

# Journal of the House

TWENTY-SECOND DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, February 7, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.  
The roll was called with 121 members present.

Rep. M. Long was excused on verified illness.

Reps. Cox, Ray and Wilson were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God

You are

the rock of our salvation-

Give us stability in our lives.

You are

the ground of our being-

Give us all that we need to survive.

You are

the love that fills our hearts-

Give us the joy and peace of your love all the days of our lives. Amen.

The Pledge of Allegiance was led by Rep. Barnes.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2353.** An act concerning accredited high schools; requiring provision of a community service class for students, by Representative Benlon.

**HB 2354.** An act concerning civil procedure; relating to divorce; amending K.S.A. 2000 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.

**HB 2355.** An act enacting the uniform interstate enforcement of domestic-violence protection orders act, by Committee on Judiciary.

**HB 2356.** An act concerning crime victims compensation; relating to compensation for health care providers and facilities; amending K.S.A. 2000 Supp. 74-7301 and 74-7305 and repealing the existing sections, by Committee on Judiciary.

**HB 2357.** An act concerning school districts; relating to the effective date of transfers of territory; amending K.S.A. 2000 Supp. 72-7108 and repealing the existing section, by Committee on Education.

**HB 2358.** An act concerning children; relating to visitation and custody; amending K.S.A. 38-1541 and repealing the existing section, by Representative Krehbiel (By request).

**HB 2359.** An act concerning school districts; relating to persons authorized to sign certifications of health of employees; amending K.S.A. 2000 Supp. 72-5213 and repealing the existing section, by Representative Campbell (By request).

**HB 2360.** An act concerning crimes and punishments; relating to the deduction of time spent in confinement; amending K.S.A. 21-4614 and repealing the existing section, by Committee on Judiciary.

**HB 2361.** An act creating the central payment center advisory commission; relating to the duties thereof, by Committee on Judiciary.

**HB 2362.** An act concerning crimes and punishment; relating to cruelty to animals; increasing penalty; amending K.S.A. 2000 Supp. 21-4310 and 21-4704 and repealing the existing sections, by Committee on Judiciary.

**HB 2363.** An act concerning retirement and pensions; concerning certain school retirees; postretirement benefit increase, by Representative Loyd.

**HB 2364.** An act concerning school districts; relating to the reading, posting and teaching of certain American historical and governmental documents, by Representative D. Williams.

**HB 2365.** An act concerning state officers and employees; relating to overtime compensation; prescribing certain rates and procedures; amending K.S.A. 2000 Supp. 75-5537 and repealing the existing section, by Representatives J. Peterson, Ballard, Findley, Sloan and Tanner.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2337, HB 2346, HB 2349, HB 2352.**

Business, Commerce and Labor: **HB 2340, HB 2343.**

Education: **HB 2335, HB 2336, HB 2338, HB 2351.**

Ethics and Elections: **HB 2350.**

Health and Human Services: **HB 2341** (separately).

Insurance: **HB 2341** (separately).

Judiciary: **HB 2339, HB 2342, HB 2344, HB 2348.**

Taxation: **HCR 5013** (separately).

Tourism: **HB 2347.**

Utilities: **HB 2345; HCR 5013** (separately).

#### CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2257** from Committee on Higher Education and referral to Committee on Education.

#### COMMUNICATIONS FROM STATE OFFICERS

From Susan A. Linn, Executive Secretary, Kansas State Board of Pharmacy, pursuant to K.S.A. 65-4102, list of medications for scheduling/rescheduling as controlled substances.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2056.** An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the legislative coordinating council; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; 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, Crow, 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, Light, Lightner, Lloyd, Loganbill, P. 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, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Taffanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Cox, M. Long, Ray, Wilson.  
The bill passed, as amended.

**HB 2074.** An act concerning the Kansas bureau of investigation; relating to employees thereof; amending K.S.A. 75-711 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 17; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Alldritt, Barnes, Findley, Flora, Garner, Gatewood, Grant, Hermes, Kirk, Kuether, Levinson, McKinney, Nichols, Phelps, Shriver, Spangler, Toelkes.

Present but not voting: None.

Absent or not voting: Cox, M. Long, Ray, Wilson.

The bill passed.

