

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 4, 2004, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Pottorff was excused on legislative business.

Prayer by guest chaplain, the Rev. Wayne Mason, pastor, First Baptist Church, Parsons,
guest and son of Rep. Mason:

Our Lord and our God,

Today I recognize You as the authority to whom we all will someday bow in submission. You are the one who establishes our positions of leadership and of servanthood. You are the one who can build us up and can also set us down.

I often wonder why You have such patience with us when we act so unwisely and we entice others to join us. I confess to You that we are a greedy and lazy people. We seek money when we have not worked. We ask for food when we have not tilled. We invite people into lifestyles which seek something for nothing.

In all our good intentions we are tempted to support good causes while violating what is morally right. We are tempted to gamble with the sanctity of marriages, families, and honest work effort in order to raise money to support our state. The money is tempting us to invite people into addictive lifestyles such as gambling and more access to alcohol. I know, Lord, it is because we seek money to support our state. Help us to limit our appetites for more even when it means sacrifice in the areas we most treasure.

Lord, You have given us understanding of what is right and wrong, and You have given us instruction on that within your Holy Bible. I am tempted along with others to dismiss its wisdom in order to satisfy loud voices in our culture. Make your voice of approval stronger than the voices of temptation.

Lord, at the end of this day I want to be able to say I have brought You pleasure. At the end of all my days I want to be able to say I served You well. Help each of us to accept our service to You as our first priority. In doing so, we know that we will have also served our fellow citizens.

Grant us wisdom. Grant us grace. Grant us courage to stand up for what is right even when our voices seem drowned out by the clamor of the tempters.

It is in the name of Jesus Christ that we pray this, Amen.

The Pledge of Allegiance was led by Rep. Dahl.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **HB 2917**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **SB 367** from Committee on Insurance and referral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Patricia Michaelis, State Archivist, Secretary, State Records Board, Annual Report fiscal year 2003.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2798, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 12-4516 and K.S.A. 2003 Supp. 21-4201 and 21-4619 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 45; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballou, Beggs, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Flora, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Landwehr, Lane, Light, M. Long, Long-Mast, 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, Sawyer, Schwab, Schwartz, B. Sharp, Siegfried, Sloan, Svaty, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams.

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

Present but not voting: None.

Absent or not voting: Pottorff, Wilson.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2798** because I polled my law abiding voters and they are overwhelmingly against this legislation.

This bill would allow concealed weapons in banks, churches, hospitals and casinos (if we ever had one). It would also allow concealed weapons in the private residence of another without the owner's consent.

Violating the various provisions of this act is a misdemeanor, but not grounds for revocating the license to carry. The majority of Kansans do not support this legislation.—RICK REHORN

MR. SPEAKER: One amendment we should have adopted yesterday is to rename this bill the "False Security Act." It gives people who get a license a sense that they are protected when they are not. How many would-be murderers, thieves and rapists are going to wait patiently while you reach inside your coat or purse, locate your gun, pull it out, aim and fire.

If this bill becomes law, some day someone will be like FBI Agent Stanley Ronquist, who died because he WAS carrying a concealed weapon. When this happens, you will remember how you voted today. Join me in voting "no" on **HB 2798**.—JIM YONALLY

MR. SPEAKER: I vote yes on **HB 2798**. A little over a month ago I saw several men and women wearing lapel signs that stated "Trust Women." I was informed that they stood up for women's rights. I now have the impression that the rights they stand up for do not extend to the protection and safety of women. Amazing, isn't it? Perhaps they do not trust women

as much as they promulgate. I am standing up for a woman's right to be prepared and capable of protecting herself from victimization. I vote YES for **HB 2798**.—PEGGY LONG-MAST

MR. SPEAKER: At issue in **HB 2798** is whether or not we empower our citizens with the right of self defense. I will not deny my constituents the right to defend themselves from violent criminals. I vote yes on **HB 2798**.—JEFF GOERING, DAN WILLIAMS, SCOTT SCHWAB, ANDREW HOWELL, JOHN FABER, MIKE BURGESS, STEVEN R. BRUNK, BRENDA K. LANDWEHR

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

COMMITTEE OF THE WHOLE

On motion of Rep. McCreary, Committee of the Whole report, as follows, was adopted: Recommended that committee report to **HCR 5033** be adopted; also, on motion of Rep. Decker be amended on page 1, in line 23, before "privileges" by inserting "benefits,"; in line 24, by striking "benefit of"; in line 29, by striking "benefits" and inserting "rights, benefits, privileges and incidents"; in line 38, by striking "benefits" and inserting "rights, benefits, privileges and incidents";

Also, roll call was demanded on motion of Rep. Owens to amend **HCR 5033** on page 1, in line 13, by striking all after the first "the"; by striking all in lines 14 and 15; in line 16, by striking "qualified to" and inserting "House of Representatives of the State of Kansas,"; by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 10 and inserting:

"That the Legislature recognizes marriage as a religious institution which is a relationship between one man and one woman only and is subject to dissolution only by court order in accordance with law; and

Be it further resolved: That the Legislature recognizes a civil union as a contractual relationship between two persons, subject to dissolution only by court order in accordance with law; and

