

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 20, 2002, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

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

Prayer by guest chaplain, the Rev. Clint W. Decker, pastor, Clay Center Wesleyan Church, and guest of Rep. Lloyd:

My father who is in heaven, holy is your name. Through your holiness and wisdom you made the heavens and earth. Glory be to your majestic name.

Thank you for giving us life and for your divine providence in giving us a land to worship you freely.

In Jesus name I humbly ask you to hear me and answer these requests.....

May each representative seek you in prayer and the holy scriptures for your wisdom and apply your insights to the issues before them.

Today, give them courage to stand up for truth, justice, and what is good.

The Bible calls us sinners. Forgive us our sins, my father, and may each person realize how much they are loved by you and may they know you personally, through Jesus. Knowing you costs much, but how wonderful your salvation is.

Guard each one from temptation. May they turn from evil and seek what is holy.

Have mercy on enemies of your holiness and salvation, for they know not what they do.

May those who know you not be ashamed. Let them boldly give praise and thanks to the things you have done.

In Jesus name, Amen.

The Pledge of Allegiance was led by Rep. Huff.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2711, An act enacting the health care providers' rights of conscience act, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Ballou, Bethell, Boston, Burroughs, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Klein, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Shriver, Shultz, Spangler, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballard, Barnes, Benlon, Compton, Cox, Crow, Dillmore, Dreher, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Horst,

Huff, Johnson, Kirk, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Jim Morrison, Newton, Nichols, Owens, Patterson, E. Peterson, Pottorff, Ray, Rehorn, Schwartz, Sharp, Showalter, Sloan, Stone, Storm, Swenson, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: **HB 2711** is unnecessary; it's a solution looking for a problem. The professional codes of ethics of health care groups already respect and recognize the diversity of beliefs among their members. The situations this bill purports to cover can best be dealt with informally as they are today. Further, this bill protects the consciences of one group, but does not protect the exercise of conscience by others in the health professions. This is inequitable and unfair. Mr. Speaker, I respectfully vote NO on **HB 2711**.—SUE STORM, ANNIE KUETHER

MR. SPEAKER: I can only see negatives from passage of this legislation. One negative may be an employer cutting an employee's working hours. An employer may think, "I can't fire him/her, but I don't have to give him/her 40 hours."

That may not be what is intended, but that is how it may be translated.

Insurance companies already deny payment for many "services," including birth control. This legislation MAY cause insurance companies to begin denying even more payments.

Worse yet, the divide between pro-life and pro-choice will be widened with this legislation. That is not a Christian thing to do. I vote no on **HB 2711**.—JIM MORRISON

MR. SPEAKER: I vote no on **HB 2711**. I cannot vote for a bill that in the name of religious or conscientious objection promotes the possibility of invasive questions posed by a pharmacist to any woman regarding the reason that their physician prescribed contraceptive pills. Frankly, it disrespects the privacy of all women.

In addition, individuals in remote areas of Kansas face the possibility of refusal of medical treatment.

Unfortunately, the rights of the patient to quality health care treatment are ignored for the rights of the health care provider and health insurance providers.—DEENA HORST, CINDY HERMES

MR. SPEAKER: **HB 2711** is questionable constitutionally and denies patients the health and medical treatments they may need. It singles out women who for whatever reason need the contraception pill or reproductive surgery.

Insurance companies look for ways to keep from paying certain services now. This bill will encourage more denials. The rural areas who have one pharmacy, and/or a small community hospital with limited staff could put patients at risk. I vote no on **HB 2711**.—MARY COMPTON

MR. SPEAKER: As an advocate for consumers of health care, "The Patients," I cannot vote yes for **HB 2711**, due to the provision in the bill for the payor. I do not believe insurance companies have a conscience, they have a bottom line. Denial of claims and delay of authorization will result, women's health will be at risk, and it could be life threatening. Although well intentioned the bill is flawed. I vote No on **HB 2711**.—MELANY BARNES

MR. SPEAKER: I feel there is nothing wrong with acknowledging the right of individual health care providers to refuse to participate in health care services they find objectionable for religious reasons, as long as the patient receives the care in a timely and effective manner from another provider or in another way.

