

Journal of the House

TWENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 9, 2001, 11:00 a.m.

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

The roll was called with 105 members present.

Reps. Alldritt, Burroughs, Cox, DiVita, Henderson, Henry, Hermes, Kirk, Levinson, Lightner, M. Long, J. Peterson, Reardon, Sharp, Spangler, Storm, Tanner, D. Williams, Wilson and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God

we come to you today thanking you for this week.

For all that we have done,

for those we have worked with,

for our health

and our family and friends,

and for those things we so often forget—

for having adequate food and shelter,

for reliable cars,

and for having enough money to get by.

Help us to be mindful of all these blessings

as we enter our weekend,

and help us to rejoice

in all that we have in our lives.

I ask these things in your name. Amen.

The Pledge of Allegiance was led by Rep. Ballou.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2466, An act concerning anhydrous ammonia; relating to certain owners thereof, by Committee on Agriculture.

HB 2467, An act concerning agriculture; enacting the agricultural opportunities and value-added partnerships act, by Committee on Agriculture.

HB 2468, An act enacting the land stewardship and productivity act; amending K.S.A. 2-1321 and 19-211 and K.S.A. 2000 Supp. 2-1314, 2-1318, 2-1319, 2-1320, 2-1322 and 2-1323 and repealing the existing sections; also repealing K.S.A. 2-1315, 2-1316a, 2-1317, 2-1324, 2-1325, 2-1326, 2-1327, 2-1328, 2-1329 and 2-1330 and K.S.A. 2000 Supp. 2-1316, 2-1331 and 2-1332, by Committee on Agriculture.

HB 2469, An act concerning guardians and conservators; amending K.S.A. 17-2263, 17-2264, 17-5828, 17-5829, 38-1505, 39-789, 39-970, 44-513a, 58-629, 59-1701, 73-507, 76-12b04 and 77-201 and K.S.A. 2000 Supp. 9-1215, 9-1216, 58-24a15, 59-2946, 59-2948, 59-2949, 59-2951, 59-2960, 59-29b46, 59-29b48, 59-29b49, 59-29b51, 59-29b60, 60-304, 61-3004, 65-516, 65-5117 and 76-729 and repealing the existing sections; also repealing K.S.A. 59-3001, 59-3003, 59-3004, 59-3006, 59-3007, 59-3008, 59-3011, 59-3012, 59-3015, 59-3016, 59-3017, 59-3018, 59-3019, 59-3020, 59-3021, 59-3022, 59-3023, 59-3024, 59-3025, 59-3027, 59-3028, 59-3030, 59-3031, 59-3032, 59-3034, 59-3035, 59-3037 and 59-

3038 and K.S.A. 2000 Supp. 59-3002, 59-3009, 59-3010, 59-3013, 59-3014, 59-3018a and 59-3026, 59-3029, 59-3036, 59-3039 and 60-304a, by Committee on Judiciary.

HB 2470, An act concerning certain wildlife; relating to management and control; amending K.S.A. 80-1201, 80-1202, 80-1203 and 80-1207 and repealing the existing sections, by Committee on Environment.

HB 2471, An act creating the Kansas natural resource legacy alliance; providing for development of a vision for the state's natural resources, by Committee on Environment.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2454, HB 2455; HCR 5017.**

Appropriations: **HB 2460, HB 2461.**

Education: **SB 7.**

Environment: **SB 87.**

Federal and State Affairs: **SB 71.**

Financial Institutions: **HB 2465; SB 70, SB 130.**

Health and Human Services: **HB 2457, HB 2463; SB 64.**

Higher Education: **SB 5, SB 6, SB 10.**

Judiciary: **HB 2456.**

Taxation: **HB 2458, HB 2459; SB 39, SB 68, SB 69.**

Transportation: **HB 2462; SB 53, 54, 56.**

Utilities: **HB 2464.**

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2294** from Committee on Taxation and referral to Committee on Utilities.

Also, the withdrawal of **HB 2402** from Committee on Appropriations and referral to Committee on Judiciary.

CONSENT CALENDAR

No objection was made to **HB 2063, HB 2082, HB 2143, HB 2184; SB 15** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HB 2101** be amended on page 1, in line 20, after "\$5" by inserting "annually on each nursery dealer and nursery certificate holder"; by striking all in lines 21, 22 and 23 and inserting "the fees provided in this section. When the total amount of fees deposited in the fund is equal to or exceeds \$15,000, the secretary shall not collect any such fees as provided in this section. When expenditures made from the fund result in the total amount of the fees deposited in the fund to be less than \$15,000, the secretary shall resume the assessment and collection of such fees as provided in this section."; after line 36, by inserting the following new paragraph:

"(d) The provisions of this section shall be part of and supplemental to the plant pest act."; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2023** be amended on page 1, by striking all of lines 14 through 43;

