

(Corrected)

Journal of the House

FIFTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 4, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 121 members present.

Reps. O'Brien and Tomlinson were excused on verified illness.

Reps. Compton and E. Peterson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Leon Hayen, assistant pastor, First United Methodist Church, Topeka:

We are Kansans, O God, some of us native born, and some by adoption. We live in this land with the humbling knowledge of it being hotly contested before the War between the States, with much bloodshed, the sweat of hard labor, and many tears, by people black and white, and many colors in between.

In these days, by a simple act of voting, we have given responsibility to these men and women assembled here to lead us. Bless them, O God, for we know they cannot serve us well without your Spirit's compassion and power in their hearts.

Look with special favor, Gracious God, upon those who remember our children's children as well as the needs of our own generation.

So may it be, O God of Yesterday, Today, and Forever! Amen.

The Pledge of Allegiance was led by Rep. Larkin.

INTRODUCTION OF GUESTS

Reps. Jim Morrison, Burroughs, Faber, Gatewood and Krehbiel welcomed Don Heiman to the House. Mr. Heiman, accompanied by his wife, Jenny, is retiring and was recognized for his service to the state and presented with a certificate. Mr. Heiman addressed a few remarks to the members of the House.

Reps. Beggs and Horst welcomed Dr. Richard Bergen, Salina, to the House. Dr. Bergen, the creator and sculptor of the native Kansas warrior "Ad Astra," was presented with a certificate. Dr. Bergen addressed a few remarks to the members of the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2756. An act relating to motor vehicles; providing for United We Stand license plates, by Committee on Transportation.

HB 2757. An act concerning school districts; relating to budgetary funds; amending K.S.A. 2001 Supp. 72-6409, 72-6410, 72-6430, 72-6433, 72-8302, 72-8316 and 72-8317 and repealing the existing sections; also repealing K.S.A. 72-6421, 72-6423, 72-6425, 72-6427, 72-6428 and 72-6429 and K.S.A. 2001 Supp. 72-6426, by Representative D. Williams.

HB 2758. An act concerning school districts; relating to base state aid per pupil, teachers salaries and the local option budget; amending K.S.A. 2001 Supp. 72-6410 and 72-6433 and

repealing the existing sections; also repealing K.S.A. 2001 Supp. 72-6444, by Representative D. Williams.

HB 2759. An act concerning school district finance; relating to juvenile detention facilities; amending K.S.A. 2001 Supp. 72-6407, 72-6430 and 72-8187 and repealing the existing sections, by Legislative Educational Planning Committee.

HB 2760. An act concerning historic property; relating to the listing of certain property on the state register of historic places, by Representatives Tanner, Aday, Boston, Dahl, DeCastro, Horst, Huff, Humerickhouse, Kauffman, Mason, Merrick, Judy Morrison, Myers and Stone.

HB 2761. An act concerning elections; relating to conditions under which felons may vote; amending K.S.A. 2001 Supp. 21-4603, 21-4603d and 21-4615 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2762. An act concerning recipients of medicaid; after death requiring certain moneys to be recouped and repaid to the secretary of social and rehabilitation services; amending K.S.A. 16-301 and repealing the existing section, by Committee on Health and Human Services.

HB 2763. An act concerning courts; relating to courtrooms and supplies; repealing K.S.A. 20-613a and 20-713, by Committee on Judiciary.

HB 2764. An act concerning the Kansas senior care act; relating to allocations for area agencies on aging; amending K.S.A. 75-5929, 75-5930, 75-5931, 75-5932 and 75-5933 and K.S.A. 2001 Supp. 75-5928 and repealing the existing sections, by Committee on Appropriations.

HB 2765. An act concerning school district financing; relating to local effort, general fund and fund balances; amending K.S.A. 72-6416 and 72-6428 and K.S.A. 2001 Supp. 72-6409, 72-6410, 72-6417, 72-6426, 72-6430 and 72-6431 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 72-8189, by Representatives D. Williams and Campbell.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2755.**

Utilities: **HB 2754.**

COMMUNICATIONS FROM STATE OFFICERS

From John Wine, Chair, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Report to the 2002 Kansas Legislature.

From Glenn Deck, Executive Director, Kansas Public Employees Retirement System, Annual Report of the Kansas Public Employees Retirement System for fiscal year ending June 30, 2001.

From Kansas Guardianship Program, pursuant to K.S.A. 74-9601 et seq., as amended, 2001 Annual Report.

From Walter V. Darling, Director of Fiscal and Technical Services, Kansas Highway Patrol, pursuant to K.S.A. 60-4117, report regarding state forfeiture funds.

From Bob Totten, Public Affairs Director, The Kansas Contractors Association, Inc., final report by Michael W. Babcock and Bernt Bratsbert, of Kansas State University, on Economic Impacts of the Kansas Comprehensive Highway Program, June 1997.

From Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, as required by HB 2283, NFMH Proviso Workgroup Report, January 2002.