**HB 2169.** An act relating to state moneys; concerning the investment thereof; amending K.S.A. 75-4221 and K.S.A. 2000 Supp. 75-4237 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; 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, Crow, 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, Light, Lightner, Lloyd, Loganbill, P. 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, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: Cox, M. Long, Ray, Wilson.

The bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Loyd **HB 2193** be amended on page 2, following line 1, by inserting:

“(5) The notice required under subsection (4), shall be printed in the native language of the borrower and such language shall be submitted and approved by the commissioner.”;

By renumbering subsections accordingly;

Also, on motion of Rep. DiVita **HB 2193** be amended on page 1, in line 22, by striking “of” and inserting “not to exceed”; in line 25, by striking “equal to” and inserting “not to exceed”; in line 28, by striking “equal to” and inserting “not to exceed”; also in line 28, by striking “minimum” and inserting “maximum”; in line 31, by striking “equal to” and inserting “not to exceed”; in line 32, by striking “minimum” and inserting “maximum”;

Also, on motion of Rep. Humerickhouse **HB 2193** be rereferred to Committee on Financial Institutions.

Committee report to **HB 2144** be adopted; and the bill be passed as amended.

Committee report to **HB 2045** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Ethics and Elections** recommends **HB 2129** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2129,” as follows:

“Substitute for HOUSE BILL No. 2129

By Representative Huff

“AN ACT concerning certain commissions and councils; relating to the membership thereof; amending K.S.A. 2000 Supp. 74-9201 and 75-7202 and repealing the existing sections.”;

and the substitute bill be passed.

(**Sub. HB 2129** 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 and concurrent resolutions were thereupon introduced and read by title:

**HB 2366**, An act concerning marriage; relating to common-law marriages; amending K.S.A. 2000 Supp. 23-101 and repealing the existing section, by Representatives Weber, Aday, Compton, Cook, Dahl, Freeborn, Horst, Lloyd, P. Long, Mason, McCreary, Osborne, Powers and Vickrey.

**HB 2367**, An act concerning the charitable organizations and solicitations act; relating to unlawful acts and practices; telephone solicitations; amending K.S.A. 17-1769 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2368**, An act concerning crimes and punishment; relating to air bags in motor vehicles, by Representative Freeborn.

**HB 2369**, An act concerning cities and counties; relating to the powers and duties of the governing bodies thereof, by Representative Grant.

**HB 2370**, An act concerning children in need of care; requiring personal service on the child’s parent or legal guardian in certain hearings; amending K.S.A. 38-1528, 38-1542 and 38-1543 and repealing the existing sections, by Representatives Lightner, Barnes, Bethell, Dahl, Flaharty, Huebert, Landwehr, Light, Mays, McLeland, Judy Morrison, Pauls, L. Powell, Showalter, Storm and Vickrey.

**HB 2371**, An act repealing K.S.A. 2000 Supp. 65-6721; concerning partial birth abortion, by Committee on Federal and State Affairs.

**HB 2372**, An act providing for the certification of behavior analysts; duties and functions of the secretary of social and rehabilitation services, by Committee on Federal and State Affairs.

**HB 2373**, An act concerning the waters of the state; relating to classified streams; amending K.S.A. 2000 Supp. 65-171d and repealing the existing section, by Committee on Agriculture.

**HB 2374**, An act concerning health care consumers relating to pricing of prescription drugs, by Representative Swenson, Alldritt, Barnes, Findley, Flaharty, Flora, Gilbert, Kirk, Levinson, Loganbill, E. Peterson, Phelps, Powers, Toelkes, Toplikar and Welshimer.

**HB 2375**, An act concerning the department of social and rehabilitation services; relating to the Kansas payment center and the central payment of support; prohibiting certain contracts for services, by Representative Swenson.

**HB 2376**, An act enacting the taxpayers' right to know act; amending K.S.A. 2000 Supp. 74-8017 and 75-5133 and repealing the existing sections, by Representatives Swenson and Barnes.

**HB 2377**, An act relating to income taxation; allowing credits therefrom for property tax paid by certain individuals, by Representatives Toplikar, Campbell, Cook, Faber, Gatewood, Gilbert, Howell, Huebert, Huff, Humerickhouse, Huy, Kauffman, Kirk, Larkin, P. Long, Mayans, Mays, McCreary, McLeland, Merrick, Judy Morrison, Myers, Newton, Novascone, Osborne, Ostmeyer, Palmer, Patterson, T. Powell, Powers, Pyle, Shultz, Tafanelli and D. Williams.