Under the provisions of **HB 2711**, the possibility for patients to be denied access to services exists especially in rural Kansas where the options are limited. If you live in an area served by one health care facility, citizens may be denied treatment.

For these reasons, I vote No on **HB 2711**.—SHARON SCHWARTZ

MR. SPEAKER: I voted against **HB 2711** because I believe it will have a chilling effect on at will employment in Kansas. As drafted, this legislation will prohibit an employer from terminating an employee in certain circumstances. As a small business owner, I understand

and value the discretion to hire and retain only workers who are willing and able to perform the tasks necessary to run my business. If forced to keep workers on my payroll who do not perform the necessary tasks, I would likely be unable to stay in business.

Allowing exceptions to at will employment in the health care field is a slippery slope towards a full-scale change in employment laws for all small businesses in Kansas. For this reason, I respectfully vote No.—KENT GLASSCOCK

PROTEST

MR. SPEAKER: I offer these comments not as an explainer of my vote under House rules, but rather in protest to **HB 2711** in accordance with Art. 2, § 10 of the Kansas Constitution.

Today in Kansas religious liberty is recognized and protected by § 7 of the Bill of Rights to our Constitution, and has been so protected since adopted by convention and ratified by electors in 1859. These rights we are powerless to limit or deny.

Our Bill of Rights proclaims to Kansans that never “shall any control of or interference with the rights of conscience be permitted.” Yet, members of this body would alter and believe they must legislatively improve our founders’ wisdom.

HB 2711 adds nothing to fundamental, constitutional rights, nor can it. What it does do is grant immunity from liability to those businesses and insurers which would attempt thereby to evade or avoid the legal and moral obligations of contracts voluntarily entered into and undertaken; contracts paid for by hard earned Kansas dollars. What it does do is subject an unsuspecting, law abiding and tolerant citizenry to the tyranny of a zealous minority. What it does do is create numerous new tort claims and causes of action not previously contemplated. What it does do is mandate, at page 5, on lines 15-16, that aggrieved parties shall recover, in addition to monetary damages, all costs and attorney fees. This stirs up a whirlwind only the trial lawyers will ride, and provides a windfall only they will reap, but only over my objection.

For these and the many other reasons saved for repeating another day, including equal protection and other infirmities, but always with great respect for concerns deeply held by the proponents of this measure and their right to express them, I vote no on **HB 2711**.—WARD LOYD, DALE SWENSON

PROTEST

MR. SPEAKER: I offer these comments to protest **HB 2711** in accordance with Art. 2, § 10 of the Kansas Constitution.

I whole-heartedly agree with this bill in saying that no individual or organization can or should be required by the government or any sanctioning body to perform tasks in which they have a moral objection. This bill unfortunately goes beyond these obvious protections and starts down a path which we should all be wary to travel.

For years, my conservative friends and I have agreed that groups, such as the Boy Scouts of America, should have discretion in hiring and retaining people who express, proclaim or do things that run counter to their fundamental values. The Supreme Court recently agreed.

By the same token, a small town pharmacy should not be required to retain an employee who, for whatever reason, refuses to perform duties essential to that business and their community.

Unfortunately, this House is using the same flawed method of expanding the true meaning of civil rights we have so vehemently opposed in recent years.

We can all agree that civil rights must include race, ethnicity and sex. It is and should be illegal to discriminate against someone based upon those inherent characteristics with which they are born.

Moving beyond race, ethnicity and sex and toward lifestyle choices, ideology or even matters of conscience, opens a Pandora’s Box of an ever expanding list of so-called ‘rights.’ This path will only lead us into a morass from which we may never extract ourselves.

Mr. Speaker, I vote ‘No’ on **HB 2711**.—CLAY AURAND

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

COMMITTEE OF THE WHOLE

On motion of Rep. Schwartz, Committee of the Whole report, as follows, was adopted:
Recommended that **Sub. SB 394**; **Sub. SB 556**; **SB 480** be passed.

