

Journal of the House

THIRTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 3, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. Holmes was excused on legislative business.
Rep. Sawyer was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, we honor and praise your name as we gather this day.
We pray that the work that we do would further your kingdom on earth
and bring about that day when our world is as it is in heaven.

We thank you for the nourishment of body, mind and spirit that you
give to us this day and for the forgiveness that you give us for the many
times that we have failed you and your will. Help us to be as forgiving of
others as you are of us.

Deliver us from evil in every form, O God and protect us from the
temptations that we will face today: temptations to place our own well
being ahead of your will, temptations to take the easy way rather than the
right way, and temptations to do less than our best.

We pray to you and acknowledge that the kingdom, the power and the
glory are yours alone. Amen.

The Pledge of Allegiance was led by Rep. Thull.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **SB 299**.

Financial Institutions: **SB 509**.

Health and Human Services: **SB 430**.

Transportation: **Sub. SB 500**.

COMMUNICATIONS FROM STATE OFFICERS

From William V. Minner, Executive Director, Kansas Human Rights Commission, Annual Report FY 2003.

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Bethell, Committee of the Whole report, as follows, was adopted:
Recommended that committee report to **HB 2798** be adopted; also, on motion of Rep. Ruff be amended on page 6, in line 38, by striking “, fingerprint card”;

Also, on motion of Rep. Ruff, **HB 2798** be amended on page 7, by striking all in lines 27 and 28; by renumbering the remaining subsections accordingly;

Also, on motion of Rep. Siegfried, **HB 2798** be amended on page 7, by striking all in line 34; following line 34, by inserting:

“(11) any elementary or secondary school building or structure used for student instruction, attendance or extracurricular activities or for administration or maintenance.”;

Also, on motion of Rep. O’Neal, **HB 2798** be amended on page 7, following line 28, by inserting:

“(9) on the state fairgrounds.”;

By renumbering the remaining subsections accordingly;

Also, on motion of Rep. Loyd, **HB 2798** be amended on page 7, following line 28, by inserting:

“(9) The state capitol or any state office building.”;

By renumbering the remaining subsections accordingly;

Also, on motion of Rep. Loyd, **HB 2798** be amended on page 2, in line 20, by striking “person”; in line 22, by striking “person”;

Also, on motion of Rep. Loyd, **HB 2798** be amended on page 6, in line 21, by striking “, after”; by striking all in line 22; in line 23, by striking all before “the”; in line 27, after the period by inserting “The suspension or revocation shall be subject to review by the district court in accordance with the act for judicial review and civil enforcement of agency actions. The suspension or revocation shall remain in effect pending any appeal and shall not be stayed by the court.”;

Also, on motion of Rep. Loyd, **HB 2798** be amended on page 4, in line 5, by striking all after “(A)”; in line 6, by striking all before the semicolon and inserting “Evidence of completion of the course, in the form provided by rules and regulations adopted by the director”;

Also, on motion of Rep. Neighbor to amend **HB 2798**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Neighbor to amend **HB 2798** on page 8, after line 4, by inserting:

“(c) In addition to any other penalty provided by law, upon conviction of a violation of this section, the court shall order the offender to forfeit the offender’s weapons and the offender’s license to carry concealed weapons.”;

Also on page 8, in line 5, before “Nothing” by inserting “(a)”; in line 6, by striking “(a)” and inserting “(1)”; in line 10, by striking “(b)” and inserting “(2)”; after line 15, by inserting:

“(b) An employer or entity which has prohibited or restricted the carrying of such weapons as authorized by subsection (a) shall post the prohibition or restrictions in a conspicuous place on the premises. Any person who violates such prohibition or restrictions, upon conviction thereof, shall forfeit the offender’s weapons and the offender’s license to carry concealed weapons.”;

Also on page 8, in line 16, before “It” by inserting “(a)”; after line 18, by inserting:

“(b) In addition to any other penalty provided by law, upon conviction of a violation of this section, the court shall order the offender to forfeit the offender’s weapons and the offender’s license to carry concealed weapons.”;

On roll call, the vote was: Yeas 40; Nays 79; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Beggs, Boyer, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Henderson, Hill, Huff, Huntington, Jack, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Loganbill, Neighbor, Newton, O’Malley, Owens, Patterson, Phelps, Reardon, Rehorn, Reitz, Scoggins-Waite, S. Sharp, Storm, J. Williams, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Bethell, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Holland, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Landwehr, Lane, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O’Neal, Osborne, Ostmeyer, Pauls, Powell, Powers, Ruff, Schwab, Schwartz, Showalter, Shriver, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, D. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Holmes, Klein, Pottorff, Sawyer, B. Sharp, Wilk.

The motion of Rep. Neighbor did not prevail.

Also, roll call was demanded on motion of Rep. Dillmore to amend **HB 2798** on page 10, in line 17, by striking "Any" and inserting "Except as provided in subsection (b), any"; following line 20, by inserting:

"(b) If the voters of a county or city have approved weapon restrictions or regulations, such restrictions or regulations shall not be preempted by this act if the voters again approve such restrictions or regulations on or before December 31, 2005.";

By relettering the remaining subsections accordingly;

On roll call, the vote was: Yeas 48; Nays 70; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Boyer, Carlin, Cox, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Henderson, Hill, Holland, Huff, Huntington, Jack, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Loganbill, Loyd, McKinney, J. Miller, Neighbor, Newton, O'Malley, Owens, Patterson, Phelps, Reardon, Rehorn, Reitz, Scoggins-Waite, S. Sharp, Showalter, Shriver, Storm, Thull, Toelkes, Ward, J. Williams, Winn, Yoder, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Craft, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Hayzlett, Henry, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Landwehr, Lane, Light, M. Long, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Pauls, Powell, Powers, Ruff, Schwab, Schwartz, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Vickrey, D. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Grant, Holmes, Klein, Pottorff, Sawyer, B. Sharp, Wilk.

The motion of Rep. Dillmore did not prevail.

Also, on motion of Rep. Krehbiel to amend **HB 2798**, the motion did not prevail. Also, on motion of Rep. S. Sharp to amend, the motion did not prevail. Also, on motion of Rep. Huntington to amend, the motion did not prevail. Also, on motion of Rep. Loyd to amend, the motion did not prevail.

Also, roll call was demanded on motion to recommend **HB 2798** favorably for passage.

On roll call, the vote was: Yeas 78; Nays 43; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballou, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Landwehr, Lane, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Pauls, Powell, Powers, Ruff, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Boyer, Carlin, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Henderson, Hill, Holland, Huff, Huntington, Jack, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Loganbill, Neighbor, Newton, O'Malley, Owens, Patterson, Phelps, Reardon, Rehorn, Reitz, Scoggins-Waite, S. Sharp, Showalter, Shriver, Storm, Thull, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Holmes, Pottorff, Sawyer.

The motion prevailed and **HB 2798** be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

MARCH 3, 2004

1179

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2917, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; death and disability benefits; amending K.S.A. 2003 Supp. 74-4927 and repealing the existing section, by Committee on Appropriations.

REPORT ON ENROLLED RESOLUTIONS

HR 6024 reported correctly enrolled and properly signed on March 3, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, March 4, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