**HB 2378**, An act concerning elections; relating to campaign finance; concerning party and political committees; amending K.S.A. 25-4145 and repealing the existing section, by Representative Flaharty.

**HB 2379**, An act concerning social welfare; relating to eligibility for public assistance; amending K.S.A. 39-709 and repealing the existing section, by Representatives Alldritt, Barnes, Crow, Findley, Flaharty, Garner, Kuether, Loganbill, McClure, Reardon, Storm and Toelkes.

**HB 2380**, An act concerning crimes, punishment and criminal procedure; relating to probation and postrelease supervision times; amending K.S.A. 2000 Supp. 21-4611 and 22-3717 and repealing the existing sections, by Representative Toplikar.

**HB 2381**, An act concerning state educational institutions; relating to tuition and increases in the rate thereof, by Representatives Findley, Barnes, Crow, Flaharty, Garner, Gilbert, Kirk, Kuether, Loganbill, McClure, O'Brien, E. Peterson, Reardon, Ruff, Toelkes, Welshimer and Wilson.

**HB 2382**, An act relating to income taxation; increasing the earned income tax credit; amending K.S.A. 2000 Supp. 79-32,205 and repealing the existing section, by Representatives Findley, Barnes, Burroughs, Crow, Dillmore, Flaharty, Garner, Gatewood, Gilbert, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, McClure, McKinney, Nichols, O'Brien, E. Peterson, Reardon, Ruff, Spangler, Toelkes, Wells and Welshimer.

**HB 2383**, An act relating to income taxation; providing for long-term health care insurance premium deductions; amending K.S.A. 2000 Supp. 79-32,117 and repealing the existing section, by Representatives Findley, Barnes, Crow, Dillmore, Flaharty, Garner, Gatewood, Gilbert, Kirk, Klein, Kuether, Levinson, Loganbill, McClure, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Ruff, Showalter, Spangler, Storm, Swenson, Toelkes, Wells, Welshimer and Wilson.

**HB 2384**, An act concerning emergency medical conditions; prohibiting insurance companies and managed care programs from requiring certain prior authorizations or prohibiting access to certain emergency services, by Representatives Findley, Barnes, Crow, Flaharty, Gilbert, Kirk, Loganbill, McClure, E. Peterson, Ruff, Showalter, Storm, Toelkes, Welshimer and Wilson.

**HB 2385**, An act concerning elections; establishing a bipartisan commission on campaign finance reform, by Representatives Findley, Barnes, Crow, Garner, Gilbert, Kirk, Loganbill, E. Peterson, Reardon, Ruff, Storm, Toelkes, Vickrey and Wells.

**HB 2386**, An act concerning hospital districts; relating to the detachment of territory therefrom, by Representative Holmes (By request).

**HB 2387**, An act establishing the Kansas civil rights history project task force; providing for the duties thereof, by Representatives Garner, Ballard, Barnes, Crow, Dillmore, Flaharty, Gilbert, Henderson, Kirk, Klein, Kuether, Loganbill, McClure, O'Brien, E. Peterson, Phelps, Reardon, Ruff, Storm, Thimesch, Toelkes, Wells, Welshimer and Winn.

**HB 2388**, An act concerning certain sewer districts; relating to the formation thereof; amending K.S.A. 2000 Supp. 19-101a and repealing the existing section, by Representative Garner.

**HB 2389**, An act relating to income taxation; providing for a credit therefrom for certain expenses incurred by a small business, by Representatives Garner, Barnes, Burroughs, Crow, Dillmore, Findley, Flaharty, Gilbert, Henderson, Klein, Kuether, Larkin, Levinson, Loganbill, McKinney, Nichols, O'Brien, E. Peterson, Phelps, Ruff, Showalter, Spangler, Storm, Swenson, Thimesch, Toelkes, Vickrey, Wells and Welshimer.

**HB 2390**, An act relating to sales taxation; exempting purchases by certain not-for-profit and faith-based organizations providing social services and prevention services; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Appropriations.

**HB 2391**, An act requiring the state board of education to provide leadership institutes for superintendents of schools and building principals, by Representative Pottorff.

