

Journal of the House

ELEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 23, 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.

Reps. Myers, Tanner and Toelkes were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Michael Chamberlain, pastor, First United Methodist Church, Topeka:

Almighty God, we offer you our thanksgiving this day for your gift of freedom. We thank you for life, which allows us to imagine possibilities. We thank you for liberty, which frees us to pursue dreams. We thank you for the pursuit of true happiness, which turns our lives toward that which is good and holy and just.

Your gift would have been incomplete, however, had you not also given us the gift of leadership and responsibility.

Send your Spirit upon this body, leaders and servants lifted up to speak for your children, the citizens of this state. Bless them with clarity of purpose, hearts of charity and hands outstretched for the common good; that in the course of their deliberations and the contest of their ideas we, your people, might discover that course which leads us into the future which you desire for us all.

Hear this our prayer of thanksgiving for these your servants as they begin their work this day. Bless this chamber, the state of Kansas and these United States—for our trust is in you alone.

Amen.

The Pledge of Allegiance was led by Rep. Johnson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2105, An act concerning the flag of the United States of America; relating to the use and display thereof, by Committee on Federal and State Affairs.

HB 2106, An act concerning the Kansas national guard; relating to pay and allowances; amending K.S.A. 48-225 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2107, An act concerning the retirement system for judges; relating to computation of retirement annuity; amending K.S.A. 2000 Supp. 20-2610 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2108, An act concerning crime and punishment; relating to obscene materials; amending K.S.A. 21-4301a and 21-4301c and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2109, An act concerning lotteries and lottery machines; amending K.S.A. 74-8702 and 74-8722 and K.S.A. 2000 Supp. 74-8710, 74-8718, 74-9802 and 79-4701 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2110, An act concerning elections; prohibiting the disclosure of certain information during hours of voting, by Committee on Ethics and Elections.

HB 2111, An act concerning certain law enforcement officers of the state and certain political subdivisions thereof; concerning Native American Indian tribal law enforcement officers, by Joint Committee on State-Tribal Relations.

HB 2112, An act concerning the joint committee on state-tribal relations; amending K.S.A. 46-2303 and repealing the existing section, by Joint Committee on State-Tribal Relations.

HB 2113, An act concerning state and tribal relations; relating to agreements between the state and native American Indian tribes; amending K.S.A. 46-2302 and 46-2303 and repealing the existing sections, by Joint Committee on State-Tribal Relations.

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, by Committee on Insurance.

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

HB 2116, An act relating to contract for deeds; concerning interest rates; amending K.S.A. 2000 Supp. 16-207 and repealing the existing section, by Representative Flaharty.

HB 2117, An act concerning the dietitians licensing act; relating to certain dietetic services supervisors and certified dietary managers; amending K.S.A. 2000 Supp. 65-5912 and repealing the existing section, by Representative Dreher.

HB 2118, An act concerning fire districts; relating to the annexation of territory thereof by cities; amending K.S.A. 19-3623f and repealing the existing section, by Committee on Local Government.

HB 2119, An act concerning certain park and recreation districts; relating to improvements; amending K.S.A. 19-2881 and repealing the existing section, by Committee on Local Government.

HB 2120, An act concerning amusement rides; relating to inspection and regulation thereof; prohibiting certain acts and providing penalties and remedies for violations, by Committee on Local Government.

HB 2121, An act concerning the state board of healing arts; relating to compensation of review committee members; amending K.S.A. 65-2016 and K.S.A. 2000 Supp. 65-2840c and repealing the existing sections, by Committee on Appropriations.

HB 2122, An act relating to income taxation; providing a credit therefrom for investments in certain agricultural cooperatives, by Committee on Agriculture.

HB 2123, An act concerning agriculture; relating to disposition of moneys; fee funds; amending K.S.A. 47-504 and K.S.A. 2000 Supp. 2-1012, 2-2464a, 2-3315, 65-708a and 74-554 and repealing the existing sections, by Committee on Agriculture.

HB 2124, An act concerning improvement districts; relating to the powers and duties thereof; amending K.S.A. 19-2765 and repealing the existing section, by Representative Osborne.

HB 2125, An act concerning insurance; relating to reciprocal insurance companies; amending K.S.A. 40-1623 and repealing the existing section, by Representative Grant.

HB 2126, An act concerning crimes and punishment; establishing the crime of battery against a sports official, by Representatives Boston, Aday, Ballou, Bethell, Dahl, Freeborn, Hayzlett, Henry, Humerickhouse, Hutchins, Krehbiel, Landwehr, Mason, Jim Morrison, Novascone, Osborne, Ostmeyer, Palmer, J. Peterson, Pottorff, T. Powell, Powers, Reardon, Sharp, Showalter, Stone, Tanner, Tomlinson and Weber.

