

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 18, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair. The roll was called with 120 members present.

Reps. Lloyd, McCreary, Newton and O'Brien were excused on verified illness.

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

Prayer by guest chaplain, the Rev. Susan M. Stover, senior pastor, Trinity United Methodist Church, Salina, and guest of Rep. Horst:

Great and Gracious God, Creator, Savior, Sustainer, we acknowledge your presence with us this morning in this great hall of law. In recent weeks prayers have been offered for discernment and wisdom. This morning we pray for a closer spiritual connection for each one who serves in this chamber. Lord God, as all draw near to you, guide our choices and our responses. We pray to become seekers after righteousness in prayer, praise, and service. We pray that each person will seek justice, love kindness, and walk humbly with their God.

We give thanks for our abundance and our blessing, gathered together and overflowing.

We pray for our brothers and sisters who are ill or struggling in their human condition. We remember our Governor before you. Most especially, we pray for those who are convinced they do not need you at all.

Thanks and praise most Glorious One, as we pray in your name. Amen.

The Pledge of Allegiance was led by Rep. Wilson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

HB 2991. An act relating to fire service training; concerning the university of Kansas; establishing the Kansas fire service training commission; amending K.S.A. 76-327 and repealing the existing section, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5048—

By Representative Glasscock

A CONCURRENT RESOLUTION establishing a joint committee on Kansas security.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That a joint committee on Kansas security be established to study measures and their advisability for the improvement of security for Kansas; and

Be it further resolved: That the joint committee on Kansas security shall consist of 23 members appointed as follows: Seven members appointed by the President of the Senate and 16 members appointed by the Speaker of the House of Representatives. Two of the Senate members appointed shall be of the minority party and six of the Representative members appointed shall be of the minority party. In the first year of the joint committee, the Speaker of the House of Representatives shall designate a Representative member to be the chairperson and the President of the Senate shall designate a Senate member to be

vice-chairperson from the adoption of this resolution until the convening of the regular session of 2003. In the second year of the joint committee, the President of the Senate shall designate a Senate member to be chairperson and the Speaker of the House of Representatives shall designate a Representative member to be vice-chairperson; and

Be it further resolved: That the joint committee on Kansas security shall meet on call of the chairperson during the regular session of the legislature and on call of the chairperson as authorized by the legislative coordinating council during such other times; and

Be it further resolved: That the joint committee on Kansas security shall be deemed a select committee for the purposes of subsection (c) of Joint Rule 4 and the joint committee on Kansas security may introduce such legislation as it deems necessary; and

Be it further resolved: That members of the joint committee on Kansas security, after *sine die* adjournment of the legislature, shall receive reimbursement for attending meetings of the joint committee authorized by the Legislative Coordinating Council consistent with the provisions of K.S.A. 46-1209, and amendments thereto; and

Be it further resolved: That the joint committee on Kansas security prepare and submit an interim report and recommendations to the 2003 Legislature and submit a final report and recommendations to the 2004 Legislature.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, appearing on the Calendar of February 15 as "To be Referred," were referred to committees as indicated:

Appropriations: **HB 2862** (separately), **HB 2918** (separately).

Education: **HB 2882** (separately), **HB 2904**.

Environment: **HB 2881**.

Federal and State Affairs: **HB 2862** (separately).

Insurance: **HB 2918** (separately).

Local Government: **HB 2860**, **HB 2882** (separately), **HB 2949**.

New Economy: **HB 2950**.

Transportation: **HB 2886**.

Utilities: **HB 2924**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Education: **HB 2972**, **HB 2973**, **HB 2974**, **HB 2975**, **HB 2976**, **HB 2985**.

Financial Institutions: **SB 388**.

Health and Human Services: **HB 2960**, **HB 2964**, **HB 2968**, **HB 2977**.

Higher Education: **HB 2956**.

Insurance: **HB 2984**.

Judiciary: **HB 2957**, **HB 2958**, **HB 2967**, **HB 2969**, **HB 2970**, **HB 2971**, **HB 2979**, **HB 2980**, **HB 2982**, **HB 2983**, **HB 2986**.

New Economy: **HB 2962**, **HB 2965**, **HB 2978**, **HB 2988**.

Redistricting: **Sub. SB 379**.

Taxation: **HB 2961**.

Tourism: **HB 2987**; **SB 473**.

Transportation: **HB 2963**, **HB 2981**; **SB 458**.

Utilities: **HB 2959**.

To be Referred: **HB 2966**, **HB 2989**, **HB 2990**.

MESSAGE FROM THE GOVERNOR

February 12, 2002

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

Enclosed herewith is Executive Directive No. 02-319 for your information.