On pages 2 through 6, by striking all of lines 1 through 43;

On page 7, by striking all of lines 1 through 19; following line 19, by inserting a new section as follows:

"Section 1. K.S.A. 38-1563 is hereby amended to read as follows: 38-1563. (a) After consideration of any evidence offered relating to disposition, the court may retain jurisdiction and place the child in the custody of the child's parent subject to terms and conditions which the court prescribes to assure the proper care and protection of the child, including

supervision of the child and the parent by a court services officer, or may order the child and the parent to participate in programs operated by the secretary or another appropriate individual or agency. The terms and conditions may require any special treatment or care which the child needs for the child's physical, mental or emotional health.

(b) The duration of any period of supervision or other terms or conditions shall be for an initial period of no more than 12 months. The court, at the expiration of that period, upon a hearing and for good cause shown, may make successive extensions of the supervision or other terms or conditions for up to 12 months at a time.

(c) The court may order the child and the parents of any child who has been adjudged a child in need of care to attend counseling sessions as the court directs. The expense of the counseling may be assessed as an expense in the case. No mental health center shall charge a greater fee for court-ordered counseling than the center would have charged to the person receiving counseling if the person had requested counseling on the person's own initiative.

(d) If the court finds that placing the child in the custody of a parent will not assure protection from physical, mental or emotional abuse or neglect or sexual abuse or is contrary to the welfare of the child or that placement would be in the best interests of the child, the court shall enter an order awarding custody of the child, until the further order of the court, to one of the following:

- (1) A relative of the child or a person with whom the child has close emotional ties;
- (2) any other suitable person;
- (3) a shelter facility; or
- (4) the secretary.

If the child is adjudged to be a child in need of care, the court shall not place the child in the custody of the secretary if the court has received from the secretary, written documentation of the services and/or community services plan offered or delivered to prevent the need for such custody unless the court finds that the services documented by the secretary are insufficient to protect the safety of the child and that being in the custody of the parent with such services in place is contrary to the welfare or that placement is in the best interests of the child. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. The secretary shall present to the court in writing the specific actions taken to maintain the family unit and prevent the unnecessary removal of the child from the child's home.

In making such a custody order, the court shall give preference, to the extent that the court finds it is in the best interests of the child, first to granting custody to a relative of the child and second to granting custody of the child to a person with whom the child has close emotional ties. If the court has awarded legal custody based on the finding specified by this subsection, the legal custodian shall not return the child to the home of that parent without the written consent of the court.

(e) When the custody of the child is awarded to the secretary:

(1) The court may recommend to the secretary where the child should be placed.

(2) The secretary shall notify the court in writing of any placement of the child or, within 10 days of the order awarding the custody of the child to the secretary, any proposed placement of the child, whichever occurs first.

(3) The court may determine if such placement is contrary to the welfare or in the best interests of the child, and if the court determines that such placement is not in the best interests of the child, the court shall notify the secretary who shall then make an alternative placement subject to the procedures established in this paragraph. In determining if such placement is in the best interests of the child, the court, after providing the parties with an opportunity to be heard, shall consider the health and safety needs of the child and the resources available to meet the needs of children in the custody of the secretary.

(4) When the secretary provides the court with a plan to provide services to a child or family which the court finds is in place and which will assure the safety of the child, the court shall approve the return of the child to the child's home. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan.

(f) If custody of a child is awarded under this section to a person other than the child's parent, the court may grant any individual reasonable rights to visit the child upon motion of the individual and a finding that the visitation rights would be in the best interests of the child.

(g) If the court issues an order of custody pursuant to this section, the court may enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness.

(h) The court shall not enter an order removing a child from the custody of a parent pursuant to this section unless the court first finds from evidence presented by the petitioner that reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that reasonable efforts are not necessary because reintegration is not a viable alternative; or that an emergency exists which threatens the safety of the child and that allowing the child to remain in the home is contrary to the welfare of the child or that placement would be in the best interest of the child. If the child is placed in the custody of the secretary, the court shall provide the secretary with a copy of any orders entered for the purpose of documenting these orders within 10 days of making the order. Reintegration may not be a viable alternative when the: (1) Parent has been found by a court to have committed murder in the first degree, K.S.A. 21-3401, and amendments thereto, murder in the second degree, K.S.A. 21-3402, and amendments thereto, capital murder, K.S.A. 21-3439, and amendments thereto, voluntary manslaughter, K.S.A. 21-3403, and amendments thereto, or violated a law of another state which prohibits such murder or manslaughter of a child; (2) parent aided or abetted, attempted, conspired or solicited to commit such murder or voluntary manslaughter of a child as provided in subsection (h)(1); (3) parent committed a felony battery that resulted in bodily injury to the child or another child; (4) parent has subjected the child or another child to aggravated circumstances as defined in K.S.A. 38-1502, and amendments thereto; (5) parental rights of the parent to another child have been terminated involuntarily or (6) the child has been in extended out of home placement as defined in K.S.A. 38-1502, and amendments thereto. Such findings shall be included in any order entered by the court.

