

# Journal of the House

SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 22, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 120 members present.

Rep. O'Brien was excused on verified illness.

Rep. Thimesch was excused on legislative business.

Reps. Hermes, Landwehr and E. Peterson were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of Justice, we gather in the shadow of a holiday on which we remember the sacrifices of those who spoke for justice and equality. Thank you for sharing your word with the world.

We thank you for those who marched in an army whose only weapon was peace. We thank you for those who registered voters. We thank you for those who rode buses, walked to schools and sat at lunch counters with the simple hope that they would receive nothing more than civility and fairness.

We thank you for those who, no less than the bravest soldier, gave their lives in the pursuit of true freedom.

We remember especially today, Judge Don Smith, a former member of this House who has joined you.

Forgive us, as a people, O God, for our failure to do more quickly that which was right and just. Remind us again, that even in the democracy that we love, we can find ourselves apart from your will for peace and justice for all your people. Grant each of us the courage to speak the words that must be spoken and to right the wrongs that must not stand. For we trust in you who are our protector, defender, and finally, our judge. Amen.

The Pledge of Allegiance was led by Rep. Holmes.

## SPECIAL REMARKS

In observance of Dr. Martin Luther King, Jr.'s birthday, Rep. Ballard addressed a few remarks to the members of the House. Speaker Glasscock also addressed a few remarks in tribute to Dr. King, followed by the tape of the last five minutes of the "I Have a Dream" speech. Rep. Ballard then led the members of the House in singing "My Country 'Tis of Thee."

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2659**, An act concerning agriculture; relating to agricultural contracts; unfair and unlawful actions; prescribing penalties for violations thereof, by Special Committee on Agriculture.

**HB 2660**, An act concerning dealership franchise agreements; relating to repurchase of machinery, equipment and parts upon termination; amending K.S.A. 16-1003 and 16-1304

and K.S.A. 2001 Supp. 16-1404 and repealing the existing sections, by Committee on Agriculture.

**HB 2661**, An act concerning retail electric suppliers; amending K.S.A. 66-1,176 and 66-1,176b and repealing the existing sections, by Special Committee on Utilities.

HOUSE CONCURRENT RESOLUTION No. 5037—

By Special Committee on Agriculture

A CONCURRENT RESOLUTION urging the federal government to aggressively respond to the spread and eradication of Karnal bunt in the United States.

WHEREAS, Kansas is the nation's top wheat producing state; and

WHEREAS, As such, the wheat crop is of top concern to the Kansas legislature; and

WHEREAS, The federal government needs to continue the national voluntary survey to maintain exports to countries with quarantines against Karnal bunt; and

WHEREAS, The United States Department of Agriculture needs to develop an adequate compensation package for those involved in the grain industry who unknowingly come into contact with Karnal bunt. Without clear assurance of adequate compensation, it is questionable whether the decentralized system of reporting Karnal bunt contamination—reporting that is essential to early detection and containment of the disease—will operate reliably; and

WHEREAS, The United States Department of Agriculture needs to ensure that Karnal bunt-contaminated wheat is not allowed into the export market system so our ability to export wheat is not jeopardized; and

WHEREAS, The United States Department of Agriculture needs not only to take steps to ensure that Karnal bunt does not spread beyond the 8,000 acres now affected but also to take steps to eradicate Karnal bunt on this acreage. Eradication from the United States, not merely containment, should be the objective of our federal policy; and

WHEREAS, The United States Department of Agriculture needs to take the necessary actions to prevent the planting and growing of wheat or any other susceptible plant on any land that has been quarantined due to the presence of Karnal bunt. The United States Department of Agriculture needs to act vigorously to break the cycle of infection on the relatively small number of infected acres and to make eradication of this disease the objective of federal policy; and

WHEREAS, The United States Department of Agriculture should invigorate its dialogue with our trading partners in pursuit of the acceptance of a tolerance level for Karnal bunt and should begin the process of declaring Karnal bunt a quality issue; and

WHEREAS, The United States Department of Agriculture needs to request more money for Karnal bunt research and for the construction and operation of research facilities; and

WHEREAS, The United States Department of Agriculture needs to appoint a person who is familiar with trade issues to lead the United States' response to the spread of Karnal bunt: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the federal government aggressively respond to the spread and eradication of Karnal bunt in the United States; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to President George W. Bush, members of the Kansas Congressional delegation, the Chairperson and ranking minority member of the United States Senate and House of Representatives Agriculture Committees, and the United States Secretary of Agriculture.

HOUSE CONCURRENT RESOLUTION No. 5038—

By Special Committee on Utilities

A CONCURRENT RESOLUTION urging the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada.

