

Journal of the House

THIRTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 8, 2002, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 119 members present.
Reps. McCreary and O'Brien were excused on verified illness.
Rep. T. Powell was excused on legislative business.
Reps. Henderson, Larkin and Stone were excused on excused absence by the Speaker.
Prayer by Chaplain Chamberlain:

Almighty God, you are the shepherd who guides, directs and protects us, we want for nothing. You lead us to the bounty of this beautiful prairie that we inhabit. You satisfy our thirst for life. You renew our spirits each day. You guide us in your Spirit to seek all that is holy and just.

When we walk in dangerous and difficult places and wrestle with the complications and difficult decisions of life, we walk with confidence because you are with us. We do not fear what you can conquer. Your hand protects and guides us.

Even in times of danger, when enemies threaten us, you bless us with more than we need. Our lives overflow with your generosity.

Surely, there is no end to your grace, your goodness or your care. It will follow us in this life and forever.

Lord, be the Good Shepherd for the flock of this house, and remind us all of your love, your commandments and your grace. Amen.

(Adapted from the 23rd Psalm)

The Pledge of Allegiance was led by Rep. Ballard.

PRESENTATION OF PETITIONS

The following petition was presented and filed:

HP 2002, by Rep. Edmonds, a petition supporting the reduction of taxes and voter approval of all tax hikes, signed by Ruth E. Lowry of Great Bend, and 754 others.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 3009**.

Judiciary: **HB 3010**.

Taxation: **HB 3011**.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 449** from Committee on e-Government and referral to Committee on Transportation.

Also, the withdrawal of **HB 2934** from Committee on Judiciary and referral to Committee on Insurance.

MESSAGES FROM THE GOVERNOR

HB 2603 approved on March 7, 2002.

MESSAGE FROM THE SENATE

Announcing passage of **SB 411**; **Sub. SB 422**; **SB 489**; **Sub. SB 508**.
 Announcing adoption of **SCR 1621**.
 Also, announcing passage of **Sub. HB 2625**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 411; **Sub. SB 422**; **SB 489**; **Sub. SB 508**; **SCR 1621**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2306, **HB 2714** was withdrawn from the Calendar under the heading, General Orders, and rereferral to Committee on Taxation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2690. An act concerning the state board of regents; relating to scientific research and development facilities for educational institutions under the control and supervision of the state board of regents, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 94; Nays 25; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, DeCastro, Dillmore, DiVita, Dreher, Faber, Findley, Flaharty, Flora, Freeborn, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Landwehr, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, McKinney, McLeland, Merrick, Minor, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Crow, Dahl, Edmonds, Feuerborn, Garner, Gatewood, Henry, Hermes, Howell, Kauffman, Kuether, Lane, Lloyd, Mays, McClure, Miller, Jim Morrison, Osborne, Ostmeyer, Palmer, Pauls, Pyle, Vickrey.

Present but not voting: None.

Absent or not voting: Henderson, Larkin, McCreary, O'Brien, T. Powell, Stone.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: While I support the concept of **HB 2690**, and certainly prevailing wage provision, I represent Washburn University and will keep my word for **SB 345**. I vote no on **HB 2690**.—ANNIE KUETHER

MR. SPEAKER: I vote NO on **HB 2690**. Although I strongly support research at our Regents' schools, to commit state resources at a time when there doesn't appear to be state funding for faculty salaries, student services and other necessary basic educational expenses at our state higher education institutions is not appropriate.—MARTI CROW

MR. SPEAKER: I vote yes on **HB 2690**. Using the funds from EDIF make this a true economic development effort. I applaud that. My vote otherwise would have been "no" until such time as we would have fully funded **SB 345**.—ETHEL M. PETERSON

MR. SPEAKER: While there are still concerns that the new spending authorized in this bill will jeopardize efforts by this legislature to meet current funding commitments made to our universities and community colleges under the 1999 Reform Act, we do believe this is a better bill with the prevailing wage provision.

