

# Journal of the House

## ELEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 29, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair. The roll was called with 122 members present.

Rep. O'Brien was excused on verified illness.

Reps. Gilbert and Glasscock were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, we celebrate the birthday of our state today. What blessings you have showered upon us in the one hundred and forty-one years of our statehood. Here in this beautiful land with spacious skies, we see the beauty of your creation - close and personal. We look out upon waves of grain and know that long before humans walked the prairies you blessed them with rich nutrients and an abundance of all that nourishes us. The crops that grow from the plains and the cattle that graze on our ranges feast on the bounty of your blessing. A nation eats its daily bread, fed by your love for us all.

We do indeed look to the stars, O God. We look to a future that you promise to us as we invite your kingdom to reign on this earth. Even as we recognize the challenges and adversities that often have confronted us and that will yet in the future, we know that your desire for us is to live in joy and fulfillment amid the blessings of life. Thank you Lord for our home on the range. Bless our celebration and our future. Let us truly be the people that you have made it possible for us to be, and may we all share in the toil and in the blessing as we reach for the stars. Amen.

The Pledge of Allegiance was led by Rep. Dreher.

### **SPECIAL OBSERVANCE**

In celebration of the 141st birthday of Kansas, Rep. Ballard led the members of the House in singing "Home on the Range."

### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

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

**HB 2726**, An act concerning school district financing; relating to school facilities weighting; amending K.S.A. 2001 Supp. 72-6407 and repealing the existing section, by Representative McCreary.

**HB 2727**, An act concerning improvement districts; relating to the powers and duties of the governing body thereof; amending K.S.A. 2001 Supp. 19-2765 and repealing the existing section, by Representative Myers.

**HB 2728**, An act concerning the employment security law; relating to contributions and benefits payable thereunder; amending K.S.A. 44-704 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2729.** An act concerning the workers compensation act; amending K.S.A. 44-510b, 44-542a, 44-550b and 44-557a and K.S.A. 2001 Supp. 44-508 and repealing the existing sections, by Committee on Business, Commerce and Labor.

**HB 2730.** An act enacting the protection from stalking act; amending K.S.A. 2001 Supp. 21-3438, 21-3721 and 21-3843 and repealing the existing sections, by Representatives Lloyd, Nichols and Storm.

**HB 2731.** An act concerning protection from abuse; relating to funding for programs; amending K.S.A. 2001 Supp. 20-362, 20-367, 60-1621, 60-2001 and 74-7325 and repealing the existing sections, by Representatives Lloyd and Nichols.

**HB 2732.** An act concerning protection from abuse; relating to intimate partners or household members; amending K.S.A. 2001 Supp. 60-3102, 60-3104, 60-3107 and 60-3112 and repealing the existing sections, by Representatives Lloyd and Nichols.

**HB 2733.** An act concerning presumptive death, relating to persons absent after catastrophic events and disasters; amending K.S.A. 59-2704 and 59-2705 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2734.** An act concerning the university of Kansas hospital authority act; amending K.S.A. 2001 Supp. 76-3303, 76-3304, 76-3311, 76-3315, 76-3321 and 76-3322 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2735.** An act concerning crimes and punishment; relating to aggravated battery; amending K.S.A. 21-3414 and repealing the existing section, by Committee on Judiciary.

**HB 2736.** An act concerning human cloning; relating to criminal and civil penalties, by Representatives Cook, Boston, Campbell, Compton, Dahl, DeCastro, DiVita, Faber, Freeborn, Hayzlett, Howell, Huebert, Huff, Hutchins, Huy, Kauffman, Landwehr, Larkin, Levinson, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Patterson, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Rardon, Stone, Tafanelli, Thimesch, Toplikar, Vickrey and D. Williams .

**HB 2737.** An act concerning human embryos; relating to criminal penalties, by Representatives Cook, Campbell, Dahl, DeCastro, DiVita, Faber, Freeborn, Hayzlett, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, L. Powell, T. Powell, Powers, Pyle, Thimesch, Toplikar, Vickrey and D. Williams.

**HB 2738.** An act concerning solid waste; relating to construction and demolition landfills; amending K.S.A. 2001 Supp. 65-3402 and repealing the existing section, by Committee on Environment.

**HB 2739.** An act concerning appropriation of water for beneficial use; amending K.S.A. 82a-734 and repealing the existing section, by Committee on Environment.

**HB 2740.** An act designating the state official fossil, by Committee on Federal and State Affairs.

**HB 2741.** An act concerning certain animals; prescribing penalties for inflicting harm or death; amending K.S.A. 2001 Supp. 21-4318 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2742.** An act amending the open records act; amending K.S.A. 45-217 and K.S.A. 2001 Supp. 45-221 and repealing the existing sections, by Committee on Federal and State Affairs.

