

Journal of the House

FORTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 10, 2004, 10:30 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Rep. Goering was excused on legislative business.
Reps. Boyer and D. Williams were excused on excused absence by the Speaker.
Present later: Rep. D. Williams.

Prayer by Chaplain Chamberlain:

God of creation and Lord of new beginnings, we praise you and thank you as we come to the beginning again.

O God of redemption and recreation, you are the God of every new day. And in each new day, you offer us the opportunity to live in new ways. Each new day you give us the chance to avoid yesterday's mistakes, to forgive yesterday's hurts, and to be forgiven for yesterday's sins. You give us the chance to correct what we have done in the past as we prepare ourselves for your future. You give us a fresh day unblemished by our shortsightedness, our selfishness, or our self assurance. Help us this day, Lord, to keep pure and holy the day you created. Help us to walk in the way that leads to light and on the path that leads to you. Guard us in our thoughts, speech, and actions. May we come to this day's end confident that we have listened carefully for your voice and followed the promptings of your spirit. It is you alone who are our Creator, our Guide, and our Judge. Amen.

The Pledge of Allegiance was led by Rep. S. Sharp.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Local Government: **HB 2922**.

Taxation: **HB 2923, HB 2924**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2796** from Committee on Insurance and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 293, SB 400, SB 533, SB 540**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 293, SB 400, SB 533, SB 540.

CONSENT CALENDAR

Objection was made to **SB 292** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2487, An act concerning the juvenile justice authority; relating to the abolishment thereof; repealing K.S.A. 2003 Supp. 75-7032, was considered on final action.

Call of the House was demanded.

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, Carter, 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, 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, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Goering, D. Williams.

The bill passed.

HB 2560, An act concerning certain municipalities; relating to salaries; relating to personal property; delinquent taxes in certain counties; school finance; Kansas income tax standard deduction; amending K.S.A. 72-6405, 72-6410, 72-6412, 72-6413, 72-6414, 72-6433 and 72-6442 and K.S.A. 2003 Supp. 72-6407, 72-6431, 79-2017 and 79-32, 119 and repealing the existing sections; also repealing K.S.A. 72-6433b and 72-6440 and K.S.A. 2003 Supp. 72-6431b and 72-6431c, was considered on final action.

On roll call, the vote was: Yeas 51; Nays 71; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Holmes, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, Pauls, Phelps, Powers, Reardon, Rehorn, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goico, Gordon, Hayzlett, Hill, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Reitz, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Tafanelli, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: Boyer, Goering, D. Williams.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: Pills that make you lose weight in your sleep, paint in a spray can that covers up your bald spot, these are all late night infomercials that are too good to be true. Well, in this bill the House has their own version of an infomercial that is too good to be

true. In the bill is a tax exemption that costs the state \$140 million, school funding which is another \$140 million and finally a teacher minimum wage (which is another unfunded mandate on local schools). With no funding, this bill is definitely too good to be true.

I vote no on **HB 2560!**—TODD NOVASCONE

SB 323. An act concerning the state general fund; relating to revenue estimates; amending K.S.A. 2003 Supp. 75-6701 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, 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, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Dillmore, Sloan.

Present but not voting: None.

Absent or not voting: Boyer, Goering, D. Williams.

The bill passed.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Campbell, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2706**, **HB 2673**, **HB 2886** be passed.

HB 2675 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2420** be adopted; also, on motion of Rep. Patterson be amended on page 1, in line 35, by striking all after "(e)"; in line 36, by striking all before "may" and inserting "The county or district attorney of the county where a public library is located";

Also, roll call was demanded on motion of Rep. Myers to amend **Sub. HB 2420** on page 1, after line 34, by inserting:

"(e) No public library shall check out or issue any R-rated video, DVD, film or other material in a visual medium to any person under 18 years of age unless such person is accompanied by such person's parent or guardian.";

Also on page 1, by relettering the remaining subsections accordingly; in line 38, after "(c)" by inserting "or (e)";

On roll call, the vote was: Yeas 96; Nays 24; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Freeborn, Gatewood, Gilbert, Goico, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Larkin, Light, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, S. Sharp, Showalter, Shultz, Siegfried, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Yoder.

Nays: Aurand, Beggs, Burroughs, Cox, Dreher, Flaharty, Flora, Gordon, Henderson, Jack, Kassebaum, Kirk, Kuether, Loyd, O'Neal, Rehorn, Reitz, Sawyer, Scoggins-Waite, Shriver, Sloan, Wilk, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Boyer, Goering, Loganbill, B. Sharp, Svaty.