Kansas contractors and workers will fund these projects, so it's only reasonable to them and all Kansans to ensure the construction of these projects is performed by Kansas contractors and Kansas workers. To ensure local workers, local contractors and local businesses

benefit from this economic development we vote yes on **HB 2690**.—MELANY BARNES, BOB GRANT, ROCKY NICHOLS, GERALDINE FLAHARTY, L. CANDY RUFF, SUE STORM, TROY FINDLEY, DALE SWENSON, EBER PHELPS, BILL LEVINSON, VALDENIA C. WINN, BARBARA BALLARD, MARGARET LONG, VAUGHN L. FLORA, ROGER E. TOELKES, RUBY GILBERT, JUDITH LOGANBILL, TED POWERS, GWEN WELSHIMER, NILE DILLMORE

MR. SPEAKER: I support **HB 2690**, because I believe it is important and necessary to enhance the research capacities of our universities. I am giving my support because I am trusting those who share my vision will work diligently to fulfill our previous promise to fund the higher education reorganization plan (**SB 345**).

This plan protects the right of Washburn to continue to govern itself, buys down the property taxes in community college districts, and enhances the universities' ability to pay competitive wages. Research needs should not be funded at the expense of basic funding for our colleges and universities and I trust this will not happen.—NANCY A. KIRK

MR. SPEAKER: The State of Kansas has enjoyed a very healthy business-labor relationship for a number of years. That delicate balance has been maintained with a lot of effort. The prevailing wage amendment could cause project costs to increase by 15% or more. In addition, future state projects costs could be substantially increased. This means millions of extra taxpayer dollars over the years. I vote no on **HB 2690**.—AL LANE

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. DeCastro **HB 2085** (see previous action, Committee of the Whole, HJ, page 1628) be further amended as amended by House Committee of the Whole, on page 1, in line 26, by striking "2004" and inserting "2003"; and **HB 2085** be passed as amended.

Committee report to **HB 2763** be adopted; and the bill be passed as amended.

Committee report to **HB 2829** be adopted; also, on motion of Rep. Hermes be amended on page 2, following line 20, by inserting the following section:

"Sec. 3. K.S.A. 75-4510a is hereby amended to read as follows: 75-4510a. Unlawful statehouse parking is parking a vehicle within the statehouse grounds bounded by 8th street, 10th street, Jackson street and Harrison street in the city of Topeka, Kansas:

- (a) Contrary to any sign posted by the capitol area security patrol;
- (b) contrary to any order of an officer of the capitol area security patrol; or
- (c) without a permit issued under authority of the legislative coordinating council, except for guests in parking spaces posted for guests, emergency vehicles and delivery or maintenance vehicles on authorized business.

Any person found guilty of unlawful statehouse parking shall pay a fine of five dollars (\$5) in accordance with K.S.A. 8-2118, and amendments thereto."

By renumbering sections accordingly;

Also on page 2, in line 21, by striking "and 75-4508" and inserting ", 75-4508 and 75-4510a";

In the title, in line 11, by striking "and 75-4508" and inserting ", 75-4508 and 75-4510a";

Also, on motion of Rep. McKinney to amend **HB 2829**, the motion did not prevail. Also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2810** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2469** be adopted; also, on motion of Rep. Nichols to amend, the motion did not prevail and the substitute bill be passed.

Committee report to **HB 2751** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2057** be adopted; and the substitute bill be passed.

On motion of Rep. Klein, **HB 2802** be amended on page 2, before line 2, by inserting the following:

“Sec. 2. K.S.A. 2001 Supp. 19-101e is hereby amended to read as follows: 19-101e. (a) Except as provided in subsections (b) and (d) and in K.S.A. 19-4707 and amendments thereto, the items allowable as costs shall be the same as in cases for misdemeanor violations of state law and shall be taxed as provided in K.S.A. 22-3801, 22-3802 and 22-3803, and amendments thereto.

(b) The fees and mileage for the attendance of witnesses shall be borne by the party calling the witness, except that if an accused person is found not guilty, the county shall pay all such expenses, but the court may direct that fees and mileage of witnesses subpoenaed by the accused person be charged against such person, if the court finds that there has been an abuse of the use of subpoenas by the accused person.