Committee report to **HR 6003** be adopted; also, roll call was demanded on motion to recommend the resolution favorably for adoption.

On roll call, the vote was: Yeas 73; Nays 49; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballou, Bethell, Boston, Burroughs, Campbell, Cook, Dahl, De-Castro, DiVita, Faber, Feuerborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Schwartz, Shriver, Shultz, Spangler, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Barnes, Benlon, Compton, Cox, Crow, Dillmore, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Glasscock, Goering, Gordon, Henderson, Hermes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, E. Peterson, J. Peterson, Pottorff, Ray, Rehorn, Sharp, Showalter, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Gilbert, O'Brien.

The motion prevailed and **HR 6003** be adopted as amended.

Committee report to **HB 2905** be adopted; also, roll call was demanded on motion of Rep. Garner to amend on page 3, after line 39, by inserting the following:

"Sec. 6. (a) There is hereby created the Kansas task force on workplace safety. The task force shall consist of 11 members. One member shall be appointed by the speaker of the house. One member shall be appointed by the house minority leader. One member shall be appointed by the president of the senate. One member shall be appointed by the senate minority leader. Three members shall be appointed by the governor. Two members shall be appointed by the Kansas chamber of commerce and industry and two members shall be appointed by the Kansas AFL-CIO. The governor shall designate a chairperson.

(b) The task force shall gather information and make recommendations to the governor and legislature regarding the following topics:

- (1) Workplace injuries and deaths in Kansas;
- (2) whether sufficient incentives exist within the workers compensation act to promote workplace safety;
- (3) the national academy of sciences report on protecting youth at work;
- (4) the reduction of violence in the workplace; and
- (5) whether a permanent council or commission should be established concerning workplace safety issues.

(c) Task force members shall receive the compensation and expenses specified in K.S.A. 75-3223, and amendments thereto.

(d) The task force shall make recommendations and a report to the Kansas legislature on how to improve workplace safety in Kansas on or before January 1, 2003."

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 11, after "health" by inserting "and the Kansas task force on workplace safety";

On roll call, the vote was: Yeas 54; Nays 67; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Barnes, Benlon, Burroughs, Campbell, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Howell, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mays, McClure, McKinney, Minor, Nichols, Novascone, Palmer, Pauls, E. Peterson, Phelps, Powers, Reardon, Rehorn, Ruff, Showalter, Shriver, Spangler, Swenson, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, D. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Bethell, Boston, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O'Neal, Osborne, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Schwartz, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Weber, Wilk, J. Williams.

Present but not voting: None.

Absent or not voting: Beggs, Horst, O'Brien, Sharp.

The motion of Rep. Garner did not prevail, and **HB 2905** be passed as amended.

Committee report to **SB 548** be adopted; and the bill be passed as amended.

Committee report to **SB 504** be adopted; also, on motion of Rep. Landwehr be amended on page 7, after line 7, by inserting:

“Sec. 5. On and after July 1, 2002, K.S.A. 2001 Supp. 32-1001 is hereby amended to read as follows: 32-1001. (a) It is unlawful for any person to:

(1) Participate or engage in any activity for which such person is required to have obtained a license, permit, stamp or other issue of the department under the wildlife and parks laws of this state or under rules and regulations of the secretary unless such person has obtained a currently valid such license, permit, stamp or other issue issued to such person;

(2) fail to carry in such person's possession a currently valid license, permit, stamp or other issue of the department, issued to such person, while participating or engaging in any activity for which such person is required to have obtained such license, permit, stamp or other issue under the wildlife and parks laws of this state or under rules and regulations of the secretary;

(3) refuse to allow examination of any license, permit, stamp or other issue of the department while participating or engaging in any activity for which such person is required to have obtained such license, permit, stamp or other issue under the wildlife and parks laws of this state or under rules and regulations of the secretary, upon demand by any officer or employee of the department or any officer authorized to enforce the laws of this state or rules and regulations of the secretary;

(4) while participating or engaging in fishing or hunting: (A) Fail to carry in such person's possession a card or other evidence which such person is required to carry pursuant to K.S.A. 32-980 and amendments thereto; or (B) refuse to allow inspection of such card or other evidence upon demand of any officer or employee of the department or any officer authorized to enforce the laws of this state or rules and regulations of the secretary; or

(5) make any false representation to secure any license, permit, stamp or other issue of the department, or duplicate thereof, or to make any alteration in any such license, permit, stamp or other issue.