WHEREAS, The Nuclear Waste Policy Act of 1982 directs the United States Department of Energy (DOE) to find a suitable site for a high level radioactive waste disposal

facility and to construct and operate such facility upon licensure by the United States Nuclear Regulatory Commission; and

WHEREAS, In 1987 Congress directed DOE to study Yucca Mountain, Nevada, to determine whether it is a suitable site for the location of a high level radioactive waste repository; and

WHEREAS, The geological and hydrological characteristics of the Yucca Mountain site make it suitable for a nuclear waste repository that will keep waste isolated for thousands of years, posing no more risk of health effects to the public than unmined uranium ore; and

WHEREAS, Failure to approve and construct a central repository for high level radioactive waste has required continued storage of the waste onsite at nuclear reactors, creating vulnerability to terrorism and a risk to national security; Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature of the State of Kansas urges the Government of the United States to take action to enable prompt approval, construction and operation of a high level radioactive waste disposal facility at Yucca Mountain, Nevada; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Spencer Abraham, Secretary, U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C., 20585; Richard A. Meserve, Chairperson, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555-0001; Senator Tom Daschle, Majority Leader, U.S. Senate, Washington, D.C., 20510; Senator Trent Lott, Minority Leader, U.S. Senate, Washington, D.C., 20510; Representative J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, D.C., 20515; Representative Richard A. Gephardt, Minority Leader, U.S. House of Representatives, Washington, D.C., 20515; Senator Jeff Bingaman, Chairperson, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., 20510; Representative W.J. Tauzin, Chairperson, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C., 20515; and each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5039—

By Special Committee on Utilities

A CONCURRENT RESOLUTION urging the Congress of the United States to reinstate and extend the federal tax credit for wind generation facilities.

WHEREAS, Wind is an abundant, clean source of energy which has little negative environmental impact and which, if developed, would decrease the nation's dependence on foreign oil, the importance of which is underscored by the events of September 11, 2001; and

WHEREAS, Studies show that Kansas has great wind energy potential, ranking as high as third among the states, but the state's wind energy resources are largely undeveloped as a source of generation; and

WHEREAS, The state's first wind farm, with 170 turbines, was constructed and brought on line in the year 2001 and tax incentives would encourage construction of additional wind generation facilities in the state; and

WHEREAS, The federal Energy Policy Act of 1992 provided a production tax credit for electric generation facilities that use wind energy but the credit was effective only through December 31, 2001, and has not been extended beyond that date; and

WHEREAS, The President's National Energy Policy calls for extension of the production tax credit for wind generation facilities: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature of the State of Kansas urges the Congress of the United States to reinstate and extend, retroactively from December 31, 2001, the production tax credit for facilities that use wind energy to generate electricity; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Spencer Abraham, Secretary, U.S. Department of Energy, 1000 Independence Ave., S.W., Washington, D.C., 20585; Senator Tom Daschle, Majority Leader, U.S. Senate, Washington, D.C., 20510; Senator Trent Lott, Minority Leader, U.S. Senate, Washington, D.C., 20510; Representative

J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, D.C., 20515; Representative Richard A. Gephardt, Minority Leader, U.S. House of Representatives, Washington, D.C., 20515; Senator Max Baucus, Chairperson, Committee on Finance, U.S. Senate, Washington, D.C., 20510; Senator Jeff Bingaman, Chairperson, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., 20510; Representative Bill Thomas, Chairperson, Committee on Ways and Means, U.S. House of Representatives, Washington, D.C., 20515; Representative W.J. Tauzin, Chairperson, Committee on Energy and Commerce, U.S. House of Representatives, Washington, D.C., 20515; and each member of the Kansas Congressional Delegation.

HOUSE CONCURRENT RESOLUTION No. 5040—

By Special Committee on Utilities

A CONCURRENT RESOLUTION urging the Congress of the United States to open certain areas of the Arctic National Wildlife Refuge to oil and gas production.

WHEREAS, The Alaska National Interest Lands Conservation Act of 1980 established the Arctic National Wildlife Refuge (ANWR) and prohibited oil and gas exploration and production in the Arctic Coastal Plain area of ANWR until authorized by Congress; and

WHEREAS, In 1987 the United States Department of the Interior, after five years of biological and geological studies, recommended that Congress authorize the leasing of the Arctic Coastal Plain area of ANWR for oil and gas exploration and production and Congress in 1995 passed authorizing legislation which was vetoed; and

WHEREAS, The United States Geological Survey estimates the total technically recoverable oil resources of the Arctic Coastal Plain area of ANWR to be between 4.3 and 11.8 billion barrels, with a mean value of 7.7 billion barrels, and the total in-place oil resources of the area to be 11.6 to 31.5 billion barrels, with a mean value of 20.7 billion barrels; and

WHEREAS, The security of the United States requires less dependence on foreign oil, the importance of which is underscored by the events of September 11, 2001, and development of the oil and gas resources of the Arctic Coastal Plain area of ANWR would substantially reduce that dependence; and

WHEREAS, The President's National Energy Policy calls for opening the Arctic Coastal Plain area of ANWR to oil and gas exploration and production in a manner that will result in no significant adverse environmental impact: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature of the State of Kansas urges the Congress of the United States to authorize exploration and development of the Arctic Coastal Plain area of ANWR, requiring the use of best available technology in a manner that safeguards the environment; and

*Be it further resolved:* That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, George W. Bush; Gale A. Norton, Secretary, U.S. Department of the Interior, 1849 C. Street, N.W., Washington, D.C., 20240; Senator Tom Daschle, Majority Leader, U.S. Senate, Washington, D.C., 20510; Senator Trent Lott, Minority Leader, U.S. Senate, Washington, D.C., 20510; Representative J. Dennis Hastert, Speaker, U.S. House of Representatives, Washington, D.C., 20515; Representative Richard A. Gephardt, Minority Leader, U.S. House of Representatives, Washington, D.C., 20515; Senator Jeff Bingaman, Chairperson, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C., 20510; Representative Don Young, Chairperson, Committee on Resources, U.S. House of Representatives, Washington, D.C., 20515; and each member of the Kansas Congressional Delegation.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, January 23, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