From Janet Schalansky, Secretary, Department of Social and Rehabilitation Services, as required by S. Sub. for HB 2067, report on plans for Maximizing Federal Financial Participation and Community Capacity Building Plans, January 2002.

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

CONSENT CALENDAR

No objection was made to **HB 2623** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2602. An act concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gamer, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Klein.

Present but not voting: None.

Absent or not voting: Compton, O'Brien, E. Peterson, Tomlinson.

The bill passed.

HB 2603. An act relating to highways; designating part of United States highway 169 as the Robert V. Talkington highway; designating United States highway 83 as the veterans of foreign wars memorial highway, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Burroughs, Landwehr, Powers, Schwartz, Spangler, Wells.

Present but not voting: None.

Absent or not voting: Compton, O'Brien, E. Peterson, Tomlinson.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Utilities** recommends **HCR 5040** be adopted.

(Having been referred separately, **HCR 5040** is now in Committee on **Interstate Cooperation**.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 20, by Representative Schwartz, congratulating Orval Jueneman on being named 2001 Contractor of the Year;

Request No. 21, by Representative Crow, honoring Ross Markle on being named 2002 Leavenworth Chamber of Commerce Citizen of the Year;

Request No. 22, by Representatives Burroughs and Sharp, congratulating the Turner Golden Bears Soccer Team as Kansan Team of the Year and Coach Wes Cackler as Kansas Coach of the Year;

Request No. 23, by Representative Weber, in memory of Lawrence "Larry" Jerome Sisson, who distinguished himself in the tire industry;

Request No. 24, by Representative Johnson, recognizing Dr. Charles Stinchcomb on being selected as 2001 Kansas Veterinarian of the Year;

Request No. 25, by Representative Johnson, commending the Victoria Elementary School fifth-graders in Kathy Jensen's classes for planning, organizing and implementing activities for Red Ribbon Week;

Request No. 26, by Representative Peggy Long, honoring Madge Rankin for her many years of service and love to those around her;

Request No. 27, by Representative Schwartz, congratulating Francis and Pauline Baxa on their 60th wedding anniversary;

Request No. 28, by Representative Schwartz, congratulating Harold and Grace Melton on their 60th wedding anniversary;

Request No. 29, by Representative Dreher, congratulating Robert and Carrie Arnett on their 50th wedding anniversary;

Request No. 30, by Representative Larry Powell, congratulating Marion Lobmeyer on being chosen Premier Seedsman of Kansas by the Kansas Crop Improvement Association;

Request No. 31, by Representative Horst, congratulating Peter J. Anderson, Joseph W. Blackwell, Justin T. Cosco, Nathan D. Mull, Charles A. Ritter, III, and Troy Schmidt on the achievement of receiving the rank of Eagle Scout;

Request No. 32, by Representative Weber, congratulating Jonathan Gehrke, Erik Schroeder and Robert Zimmer on the achievement of receiving the rank of Eagle Scout;

Request No. 33, by Representatives Beggs and Horst, designating February 4 through 8, 2002 as "Ad Astra Week" and honoring Richard Bergen as sculptor of the native Kansas warrior;

Request No. 34, by Representative Weber, congratulating Karen Donahue as Citizen of the Year by the Herington Area Chamber of Commerce;

Request No. 35, by Representative Weber, congratulating Pat Shahan as Senior Citizen of the Year by the Herington Area Chamber of Commerce;

Request No. 36, by Representative Weber, congratulating Abby Otte as Young Citizen of the Year by the Herington Area Chamber of Commerce;

Request No. 37, by Representative Owens, congratulating Amy Elizabeth Brennan for receiving the Girl Scout Gold Award;

Request No. 38, by Representative Weber, honoring Ron Shivers for receiving the 2001 Distinguished Citizen of the Year Award from the Abilene Chamber of Commerce;

Request No. 39, by Representative Weber, honoring Bob Kooser, for the receiving the 2001 Ambassador of the Year Award from the Abilene Chamber of Commerce;

Request No. 40, by Representative Weber, honoring Marilyn Christner for receiving the 2001 Quiet Hero of the Year Award from the Abilene Chamber of Commerce;

Request No. 41, by Representative Weber, honoring the Wild Bill Hickok Committee for receiving the 2001 Volunteer of the Year Award from the Abilene Chamber of Commerce;

Request No. 42, by Representative Morrison, honoring Don Heiman for his commitment and excellence in the field of technology and wishing him well on his retirement from state service;

Request No. 43, by Representative Glasscock, commending Richard D. King, President of Rotary International on his visit to Topeka;

Request No. 44, by Representatives Glasscock Sloan commending members of the 2nd Battalion, 137th Infantry, Kansas National Guard in appreciation of sacrifices made on behalf of all Americans;

Request No. 45, by Representatives Winn, Henderson, Sharp, Spangler and Burroughs congratulating Sheriff Leroy Greene, Jr. on his outstanding service to the citizens of Wyandotte County and the State of Kansas;

Be approved and the Chief Clerk of the House be directed to order the printing of said certificates and drafting of said resolutions.

On motion of Rep. Weber, the committee report was adopted.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, February 5, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

