

# Journal of the House

TWENTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, February 8, 2001, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. Tomlinson was excused on verified illness.

Rep. McKinney was excused on legislative business.

Rep. Cox, Loganbill and Wilson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. John Pilcher, St. Lawrence Center, Lawrence, guest and brother of Rep. Cook:

Lord of all creation,

We praise you for you have created us for yourself, and our very existence depends upon your Being. You are the Great Designer of the universe, and you have placed within it an order. All life and authority comes from you, Lord, and so we thank you for the gift of life and the authority that you have bestowed on each one here.

Bless us, that we may use that authority to serve rather than to be served. We ask you to bestow your Holy Spirit upon us that we may practice the virtues: of justice, that all people are treated fairly; of wisdom, to know your will; of courage, that we may stand up for what is right and good. Give us the ability to care for the weak and to defend those unable to defend themselves.

We ask that you inspire us to be your servants to those who are in need of you-to help one another-to call one another to be responsible persons:

Not to dominate, but to compliment;

Not to war, but to understand and work out our conflicts;

Not to despair, but to hold you above all things, and to trust in your loving kindness and mercy.

We ask all of this through your goodness, that we may enjoy life with you forever and ever. Amen.

The Pledge of Allegiance was led by Rep. Merrick.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 2454.** An act concerning agriculture; relating to the agriculture products development division of the department of commerce and housing; duties; amending K.S.A. 2000 Supp. 74-50,156 and repealing the existing section, by Committee on Agriculture.

**HB 2455.** An act concerning agriculture; creating a biological and industrial value-added facility at Kansas state university, by Committee on Agriculture.

HOUSE CONCURRENT RESOLUTION No. 5017—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the President and Congress to remove all embargoes and trade sanctions involving agricultural products.

WHEREAS, The export of agricultural commodities has provided the United States the only positive return on its balance of trade in recent years; and

WHEREAS, The only way to insure that a positive return on the balance of trade continues is to allow international markets to remain open; and

WHEREAS, The use of unilateral economic sanctions rarely achieves its goal, but causes substantial harm to the producers of agricultural products; and

WHEREAS, Economic sanctions hinder the export of agricultural products, exacerbating the transportation problems of such products and possibly lowering the price received by the Kansas farmer for such agricultural products; and

WHEREAS, Kansas is a major producer of agricultural products and is economically harmed by the inclusion of numerous countries on the Unilateral Sanctions List: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That we urge the President of the United States and Congress to lift all embargoes of agricultural products to international countries now on the Unilateral Sanctions List, increase diplomatic efforts to sell American agricultural products to those countries and facilitate travel and provide subsidies for expenses of U.S. Agricultural Trade Mission groups to those countries; and

*Be it further resolved:* That we urge the President and Congress to empower our representative to the World Trade Organization to aggressively press for the elimination of present import duties against American agricultural commodities; and

*Be it further resolved:* That we urge the President and Congress to make all future United States unilateral sanctions against other countries subject to approval by the United States House of Representatives; 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, the Secretary of the United States Department of State and each member of the Kansas Congressional Delegation.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HCR 5014.**

Appropriations: **HB 2363, HB 2365, HB 2379, HB 2381, HB 2387** (separately), **HB 2401, HB 2402, HB 2404, HB 2414** (separately), **HB 2431, HB 2432; HCR 5015.**

Business, Commerce and Labor: **HB 2367.**

e-Government: **HB 2413.**

Education: **HB 2353, HB 2357, HB 2364, HB 2391, HB 2403, HB 2411.**

Environment: **HB 2373.**

Ethics and Elections: **HB 2378, HB 2385.**

Federal and State Affairs: **HB 2371, HB 2419, HB 2430.**

Financial Institutions: **HB 2421.**

Health and Human Services: **HB 2359, HB 2372, HB 2374, HB 2392, HB 2417.**

Higher Education: **HB 2412, HB 2426.**

Insurance: **HB 2384, HB 2416, HB 2422.**

Judiciary: **HB 2354, HB 2355, HB 2356, HB 2358, HB 2360, HB 2361, HB 2362, HB 2366, HB 2370, HB 2375, HB 2380, HB 2398, HB 2399, HB 2400, HB 2405, HB 2418, HB 2420, HB 2423, HB 2424, HB 2425, HB 2429.**

Local Government: **HB 2386, HB 2388, HB 2406.**

Taxation: **HB 2376, HB 2377, HB 2382, HB 2383, HB 2389, HB 2390, HB 2393, HB 2394, HB 2396, HB 2407, HB 2408, HB 2409, HB 2410, HB 2427** (separately).