(b) No person charged with violating subsection (a)(1) for failure to obtain a vehicle or camping permit for use of any state park, or any portion thereof or facility therein, or any other area or facility for which a vehicle or camping permit is required pursuant to rules and regulations of the secretary shall be convicted thereof unless such person refuses to purchase such permit after receiving a permit violation notice, which notice shall require the procurement of: (1) The proper daily permit or permits and payment, within 24 hours, of a late payment fee of \$15; or (2) an annual vehicle or camping permit, as the case may be, if such permit has been established by rule and regulation and adopted by the secretary. The provisions of this subsection (b)(2) shall expire on December 31, ~~2002~~ 2003.

(c) (1) In any prosecution charging a violation of subsection (a)(1) for failure to obtain a permit required by K.S.A. 32-901 and amendments thereto, proof that the particular vehicle described in the complaint was in violation, together with proof that the defendant named in the complaint was at the time of the violation the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the time when and place where the violation occurred.

(2) Proof of a written lease of, or rental agreement for, a particular vehicle described in the complaint, on the date and at the time of the violation, which lease or rental agreement includes the name and address of the person to whom the vehicle was leased or rented at

the time of the violation, shall rebut the prima facie evidence that the registered owner was the person who parked or placed the vehicle at the time when and place where the violation occurred.

(d) No person who is a resident of this state and charged with violating subsection (a)(1) or (a)(2) shall be convicted thereof if such person produces in court or the office of the arresting officer the appropriate license, permit, stamp or other issue of the department, lawfully issued to such person and valid at the time of such person's arrest.”;

Also on page 7, by renumbering the remaining sections accordingly; in line 10, before “are” by inserting “and K.S.A. 2001 Supp. 32-1001”;

In the title, in lines 13 and 14, by striking “hunting” and inserting “wildlife and parks”; in line 15, before “repealing” by inserting “K.S.A. 2001 Supp. 32-1001 and”; and **SB 504** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SCR 1622** be adopted.

The Committee on **Business, Commerce and Labor** recommends **HB 2933** be amended on page 1, in line 39, by striking all after “any”; in line 40, by striking “K.S.A. 76-1901 *et seq.*” and inserting “employee of a state veteran’s home operated by the Kansas commission on veteran’s affairs as described in K.S.A. 76-1901 *et seq.* and K.S.A. 76-1951 *et seq.*”; and the bill be passed as amended.

The Committee on **Business, Commerce and Labor** recommends **SB 439**, be amended on page 9, in line 15, after “not” by inserting “contact the seller or landlord or”; after line 20, by inserting two additional sections as follows:

“Sec. 8. K.S.A. 2001 Supp. 58-3045 is hereby amended to read as follows: 58-3045. (a) Except for a temporary salesperson’s license issued pursuant to subsection (f) of K.S.A. 58-3039, and amendments thereto, each license issued or renewed by the commission shall expire on a date determined in accordance with a schedule established by rules and regulations of the commission, which date shall be not more than two years from the date of issuance or renewal. Except as otherwise provided by this act, applicants for issuance or renewal of a license must satisfy all applicable requirements prior to issuance or renewal of the license.

(b) (1) Except for a temporary salesperson’s license issued pursuant to subsection (f) of K.S.A. 58-3039, and amendments thereto, each license shall be renewable upon the filing of a renewal application on or before the renewal date, which is the last calendar day of the month preceding the license expiration date. Such application shall be made on a form provided by the commission and accompanied by (A) the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, and (B) evidence of compliance with the requirements of K.S.A. 58-3046a and amendments thereto or the licensee’s license with the licensee’s request that the license be deactivated on the renewal date pursuant to K.S.A. 58-3049, and amendments thereto.

