

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 23, 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. Holmes was excused on legislative business.

Rep. Reardon was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dennis Zimmerman, St. Cornelius Episcopal Church, Dodge City, and guest of Rep. Scoggins-Waite:

Holy and Sovereign God,

What a privilege it is to be in this honored place this morning with these men and women who give of their time and talent to serve you and the people of Kansas. A few years ago Lord, I stood on the other side of the door of this house as a lobbyist for the people of Grant County. Now Lord, I stand here as a lobbyist for all your children.

I come this day to ask you O Lord, to send your spirit upon all in this chamber, that through your life giving spirit they may be people of vision, of heart and hope. Grant to them wisdom, knowledge, and courage to meet the challenges and opportunities that lie before us. Be present in all discussions, all debates, and in all actions.

Oh, Lord, as you are with the men and women of the legislature be also with all the people they serve. Bless all the people of this state with prosperity, with integrity, with determination and especially with compassionate hearts. Teach us all to reach out with helping hands, caring eyes, and loving hearts. Do not make us right, but make us faithful to your love, healing and hope.

Thank you holy God for your loving presence here today. To you, O Holy and Sovereign God, I offer these simple words. Amen.

The Pledge of Allegiance was led by Rep. F. Miller.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated.

Appropriations: **HB 2901, HB 2902, HB 2905.**

Economic Development: **SB 393.**

Environment: **SB 463.**

Financial Institutions: **SB 379.**

Judiciary: **SB 141.**

Taxation: **HB 2903, HB 2094.**

Tourism and Parks: **SB 363, SB 364.**

Transportation: **SB 329.**

CONSENT CALENDAR

No objection was made to **HB 2709** 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 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, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goico, Grant, Hayzlett, Henry, Hill, Holland, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, 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, Newton, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Powell, 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, Yonally.

Nays: Ballou, Campbell, Carter, Dillmore, Flora, Goering, Gordon, Henderson, Huebert, Kauffman, Klein, Neufeld, Novascone, Pottorff, Powers, Rehorn, Yoder.

Present but not voting: None.

Absent or not voting: Holmes, Reardon.

The bill passed.

HB 2248, An act concerning lead poisoning; relating to notification and reporting; amending K.S.A. 65-1,202 and repealing the existing section; also K.S.A. 65-1,214, 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, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, Reardon.

The bill passed, as amended.

HB 2600, An act repealing K.S.A. 19-211; relating to the sale or disposition of property by counties, 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, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz,

Siegfreid, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holmes, Reardon.

The bill passed.

HB 2655, An act concerning civil procedure for limited actions; relating to admissions of facts; amending K.S.A. 2003 Supp. 61-3101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, 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, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Howell, 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, 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, Rehorn, Reitz, Ruff, Sawyer, 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, Winn, Yoder, Yonally.

Nays: Carter, Goering, Huebert, Landwehr, McLeland, Powers, Schwab, D. Williams.

Present but not voting: None.

Absent or not voting: Holmes, Reardon.

The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. McLeland, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 324** be passed.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 312**, be amended on page 1, in line 22, by striking "1.0%" and inserting ".80%"; in line 24, following the stricken material, by inserting "for calendar year 2004, and each calendar year thereafter, "; in line 32, following the stricken material, by inserting "beginning with calendar year 2002 and each calendar year thereafter, "; preceding line 40, by inserting new material to read as follows:

"(c) For the purposes of maintaining the fire service training program of the university of Kansas and the payment of the expenses incident thereto, each fire insurance company doing business in this state shall pay to the commissioner of insurance, on or before March 15 each year, beginning with calendar year 2004, and each calendar year thereafter, in addition to the taxes, fees and charges now required by law to be paid by it, such levy as may be made by the Kansas fire service training commission. The levy shall not be more than .20% of a sum equal to the gross cash receipts as premiums of such company on all fire business transacted by it in the state of Kansas during the calendar year next preceding, as shown by its annual statement under oath to the state insurance department.

(d) The director of the fire service training program of the university of Kansas shall submit a report concerning expenditures and activities of the fire service training program of the university of Kansas to the house committee on appropriations on or before February 1, 2005, and each ensuing year thereafter.

Sec. 2. K.S.A. 2003 Supp. 75-1514 is hereby amended to read as follows: 75-1514. (a) The commissioner of insurance shall remit all moneys received by the commissioner under subsection (a) of K.S.A. 75-1508, and amendments thereto, to the state treasurer in

accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fire marshal fee fund for the fiscal years ending June 30, 2003, and June 30, 2004, and the state treasurer shall credit 20% of each such deposit to the state general fund and shall credit the remainder of each such deposit to the fire marshal fee fund for the fiscal year ending June 30, 2005, and ensuing fiscal years.

(b) There is hereby created the fire marshal fee fund in the state treasury. All expenditures from the fire marshal fee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state fire marshal or a person or persons designated by the state fire marshal.

(c) The commissioner of insurance shall remit all moneys received by the commissioner under subsection (b) of K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services board operating fund.