#### HOUSE CONCURRENT RESOLUTION No. 5042—

By Committee on Ethics and Elections

A PROPOSITION to amend section 1 of article 5 of the constitution of the state of Kansas, relating to qualifications of electors.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 5 of the constitution of the state of Kansas is hereby amended to read as follows:

**“§ 1. Qualifications of electors.** Every citizen of the United States who has attained the age of eighteen years and who resides in the voting area in which ~~he or she~~ such citizen seeks to vote shall be deemed a qualified elector. *In addition thereto, every citizen of the United States who has attained the age of 18 years on or before the date of any general election, and is otherwise qualified as provided by law, shall be deemed a qualified elector for the purpose of voting at the primary election held for the purpose of nominating candidates for such general election.*

Laws of this state relating to voting for presidential electors and candidates for the office of president and vice-president of the United States shall comply with the laws of the United States relating thereto. A citizen of the United States, who is otherwise qualified to vote in Kansas for presidential electors and candidates for the offices of president and vice-president of the United States may vote for such officers either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of this state if ~~his or her~~ such person's removal from this state occurs during a period in accordance with federal law next preceding such election.

A person who is otherwise a qualified elector may vote in the voting area of ~~his or her~~ such person's former residence either in person or by absentee ballot notwithstanding the fact that such person may have become a nonresident of such voting area during a period prescribed by law next preceding the election at which ~~he or she~~ such person seeks to vote, if ~~his~~ such new residence is in another voting area in the state of Kansas.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*“Explanatory statement.* The purpose of this amendment is to authorize persons becoming 18 years of age on or before the date of any general election to vote at the primary election held for the nomination of candidates for such general election even though such person is 17 years of age at the time of the primary election.

“A vote for this amendment would favor authorizing persons becoming 18 years of age on or before the date of any general election to vote at the primary election held for the nomination of candidates for such general election.

“A vote against this amendment would favor making no change in the current law requiring that a person has attained the age of 18 years to become a qualified elector for the purpose of voting.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2002 less a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2712** (separately), **HB 2721**, **HB 2725**.

e-Government: **HB 2719**.

Education: **HB 2720**.

Environment: **HB 2710**.

Federal and State Affairs: **HB 2711**.

Financial Institutions: **HB 2723**.

Health and Human Services: **HB 2715**, **HB 2717**, **HB 2718**.

Judiciary: **HB 2722**.

Local Government: **HB 2708, HB 2709.**  
Taxation: **HB 2714, HB 2716, HB 2724.**  
Utilities: **HB 2712** (separately), **HB 2713.**

#### COMMUNICATIONS FROM STATE OFFICERS

From Dale Brunton, Director, Division of Accounts and Reports, State of Kansas Monthly Financial Perspective for July, August, September, October and November, 2001.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2306, **HB 2593** was withdrawn from the calendar under the heading General Orders, and rereferred to Committee on Appropriations.

#### CONSENT CALENDAR

Objection was made to **HB 2641** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Pottorff in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2602** be passed.

On motion of Rep. L. Powell **HB 2603** be amended on page 1, following line 20, by inserting the following:

“Sec. 2. United States highway 83 from the Kansas-Nebraska border on the north to the Kansas-Oklahoma border on the south is hereby designated the veterans of foreign wars memorial highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the veterans of foreign wars memorial highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.”;

By renumbering sections accordingly;

Also on page 1, in the title, in line 9, following “ACT” by inserting “relating to highways;”; in line 10, following “highway” by inserting “; designating United States highway 83 as the veterans of foreign wars memorial highway”; and **HB 2603** be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **HB 2623** be passed and, because the committee is of the opinion that the bill is 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 bills were thereupon introduced and read by title:

**HB 2743**, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for the board of accountancy, state bank commissioner, Kansas board of barbering, behavioral sciences regulatory board, state board of healing arts, Kansas state board of cosmetology, Kansas dental board, state department of credit unions, state board of mortuary arts, board of nursing, board of examiners in optometry, state board of pharmacy, real estate appraisal board, Kansas real estate commission, office of the securities commissioner of Kansas, state board of technical professions, state board of veterinary examiners, governmental ethics commission, secretary of state, insurance department, health care stabilization fund board of governors, state board of indigents' defense services, citizens'

utility ratepayer board, department of administration, department of revenue, Kansas lottery, Kansas racing and gaming commission, department of commerce and housing, Kansas inc., Kansas technology enterprise corporation, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, Kansas state historical society, Kansas state university, department of corrections, juvenile justice authority, adjutant general, attorney general—Kansas bureau of investigation, Kansas department of agriculture, state conservation commission, Kansas water office and department of transportation; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; repealing section 59 of chapter 216 of the 2001 Session Laws of Kansas, by Committee on Appropriations

**HB 2744**, An act concerning the examination of victims of sexual assault; amending K.S.A. 2001 Supp. 65-448 and repealing the existing section, by Representatives Lloyd and Nichols.

**HB 2745**, An act concerning optometry; relating to contact lens; amending K.S.A. 65-1504b and repealing the existing section, by Committee on Health and Human Services.

**HB 2746**, An act concerning retail electric service; relating to station power; amending K.S.A. 66-1,170 and 66-1,173 and repealing the existing sections, by Committee on Utilities.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, January 30, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