(2) Failure to comply with paragraph (1) on or before the renewal date will automatically cancel the license on the license expiration date unless the license is renewed pursuant to subsection (c) prior to the expiration date.

(c) Any licensee who failed to comply with the requirements of subsection (b)(1), may have the licensee’s license reinstated and renewed by the payment of the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, and a late fee of \$50, if such fees are remitted to the commission not later than six months following the expiration date of such license and accompanied by (1) an application for late renewal obtained from the commission, and (2) evidence of compliance with the requirements of K.S.A. 58-3046a and amendments thereto or a written request that the licensee’s license be renewed on deactivated status pursuant to K.S.A. 58-3049 and amendments thereto *and consent of the supervising broker as evidenced by the supervising broker’s signature on the application for late renewal provided by the commission.*

(d) An application for renewal filed in compliance with the requirements of subsection (b) shall entitle the applicant to continue operating under the applicant’s existing license after its specified expiration date, unless such license has been suspended or revoked and

has not been reinstated or unless such license is restricted, until such time as the commission determines whether the application fulfills such requirements.

Sec. 9. K.S.A. 58-3047 is hereby amended to read as follows: 58-3047. (a) The commission shall issue a license as broker or salesperson to each applicant who is qualified under and complies with all provisions of this act and rules and regulations adopted hereunder. The form of license shall be prescribed by the commission.

(b) A salesperson's or associate broker's license shall be delivered or mailed to the supervising broker or branch broker, if applicable, and shall be kept in the custody and control of such broker until canceled or until the salesperson or associate broker leaves employment by or association with the broker.

(c) Immediately upon the termination of a salesperson or associate broker from employment by or association with a broker, the supervising broker or branch broker, if applicable, shall return such salesperson's or associate broker's license to the commission for cancellation. A license canceled but not suspended or revoked may be reinstated at any time during the period for which it was issued upon receipt of the fee for reinstatement prescribed by K.S.A. 58-3063 and amendments thereto and an application therefor in a form prescribed by the commission *and consent of the new supervising broker as evidenced by the supervising broker's signature on the form required by the commission.*

(d) Except as provided in subsection (e), upon a change in the name under which a broker is licensed or a change in the location of a broker's office, the broker shall, within 10 days, return to the commission, for cancellation and reinstatement under the new name or location of the broker, the broker's license, together with the reinstatement fee prescribed by K.S.A. 58-3063 and amendments thereto.

(e) Upon a change in the name under which a supervising broker is licensed or a change in the location of a supervising broker's office, the supervising broker shall, within 10 days, return to the commission together with the reinstatement fee prescribed by K.S.A. 58-3063 and amendments thereto, for cancellation and reinstatement under the new name or location of the supervising broker: (1) The license of the supervising broker; (2) the license of any other broker who is associated with the supervising broker and whose license requires reinstatement under the new name or location; and (3) the licenses of all salespersons and associate brokers employed by or associated with the supervising broker. Upon a change in the name under which a branch broker is licensed or a change in the location of a branch broker's office, the branch broker shall, within 10 days, return to the commission, for cancellation and reinstatement under the new name or location of the branch broker, the license of the branch broker and the licenses of all salespersons and associate brokers assigned to the branch office, together with the reinstatement fee prescribed by K.S.A. 58-3063 and amendments thereto. Upon a change in the broker designated as the branch broker or supervising broker of an office, the supervising broker shall, within 10 days, return to the commission, for cancellation, the licenses of the brokers who are affected by the change, together with the reinstatement fee prescribed by K.S.A. 58-3063 and amendments thereto.