**HB 2392**, An act concerning the Kansas dental board; membership thereof; amending K.S.A. 2000 Supp. 74-1404 and repealing the existing section, by Committee on Health and Human Services.

**HB 2393**, An act relating to income taxation; providing a deduction for certain long-term care insurance contract premium costs; amending K.S.A. 2000 Supp. 79-32,117 and repealing the existing section, by Representative Landwehr.

**HB 2394**, An act relating to income taxation; providing credits therefrom for dependent education expenses and teaching aid contributions; amending K.S.A. 2000 Supp. 79-32,117 and repealing the existing section, by Representatives Landwehr and Huebert, Aurand, Boston, Compton, Cook, Dahl, DeCastro, Freeborn, Hayzlett, Howell, Huy, Kauffman, Lightner, P. Long, Mason, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Patterson, J. Peterson, T. Powell, Powers, Shultz, Tafanelli, Tanner, Toplikar, Vickrey and D. Williams.

**HB 2395**, An act concerning game breeders; amending K.S.A. 32-951 and repealing the existing section, by Representative Faber.

**HB 2396**, An act relating to property taxation; limiting annual increases in property valuation, by Representatives McCreary, Cook, Dahl, DeCastro, Faber, Gordon, Hermes, Huebert, Humerickhouse, Hutchins, Kauffman, Lightner, P. Long, Mason, Mayans, Merrick, Judy Morrison, Myers, Novascone, Palmer, Toplikar, Vickrey and D. Williams.

**HB 2397**, An act concerning the state corporation commission; relating to intervention by cities in certain proceedings, by Representative Loyd.

**HB 2398**, An act concerning the juvenile justice authority; relating to community assessment centers, by Representative Loyd.

**HB 2399**, An act concerning criminal procedure; relating to offender registration; amending K.S.A. 2000 Supp. 22-4902 and repealing the existing section, by Representative Horst.

**HB 2400**, An act concerning adoption; relating to independent legal advice; amending K.S.A. 59-2114 and 59-2115 and repealing the existing sections, by Representative Horst.

**HB 2401**, An act enacting the Kansas commemorative coin design act, by Representatives Garner and E. Peterson, Gilbert, Pauls and Ruff.

**HB 2402**, An act concerning the department of social and rehabilitation services; relating to reimbursement for late fees, by Representative Garner.

**HB 2403**, An act concerning the national board for professional teaching standards certification incentive program; increasing the amount of the bonus for teachers; providing financial assistance to school districts employing national board certified teachers; amending K.S.A. 2000 Supp. 72-1398 and repealing the existing section, by Committee on Education.

**HB 2404**, An act concerning gaming; relating to the use of the moneys derived therefrom; amending K.S.A. 79-4801 and repealing the existing section, by Representative Toplikar.

**HB 2405**, An act concerning asset seizure and forfeiture; amending K.S.A. 60-4102, 60-4106, 60-4107, 60-4108, 60-4109, 60-4110, 60-4111, 60-4112, 60-4113, 60-4114, 60-4115, 60-4118, 60-4120 and 60-4122 and K.S.A. 2000 Supp. 60-4104, 60-4116 and 60-4117 and repealing the existing sections, by Representative Tanner.

**HB 2406**, An act concerning plats; relating to the review thereof; amending K.S.A. 2000 Supp. 58-2005 and repealing the existing section, by Representative Osborne.

HOUSE CONCURRENT RESOLUTION No. 5014—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States Congress to allow interstate marketing of state inspected meat.

WHEREAS, The Federal Wholesale Meat Act of 1967 allows states to have state meat inspection programs which are required to meet or exceed federal inspection standards of

the United States Department of Agriculture for wholesomeness, cleanliness and food safety; and

WHEREAS, Kansas with 26 other states has elected to operate equivalent meat inspection programs which allow state-licensed and state-inspected meat processing facilities to engage in intrastate commerce. Numerous other states are pursuing implementation of state inspection of their meat processing facilities; and

WHEREAS, State meat inspection programs are flexible and can efficiently and safely adapt their activities to small, local meat processors that cannot be duplicated by the federal inspection program because of its size and complexity; and

WHEREAS, State-inspected meat and poultry products are currently barred from interstate commerce under federal law, including neighboring local markets in other states, despite current meat safety and quality assurances, affecting long-range rural development and economic growth strategies within the meat processing industry; and

WHEREAS, Such limitation on marketing of state inspected meat inhibits economic development and value-added agricultural activities in this nation's agricultural sector; and

WHEREAS, Current policy of the National Association of State Departments of Agriculture supports the interstate shipment of state-inspected meat products: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the United States Congress to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate shipment and marketing of meat products by state inspected meat processing facilities; and

*Be it further resolved:* That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and each member of the Kansas Congressional delegation.

