

Journal of the House

SEVENTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 31, 2001, 10:30 a.m.

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

The roll was called with 123 members present.

Rep. Hutchins was excused on legislative business.

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

Present later: Rep. Hutchins.

Prayer by guest chaplain, the Rev. Tom Shaffer, pastor, First Baptist Church, Garnett, and guest of Rep. Feuerborn:

O Lord our God,

If ever we needed your wisdom and guidance, it is for this day.

We are met with many needs and situations of crisis in the life of our state and people.

We pray that you will bless these servants chosen by the people of this state for such a time as this. You know their needs and motives and hopes and uncertainties. Give them the assurance of your strength and presence with them. Guide them in doing your will and way.

Help us to remember that you, our God, are concerned with what we say and do here today. Give us to fear no one but you our God. Bless us according to our deepest needs and use us graciously for your glory.

This we humbly ask in your great and holy name. Amen.

The Pledge of Allegiance was led by Rep. McKinney.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

HB 2225, An act relating to highways; concerning fees charged to counties for federal aid projects, by Committee on Transportation.

HB 2226, An act relating to license plates for United States military veterans; amending K.S.A. 2000 Supp. 8-1,146 and repealing the existing section, by Committee on Transportation.

HB 2227, An act concerning the behavioral sciences regulatory board; concerning professions regulated by the board; amending K.S.A. 38-1522, 39-1402 and 39-1431 and K.S.A. 2000 Supp. 59-2946, 65-5804a, 65-5807, 65-6404, 65-6405 and 74-5363 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-5804 and 65-5811, by Committee on Health and Human Services.

HB 2228, An act concerning physician disclosure to certain persons of information about a patient who has an infectious disease; amending K.S.A. 2000 Supp. 65-6004 and repealing the existing section, by Committee on Health and Human Services.

HB 2229, An act enacting the Kansas senior caregiving initiative; establishing a program to improve the quality of long-term care services; authorizing grants for and evaluations of new models of long-term care; concerning nursing facility reimbursement and enhanced employee training; establishing a prevention program for the improvement of the quality of

long-term care services; providing for an advisory council, by Committee on Health and Human Services.

HOUSE CONCURRENT RESOLUTION No. 5011—

By Representatives Tafaneli, Wilk, Wilson, Aday, Aurand, Ballou, Barnes, Beggs, Benlon, Bethell, Compton, Cook, Cox, Crow, Dahl, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Freeborn, Garner, Gatewood, Glasscock, Gordon, Grant, Hayzlett, Hermes, Horst, Howell, Humerickhouse, Hutchins, Johnson, Kirk, Kuether, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Newton, O'Brien, Osborne, Patterson, Pottorff, T. Powell, Ray, Reardon, Sharp, Showalter, Stone, Toelkes, Tomlinson, Weber, Wells, D. Williams, and J. Williams

A CONCURRENT RESOLUTION memorializing the Congress of the United States to provide lifetime health care benefits for military retirees and their families.

WHEREAS, Inasmuch as many of our citizens have risen to the defense and safeguard of our state and nation, this Concurrent Resolution of support and honor recognizes those individuals who unselfishly served our state and nation as they defended our democratic way of life and the freedoms set down by the founding fathers of this nation; and

WHEREAS, The state of Kansas through its Legislature acknowledges and recognizes the contribution these veterans of military service have made to the estate of all our citizens, and we ask the Congress of the United States to acknowledge these retired veterans by continuing to support and improve their quality of life through extended health care; and

WHEREAS, This population of retired veterans served during foreign and domestic crises of the 20th century, where their involvement with names such as Ardennes, Wake, Guadalcanal, Normandy, Bastogne and Iwo Jima earned our nation's highest respect and accolades; while other names not so common to America were added during the Korean conflict, like Inchon and Choson; later came other Asian names like DaNang, Khe Sanh, Hue and Quang Tri; places these retired veterans know all too well as a battleground which tested their will to survive and return; and

WHEREAS, These retired veterans now constitute a significant portion of the aging population in this country and, in particular, our state; and

WHEREAS, These retired veterans were guaranteed through contract, both stated and implied, lifetime access to medical benefits for themselves and their immediate family members upon retirement for serving their nation unselfishly and honorably for 20 years or more; and

WHEREAS, Prior to retirement at age 65 years, this population of our citizenry were provided health care service through the military health care system or through other U.S. Department of Defense programs; however, upon reaching the age of 65 years and through recent Federal regulatory changes in entitlements for military health care benefits, these individuals that served and their family members, lost significant portions of their health care support system; and

WHEREAS, The medical benefits which were lost through changes to Federal legislation forced these retired veterans to pay out-of-pocket for medical coverage from alternative sources; and those changes forced these citizens into omnibus national health care programs, such as Medicare; and