The motion of Rep. Myers prevailed.

Also, on motion of Rep. Ward, **Sub. HB 2420** be amended on page 2, line 9, by adding after "statute book." "No library shall be required to comply with the provisions of this act until such time as the state of Kansas appropriates sufficient funds to pay for internet filtering technology.";

Also, roll call was demanded on motion recommend **Sub. HB 2420** favorably for passage.

On roll call, the vote was: Yeas 93; Nays 27; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Campbell, Carlin, Carter, Compton, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goico, Gordon, Grant, Hayzlett, Henry, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, Schwartz, S. Sharp, Shriver, Siegfried, Sloan, Storm, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Beggs, Burroughs, Cox, Crow, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Henderson, Hill, Kassebaum, Kirk, Kuether, Loganbill, M. Long, Minor, Jim Morrison, Phelps, Reardon, Rehorn, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Boyer, Goering, Klein, Shultz, Svaty.

The motion prevailed and **Sub. HB 2420** be passed as amended.

Committee report to **HB 2569** be adopted; and the bill be passed as amended.

Committee report to **HB 2568** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2908** be passed.

Committee on **Corrections and Juvenile Justice** recommends **SB 337** be passed.

Committee on **Corrections and Juvenile Justice** recommends **HB 2835** be amended on page 1, in line 14, by striking "any facility where"; also in line 14, after "picture" by inserting "theater, while a motion picture"; in line 16, by striking all after "such"; in line 17, by striking "exhibited" and inserting "theater"; in line 22, by striking "facility" and inserting "motion picture theater"; in line 23, by striking "or the licensor of the motion picture being exhibited"; in line 26, by striking "licensor,,"; in line 28, by striking "licensor,,"; in line 33, by striking the colon; in line 34, by striking "(1) A" and inserting "a"; in line 38, by striking "; or" and inserting a period; by striking all in lines 39 through 43;

On page 2, in line 1, by striking "(f)" and inserting "(e)"; in line 5, by striking all after "(2)" and inserting "Motion picture theater" means a movie theater, screening room or other venue when used primarily for the exhibition of a motion picture."; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 431**, be amended on page 3, in line 14, by striking "and" and inserting a comma; also in line 3, after "firearms" by inserting "and explosives"; and the bill be passed as amended.

Committee on **Education** recommends **Sub. HB 2807** be passed.

Committee on **Education** recommends **HCR 5036** be adopted.

Committee on **Education** recommends **SB 304**, be amended on page 2, by striking all in lines 41 through 43;

On page 3, by striking all in lines 1 through 11; in line 12, by striking "3" and inserting "2"; and the bill be passed as amended.

Committee on **Education** recommends **SB 346** be amended on page 2, following line 19, by inserting:

“(4) On and after July 1, 2005, a pupil enrolled in any school district in this state who does not live in Kansas shall not be counted as a pupil for state financial aid under the school district finance and quality performance act except that until July 1, 2010, a pupil who does not live in Kansas and whose parent is a full-time employee of the school district may be counted as a pupil for purposes of state financial aid.”;

On page 4, following line 38, by inserting the following:

“Sec. 2. K.S.A. 72-6757 is hereby amended to read as follows: 72-6757. (a) As used in this section:

(1) “Receiving school district” means a school district of nonresidence of a pupil who attends school in such school district.

(2) “Sending school district” means a school district of residence of a pupil who attends school in a school district not of the pupil’s residence.

(b) The board of education of any school district may make and enter into contracts with the board of education of any receiving school district located in this state for the purpose of providing for the attendance of pupils at school in the receiving school district.

(c) The board of education of any school district *located in this state* may make and enter into contracts with the governing authority of any accredited school district located in another state for the purpose of providing for the attendance of pupils from this state at school in such other state or for the attendance of pupils from such other state at school in this state.

(d) Pupils attending school in a receiving school district in accordance with a contract authorized by this section and made and entered into by such receiving school district with a sending school district located in this state shall be counted as regularly enrolled in and attending school in the sending school district for the purpose of computations under the school district finance and quality performance act.