#### HOUSE CONCURRENT RESOLUTION No. 5015—

By Representatives Garner and Findley, Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Flaharty, Gatewood, Gilbert, Henderson, Kirk, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Ruff, Showalter, Spangler, Storm, Swenson, Toelkes, Vickrey, Wells and Wilson

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, relating to public retirement systems.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is hereby amended by adding a new section 16 thereto to read as follows:

“§ 16. **Public retirement systems.** (a) Public retirement systems shall be funded on an actuarially sound basis. Public retirement system assets, including income and actuarially required contributions, shall not be encumbered, diverted, reduced or terminated and shall be held in trust to provide benefits to participants and participants' beneficiaries and to defray administrative expenses.

(b) The governing boards of public retirement systems shall administer the systems, including actuarial determinations, as fiduciaries of systems participants and participants' beneficiaries.

(c) Membership in any public retirement system shall be an enforceable contractual relationship and the accrued benefits of membership shall not be diminished or impaired.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*“Explanatory statement.* This amendment would require public retirement systems to be funded on an actuarially sound basis. The assets shall be held in trust to

provide benefits to participants and beneficiaries and defray administrative costs and shall not be used for any other purpose. The governing boards of public retirement systems are fiduciaries for the participants and beneficiaries. Membership in a public retirement system would be an enforceable contractual relationship and accrued benefits could not be diminished or impaired.

“A vote for this proposition would provide constitutional protection for participants and beneficiaries of public retirement systems by requiring actuarially sound funding, trust nature of funds to provide benefits and defray administrative costs, fiduciary responsibility of boards of public retirement systems and public retirement system membership as an enforceable contractual relationship with unimpairable accrued benefits.

“A vote against this proposition would retain the current status of law and not provide these additional constitutional protections to participants and beneficiaries of public retirement systems.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2002 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### HOUSE CONCURRENT RESOLUTION No. 5016—

By Representatives McClure, Aday, Cook, DiVita, Dreher, Faber, Flora, Freeborn, Gilbert, Grant, Horst, Howell, Krehbiel, Larkin, Levinson, P. Long, McKinney, Merrick, Judy Morrison, Myers, Osborne, Ostmeyer, Pauls, E. Peterson, Phelps, Stone, Swenson, Thiemesch, Toelkes, Toplikar and D. Williams

A CONCURRENT RESOLUTION requesting the Surface Transportation Board to declare a moratorium on all rail abandonments in Kansas until a rural transportation policy can be initiated and the feasibility of establishing port authorities can be determined.

WHEREAS, Between 1989 and 1999, over 1,900 miles of rail have been abandoned in Kansas and currently there are 395 miles of rail scheduled for abandonment; and

WHEREAS, To remain competitive in a global market, agricultural products must be transported in the most cost-effective manner and rail transportation remains an important part of such a system; and

WHEREAS, When a portion of such transportation system is constrained, such as rail abandonment, costs rise, markets are impacted and potential trade benefits are lost; and

WHEREAS, When rail lines are abandoned, Kansas counties lose the valuation of a tangible asset, which could lead to increased mill levies; and

WHEREAS, The abandonment of rail lines will lead to increased motor vehicle traffic which will contribute to the premature deterioration of our state's highways and bridges, and the increased traffic will also lead to the degradation of the air and water quality in the state: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Surface Transportation Board be requested to declare a moratorium on all rail abandonments in Kansas until a rural transportation policy can be formulated by the state of Kansas and the feasibility of establishing port authorities can be determined; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to the President of the United States, Vice-President of the United States, the Secretary of the United States Department of Transportation, the Surface Transportation Board, the Governor of the State of Kansas and each member of the Kansas Congressional Delegation.

On motion of Rep. Weber, the House recessed until 4:00 p.m.