Tourism: **HB 2387** (separately), **HB 2395, HB 2414** (separately), **HB 2428.**

Transportation: **HB 2368; HCR 5016.**

Utilities: **HB 2397, HB 2415, HB 2427** (separately).

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Speaker Glasscock announced the following bills, appearing on the Calendar as "To Be Referred," were referred to committees as indicated:

Appropriations: **HB 2438** (separately), **HB 2444**.

Education: **HB 2441**, **HB 2448**, **HB 2450**, **HB 2451**, **HB 2452**.

Ethics and Elections: **HB 2439**.

Health and Human Services: **HB 2453**.

Higher Education: **HB 2437**.

Insurance: **HB 2446**.

Judiciary: **HB 2435**, **HB 2438** (separately), **HB 2442**, **HB 2443**, **HB 2445**, **HB 2449**.

Taxation: **HB 2436**, **HB 2447**.

Transportation: **HB 2369**, **HB 2434**, **HB 2440**.

Utilities: **HB 2433**.

**COMMUNICATIONS FROM STATE OFFICERS**

From Al LeDoux, Director, Kansas Water Office, Contract between the State of Kansas and Franklin County Rural Water District No. 1 of Franklin County, Kansas under the provision of the State Water Plan Storage Act (K.S.A. 82a-1301 *et al.*), January 31, 2001.

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

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, in accordance with House Rule 2306, **HB 2006** was withdrawn from the Calendar and referred to Committee on Utilities.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2045**, An act relating to railroads; concerning railroad crossings; amending K.S.A. 66-227 and 66-229 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, 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, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Cox, Loganbill, McKinney, Tomlinson, Wilson.

The bill passed, as amended.

**HB 2144**, An act relating to vehicle registration; exempting truck mounted concrete pump with boom; amending K.S.A. 2000 Supp. 8-128 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, 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, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, 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, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Alldritt, Ballou, Vickrey.

Present but not voting: O'Brien.

Absent or not voting: Cox, Loganbill, McKinney, Tomlinson, Wilson.

The bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2105** be passed.

Committee report to **HB 2098** be adopted; also, on motion of Rep. Aday be amended on page 9, in line 27, by striking "any other" and inserting "a";

Also, on motion of Rep. Minor **HB 2098** be amended on page 7, after line 5, by inserting: "(3) "Provisional guide" means a person who, during the calendar year, performs commercial guide services for 10 or fewer days and receives \$1,500 or less for such services, as determined in accordance with rules and regulations of the secretary.";

Also on page 7, in line 6, by striking "(3)" and inserting "(4)"; in line 18, by striking the second "or"; in line 20, after "(4)" by inserting "is a provisional guide registered with the secretary; or

(5)";

On page 8, in line 31, by striking "or" and inserting a comma; in line 32, before "may" by inserting "or a provisional guide"; in line 36, by striking "or" and inserting a comma; in line 37, before "shall" by inserting "or provisional guide"; in line 38, before "in" by inserting "or guide"; in line 40, by striking "or" and inserting a comma; in line 41, before "shall" by inserting "or provisional guide"; in line 42, before "in" by inserting "or guide"; in line 43, by striking "or" and inserting a comma; also in line 43, before "shall" by inserting "or provisional guide";

On page 9, in line 9, before the comma, by inserting "and provisional guides";

Also, on motion of Rep. Campbell **HB 2098** be rereferred to Committee on Tourism.

