

# Journal of the House

## ELEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 28, 2003, 11:00 a.m.

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

Reps. Huff and Swenson were excused on verified illness.

Reps. Jack and Ward were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, on a day when we will be asked to consider the state of our Union, we lift our voices in prayer for our country, for our president, for our legislatures and for our courts.

Thank you, Lord, for the gifts that we have received and for the opportunities that they give us to live as a nation in freedom and prosperity. Thank you for leaders who have challenged us and led us to be a nation of welcoming shores, of open opportunity, and of democracy and freedom for all peoples.

Where we have failed to live up to your purpose, forgive us. Where we have grown weary of the struggle, renew us. Where we have grown impatient with progress, give us new patience and tolerance. Above all, give us vision, that the state of our Union may remain always faithful and that we may be found to be a people who continually look to you and to your providence for the blessings of life.

Bless us Lord, and these the United States of America, the land that we love. Amen.

The Pledge of Allegiance was led by Rep. Horst.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

**HB 2079**, An act concerning elections; establishing identification requirements for voters; amending K.S.A. 25-2908 and K.S.A. 2002 Supp. 25-1124 and repealing the existing sections, by Representative F. Miller.

**HB 2080**, An act concerning livestock; enacting the competitive livestock markets act; prohibiting certain acts and prescribing certain penalties, by Committee on Agriculture.

**HB 2081**, An act concerning certain noise from oil and gas wells; prohibiting certain acts and providing penalties and civil remedies for violations, by Representative McCreary.

**HB 2082**, An act concerning counties; relating to personnel actions within the office of the county sheriff; amending K.S.A. 19-805 and repealing the existing section, by Representative McCreary.

**HB 2083**, An act concerning tourism; establishing a state tourism advertising fund, by Committee on Tourism and Parks.

**HB 2084**, An act concerning taxation; relating to sales tax exemptions; exempting certain sales of hearing aids; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Representative Flaharty.

**HB 2085.** An act concerning cities; relating to legal publications; amending K.S.A. 12-1651 and K.S.A. 2002 Supp. 64-101 and repealing the existing sections, by Committee on Local Government.

**HB 2086.** An act concerning roads; relating to certain unopened roads; amending K.S.A. 68-115 and repealing the existing section, by Committee on Local Government.

**HB 2087.** An act concerning municipalities; relating to depositories for public funds; amending K.S.A. 9-1401, 9-1408, 12-1675 and 12-1675a and repealing the existing sections, by Committee on Local Government.

HOUSE CONCURRENT RESOLUTION No. 5005—

By Representative F. Miller

A CONCURRENT RESOLUTION urging Congress to modify the provisions of the National Voter Registration Act of 1993 to simplify the procedure for removal of voters from voter registration lists.

WHEREAS, The National Voter Registration Act of 1993 imposed national standards upon the states regarding creation and maintenance of lists of registered voters; and

WHEREAS, The required notification procedure could be simplified to require the state or local election official only to provide to the public a general notice stating that if a voter has not voted in the two preceding elections for federal office, such voter must vote in the next general election for federal office or else such voter's name will be deleted from the voter registration list; and

WHEREAS, The national standards create an onerous, costly and time consuming notification procedure which must be followed before a voter's name may be deleted from a voter registration list; and

WHEREAS, The current standards and procedures for removal of a voter's name from a voter registration list could be simplified for state and local election officials by allowing a voter's name to be removed, without notification, for failure to vote in, at most, three consecutive general elections for federal office: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature strongly urges the Congress of the United States to amend the appropriate sections of the National Voter Registration Act of 1993 to allow state and local election officials to replace the current onerous, costly and time consuming notification procedure with a simpler procedure only requiring that the state or local election official only to provide to the public two general notices stating that if a voter has not voted in the two preceding elections for federal office, such voter must vote in the next general election for federal office or else such voter's name will be deleted from the voter registration list. The first notification must be issued two weeks before the date of such election and the second notification must be issued one week before the date of such election; and

*Be it further resolved:* That the Legislature strongly urges the Congress of the United States to amend the appropriate sections of the National Voter Registration Act of 1993 to allow state and local election officials to remove a voter's name from a voter registration list for failure to vote in, at most, three consecutive general elections for federal office in lieu of following the currently required notification procedure; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5006—

By Representatives D. Johnson, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls,

Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafaneli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder and Yonally

A CONCURRENT RESOLUTION in memory of James L. Allen.

WHEREAS, James L. Allen, 68, a former member of the Kansas House of Representatives and Kansas Senate, died Monday, January 20, 2003, at a Topeka hospital; and

WHEREAS, James L. Allen was born March 22, 1934, in Ottawa, to Leonard and Margaret Kesting Allen and spent his early life in Ottawa. He graduated from Ottawa High School in 1952 and attended Kansas State University. Subsequently, he was a dairy farmer near Ottawa for many years; and

WHEREAS, James L. Allen was elected to the Kansas House of Representatives in 1979 and to the Kansas Senate in 1981. He served 11 years before he became a lobbyist and established the firm Jim Allen Associates in Topeka; and

WHEREAS, In the Senate he served as the chairperson of the Committee on Agriculture, as vice-chairperson for the Committee on Local Government, and as a member of the Committee on Administrative Rules and Regulations, Education, Legislative Educational Planning, Organization, Calendar and Rules and Ways and Means; and

WHEREAS, James L. Allen was a member of First Baptist Church in Ottawa for many years and had served as a trustee. He was a member of the Ottawa Rotary Club, having maintained perfect attendance at meetings for more than 35 years. He formerly was active in Boy Scouts of America, and had been a 4-H Club leader and a school board member. He coached a baseball team for several years and was a long time fan of the New York Yankees baseball team.