(c) All fines and penalties collected in actions for the enforcement of county codes and resolutions pursuant to the code for the enforcement of county codes and resolutions as provided in subsection (b) of K.S.A. 19-101d and amendments thereto shall be paid over to the county treasurer of the county where they are imposed for deposit in the county general fund or in the special law enforcement fund, if established. All fines and penalties collected in actions brought pursuant to the provisions of subsection (a) of K.S.A. 19-101d and amendments thereto shall be remitted to the state treasurer, as provided in K.S.A. 20-2801 and amendments thereto.

(d) In each county which has created a county court for enforcement of county codes and resolutions as provided in subsection (b) of K.S.A. 19-101d and amendments thereto, the court shall assess additional court costs of ~~the~~ \$20 for each violation of a resolution. The judge or clerk of the county court shall remit at least monthly to the state treasurer ~~all such additional costs received~~ \$2 of the additional court costs. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit 50% to the protection from abuse fund established pursuant to K.S.A. 74-7325 and amendments thereto and 50% to the crime victims assistance fund established pursuant to K.S.A. 74-7334 and amendments thereto. *The remaining additional court costs shall be paid over to the county treasurer of the county where they are imposed for deposit in the county general fund.*

Sec. 3. K.S.A. 2001 Supp. 19-4707 is hereby amended to read as follows: 19-4707. (a) Except as provided in subsection (b), no person shall be assessed costs for enforcement and prosecution of violations of county codes and resolutions pursuant to this code, except for witness fees and mileage as set forth in K.S.A. 19-4726, and amendments thereto.

(b) The court shall assess as a cost in each case filed for violations of county codes and resolutions, a ~~the~~ \$20 assessment. The judge or clerk of the court shall remit ~~all~~ \$2 of such assessments received 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 of the remittance in the state treasury and credit 50% to the protection from abuse fund established pursuant to K.S.A. 74-7325, and amendments thereto, and 50% to the crime victims assistance fund established pursuant to K.S.A. 74-7334, and amendments thereto. *The remaining additional court costs shall be paid over to the county treasurer of the county where they are imposed for deposit in the county general fund.*”;

By renumbering the remaining sections accordingly;

On page 3, in line 2, after “Supp.” by inserting “19-101e, 19-4707 and”;

On page 1, in the title, in line 10, after “increasing” by inserting “county and”; in line 12, after “Supp.” by inserting “19-101e, 19-4707 and”; and **HB 2802** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2979** be adopted; also, on motion of Rep. O’Neal be amended on page 1, in line 31, before the comma, by inserting “and 58-208”; and **Sub. HB 2979** be passed as amended.

On motion of Rep. Pauls, **HB 2337** (see previous action, Committee of the Whole, HJ page 1560) be further amended on page 1, by striking all in lines 23, 24 and 25 and inserting “senate of which, one shall be appointed by the president of the senate and one shall be appointed by the minority leader of the senate. Two members of the council shall be members of the Kansas house of representatives of which, one shall be appointed by the speaker of the house and one shall be appointed by the minority leader of the house.”; in line 28, by striking all after “governor”; by striking all in lines 29 through 33 and inserting “, no

more than seven members shall be from any one political party.”; and **HB 2337** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Environment** recommends **SB 264**, as amended by Senate Committee, be amended by substituting a new bill to be designated as “House Substitute for SENATE BILL No. 264,” as follows:

“HOUSE Substitute for SENATE BILL No. 264

By Committee on Environment

AN ACT concerning groundwater management districts; amending K.S.A. 2001 Supp. 82a-1030 and repealing the existing section.”; and the substitute bill be passed.

(H. Sub. for **SB 264** was thereupon introduced and read by title.)