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## AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Aurand in the chair.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2407.** An act relating to income taxation; providing a credit therefrom for certain contributions for elementary or secondary school pupil financial assistance; amending K.S.A. 2000 Supp. 79-32,197 and repealing the existing section, by Committee on Taxation.

**HB 2408.** An act concerning recreational districts; relating to the Blue Valley recreation system established by the Blue Valley unified school district No. 229; amending K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 and repealing the existing sections, by Committee on Taxation.

**HB 2409.** An act relating to sales taxation; concerning rates authorized to be imposed by cities; amending K.S.A. 2000 Supp. 12-189 and repealing the existing section, by Committee on Taxation.

**HB 2410.** An act relating to income taxation; allowing a child tax credit, by Committee on Taxation.

**HB 2411.** An act concerning public schools; relating to programs of patriotic exercises; amending K.S.A. 72-5308 and repealing the existing section, by Representatives Cook, Dahl, Howell, Huebert, Huy, Kauffman, Lightner, P. Long, Mason, Mayans, McClure, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Palmer, Patterson, Pauls, T. Powell, Thimesch, Vickrey, Weber and D. Williams.

**HB 2412.** An act establishing the school district technology information specialist scholarship program, by Representatives Cook, DiVita and Vickrey.

**HB 2413.** An act concerning governmental purchasing; providing a mechanism for the submittal of on-line bids, by Representatives Cook, McLeland and Vickrey.

**HB 2414.** An act concerning tourism; establishing a state tourism advertising fund, by Committee on Tourism.

**HB 2415.** An act relating to city and county franchise fees; relating to payment by state educational institutions, by Committee on Utilities.

**HB 2416.** An act concerning health insurance; relating to gynecological care, by Representatives Showalter, Ballard, Barnes, Burroughs, Crow, Findley, Flaharty, Garner, Gilbert, Kirk, Klein, Kuether, Loganbill, McClure, Nichols, O'Brien, Pauls, E. Peterson, J. Peterson, Ruff, Storm, Swenson, Toelkes, Wells, Welshimer and Wilson.

**HB 2417.** An act concerning prescription medications; distribution in medical care facilities and adult care homes; amending K.S.A. 65-1648 and repealing the existing section, by Committee on Health and Human Services.

**HB 2418.** An act concerning support of a child; amending K.S.A. 21-3605 and 38-1121 and K.S.A. 2000 Supp. 20-164 and 60-1610 and repealing the existing sections, by Representative DiVita.

**HB 2419.** An act concerning abortion; concerning requirements prior to the performance thereof; amending K.S.A. 2000 Supp. 65-6705 and repealing the existing section, by Representatives DiVita, Cook, Howell, Huy, Lloyd, Mays, McLeland, Judy Morrison, Neufeld, Palmer, Patterson, J. Peterson, L. Powell, Toplikar and Vickrey.

**HB 2420.** An act enacting the legal consumer's bill of rights, by Representative DiVita.

**HB 2421.** An act relating to payday loans; finance charges; amending K.S.A. 2000 Supp. 16a-2-404 and repealing the existing section, by Representative DiVita.

**HB 2422.** An act concerning drivers' licenses; relating to the reinstatement of suspended drivers' licenses; amending K.S.A. 40-3104 and repealing the existing section, by Representative DiVita.

**HB 2423.** An act concerning civil procedure; relating to divorce; relating to division of property; amending K.S.A. 2000 Supp. 60-1610 and repealing the existing section, by Representative DiVita.

**HB 2424.** An act concerning legislators; relating to the privileges of members in court proceedings; amending K.S.A. 46-126, 46-127, 46-127a and 46-128 and repealing the existing sections, by Representative DiVita.

**HB 2425.** An act concerning attorneys; relating to deceit or collusion, by Representative DiVita.

**HB 2426.** An act concerning the state educational institutions; relating to qualification of students for admission; amending K.S.A. 72-116, as amended by section 1 of 1996 House Bill No. 2668, and 76-717 and repealing the existing sections, by Representative DiVita.