Committee report to **HB 2034** be adopted; also, on motion of Rep. Krehbiel be amended on page 6, in line 38, by striking the comma and inserting ": (1) Within 60 months after the date such tax is first imposed, if the governing body is the county commission of a county having a population of less than 75,000 or if the governing body is the governing body of a city located in such a county; or (2)"; in line 39, after "imposed" by inserting "if the governing body is the county commission of a county having a population of 75,000 or more or if the governing body is the governing body of a city located in such a county";

Also, on motion of Rep. Landwehr to amend **HB 2034**, the motion did not prevail. Also, on motion of Rep. Loyd to amend, the motion did not prevail. Also, on motion of Rep. Burroughs to amend, the motion did not prevail, and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 15** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Appropriations** recommends **SB 18**, as amended by Senate Committee, be amended on page 3, in line 41, by striking "2002" and inserting "2001"; and the bill be passed as amended.

The Committee on **Health and Human Services** recommends **HB 2058** be passed.

(Having been referred separately, **HB 2058** is now in **Committee on Appropriations**.)

The Committee on **Higher Education** recommends **HB 2188** be passed.

The Committee on **Judiciary** recommends **HB 2084**, **HB 2137**, **HB 2178**, **HB 2194** be passed.

The Committee on **Judiciary** recommends **HB 2082** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Judiciary** recommends **HB 2208** be amended on page 1, in line 30, before "except" by inserting: "excluding actions filed under the code of civil procedure for limited actions, K.S.A. 2000 Supp. 61-2801 *et seq.*, and amendments thereto,"; and the bill be passed as amended.

The Committee on **Local Government** recommends **HB 2086** be amended on page 2, by striking all in lines 22 through 43;

On page 3, by striking all in lines 1 through 7 and inserting:

"Sec. 2. K.S.A. 2000 Supp. 9-1408 is hereby amended to read as follows: 9-1408. As used in article 14 of chapter 9 of the Kansas Statutes Annotated:

(a) "Bank" means ~~any~~ a bank incorporated under the laws of this state, or organized under the laws of the United States *or another state* and which has a main *or branch* office in this state *and which maintains a community reinvestment act rating of satisfactory or above*;

(b) "savings and loan association" means ~~any~~ a savings and loan association incorporated under the laws of this state, or organized under the laws of the United States *or another state, insured by the federal deposit insurance corporation or its successor* and which has a main *or branch* office in this state *and which maintains a community reinvestment act rating of satisfactory or above*;

(c) "savings bank" means ~~any~~ a savings bank organized under the laws of the United States *or another state, insured by the federal deposit insurance corporation or its successor* and which has a main *or branch* office in this state *and which maintains a community reinvestment act rating of satisfactory or above*;

(d) "centralized securities depository" means a clearing agency registered with the securities and exchange commission which provides safekeeping and book-entry settlement services to its participants;

(e) "municipal corporation" or "quasi-municipal corporation" includes each investing governmental unit under K.S.A. 12-1675, and amendments thereto;

(f) "main office" means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;

(g) "branch" means any office, agency or other place of business within this state, other than the main office, at which deposits are received, checks paid or money lent with approval of the appropriate regulatory authorities. Branch does not include an automated teller machine, remote service unit or similar device;

(h) "securities," "security entitlements," "financial assets," "securities account," "security agreement," "security interest," "perfection" and "control" shall have the meanings given such terms under the Kansas uniform commercial code.";

On page 5, by striking all in lines 24 through 43;

On page 6, by striking all in lines 1 through 7 and inserting:

"Sec. 4. K.S.A. 2000 Supp. 12-1675a is hereby amended to read as follows: 12-1675a. As used in K.S.A. 12-1675, 12-1676 and 12-1677 and K.S.A. 2000 Supp. 12-1677a and 12-1677b, and amendments thereto:

(a) "Bank" means ~~any~~ a bank incorporated under the laws of this state, or organized under the laws of the United States *or another state* and which has a main *or branch* office in this state *and which maintains a community reinvestment act rating of satisfactory or above*;

(b) "savings and loan association" means ~~any~~ a savings and loan association incorporated under the laws of this state, or organized under the laws of the United States *or another state, insured by the federal deposit insurance corporation or its successor* and which has a

main or branch office in this state and which maintains a community reinvestment act rating of satisfactory or above;

(c) "savings bank" means ~~any~~ a savings bank organized under the laws of the United States or another state, insured by the federal deposit insurance corporation or its successor, and which has a main or branch office in this state and which maintains a community reinvestment act rating of satisfactory or above;

