

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 14, 2002, 10:30 a.m.

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

Reps. DiVita, McCreary and O'Brien were excused on verified illness.

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

Prayer by Chaplain Chamberlain:

Lord, it is a difficult Valentine's Day for many here today. On a day when we as children showered one another with brightly colored cards and candy kisses, fellowship and feelings of warmth are not always easy as adults.

So Lord, regardless of our feelings today, let us pray for one another as you commanded us to do. Let our prayer for one another be received as our valentine today as we wish for each person:

*Comfort on difficult days,
Smiles when sadness intrudes,
Rainbows to follow the clouds,
Laughter to kiss your lips,
Sunsets to warm your heart,
Gentle hugs when spirits sag,
Friendships to brighten your being,
Beauty for your eyes to see,
Confidence for when you doubt,
Faith so that you can believe,
Courage to know yourself,
Patience to accept the truth,
And love to complete your life.*
(Author Unknown)

Amen.

The Pledge of Allegiance was led by Rep. Freeborn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2946. An act concerning insurance; relating to insurance self-compliance audits, by Committee on Insurance.

HB 2947. An act concerning municipal bonds; relating to interest thereon; amending K.S.A. 10-1009 and repealing the existing section, by Committee on Appropriations.

HB 2948. An act relating to income taxation; concerning the historic structure rehabilitation expenditure credit therefrom; amending K.S.A. 2001 Supp. 79-32,211 and repealing the existing section, by Committee on Taxation.

HB 2949. An act concerning cities and counties; relating to transportation development districts, by Committee on Local Government.

HB 2950. An act concerning limitations on expenditures for certain capital improvement projects, by Committee on New Economy.

HB 2951, An act concerning schools; relating to the closing of school buildings; grants to communities; amending K.S.A. 72-8213 and repealing the existing section, by Committee on Education.

COMMUNICATIONS FROM STATE OFFICERS

From Dale Brunton, Director, Division of Accounts and Reports, Department of Administration, State of Kansas Monthly Financial Perspective for January 2002.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 95, SB 377, SB 383, SB 392, SB 393; Sub. SB 394; SB 398, SB 408, SB 410, SB 429, SB 472**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 95, SB 377, SB 383, SB 392, SB 393; Sub. SB 394; SB 398, SB 408, SB 410, SB 429, SB 472.

CONSENT CALENDAR

Objection was made to **HB 2750** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2676** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2625, An act concerning state representative districts; providing for the reapportionment thereof; repealing K.S.A. 4-3,601 through 4-3,728, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 16; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McLeland, Merrick, 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, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson.

Nays: Faber, Feuerborn, Gilbert, Goering, Henderson, Howell, Larkin, McKinney, Miller, E. Peterson, Pyle, Sharp, Tanner, Thimesch, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: DiVita, Huebert, McCreary, O'Brien.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I have voted "No" on **Sub. HB 2625**. My reasons for this act are rather simple. Two of us sitting this morning in this chamber have represented Franklin County for the past several years. Today you have voted to change that representation by dividing the county asunder among four representatives. In your action you have violated one of the primary rules of redistricting—**keeping the counties whole**. Therefore I must oppose passage of this bill.—RALPH TANNER

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2679** be adopted; and the bill be passed as amended.

Committee report to **HB 2624** be adopted; and the bill be passed as amended.

On motion of Rep. Sloan, **HB 2607** be amended on page 1, by striking all in lines 13 through 43;

On page 2, by striking all in lines 1 through 14 and inserting:

“New Section 1. A rural water district organized under K.S.A. 82a-612 *et seq.*, and amendments thereto, may provide for any election of the district to be conducted by mail ballot in accordance with the bylaws of the district.

Sec. 2. K.S.A. 82a-626 is hereby amended to read as follows: 82a-626. (a) The term of office of every member elected to an original board shall be until the date of the annual meeting of the participating members of either the first, second or third year following the year of the incorporation of the district and until their successors are elected and have qualified, and as nearly as possible the terms of an equal number of directors on any such board shall expire on each of ~~said~~ such dates.