(e) Any contract made and entered into under authority of this section is subject to the following conditions:

(1) The contract shall be for the benefit of pupils who reside at inconvenient or unreasonable distances from the schools maintained by the sending school district or for pupils who, for any other reason deemed sufficient by the board of education of the sending school district, should attend school in a receiving school district;

(2) the contract shall make provision for the payment of tuition by the sending school district to the receiving school district; *and*

~~(3) if a sending school district is located in this state and the receiving school district is located in another state, the amount of tuition provided to be paid for the attendance of a pupil or pupils at school in the receiving school district shall not exceed ½ of the amount of the budget per pupil of the sending school district under the school district finance and quality performance act for the current school year, and~~

~~(4) the contract shall make provision for transportation of pupils to and from the school attended on every school day.~~

(f) Amounts received pursuant to contracts made and entered into under authority of this section by a school district located in this state for enrollment and attendance of pupils at school in regular educational programs shall be deposited in the general fund of the school district.

~~(g) The provisions of subsection (c)(3) do not apply to unified school district No. 104, Jewell county.~~

~~(h) The provisions of this section do not apply to contracts made and entered into under authority of the special education for exceptional children act.~~

~~(i) (h) The provisions of this section are deemed to be alternative to the provisions of K.S.A. 72-8233, and amendments thereto, and no procedure or authorization under K.S.A. 72-8233, and amendments thereto, shall be limited by the provisions of this section.”;~~

By renumbering sections accordingly;

Also on page 4, in line 39, following “K.S.A.” by inserting “72-6757 and K.S.A.”; also in line 39, by striking “is” and inserting “are”;

In the title, in line 10, preceding "K.S.A." by inserting "K.S.A. 72-6757 and"; in line 11, by striking "section" and inserting "sections" and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 316, SB 321** be passed.

Committee on **Judiciary** recommends **SB 141**, be amended on page 5, in line 3, by striking ", an au-"; by striking all in line 4; in line 5, by striking all before "a" and inserting "or"; in line 10, by striking the comma; also in line 10, by striking "an authorized rep-"; in line 11, by striking "representative of the secretary"; in line 39, by striking ", an authorized representative of the sec-"; by striking all in line 40; in line 41, by striking "amendments thereto," and inserting "or";

On page 35, in line 43, by striking "(i)" and inserting "(h)";

On page 36, in line 3, by striking "(i)" and inserting "(h)"; by striking all in lines 18 through 22;

And by relettering the subsections accordingly;

Also on page 36, in line 25, by striking "(i)" and inserting "(h)";

On page 37, in line 20, before "Kansas" by inserting "state board of pharmacy, Kansas dental board, state board of veterinary examiners, behavioral sciences regulatory board, state board of cosmetology, the department of agriculture, "; in line 26, after "council" by inserting ", Kansas real estate commission, real estate appraisal board, state board of mortuary arts, Kansas board of barbering, board of nursing, Kansas board of examiners in fitting and dispensing of hearing aids, board of examiners in optometry"; in line 34, before "and" by inserting ", state board of healing arts, Kansas state banking board, state department of credit unions, office of the securities commissioner of Kansas, state board of technical professions"; in line 39, after "department" by inserting ", board of accountancy";

On page 38, in line 13, by striking "(i)(1)" and inserting "(h)(1)"; in line 28, by striking "(i)"; in line 29, before "(2)" by inserting "(h)";

On page 39, in line 1, by striking "(i)"; in line 2, before "(3)" by inserting "(h)"; in line 18, by striking "(i)(4)" and inserting "(h)(4)";

On page 41, in line 26, by striking "(i)" and inserting "(h)";

On page 44, in line 13, by striking "(i)" and inserting "(h)";

On page 51, in line 26, by striking "at the party's request pursuant to"; in line 27, by striking all before "a"; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 437**, be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 437," as follows:

"HOUSE Substitute for SENATE BILL No. 437

By Committee on Judiciary

"AN ACT concerning civil procedure; relating to civil liability for serving alcoholic beverages."; and the substitute bill be passed.

(**H. Sub. for SB 437** was thereupon introduced and read by title).

Committee on **Transportation** recommends **SB 448, SB 449** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

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 bill was thereupon introduced and read by title:

HB 2925, An act concerning the medical student loan act; relating to service commitment areas; amending K.S.A. 2003 Supp. 76-381 and repealing the existing section, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **SB 275** from Committee on Appropriations and referral to Committee on Corrections and Juvenile Justice.

MARCH 10, 2004

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REPORT ON ENGROSSED BILLS

HB 2560 reported correctly engrossed March 10, 2004.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Thursday, March 11, 2004.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