WHEREAS, Many retired veterans and their immediate family members live on fixed incomes where the loss of medical benefits significantly impacts their quality of life, disrupts their needed levels of care and puts out of reach certain health care capabilities and pharmaceutical support to which they had been previously entitled; and

WHEREAS, Many of these retired veterans suffering from service connected injuries, serious illnesses, or medically-related quality of life developments have found that their access to medical treatment facilities is now limited due to significant downsizing or in many rural areas has become nonexistent; and

WHEREAS, These honorable men and women of Kansas and of this nation who have sacrificed in the uniformed service of our country are deserving of the health care programs

to sustain their quality of life that they were guaranteed for 20 or more years of unselfish service; and

WHEREAS, The Legislature of the state of Kansas has a special charge to safeguard and maintain the quality of life for its citizens that have served and earned a retirement from military service: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature respectfully requests and petitions its Congressional representatives of the United States to address, for rectification, the aforementioned concerns regarding the health care coverage of our retired military veterans and their immediate families; and

Be it further resolved: That the Secretary of State is hereby directed to send enrolled copies of this resolution to the President of the United States, the president pro tempore of the United States Senate, the Speaker of the House of Representatives and to each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2218**.

Business, Commerce and Labor: **HB 2223**.

Education: **HB 2217**.

Environment: **HCR 5008, HCR 5009**.

Ethics and Elections: **HB 2213, HB 2214, HB 2215**.

Federal and State Affairs: **HB 2216, HB 2224**.

Health and Human Services: **HB 2210, HB 2211**.

Insurance: **HB 2209**.

Judiciary: **HB 2207, HB 2208, HB 2212, HB 2222**.

Taxation: **HB 2219, HB 2220, HB 2221; HCR 5010**.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2199, HB 2200** from Committee on Appropriations and referral to Committee on Environment.

COMMUNICATIONS FROM STATE OFFICERS

From Charles E. Simmons, Secretary, Department of Corrections, in accordance with K.S.A.60-4117, report for the Kansas Department of Corrections State Forfeiture Fund for December 1, 1999 through December 1, 2000.

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 2149** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2004, HB 2048** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2036** 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

HB 2036, An act concerning rules and regulations; relating to the rules and regulations filing act; amending K.S.A. 77-416 and K.S.A. 2000 Supp. 77-420a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel,

Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, 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, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Freeborn, Vickrey.

Present but not voting: None.

Absent or not voting: Crow, Hutchins, P. Long, Loyd.

The bill passed.

HB 2001. An act authorizing establishment of the Northwest Kansas technical college; amending K.S.A. 2000 Supp. 72-4412 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, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. 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, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tamer, 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: Crow, Hutchins, P. Long.

The bill passed, as amended.

HB 2033. An act concerning insurance; requiring a report to the legislature regarding providing coverage for certain mental illnesses, was considered on final action.

On roll call, the vote was: Yeas 74; Nays 49; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Stone, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk.

Nays: Alldritt, Ballard, Barnes, Burroughs, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Jim Morrison, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, Toelkes, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Crow, Hutchins.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2033** because it is unnecessary and serves only to delay insurance coverage for those Kansas families, who through no fault of their own, must deal with mental illness. Thirty-two other states require insurance companies to offer the same level of coverage for mental illnesses as they do for physical illnesses. There is no reason Kansas should not offer the same parity. Interestingly, every legislator voting today to delay mental health parity has this coverage through their state insurance. If it is good enough for them why isn't it good enough for those they represent.—NANCY A. KIRK, JIM MORRISON, GERALDINE FLAHARTY, RUBY GILBERT

MR. SPEAKER: I vote no on **HB 2033**. This bill unnecessarily delays providing parity in insurance coverage to those who suffer from mental illnesses. Study after study done in the 33 other states that offer mental health parity show little or no increase in premiums. It is my hope that before the session ends this body will find the courage to stand up to the powerful insurance lobby. Unfortunately, those Kansans who, through no fault of their own, suffer from mental illness are accustomed to being treated differently. The legislature should not be a party to such discrimination.—EBER PHELPS, L. CANDY RUFF, BOB GRANT, ETHEL M. PETERSON, JANICE L. PAULS

MR. SPEAKER: On **HB 2033** I vote yes. It is time for Kansas to act with certainty to end health insurance discrimination against individuals with mental illness; illnesses largely biological, and treatable now. The only justification for delay in mental health parity is the very real concern that through haste we permit costs to increase or plan coverages to be restricted so as to exclude benefits for those in need. While I applaud caution, I implore action for the advantage of worker and employer alike. Please study, but bring before this body this session meaningful parity legislation.—WARD LOYD.