(b) *Except as provided by the bylaws of the district pursuant to section 1, and amendments thereto*, at the annual meeting of each year after the year of the election of the original board members, elections shall be held to elect directors to fill any position on the board, the term of office of which has expired, and any director so elected shall hold office for a term of three years and until such director's successor is elected and has qualified. For the purpose of election of board members and for such other purposes as the bylaws may prescribe, annual meetings of participating members shall be held by each district between January 1 and April 1 of each year following the year of incorporation of such district. The board of directors shall cause notice of the time and place of each annual meeting and the purpose thereof to be mailed to each of its participating members or shall cause such notice to be published in a newspaper of general circulation within the district. Every such notice shall be mailed or published not less than 10 nor more than 30 days prior to any such meeting. Each participating member shall be entitled to a single vote, regardless of the number of benefit units to which such member has subscribed.

Sec. 3. K.S.A. 82a-626 is hereby repealed.”;

By renumbering section 3 as section 4;

In the title, in line 9, by striking all after “concerning”; in line 10, by striking all before “and” and inserting “certain rural water districts; authorizing certain elections to be held by mail ballot; amending K.S.A. 82a-626”; and **HB 2607** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HB 2768** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

REPORT OF STANDING COMMITTEE

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

Request No. 54, by Representative Larkin, congratulating the Lady Panther Volleyball Team on winning the 1A State Volleyball Championship;

Request No. 55, by Representatives Merrick and Patterson, commending the Shawnee Mission East High School on winning the 2001 Shawnee Mission Research and Development Forum Grand Award and the 2001 Shawnee Mission Research and Development Forum 1st Place;

Request No. 56, by Representative Pyle, congratulating Joyce Irwin on being named 2002 Central District Middle School Physical Education Teacher of the Year;

Request No. 57, by Representative Howell, congratulating Marianne Avett on being named an Outstanding Citizen by the Fort Scott City Commission;

Request No. 58, by Representative Howell, congratulating Leon and Emma Jean McIntyre, John Mowery and Joe and Shirley Warren on receiving the Kansas Bankers Award for outstanding stewardship and conservation work;

Request No. 59, by Representative Howell, congratulating Paul and Clarice Russell and Buddy and Gerry Browning on receiving the Grassland Award for excellence in conserving Bourbon County natural resources;

Request No. 60, by Representative E. Peterson, congratulating Brian Riley on attaining the rank of Eagle Scout;

Request No. 61, by Krehbiel, congratulating the members and coaches of the 2002 Class 3-2-1A State Debate Championship team;

Request No. 62, by Representative Dahl, honoring Ivan and Marie Clark on their 60th wedding anniversary;

Request No. 63, by Representative Osborne, congratulating Lyle E. And LaVera Marie Webster on their 50th wedding anniversary;

Request No. 64, by Representative Goering, honoring Dr. Richard (Pete) Warren Meador on his selection as Surgeon Major;

Request No. 65, by Representative Cook, congratulating Emily Gipple on receiving the Prudential Spirit of Community Award;

Request No. 66, by Representatives M. Long, Sharp and Winn, congratulating Cynthia S. Knight on being named to the 2002 All-Kansas Academic Team;

Request No. 67, by Representative P. Long, commending Daniel Casement on receiving the Prudential Spirit of Community Award;

Request No. 68, by Representatives DeCastro, Huy and Owens, congratulating Jordan Ryan Parkhurst on scoring a perfect 300 game in league bowling;

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.

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 2952, An act concerning school district finance; affecting computation of state financial aid for districts formed by consolidation; amending K.S.A. 2001 Supp. 72-6445 and repealing the existing section, by Committee on Education.

HB 2953, An act concerning schools; relating to transfer of school district territory; amending K.S.A. 2001 Supp. 72-7108 and repealing the existing section, by Committee on Education.

HB 2954, An act concerning school districts; relating to capital improvements; amending K.S.A. 75-2319 and repealing the existing section, by Committee on Education.

HB 2955, An act repealing K.S.A. 72-8136a, 72-8136b, 72-8136c, 72-8136d and 72-8136e; concerning closing of school buildings, by Committee on Education.

REPORT ON ENGROSSED BILLS

Sub. HB 2625 reported correctly engrossed February 14, 2002.

On motion of Rep. Weber, the House adjourned pro forma until 9:00 a.m., Friday, February 15, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