(d) "municipality" includes each investing governmental unit under K.S.A. 12-1675, and amendments thereto;

(e) "main office" means the place of business specified in the articles of association, certificate of authority or similar document, where the business of the institution is carried on and which is not a branch;

(f) "branch" means any office, agency or other place of business within this state, other than the main office, at which deposits are received, checks paid or money lent with approval of the appropriate regulatory authorities. Branch does not include an automated teller machine, remote service unit or similar device; and

(g) "investment rate" means a rate which is the equivalent yield for United States government securities having a maturity date as published in the Wall Street Journal, nearest the maturity date for equivalent maturities. The 0-90 day rate shall be computed on the average effective federal funds rate as published by the federal reserve system for the previous week.

New Sec. 5. At the time that investments of public moneys described in K.S.A. 12-1675, and amendments thereto, mature, the governing body of the governmental subdivision having the authority to receive, hold and expend such public moneys shall re-offer such moneys for deposit to eligible banks, savings and loan associations or savings banks defined in K.S.A. 12-1675a, and amendments thereto.";

By renumbering sections accordingly; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 2063** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Transportation** recommends **HB 2143**, **HB 2184** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

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 2456**, An act relating to obtaining prescription-only drugs by fraudulent means; concerning certain privileges and communications; providing immunity from liability under certain circumstances, by Committee on Health and Human Services.

**HB 2457**, An act concerning physician assistants; statutory references to the physician assistants licensure act; amending K.S.A. 2000 Supp. 65-1626, 65-2836, 65-4101 and 65-6112 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1626b and 65-2836a, by Committee on Health and Human Services.

**HB 2458**, An act relating to sales taxation; exempting certain sales of hotel rental services; amending K.S.A. 2000 Supp. 79-3603 and repealing the existing section, by Committee on Taxation.

**HB 2459**, An act relating to sales taxation; exempting certain purchases of the Kansas chapter of the National Kidney Foundation; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2460**, An act concerning district coroners; relating to notification and investigation of deaths; amending K.S.A. 2000 Supp. 22a-230, 22a-231 and 22a-232 and repealing the existing sections, by Committee on Appropriations.

**HB 2461**, An act concerning architectural services for state agencies; relating to certain fees; amending K.S.A. 75-1254, 75-1257 and 75-1263 and repealing the existing sections, by Committee on Appropriations.

**HB 2462.** An act concerning motor vehicles; relating to certain warranties; amending K.S.A. 2000 Supp. 50-645 and repealing the existing section, by Committee on Appropriations.

**HB 2463.** An act concerning physical therapy; relating to licensure; amending K.S.A. 40-2,111, 40-3401, 40-3403, 60-513d, 60-2609, 65-2901, 65-2904, 65-2905, 65-2907, 65-2908, 65-2909, 65-2910, 65-2912, 65-2914, 65-2915, 65-2918 and 65-4909 and K.S.A. 2000 Supp. 7-121b, 17-2707, 21-3721, 65-1501, 65-1902, 65-2891, 65-2906, 65-2913 and 65-5912 and repealing the existing sections, by Committee on Appropriations.

**HB 2464.** An act concerning underground storage of natural gas; amending K.S.A. 55-1204 and repealing the existing section, by Committee on Utilities.

**HB 2465.** An act concerning standards for investments by fiduciaries; prudent investor rule; amending K.S.A. 16-324, 17-1311 and 58-1202 and K.S.A. 2000 Supp. 58-9-104, 58-1204, 58-24a02, 72-17,125 and 74-8316 and repealing the existing sections; also repealing K.S.A. 17-5003, 17-5005, 17-5006 and 17-5007 and K.S.A. 2000 Supp. 17-5002, by Committee on Financial Institutions.

#### MESSAGE FROM THE SENATE

Announcing passage of **SB 5, SB 6, SB 7, SB 10, SB 39, SB 53, SB 54, SB 56, SB 64, SB 68, SB 69, SB 70, SB 71, SB 87, SB 130.**

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

**SB 5, SB 6, SB 7, SB 10, SB 39, SB 53, SB 54, SB 56, SB 64, SB 68, SB 69, SB 70, SB 71, SB 87, SB 130.**

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Friday, February 9, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