HR 6006, A resolution urging the State Corporation Commission to order certain refunds to be paid to certain residential natural gas customers, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

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

Absent or not voting: Crow, Light.

The resolution was adopted.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2146**, **HB 2147**, **HB 2017** be passed.

SCR 1603 be adopted.

Committee report to **HB 2148** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **HB 2038** be amended on page 1, in line 19, by striking "2012" and inserting "2008"; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2109** be amended on page 3, in line 26, following "between" by inserting "the start of";

On page 4, in line 11, by striking "any electronic media" and inserting "electronic mail"; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2065** be amended on page 18, in line 36, by striking all after the second comma; in line 37, by striking "2002,";

On page 19, in line 10, after "used" by inserting "in a grain storage facility located upon a farm or" and the bill be passed 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 2230, An act relating to driving; powers and duties of the division of vehicles; operation of vehicles; concerning suspension or restriction of drivers' licenses; amending K.S.A. 8-258, 8-285 and 41-727 and K.S.A. 2000 Supp. 8-255, 8-262, 8-1001, 8-1002, 8-1014, 8-1015, 8-1016 and 8-1567a and repealing the existing sections, by Representative O'Neal.

HB 2231, An act concerning juvenile offenders; relating to the right to an attorney during the intake and assessment process; amending K.S.A. 38-1606 and K.S.A. 2000 Supp. 75-7023 and repealing the existing sections, by Committee on Judiciary.

HB 2232, An act concerning the employment security law; providing for eligibility thereunder for new parents, by Committee on Business Commerce and Labor.

HB 2233, An act concerning retirement; relating to the Kansas police and firemen's retirement system; normal retirement date; amending K.S.A. 2000 Supp. 74-4957 and repealing the existing section, by Committee on Appropriations.

HB 2234, An act concerning rural water districts; relating to the procedure for release of lands from a district; repealing K.S.A. 82a-630, by Committee on Environment.

HB 2235, An act concerning employment; providing for a fair share representation fee to be paid to certain labor organizations under certain circumstances; relating to procedures, rights and duties; amending K.S.A. 44-803 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2236, An act concerning public works projects for state agencies; prescribing payment of minimum wages for work thereon and preferences for certain employees to work thereon, by Committee on Federal and State Affairs.

HB 2237, An act concerning the public employer-employee relations act; relating to the applicability thereof; amending K.S.A. 75-4321 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2238, An act regulating traffic; concerning lighted lamps; amending K.S.A. 8-1703 and repealing the existing section, by Committee on Transportation.

HB 2239, An act concerning election crimes; amending K.S.A. 25-2415 and 25-2430 and repealing the existing sections, by Committee on Ethics and Elections.

HB 2240, An act concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter while handling a firearm under the influence of alcohol or drugs; aggravated battery with a firearm; amending K.S.A. 2000 Supp. 21-3204 and repealing the existing section, by Representative McCreary.

HB 2241, An act concerning school district finance; relating to determination of transportation weighting; amending K.S.A. 72-6411 and repealing the existing section, by Representatives Flaharty, Barnes, Findley, Garner, Loganbill, Reardon, Ruff, Toelkes and Wilson.

HB 2242, An act concerning consumer protection; relating to physical fitness centers, by Representative Vickrey.

HB 2243, An act concerning securities; relating to the regulation thereof; concerning the powers of the securities commissioner; amending K.S.A. 17-1257, 17-1258, 17-1265, 17-1266a, 17-1271, 40-436 and 50-1009 and K.S.A. 2000 Supp. 17-1252, 17-1254, 17-1261, 17-1263 and 17-1270 and repealing the existing sections, by Committee on Financial Institutions.

HB 2244, An act concerning energy resources; enacting the state energy resources coordination act; establishing the Kansas energy resources coordinating council; providing for certain assessments to fund the council; providing for a comprehensive state plan for the management, conservation and development of energy resources, by Committee on Utilities.

HB 2245, An act concerning certain electric generation facilities; relating to contracts for parallel generation services; providing certain income tax credits with regard to electricity generated by such facilities; amending K.S.A. 66-1,184 and repealing the existing section, by Committee on Utilities.

HB 2246, An act concerning certain drainage districts; relating to the powers and duties of the governing bodies thereof; amending K.S.A. 24-611 and 24-639 and repealing the existing sections, by Representative Loyd.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2192** from Committee on Local Government and referral to Committee on Financial Institutions.

Also, the withdrawal of **HB 2185** from Committee on New Economy and referral to Committee on Local Government.

REPORT ON ENGROSSED BILLS

HB 2001, **HB 2033** reported correctly engrossed January 30, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, February 1, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