(f) When any salesperson or associate broker is discharged for a violation of any of the provisions of this act, a certified written statement of the facts with reference thereto shall be filed forthwith with the commission by the supervising broker.;

By renumbering existing sections accordingly;

Also on page 9, in line 21, after "58-3043" by inserting "and 58-3047"; in line 22, after "58-3042," by inserting "58-3045,";

In the title, in line 13, after "58-3043" by inserting "and 58-3047"; in line 14, after "58-3042," by inserting "58-3045,"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2643** be amended on page 1, in line 38, by striking "silencing" and inserting "suppressing";

On page 3, in line 4, by striking all after "to"; in line 5, by striking "are assigned" and inserting "a law enforcement officer who is:

(1) Assigned";

Also on page 3, in line 6, by striking "and are" and inserting ";

(2) designated by the head of such officer's law enforcement agency to possess devices described in subsection (a)(6); and

(3)" ;

Also on page 3, in line 7, by striking "owned" and inserting ": (A) Owned"; in line 8, by striking "and" and inserting "; (B) in such officer's possession only during specific operations; and (C)"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 3000** be amended on page 4, in line 8, by striking "the record of the"; also in line 8, before "proceeding" by inserting "a confidential record of the evidence in the"; in line 9, by striking "in a manner that prevents identification of the minor"; in line 33, by striking all after the period; by striking all in line 34; in line 35, by striking all before "The"; in line 40, after the stricken period, by inserting "The court shall be required to rule within 48 hours, excluding Saturdays, Sundays and legal holidays, after the time of the filing of the minor's application.";

On page 5, in line 40, before the semicolon, by inserting "or disclose any court record relating to such proceeding"; in line 41, before the period, by inserting "or such record"; in line 43, by striking "clerk of the district court" and inserting "office of judicial administration";

On page 6, in line 2, by striking "such court" and inserting "district courts"; and the bill be passed as amended.

The Committee on **Insurance** recommends **SB 469** be passed.

The Committee on **Transportation** recommends **SB 449, SB 624** be passed.

The Committee on **Utilities** recommends **SB 546** be passed.

The Committee on **Utilities** recommends **HB 2100** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2100," as follows:

"Substitute for HOUSE BILL No. 2100

By Committee on Utilities

"AN ACT concerning certain unsolicited telephone calls; prohibiting certain acts and providing penalties for violations; amending K.S.A. 2001 Supp. 50-670 and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2100** was thereupon introduced and read by title.

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 3026, An act providing for the financing for the comprehensive transportation program; amending K.S.A. 8-143, 8-143b, 8-143c, 8-143g, 8-143h, 8-143i, 8-143j, 8-143k, 8-172, 8-195, 8-2406, 8-2409 and 8-2425 and K.S.A. 2001 Supp. 79-3492b, 79-34,118, 79-34,141, 79-34,142, 79-34,147, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 79-3603b, by Committee on Appropriations.

HB 3027, An act concerning agriculture; relating to powers, duties and responsibilities of secretary of agriculture; fees and penalties; amending K.S.A. 2-1205, 2-2204, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2805, 2-2806, 2-2905, 2-2906, 2-3304, 2-3306, 2-3318, 65-6a34, 82a-727, 82a-732, 83-201 and 83-205 and K.S.A. 2001 Supp. 65-6a18, 65-771, 65-775, 65-778, 65-781, 65-782, 65-789, 82a-708a, 82a-708b, 82a-714, 83-302 and 83-402 and repealing the existing sections, by Committee on Appropriations.

HB 3028, An act concerning state finances; imposing passenger vehicle surcharges and commercial vehicle surcharges on turnpike travel; prescribing powers, duties and functions for the Kansas turnpike authority; amending K.S.A. 68-2004 and repealing the existing section, by Committee on Appropriations.

HB 3029, An act concerning the care and treatment for mentally ill persons; relating to delivery of certain services; amending K.S.A. 39-1610 and repealing the existing section, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **SB 121** from Committee on Business, Commerce and Labor and referral to Committee on New Economy.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6011—

By Committee on Federal and State Affairs

A RESOLUTION requesting the federal government to encourage Americans to save for retirement to supplement but not replace social security benefits.