**HB 2427.** An act relating to sales taxation; exempting certain sales of natural gas from local sales taxes; amending K.S.A. 12-189a and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2428.** An act concerning economic development; creating the airport services improvement fund; providing for financial incentives for development and improvement of airline service from existing airports; prescribing certain powers, duties and functions for the secretary of commerce and housing; amending K.S.A. 79-4801 and repealing the existing section, by Representatives Mayans, Barnes, Bethell, Boston, DeCastro, Dillmore, Findley, Gilbert, Hayzlett, Hermes, Huebert, Huy, Kauffman, Klein, Landwehr, P. Long, Loyd, McCreary, McLeland, Myers, Novascone, Palmer, Pottorff, T. Powell, Powers, Swenson, Tanner, Thimesch and Welshimer.

**HB 2429.** An act concerning crimes and punishment; relating to fleeing and alluding a police officer; amending K.S.A. 2000 Supp. 8-1568 and 21-4704 and repealing the existing sections, by Representative D. Williams.

**HB 2430.** An act concerning institutions, organizations and agencies; concerning the provision of certain instruction relating to abortion, by Representative D. Williams.

**HB 2431.** An act concerning appropriations for the fiscal year ending June 30, 2002, for the department of social and rehabilitation services; authorizing certain transfers and imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Representatives Vickrey, Minor and Feuerborn.

**HB 2432.** An act concerning the Kansas highway patrol; relating to pay rates and prevailing total compensation in Kansas public law enforcement agencies; amending K.S.A. 75-2938 and K.S.A. 2000 Supp. 74-2114 and repealing the existing sections, by Committee on Appropriations.

**HB 2433.** An act concerning natural gas; providing for promulgation of an interstate compact relating to financial relationship between distributors and wholesalers, by Representative Howell.

**HB 2434.** An act concerning cities and counties; relating to the powers and duties of the governing bodies thereof, by Representative Howell.

**HB 2435.** An act concerning injuries by an offender based on the belief of the offender regarding the race or religion of the victim; relating to sentencing, punishment and civil remedies; amending K.S.A. 2000 Supp. 21-4704 and 21-4716 and repealing the existing sections, by Representatives Garner, Ballard, Findley, Levinson, Loganbill, Toelkes and Wells.

**HB 2436.** An act relating to sales taxation; concerning refunds of sales tax paid on food; amending K.S.A. 2000 Supp. 79-3633 and 79-3635 and repealing the existing sections, by Representatives Findley, Barnes, Burroughs, Crow, Flaharty, Kirk, Loganbill, O'Brien and Toelkes.

**HB 2437.** An act establishing the Kansas education students forgivable loan program; prescribing powers, duties and functions for the state board of regents; guidelines and limitations for the loan program, service-cancelable loans, repayment of obligations and periods of service, by Representatives Garner, Dillmore, Findley, Kirk, Larkin, Levinson, Loganbill, Nichols, O'Brien, Phelps, Showalter, Toelkes and Wells.

**HB 2438.** An act creating the children's protective services commission; prescribing the membership, powers, duties and functions of the commission, by Representative Garner.

**HB 2439.** An act concerning elections; relating to campaign finance; amending K.S.A. 25-206 and 25-4153 and repealing the existing sections, by Representatives Garner, Crow, Gilbert, Kirk, Loganbill, Toelkes and Wells.

**HB 2440.** An act regulating traffic; restricting the use of cellular telephones while driving; amending K.S.A. 2000 Supp. 8-2118 and repealing the existing section, by Representatives Storm, Benlon, Dahl, Gilbert, Henderson, Kirk, Loganbill, Patterson, Showalter, Tanner, Toelkes, Tomlinson and Winn.

**HB 2441.** An act concerning school district finance; affecting the counting of pupils attending kindergarten; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Representatives Storm, Ballard, Barnes, Benlon, Burroughs, Crow, Feuerborn, Findley, Flaharty, Garner, Gilbert, Horst, Kirk, Klein, Kuether, Loganbill, M. Long, McClure, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Showalter, Toelkes, Wells, Wilson and Winn.

**HB 2442.** An act concerning genetic privacy, by Representative Newton.

**HB 2443.** An act concerning criminal procedure; relating to the removal of fingerprints from the records; amending K.S.A. 21-2501 and K.S.A. 2000 Supp. 12-4516a and 22-2410 and repealing the existing sections, by Representatives Newton and Patterson, Dahl, Merrick, Judy Morrison and Toplikar.