EXECUTIVE DIRECTIVE NO. 02-319

Authorizing Personnel Transactions

BILL GRAVES
Governor

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

CONSENT CALENDAR

No objection was made to **HB 2768** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2676** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2607, An act concerning certain rural water districts; authorizing certain elections to be held by mail ballot; amending K.S.A. 82a-626 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 2; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Hermes, Spangler.

Present but not voting: None.

Absent or not voting: Kauffman, Lloyd, McCreary, Newton, O'Brien.

The bill passed, as amended.

HB 2624, An act concerning rural water districts and public wholesale water supply districts; relating to the powers and duties thereof; amending K.S.A. 82a-619 and K.S.A. 2001 Supp. 19-3552 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Burroughs, Henderson, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, Lloyd, McCreary, Newton, O'Brien.

The bill passed, as amended.

HB 2679, An act concerning lifetime hunting, fishing and furharvester licenses; amending K.S.A. 32-930 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 14; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Cook, DiVita, Goering, Grant, Henderson, Howell, Hutchins, Huy, J. Peterson, Pyle, Sharp, Spangler, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, Lloyd, McCreary, Newton, O'Brien.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2619** be amended on page 1, in line 18, by striking "annuities" and inserting "accounts and annuities or deferred compensation plans"; in line 19, after "der" by inserting "section 403(b) or section 457 of"; in line 26, by striking "tax"; in line 27, by striking "sheltered annuity" and inserting "403(b) account or annuity or 457 plan"; after line 28, by inserting the following:

"Sec. 2. K.S.A. 75-5524 is hereby amended to read as follows: 75-5524. (a) The director is authorized to enter into a voluntary agreement with any employee whereby the director agrees to defer and deduct each payroll period a portion of the employee's salary or compensation from the state in accordance with the Kansas public employees deferred compensation plan. Such agreement may require each participant to pay a service charge to defray all or part of any significant costs incurred and to be recovered by the state pursuant to subsection (c) of K.S.A. 75-5523, and amendments thereto, as a result of the administration of this act. Pursuant to this act and such agreements the director is authorized to deduct amounts authorized in such agreements from the salary or compensation of such employee each payroll period, as part of the system of regular payroll deduction. *On and after July 1, 2002, pursuant to section 401(a) of the federal internal revenue code, the director may establish a qualified plan under which the state may contribute a specified amount, subject to appropriations, to the deferred compensation plan for state employees who have entered into a voluntary agreement with the director under this section.*

(b) The minimum amount and the maximum amount which may be deferred in any one payroll period shall be established by rules and regulations adopted under K.S.A. 75-5529, and amendments thereto.

(c) The Kansas public employees deferred compensation plan shall exist and be in addition to, and shall not be a part of any retirement or pension system for employees. The state shall not be responsible for any loss incurred by an employee under the Kansas public employees deferred compensation plan established and approved pursuant to this act.

(d) Any amount of the employee's salary or compensation that is deferred under such authorized agreement shall continue to be included as regular compensation for all purposes of computing retirement and pension benefits earned by any such employee, but any sum deferred or deducted shall not be subject to any state or local income taxes for the year in which such sum is earned but shall be subject to applicable state and local income taxes for the year in which such sum is received by the employee.

(e) The director is hereby authorized to establish a deferred compensation clearing fund in the state treasury in which shall be placed temporarily all compensation deferred ~~and~~, deducted or contributed in accordance with this act, as provided for in any agreement between an employee and the director.;

Also on page 1, in line 29, by striking "is" and inserting "and 75-5524 are";

And by renumbering sections accordingly;

Also on page 1, in the title, in line 9, by striking all after "sheltered"; in line 10, by striking all before the semicolon and inserting "and deferred compensation accounts, annuities and plans provided for public employees"; also in line 10, after "72-8603" by inserting "and 75-5524"; in line 11, by striking "section" and inserting "sections"; and the bill be passed as amended.

The Committee on **Environment** recommends **HB 2704** be amended on page 3, in line 6, after "submitted" by inserting "or as revised by the county commission"; and the bill be passed as amended.

The Committee on **Environment** recommends **HB 2705** be amended on page 1, in line 23, following "material" by inserting "that directly transfer such material to an end-user of the material"; following line 31, by inserting:

"(d) Failure of a business or facility to complete and submit the recycling, reuse and composting annual report form to the department shall disqualify the business or facility from receiving any solid waste grants awarded pursuant to K.S.A. 65-3415, and amendments thereto, or to receive any monetary disbursement for such grants that have already been awarded."; and the bill be passed as amended.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Aurand announced the appointment of Rep. Weber to Committee on Appropriations to replace Rep. McCreary.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, February 19, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