The Committee on **Federal and State Affairs** recommends **HB 2711** be amended on page 2, in line 13, following “control” by inserting “prescribed for a contraceptive purpose”; also in line 13, by striking “blood transfusions,” and inserting “human”; in line 14, by striking “physician-assisted suicide and” and inserting “assisting suicide.”; in line 15, following “sterilization” by inserting “for contraceptive purposes”; in line 18, preceding “nurses” by inserting “advanced registered nurse practitioner.”;

On page 3, following line 31, by inserting:

“(e) Nothing in this act shall be construed to relieve a health care provider from participating in the provision of what, in such provider’s best medical and ethical judgment, is a medically necessary and appropriate health care service in the case of an emergency when the patient’s life is in jeopardy.”;

Also on page 3, following line 41, by inserting the following:

“(e) Nothing in this act shall be construed to relieve a health care institution from participating in the provision of what, in such institution’s best medical and ethical judgment, is a medically necessary and appropriate health care service in the case of an emergency when the patient’s life is in jeopardy.”;

On page 4, following line 5, by inserting:

“(d) Nothing in this act shall be construed to relieve a health care payer from paying, to the extent of such payer’s contractual obligation, for what, in such payer’s best medical and ethical judgment, is a medically necessary and appropriate health care service in the case of an emergency when the patient’s life is in jeopardy.”; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HR 6003** be amended on page 2, in line 39, before “is” by inserting “, on and after February 1, 2003, shall be and”; and the resolution be adopted as amended.

The Committee on **Judiciary** recommends **HB 2867** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 87, by Representatives Burroughs, Crow, Henderson, Long, Reardon, Rehorn, Ruff, Sharp, Spangler, Storm and Winn, congratulating UAW Local 31 on their 60th anniversary;

Request No. 88, by Representative Huy, congratulating Andrew Thomas Geren on achieving the rank of Eagle Scout;

Request No. 89, by Representative Dahl, congratulating Kyla Scott for her outstanding community service and being named a top student volunteer;

Request No. 90, by Representative Loganbill, commending Johnnie Jefferson and Michelle Vinyard on their community service work;

Request No. 91, by Representative Sloan, commending Larry Kipp on receiving the Helen Fluker Open and Accessible Government Award;

Request No. 92, by Representative Tanner, congratulating Eric Anderson on being named the 2002 Franklin County Spelling Bee Champion;

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 3012, An act concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135, by Committee on Federal and State Affairs.

HB 3013, An act concerning ethics; relating to disclosure requirements for certain consulting contracts, by Committee on Federal and State Affairs.

HB 3014, An act concerning reduction of salaries of certain state officers and employees; relating to computation of retirement benefits for such officers and employees; amending K.S.A. 74-49,115 and repealing the existing section, by Committee on Appropriations.

HB 3015, An act concerning postsecondary educational institutions and the financing thereof; relating to community colleges and Washburn university of Topeka; authorizing, limiting or restricting certain taxes; establishing Washburn university as a separate state educational institution under the control and supervision of the state board of regents; providing for the conveyance of property to the state board of regents; providing for retirement of the bonded indebtedness of Washburn university of Topeka; providing for the disposition and management of certain endowment property of Washburn university of Topeka; and establishing a board of trustees for Washburn university and prescribing its composition, powers, rights and authority; making appropriations for fiscal years ending June 30, 2004, and June 30, 2005, for the state board of regents; amending K.S.A. 13-13a38, 41-719, 73-1217, 73-1218, 74-3229, 75-2576, 75-3731, 75-3732, 75-4101, 75-5501, 76-6a01, 76-711, 76-719, 76-751, 76-754 and 79-2961 and K.S.A. 2001 Supp. 71-204, 74-3209, 74-4925e, 75-3765, 76-156a and 76-756 and repealing the existing sections; also repealing K.S.A. 13-13a03, 13-13a04, 13-13a05, 13-13a06, 13-13a08, 13-13a09, 13-13a11, 13-13a12, 13-13a13, 13-13a14, 13-13a16, 13-13a17, 13-13a18, 13-13a19, 13-13a20, 13-13a20a, 13-13a21, 13-13a23, 13-13a24, 13-13a35, 13-13a36, 13-13a37, 13-13a38, as amended by section 32 of this act, 13-13a39 and 72-6507 and K.S.A. 2001 Supp. 72-6501, 72-6503, 72-6504, 72-6506, 72-6508, 72-6509 and 72-6525, by Committee on Appropriations.

HB 3016, An act concerning child care facilities and family day care homes; relating to licensure and registration; amending K.S.A. 2001 Supp. 65-521 and 65-523 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2690 reported correctly engrossed March 7, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Monday, March 11, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