**HB 2444.** An act concerning social welfare; relating to the Kansas medicaid program; medical assistance for persons with breast cancer or cervical cancer, by Representatives Showalter and Garner, Ballard, Barnes, Benlon, Burroughs, Crow, Dillmore, Findley, Flaharty, Gatewood, Gilbert, Kirk, Klein, Kuether, Levinson, Lightner, Lloyd, Loganbill, Loyd, Mayans, McClure, McKinney, Minor, Nichols, O'Brien, E. Peterson, Phelps, Reardon, Ruff, Spangler, Storm, Swenson, Toelkes, Wells, Welshimer, J. Williams and Wilson.

**HB 2445.** An act concerning crimes; relating to unlawful sexual relations with teachers; amending K.S.A. 2000 Supp. 21-3520 and repealing the existing section, by Representatives Tomlinson and Storm, Ballard, Benlon, Crow, Findley, Flaharty, Flora, Gilbert, Horst, Kirk, Kuether, Loganbill, P. Long, McClure, Merrick, Miller, Pauls, E. Peterson, Rehorn, Ruff, Sharp, Showalter, J. Williams and Winn.

**HB 2446.** An act concerning insurance; relating to diagnosis and treatment of osteoporosis, by Representatives Ballard and Pottorff, Barnes, Bethell, Burroughs, Compton, Crow, Findley, Flaharty, Garner, Gilbert, Henry, Horst, Kirk, Kuether, Landwehr, M. Long, McClure, McKinney, Minor, Judy Morrison, Nichols, Pauls, E. Peterson, Phelps, Ray, Reardon, Ruff, Sharp, Showalter, Storm, Swenson, Toelkes, Wells, Welshimer and Winn.

**HB 2447.** An act relating to sales taxation; exempting certain sales of clothing therefrom; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Representatives Garner, Burroughs, Findley and Loganbill.

**HB 2448.** An act concerning school districts; requiring establishment, operation and administration of elementary school guidance programs; amending K.S.A. 72-9301 and 72-9302 and repealing the existing sections, by Representatives E. Peterson, Alldritt, Ballard, Barnes, Burroughs, Crow, Findley, Flaharty, Flora, Garner, Gilbert, Horst, Kuether, Levinson, M. Long, McClure, Pauls, Reardon, Rehorn, Ruff, Showalter, Stone, Toelkes and Winn.

**HB 2449.** An act concerning children; establishing a children's advocate; providing for powers, duties and functions thereof, by Representatives Crow, Barnes, Findley, Loganbill, O'Brien, Phelps, Showalter and Toelkes.

**HB 2450.** An act concerning school district finance; affecting determination of low enrollment and correlation weightings; amending K.S.A. 2000 Supp. 72-6407, 72-6412 and 72-6442 and repealing the existing sections, by Representatives Reardon, Barnes, Crow, Findley, Flaharty, Garner, Kirk, Kuether, Loganbill, O'Brien, Phelps, Storm, Toelkes and Wells.

**HB 2451.** An act concerning school districts; rescinding the limitation on preschool-aged at-risk pupil count; amending K.S.A. 2000 Supp. 72-6407 and repealing the existing section, by Representatives Reardon, Barnes, Crow, Findley, Flaharty, Garner, Kirk, Kuether, Loganbill, O'Brien, Phelps, Storm, Toelkes and Wells.

**HB 2452.** An act concerning school districts; relating to parent education programs; revising the definition of infant and toddler; amending K.S.A. 72-3603 and 72-3606 and repealing the existing sections, by Representatives Reardon, Barnes, Crow, Findley, Flaharty, Garner, Gilbert, Kirk, Loganbill, O'Brien and Toelkes.

**HB 2453.** An act relating to adult care homes; smoke detectors therein; amending K.S.A. 39-932 and repealing the existing section, by Representatives E. Peterson, Barnes, Camp-

bell, Crow, Findley, Flaharty, Gilbert, Horst, Kuether, Levinson, Loganbill, M. Long, O'Brien, Pottorff, Reardon, Stone, Storm, Toelkes and Wilson.

**CHANGE OF REFERENCE**

Speaker pro tem Aurand announced the withdrawal of **HB 2349** from Committee on Appropriations and referral to Committee on Higher Education.

**REPORT ON ENGROSSED BILLS**

**HB 2056** reported correctly engrossed February 6, 2001.

Also, **HB 2045**, **HB 2144** reported correctly engrossed February 7, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, February 8, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