HB 2127, An act concerning public health, relating to testing for infectious diseases; information available to corrections employees; amending K.S.A. 2000 Supp. 65-6015, 65-6016 and 65-6017 and repealing the existing sections, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2101, 2102, 2103.**

Appropriations: **HB 2104.**

Education: **HB 2093, 2094, 2096, 2097.**
 Judiciary: **HB 2095.**
 Taxation: **HB 2089, 2090, 2091, 2092.**
 Tourism: **HB 2098.**
 Utilities: **HB 2099, 2100.**

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2088** from Committee on Agriculture and referral to Committee on Judiciary.

COMMUNICATIONS FROM STATE OFFICERS

From Janet Schalansky, Secretary, Kansas Department of Social and Rehabilitation Services, Study Regarding Asset and Income Rules and their Enforcement in the Medical Eligibility Process, as required by 2000 **H. Sub. for SB 326.**

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 2049, HB 2050, HB 2051, HB 2052, HB 2053** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2022** 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

Speaker pro tem Aurand announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

REPORTS OF STANDING COMMITTEES

The Committee on **Insurance** recommends **HB 2031, HB 2032** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Rules and Journal** recommends **HR 6004** be amended on page 2, in line 39, after the period, by inserting: "No demand for a roll call for a quorum shall be in order.";

On page 4, in line 7, by striking "The" and inserting: "Except for security personnel authorized by the Speaker, the"; in line 17, by striking "The" and inserting: "Except for security personnel authorized by the Speaker, the"; on page 10, in line 6, by striking "The" and inserting: "Except for security personnel authorized by the Speaker, the";

On page 15, in line 25, by striking "**Motions**" and inserting in lieu thereof "**Amendments**"; also in line 25, preceding "When" by inserting "(a)"; in line 27, after the period, by inserting: "The division by the chairperson shall be made in accordance with the following:

- (1) A motion to strike out and insert words of less than a sentence shall be indivisible;
- (2) the distinct propositions shall be only in the form submitted in the motion to amend;
- (3) each proposition must be so distinct that, one being removed, the remainder may stand entirely on their own.

(b) Upon a request to divide a motion to amend a bill or resolution, the chairperson shall inquire as to whether there is a request for a ruling on germaneness of the motion to amend. If such a request is made, the issue of germaneness shall be determined prior to dividing the motion. If no request for a ruling on germaneness of the motion to amend is made, the chairperson shall proceed to divide the motion to amend in accordance with this rule, and no subsequent request for a ruling on germaneness of any distinct proposition of the motion so divided shall be in order.

(c) The chairperson, or any member, may request that the member requesting the division make the request in writing specifying the manner in which the motion to amend should be divided.

(d) The chairperson may request that the member requesting the division and the chairperson or the vice-chairperson of the committee on rules and journal recommend an appropriate division, but the final ruling on how to divide the motion to amend shall be that of the chairperson who shall announce the division to the body.

(e) The division of the motion to amend shall be in accordance with the rules of the House and with items (1) to (3), inclusive, of subsection (a). The ruling of the chairperson on how to divide the motion to amend shall not be subject to appeal except that any member may appeal the ruling of the chairperson on the grounds that the division is not in accordance with a rule of the House including the provisions of items (1), (2) or (3) of subsection (a), or any combination thereof.”;

Also on page 15, after line 35, by inserting the following:

“Rule 2108. Motions to Strike Out and Insert. The rejection of a motion to amend a bill or resolution by striking out and inserting one proposition shall not prevent a motion to strike out and insert another proposition, nor prevent a subsequent motion simply to strike out; nor shall the rejection of a motion simply to strike out prevent a subsequent motion to strike out and insert.

Rule 2109. Identical Motions. Except upon the unanimous consent of the House, an identical motion to amend a bill or resolution shall not be made a second time on the same legislative day.”;

On page 17, in line 30, after “motion” by inserting: “, other than a motion under Rule 2105,”; in line 32, after the period, by inserting: “Motions under Rule 2105 shall be divided in accordance with that rule.”;

On page 18, in line 16, after “Procedure” by inserting “(1989 edition)”;

On page 25, in line 25, by striking “505” and inserting in lieu thereof “506”;

and the resolution be adopted as amended.

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 2128. An act relating to income taxation; allowing credits for certain historic preservation project expenditures, by Committee on Taxation.

HB 2129. An act concerning mileage and other allowances for official travel of certain advisory committees, by Representative Huff.

HB 2130. An act concerning the state minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Committee on Business, Commerce and Labor.

HB 2131. An act concerning waste tires; amending K.S.A. 2000 Supp. 65-3424, 65-3424a, 65-3424d, 65-3424f, 65-3424g, 65-3424k and 65-3426 and repealing the existing sections, by Committee on Environment.

HB 2132. An act concerning mausoleums or burial vaults or structures; amending K.S.A. 17-1324 and repealing the existing section, by Committee on Environment.

HB 2133. An act amending the multipurpose small lakes program act; amending K.S.A. 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, by Committee on Environment.

HB 2134. An act concerning solid waste; amending K.S.A. 2000 Supp. 65-3402, 65-3407, 65-3407c, 65-3409 and 65-3415 and repealing the existing sections, by Committee on Environment.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, January 24, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