(d) *The commissioner of insurance shall remit all moneys received by the commissioner under subsection (c) of K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fire service training program fund.*;

By renumbering the remaining sections accordingly;

Also on page 1, in line 40, by striking "is" and inserting "and 75-1514 are";

On page 1, in the title, in line 10, by striking all following "concerning"; in line 11, by striking "state fire marshal" and inserting "levies on fire insurance business and the disposition of the moneys remitted therefor"; also in line 11, by striking "thereof" and inserting "for the state fire marshal, emergency medical services board and the fire service training program of the university of Kansas"; in line 12, by striking "repealing the existing section" and inserting "75-1514 and repealing the existing sections"; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2719** be amended on page 3, in line 35, before the comma, by inserting a closing parenthesis;

On page 4, in line 29, by striking "2005" and inserting "2006"; in line 38, by striking "2005" and inserting "2006"; in line 43, by striking "2005" and inserting "2006";

On page 5, in line 7, by striking "2005" and inserting "2006";

On page 7, in line 42, by striking "2005" and inserting "2006";

On page 8, in line 7, by striking "2005" and inserting "2006"; in line 36, by striking "2005" and inserting "2006";

On page 9, in line 15, by striking "2005" and inserting "2006"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2718** be passed.

Committee on **Health and Human Services** recommends **HB 2657** be amended on page 1, in line 19, after "cemetery" by inserting ", a coroner or medical examiner facility"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2658** be amended on page 1, in line 29, by striking all after "shall"; by striking all in lines 30 through 35 and inserting "contact the center for medicaid and medicare services designated quality improvement organization for Kansas and request a hearing be conducted concerning any disputed deficiency."; in line 42, after "by" by inserting "contractual agreement with the center for medicaid and medicare services designated quality improvement organization for Kansas and"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2717** be amended on page 1, in line 18, by striking "with a holding facility"; in line 19, after "license" by inserting "unless the crematory only receives dead human bodies for cremation through licensed funeral establishments or branch funeral establishments"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2770** be amended on page 12, in line 25, by striking “registered” and inserting “licensed”;

On page 13, in line 3, by striking “registered” and inserting “licensed”; in line 23, by striking “registered” and inserting “licensed”; and the bill be passed as amended.

Committee on **Higher Education** recommends **HB 2795** be amended on page 1, in line 41, after “is” by inserting “concurrently”; in line 43, preceding the period, by inserting “and in a high school”; and the bill be passed as amended.

Select Committee on Kansas Security recommends **HB 2393** be amended on page 1, following line 24, by inserting:

“(b) The Kansas bureau of investigation shall conduct a criminal history record check and background investigation of all committee members and committee staff members of the legislative research department and the office of the revisor of statutes.”;

Also on page 1, in line 25, by striking “(b)” and inserting “(c)”; in line 36, by striking “(c)” and inserting “(d)”; also in line 36, by striking “shall meet” and inserting “may meet at any time and at any place within the state”; in line 37, by striking all following “chairperson”; by striking all in line 38; in line 39, by striking all preceding the period;

On page 2, in line 1, by striking “(d)” and inserting “(e)”; in line 6, by striking “(e)” and inserting “(f)”; in line 8, by striking “(f)” and inserting “(g)”; in line 11, by striking “(g)” and inserting “(h)”; following line 20, by inserting:

“(i) The joint committee on Kansas security shall review and monitor federal moneys received by the state for the purposes of homeland security and other related security matters.”;

Also on page 2, in line 21, by striking “(h)” and inserting “(j)”; and the bill be passed as amended.

Select Committee on Kansas Security recommends **HB 2489** be amended on page 2, in line 12, by striking all following “to”; in line 13, by striking all preceding the comma and inserting “security measures”; by striking all in lines 15 and 16 and inserting “such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment, responses to actual events and vulnerability assessments; and”; in line 18, by striking the semicolon; by striking all in lines 19 through 28; in line 29, by striking all preceding the period; and the bill be passed as amended.

Select Committee on Kansas Security recommends **HB 2490** be amended on page 6, in line 7, following “Records” by inserting “, other than criminal investigation records.”; in line 10, by striking “or” where it appears preceding “(B)”; also in line 10, following “(B)” by inserting “transportation and”; in line 11, following “equipment” by inserting “; or (C) private property or persons, if the records are submitted to the agency for purposes of this paragraph”; in line 16, following the period, by inserting “Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment, responses to actual events and vulnerability assessments.”; by striking all in lines 22 through 33; 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 2906, An act concerning the provision of financial assistance for kindergarten through twelfth grade for disadvantaged children, by Committee on Appropriations.

HB 2907, An act concerning oil and gas; providing for unitization under certain circumstances without order of the state corporation commission, by Committee on Appropriations.

HB 2908, An act concerning the membership of the state workforce investment board and local workforce investment boards; providing for an advisory committee to each local workforce investment board, by Committee on Federal and State Affairs.

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

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Ballou in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Economic Development** recommends **HB 2647** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2647," as follows:

"Substitute for HOUSE BILL No. 2647

By Committee on Economic Development

"AN ACT concerning bioscience; creating a Kansas bioscience authority and providing for the powers and duties thereof; providing for bioscience development and funding; amending K.S.A. 12-1771 and 12-1772 and K.S.A. 2003 Supp. 12-1770a, 74-8017 and 74-8905 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2647** was thereupon introduced and read by title.)

Committee on **Federal and State Affairs** recommends **HB 2751** be passed.

Committee on **Health and Human Services** recommends **HB 2698** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2698," as follows:

"Substitute for HOUSE BILL No. 2698

By Committee on Health and Human Services

"AN ACT providing for the regulation and licensing of radiologic technologists and X-ray operators; establishing a registry of X-ray operators; 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."; and the substitute bill be passed.

(**Sub. HB 2698** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **HB 2833**, **HB 2871** be passed.

REPORT ON ENGROSSED BILLS

HB 2248, **HB 2655** reported correctly engrossed February 20, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, February 24, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