WHEREAS, For over 60 years social security has provided a stable platform of retirement, disability and survivor annuity benefits to protect working Americans and their dependents; and

WHEREAS, The American and world economies continue to encounter periods of high uncertainty and volatility that make it as important as ever to preserve a basic and continuous safety net of protections guaranteed by our society's largest repository of risk, the federal government; and

WHEREAS, Social security affords protections to rich and poor alike. No citizen, no matter how well off today, can say that tomorrow's adversities will not create future dependency; and

WHEREAS, Average life expectancies are increasing greatly and people are commonly living into their 80's and 90's, making it more important than ever that each of us be fully protected by defined retirement benefits; and

WHEREAS, Medical scientists are daily discovering more creative ways to preserve the lives of the profoundly disabled, thus making it more important than ever that each of us be protected against the risks of our own dependency, against the risk of becoming a burden to relatives, and against the risk of succumbing to a disability unrelated to the duration of life; and

WHEREAS, The lives of wage earners and their spouses are seldom coterminous. One spouse often outlives the other by decades, making it crucial to preserve a secure base of protection for family members dependent on a wage earner who may die or become disabled; and

WHEREAS, The children of working Americans require protection against the untimely death or disability of their wage-earning parents, contingencies that are too often uncovered by working Americans and their employers; and

WHEREAS, The costs of administering social security are less than 1% of the benefits delivered; and

WHEREAS, The single purpose of social security is to provide a strong, simple and efficient form of basic insurance against the adversities of old age, disability and dependency; and

WHEREAS, Social security was founded on the sanctity of work and the preservation of family integrity in the face of death or disability; and

WHEREAS, Social security, in current form, reinforces family cohesiveness and enhances the value of work in our society; and

WHEREAS, Congress currently has proposals to shift a portion of social security contributions from insurance to personal investment accounts for each wage earner; and

WHEREAS, Social security, our largest and most fundamental insurance system should not be splintered into individualized stock accounts. Social security cannot fulfill its protective function if it must also create and manage millions of small risk-bearing investments out of a stream of contributions intended as insurance. Private accounts cannot be substituted for social security without eroding basic protections for working families. For these protections to be strong, they must be insulated from economic uncertainty and be backed by the entity best capable of spreading risk, the American government; and

WHEREAS, The diversion of contributions to private investment accounts would dramatically increase financial shortfalls to the social security trust fund and require major reductions in the defined benefits upon which millions of Americans depend. To administer 150,000,000 separate investment accounts would create an ever proliferating bureaucracy. The resulting expense and the cost of converting each account to an annuity upon retirement would consume much of the profit, or exacerbate the loss, realized by each participant; and

WHEREAS, It is an entirely different question whether part of the social security trust fund should be diversified into investments other than government bonds. For the fund to invest collectively in a broad selection of equities and private bonds may well increase returns over time and thus enhance the capacity of the fund to meet its obligations to pay benefits as presently defined. The central management for those investments would be a minor expense compared to the staggering cost of overseeing millions of splintered accounts. Central investment also preserves the spreading of risk across the entire spectrum of social security participants. Individualized accounts, by contrast, would create an array of winners and losers, thus converting part of our retirement system into a national lottery. Those who become disabled, those who must retire early and dependents with the earliest and greatest need would receive the least in return. The system would be perversely contrary to basic principles of insurance and risk distribution; and

WHEREAS, Diverting social security contributions to private accounts is redundant to existing programs. Through amendments to the Internal Revenue Code of 1986, Congress has created a full menu of provisions by which working Americans and their employers may contribute by choice to tax-sheltered accounts that are open to the opportunities and exposed fully to the risks of our speculative and vigorous investment markets. One-half of American families are already covered by these recently created systems; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the federal government is respectfully requested to take appropriate steps to encourage workers and their employers to save or invest for retirement to supplement the basic benefits of the Social Security Program, but not as a substitute for the core protections that are vital to American working families; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from Kansas in the Congress of the United States.

REPORT ON ENGROSSED BILLS

HB 2711 reported correctly engrossed March 19, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, March 21, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