WHEREAS, James L. Allen married Carol Schaben on December 26, 1954; she survives. Other survivors include three sons, Roger Allen, Chicago, Michael "Mickey" Allen, Ottawa, and Kevin Allen, Houston; a daughter, Elaine Morris, Ottawa; and six grandchildren: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we honor the public service James L. Allen gave to his community and the state of Kansas and extend our deepest sympathy to the family of James L. Allen; and

*Be it further resolved:* That the Secretary of State be directed to provide five enrolled copies of this resolution to Mrs. James L. Allen, 2407 Osborne Terrace, Ottawa, KS 66067.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Committee on Utilities

A CONCURRENT RESOLUTION urging the Federal Energy Regulatory Commission to take action to ensure expansion and improvement of the electric transmission system to meet the nation's energy needs.

WHEREAS, The electric transmission system in the United States is an extensive network of high-voltage power lines which transport electricity from generators to consumers and which must accommodate the nation's growing demand for reliable and affordable power; and

WHEREAS, The system is rapidly becoming congested due to growth in demand, investment in new generation facilities and lack of investment in expansion and improvement of transmission facilities; and

WHEREAS, Expansion and improvement of the transmission system is vital to the national interest because congestion creates bottlenecks which result in decreased reliability, less competition, higher prices to consumers and increased infrastructure vulnerability; and

WHEREAS, Kansas is third in the nation in wind energy production potential and has adopted incentives for investment in wind generation and generation from other resources, but expansion of generation is dependent on a transmission system that will efficiently and reliably deliver power to markets; and

WHEREAS, The existing transmission system, while capable of providing reliable service to the native load in Kansas for the foreseeable future, does not have capacity to import

additional power from outside the state or export additional power to markets beyond the state's boundaries unless the system is redesigned to do so; and

WHEREAS, Because uncertainty in how transmission system expansion and improvements will be financed and lack of regulatory direction hamper investment in transmission facilities, the leadership of the Federal Energy Regulatory Commission is crucial to resolution of the problems that exist in the transmission system: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature urges the Federal Energy Regulatory Commission to assume an aggressive leadership role in development of sufficient transmission infrastructure to support the nation's growing energy needs and to provide expeditiously for the establishment of standard market design and implementation of regional transmission organizations; and

*Be it further resolved:* That the Secretary of State is directed to provide a copy of this enrolled resolution to each member of the Federal Energy Regulatory Commission, the President of the United States, the Vice-President of the United States, the United States Secretary of Energy, the President Pro Tempore of the United States Senate, the Minority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Minority Leader of the United States House of Representatives, each member of the Kansas Congressional delegation, the State Corporation Commission, the Nebraska Power Review Board, the Missouri Public Service Commission, the Oklahoma Corporation Commission and the Public Utility Commission of Texas.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Agriculture: **HB 2072; HCR 5004.**

Corrections and Juvenile Justice: **HB 2070.**

Insurance: **HB 2071.**

Judiciary: **HB 2074.**

Taxation: **HB 2075, HB 2076, HB 2077.**

Tourism and Parks: **HB 2078.**

Transportation: **HB 2073.**

#### CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2056** from Committee on Education and referral to Committee on Taxation.

Also, the withdrawal of **HB 2058** from Committee on Education and referral to Committee on Appropriations.

#### COMMUNICATIONS FROM STATE OFFICERS

From Dale Brunton, Director, Division of Accounts and Reports, State of Kansas *Monthly Financial Perspective* for the month of June, 2002.

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

#### CONSENT CALENDAR

No objection was made to **HB 2004** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2004.** An act concerning schools; relating to the resolution of conflicts; amending K.S.A. 72-6407 and repealing the existing section; also repealing K.S.A. 72-6407a and 72-7108a, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Free-

born, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Wimm, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Huff, Jack, Rehorn, Swenson, Ward.

The bill 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 bills were thereupon introduced and read by title:

**HB 2088**, An act concerning the department of corrections; relating to inmate assistance upon release; requiring certain inmates to pay for public transportation costs; amending K.S.A. 75-5211 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2089**, An act concerning juvenile justice; relating to juvenile corrections advisory boards; amending K.S.A. 75-7044 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2090**, An act concerning the department of corrections; relating to inmate work crews; agency relationship; amending K.S.A. 75-52,116 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2091**, An act concerning crimes and punishments; relating to specimen collection fees; amending K.S.A. 2002 Supp. 21-2511 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2092**, An act concerning crimes and punishments; relating to prisoners and offenders; cost of maintenance; amending K.S.A. 19-1930 and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2093**, An act concerning crimes and punishments; relating to community intermediate sanction centers; amending K.S.A. 2002 Supp. 21-4603d and repealing the existing section, by Committee on Corrections and Juvenile Justice.

**HB 2094**, An act concerning campaign finance; relating to contributions; amending K.S.A. 25-4153a and repealing the existing section, by Committee on Ethics and Elections.

**HB 2095**, An act concerning children in need of care; relating to records and reports; amending K.S.A. 38-1508 and K.S.A. 2002 Supp. 38-1507 and repealing the existing sections, by Representative Burroughs.

**HB 2096**, An act concerning taxation; relating to sales tax exemptions for certain agricultural products and property; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2097**, An act relating to estate taxation; concerning conformity to federal law; amending K.S.A. 2002 Supp. 79-15,101, 79-15,102 and 79-15,119 and repealing the existing sections, by Committee on Taxation.

**HB 2098**, An act concerning taxation; relating to sales tax exemptions; certain railroad and port authority property; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2099**, An act concerning taxation; relating to sales tax exemptions; mining, water, minerals and oil and gas property; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, January 29, 2003.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

