

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 14, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.

The roll was called with 122 members present.

Rep. Flaharty was excused on verified illness.

Rep. Howell was excused on legislative business.

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

Prayer by guest chaplain, the Rev. Mark W. Kayser, pastor, First Presbyterian Church, Ellsworth, and guest of Rep. Aday:

O Lord, our God, we thank you for the gift of this new day, and for your call to service. We are grateful for this land, for our state and our nation, and pray that we may be faithful in exercising our stewardship of the resources of this world-your world. Especially we thank you for our neighbors, those whom you have made in your image, on behalf of whom we gather here today.

Stir us to faith, O Lord, that our actions may be a reflection of your will for the citizens of our state-and for our guests. Grant that our debates may be grounded in the truth and that our work may reveal that reality which transcends us all.

Watch over us, we pray, and protect the people, as we endeavor to further your peace. In the name of our Lord we pray. Amen.

The Pledge of Allegiance was led by Rep. Hermes.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2503, An act relating to the duties of the division of vehicles; concerning the issuance of drivers' licenses and identification cards; amending K.S.A. 2000 Supp. 8-237, 8-240 and 8-1324 and repealing the existing sections, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2499**, **HB 2500**, **HB 2502**.

Business, Commerce and Labor: **HB 2498**.

Federal and State Affairs: **HB 2501**.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2475** from Committee on Appropriations and referral to Committee on Utilities and Committee on Appropriations, separately.

MESSAGE FROM THE GOVERNOR

February 8, 2001

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 01-306 for your information.

EXECUTIVE DIRECTIVE NO. 01-306

Authorizing a Personnel Transaction

BILL GRAVES

Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From the Board of Indigents' Defense Services, Annual Report, Fiscal Year 2000.

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

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Pottorff, **HR 6009**, A resolution in memory of Vernon L. Williams, was adopted.

Reps. Neufeld and Pottorff addressed a few remarks to the members of the House in remembrance of former Rep. Williams.

CONSENT CALENDAR

No objection was made to **HB 2252** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2068, An act concerning townships; relating to the acquisition of property; amending K.S.A. 80-104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed.

HB 2094, An act concerning school districts; revising the definition of juvenile detention facility for the provision of educational services and grants of state moneys; amending K.S.A. 2000 Supp. 72-6407, 72-6430 and 72-8187 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 14; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld,

Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Dillmore, Feuerborn, Huebert, Huy, Kauffman, Landwehr, Loyd, Mayans, Miller, Palmer, Pottorff, Stone, Toplikar, Vickrey.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed, as amended.

HB 2101. An act concerning agriculture; relating to plant pests; creating the plant pest emergency response fund; amending K.S.A. 2-2126 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flora, Freeborn, Gilbert, Glasscock, Gordon, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Johnson, Kirk, Kline, Krehbiel, Kuether, Lane, Larkin, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, McClure, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, O'Brien, O'Neal, Osborne, Patterson, Pauls, E. Peterson, J. Peterson, Pottorff, L. Powell, Pyle, Ray, Reardon, Schwartz, Showalter, Shriver, Shultz, Stone, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, D. Williams, J. Williams, Winn.

Nays: Alldritt, Burroughs, Cook, Crow, Dillmore, Faber, Garner, Gatewood, Grant, Henderson, Huebert, Hutchins, Huy, Kauffman, Klein, Landwehr, Levinson, M. Long, Mayans, Mays, McCreary, McLeland, Myers, Nichols, Novascone, Ostmeyer, Palmer, Phelps, T. Powell, Powers, Rehorn, Ruff, Sharp, Spangler, Storm, Vickrey, Wilk, Wilson.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed, as amended.

HB 2114. An act concerning the vehicle dealers and manufacturers licensing act; relating to vehicle bonds; amending K.S.A. 2000 Supp. 8-2401 and 8-2404 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 36; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Barnes, Benlon, Burroughs, Compton, Cox, Crow, DeCastro, Dillmore, Dreher, Edmonds, Faber, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Brien, O'Neal, Ostmeyer, Patterson, Pauls, E. Peterson, Phelps, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Tanner, Thimesch, Toelkes, Tomlinson, Weber, Wells, Welshimer, Wilk, J. Williams, Winn.

Nays: Alldritt, Ballou, Beggs, Bethell, Boston, Campbell, Cook, Dahl, DiVita, Feuerborn, Gordon, Hayzlett, Hermes, Hutchins, Light, Lightner, P. Long, Mays, McLeland, Merrick, Miller, Neufeld, Nichols, Osborne, Palmer, J. Peterson, Pottorff, L. Powell, Powers, Pyle, Swenson, Tafanelli, Toplikar, Vickrey, D. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed, as amended.

HB 2115. An act concerning the Kansas life and health insurance guaranty association; relating to claim reimbursement; amending K.S.A. 40-3003, 40-3005 and 40-3008 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: Edmonds.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2115**. This bill allows the House to apply curative and expository legislation to the Kansas Life and Health Insurance Guaranty Association statutes to interpret, clarify and explain this law. I believe the bill reflects the legislative original intent and the application does not impair vested rights and at the same time brings a result of fairness to the Guaranty Association's interpretation of network and non-network providers.—EBER PHELPS

HB 2137, An act concerning traffic; relating to citations; amending K.S.A. 2000 Supp. 8-2106 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, Wilson, Winn.