Be it further resolved: That the Legislature shall define by statute the marriage relationship and civil unions in accordance with this resolution.";

In the title, in line 10, by striking all after "A"; in line 11, by striking all before the period and inserting "concurrent resolution concerning marriage and civil unions";

On roll call, the vote was: Yeas 35; Nays 84; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Beggs, Carlin, Craft, Crow, Davis, Dillmore, Dreher, Flaharty, Flora, Gilbert, Hill, Huntington, Jack, Kassebaum, Kirk, Kuether, Loganbill, Minor, Neighbor, O'Malley, Owens, Rehorn, Reitz, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Winn, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightner, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Cox, Dahl, DeCastro, Decker, Edmonds, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Landwehr, Lane, Larkin, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Powell, Powers, Reardon, Ruff, Schwab, Schwartz, Shultz, Stegfreid, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Yoder.

Present but not voting: None.

Absent or not voting: Faber, Faust-Goudeau, Krehbiel, O'Neal, Pottorff, Wilson.

The motion of Rep. Owens did not prevail.

Also, on motion of Rep. Thimesch to amend **HCR 5033**, the motion did not prevail.

Also, on motion of Rep. Klein to amend **HCR 5033**, Rep. Landwehr rose on a point of order asking for a ruling that a constitutional amendment cannot have two subjects. The Rules Chair ruled the amendment in order. The question then reverted back to the motion

of Rep. Klein to amend on page 1, in line 29, by striking the close quotation marks; after line 29, by inserting a new paragraph to read as follows:

“(c) Except as otherwise provided, commencing in the taxable year beginning after December 31, 2004, the Kansas standard deduction for Kansas income tax purposes for married filing status shall be equal to \$20,000. The legislature may provide by enactment of law for the increase of the Kansas standard deduction for income tax purposes for married filing status contained in this subsection.”;

Also on page 1, in line 33, after “relationship” by inserting “and the Kansas standard deduction of a husband and wife who file an income tax return with a married filing status”; in line 36, by striking “and”; in line 39, after “marriage” by inserting “and that the Kansas standard deduction for Kansas income tax purposes of a husband and a wife who file an income tax return with a married filing status shall be equal to \$20,000 with the authority of the legislature by enactment of law to increase such amount”;

Roll call was demanded.

On roll call, the vote was: Yeas 48; Nays 72; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Jack, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McKinney, J. Miller, Minor, O'Malley, Phelps, Reardon, Rehom, Ruff, Sawyer, Schwab, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Winn, Yoder.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faust-Goudeau, Freeborn, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Owens, Patterson, Pauls, Powell, Powers, Reitz, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey, Wilk, D. Williams, J. Williams, Yonally.

Present but not voting: None.

Absent or not voting: Faber, Goering, O'Neal, Pottorff, Wilson.

The motion of Rep. Klein did not prevail, and **HCR 5033** be adopted as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 352** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Agriculture** recommends **SB 353** be amended on page 1, after line 38, by inserting the following:

“Sec. 2. K.S.A. 2003 Supp. 2-1334 is hereby amended to read as follows: 2-1334. (a) The purpose of this act is to provide for the coordination, enhancement and continuation of federal, state and local efforts as well as public and private efforts to develop an effective and affordable method of controlling or eradicating sericea lespedeza and to encourage communication of information about sericea control methods to landowners and land managers.

(b) The secretary of agriculture in cooperation with the secretary of wildlife and parks shall designate an appropriate parcel of land as a research area to study and demonstrate methods of controlling or eradicating sericea lespedeza. Such site shall be designated on land managed by the department of wildlife and parks at Toronto Lake and shall be utilized to provide a focal point for activities that further the purposes of this act.

(c) The research and demonstration efforts conducted on the site designated as provided in subsection (b) shall include a variety of methods used to control or eradicate sericea lespedeza and shall include utilization of experiment and demonstration plots and development of field days and workshops to demonstrate methods of control or eradication of sericea lespedeza.

(d) The secretary of agriculture and the secretary of wildlife and parks shall have authority to request assistance from any federal, state or local authority, from any public or private

university or other research institution, from any business organization, or from any individual in furthering the purposes of this act. All such entities are hereby requested to cooperate with the secretary of agriculture and the secretary of wildlife and parks in furthering the purposes of this act.

~~(e) The provisions of this act shall expire on June 30, 2007.~~;

And by renumbering sections accordingly;

On page 5, in line 42, after "2-1315," by inserting "2-1334,";

On page 1, in the title, in line 10, after "pedeza" by inserting a comma; also in line 10, after "area" by inserting "and research and demonstration area"; also in line 10, after "2-1315," by inserting "2-1334,"; and the bill be passed as amended.

Committee on **Corrections and Juvenile Justice** recommends **SB 183** be passed.

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 bill was thereupon introduced and read by title:

HB 2918. An act relating to the comprehensive transportation program; concerning the financing thereof; amending K.S.A. 2003 Supp. 79-34,147 and repealing the existing section, by Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2798 reported correctly engrossed March 3, 2004.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Friday, March 5, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

