.

HB 2865, An act concerning agriculture; relating to sale of transgenic wheat seed; requirements and penalties for certain unlawful acts, by Committee on Agriculture.

HB 2866, An act concerning sales taxation; relating to exemptions; meals delivered to certain persons at home; amending K.S.A. 2003 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2136; Sub. HB 2493 reported correctly engrossed February 12, 2004.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, February 13, 2004.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