Nays: J. Williams.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The bill passed.

Sub. HB 2244, An act concerning energy resources; enacting the state energy resources coordination act; establishing the Kansas energy resources coordinating council; providing for a comprehensive state plan for coordination of the management, conservation and development of energy resources, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 16; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett,

Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mayans, McClure, McKinney, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aurand, DeCastro, Edmonds, Huy, Kauffman, Landwehr, P. Long, Mason, Mays, McCreary, Miller, Palmer, Powers, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Flaharty, Howell, Sloan.

The substitute bill passed, as amended.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub. HB 2129** be adopted; also, on motion of Rep. Huff be amended on page 2, in line 17, by striking all after "receive"; in line 18, by striking all before "as" and inserting "mileage, tolls and parking";

On page 3, in line 7, by striking "compen-"; by striking all in line 8; in line 9, before "in" by inserting "mileage, tolls and parking as provided";

Also, on motion of Rep. Krehbiel **Sub. HB 2129** be amended on page 3, in line 7, by striking "receive" and inserting "not be eligible for"; and **Sub. HB 2129** be passed as amended.

Committee report to **HB 2040** be adopted; also, on motion of Rep. Neufeld be amended on page 3, in line 22, before the period, by inserting "unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold";

Also, on motion of Rep. Landwehr to amend **HB 2040**, the motion did not prevail and the bill be passed as amended.

Committee report to **HB 2155** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Environment** recommends **HB 2198** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Environment** recommends **HCR 5008** be adopted and, because the committee is of the opinion that the concurrent resolution is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Local Government** recommends **HB 2119** be passed.

The Committee on **New Economy** recommends **HB 2055** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

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 and concurrent resolution were thereupon introduced and read by title:

HB 2504, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for the department of commerce and housing for the Kansas Lewis & Clark bicentennial commission; concerning the powers and duties of the secretary of commerce, Committee on Federal and State Affairs.

HB 2505, An act relating to income taxation; concerning venture capital; enacting the Kansas certified capital formation company act, by Committee on Federal and State Affairs.

HB 2506, An act concerning water; relating to the water marketing fund; amending K.S.A. 82a-1315c and repealing the existing section, by Committee on Taxation.

HB 2507, An act concerning the legislature; relating to benefits and compensation of employees of certain legislative agencies; amending K.S.A. 2000 Supp. 74-4911f and repealing the existing section, by Committee on Appropriations.

HB 2508, An act concerning child support enforcement; establishing the Kansas payment center; income withholding; amending K.S.A. 23-4,136, 38-1121, 38-1123 and 60-2803 and K.S.A. 2000 Supp. 23-4,106, 23-4,108, 23-4,118, 60-1610 and 60-2308 and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5020—

By Representatives Larkin, Faber, Alldritt, Barnes, Flora, Grant, Henry, P. Long, McClure, McCreary, Merrick, Miller, Jim Morrison, O'Brien, Osborne, Ostmeyer, E. Peterson, Rehorn and Thimesch

A CONCURRENT RESOLUTION memorializing the United States Congress, the Secretary of the United States Department of Agriculture, the President of the United States and each member of the Kansas Congressional delegation to reform the 3-60 rule with the purpose of providing the most market information possible.

WHEREAS, Enactment of the Federal Mandatory Price Reporting Act (MPRA) of 1999 represents one of the most important livestock market reforms since passage of the Packers and Stockyards Act of 1921; and

WHEREAS, Implementation of mandatory price reporting is necessary to restore transparency to livestock markets increasingly dominated by direct marketing and integrated production systems; and

WHEREAS, The 3-60 rule, whereby the United States Department of Agriculture would not publish prices in reporting regions where three or fewer packers report prices on any given day or where a single packer represents 60% or more of purchases reported in a given region seriously undermines both the intent and effectiveness of mandatory price reporting; and

WHEREAS, Implementation of the 3-60 rule will likely result in large gaps in market price information, and is contrary to providing a check on monopolistic opportunities of packers who dominate regional markets, a significant purpose behind enactment of the MPRA; and

WHEREAS, The United States Department of Agriculture's proposed 3-60 rule fails to disclose the extent of volume premiums paid by packers to large volume producers and such price discrimination threatens the survival of moderate-size independent producers; and

WHEREAS, Moderate-size independent producers need information on the extent of such premiums to strengthen their marketing position and policy makers need information on such premiums to determine the appropriate policy response: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the United States Congress, the Secretary of the United States Department of Agriculture, the President of the United States and each member of the Kansas Congressional delegation to revisit and reform the 3-60 rule with the purpose of providing the most market information possible, and to provide for public reporting of volume premiums offered to large producers; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the Secretary of the United States Department of Agriculture, the President of the United States and each member of the Kansas Congressional delegation.

REPORT ON ENGROSSED BILLS

HB 2094, HB 2101, HB 2114, HB 2115 reported correctly engrossed February 13, 2001.

Also, **Sub. HB 2244** reported correctly engrossed February 14, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, February 15, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