(i) In addition to or in lieu of any other order authorized by this section, if a child is adjudged to be a child in need of care by reason of a violation of the uniform controlled substances act (K.S.A. 65-4101 *et seq.*, and amendments thereto, or K.S.A. 41-719, ~~41-804, 41-2719~~, 65-4152, 65-4153, ~~65-4154~~ or 65-4155, or K.S.A. 2000 *Supp. 8-1599*, and amendments thereto, the court shall order the child to submit to and complete an alcohol and drug evaluation by a community-based alcohol and drug safety action program certified pursuant to K.S.A. 8-1008, and amendments thereto, and to pay a fee not to exceed the fee established by that statute for such evaluation. If the court finds that the child and those legally liable for the child's support are indigent, the fee may be waived. In no event shall the fee be assessed against the secretary or the department of social and rehabilitation services.

(j) In addition to any other order authorized by this section, if child support has been requested and the parent or parents have a duty to support the child, the court may order one or both parents to pay child support and, when custody is awarded to the secretary, the court shall order one or both parents to pay child support. The court shall determine, for each parent separately, whether the parent is already subject to an order to pay support for the child. If the parent is not presently ordered to pay support for any child who is a ward of the court and the court has personal jurisdiction over the parent, the court shall order the parent to pay child support in an amount determined under K.S.A. 38-1595, and amendments thereto. Except for good cause shown, the court shall issue an immediate income withholding order pursuant to K.S.A. 23-4,105 *et seq.*, and amendments thereto, for each parent ordered to pay support under this subsection, regardless of whether a payor has been identified for the parent. A parent ordered to pay child support under this subsection shall be notified, at the hearing or otherwise, that the child support order may be registered pursuant to K.S.A. 38-1597, and amendments thereto. The parent shall also be informed that, after registration, the income withholding order may be served on the parent's em-

ployer without further notice to the parent and the child support order may be enforced by any method allowed by law. Failure to provide this notice shall not affect the validity of the child support order.

(k) *If a child is found to be a child in need of care pursuant to subsection (a)(6) of K.S.A. 38-1502, and amendments thereto, in addition to the dispositions authorized by the foregoing subsections of this section, the court may:*

(1) *Place the child under a house arrest program administered by the court pursuant to K.S.A. 21-4603b, and amendments thereto;*

(2) *order the child to participate in a program of education offered by a local board of education including placement in an alternative educational program approved by the local board of education;*

(3) *suspend or restrict the child's driving privileges;*

(4) *order the child or parents, or both, to participate in a tutoring program;*

(5) *order the child or parent, or both, to pay a fine not to exceed \$250.”;*

By renumbering sections 3 through 5 as sections 2 through 4;

On page 8, in line 19, by striking “As used in this”; by striking all of lines 20 and 21; following line 37, by inserting a new paragraph as follows:

“(6) Each board of education shall adopt a truancy plan for students enrolled in elementary and secondary schools under the control of such board of education. Each board of education shall implement and enforce the plan with the goal of reducing truancy in such district. Annually such plan and truancy reduction figures shall be submitted to the state board of education. Annually on or before February 1, the state board of education shall compile a report of truancy plans and statistics regarding truancy reductions pursuant to this section and present such report to the standing house of representative and senate education committees.”;

On page 9, in line 42, by striking “38-1502, 38-1502d and 38-1602” and inserting “38-1563”;

In the title, in line 9, by striking “juveniles” and inserting “children”; also in line 9, after “to”, by inserting “nonattendance at”; also in line 9, by striking “attendance”; in line 10, by striking “38-1502 and 38-1602” and inserting “38-1563”; in line 11, by striking “; also repealing K.S.A. 38-1502d”; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2094** be amended on page 4, in line 15, after “Center at Salina,” by inserting “King’s Achievement Center,”; in line 39, after “Center at Salina,” by inserting “King’s Achievement Center.”;

On page 6, in line 13, after “Center at Salina,” by inserting “King’s Achievement Center,”; in line 18, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

The Committee on **Insurance** recommends **HB 2114** be amended on page 5, by striking all of lines 33 and 34;

On page 8, in line 28, by striking “consumer” and inserting “retail or wholesale buyer of a vehicle”; in line 33, by striking “\$15,000” and inserting “\$30,000” line 35, by striking “consumer” and inserting “retail or wholesale buyer of a vehicle”; in line 41, by striking “consumer” and inserting “retail or wholesale buyer of a vehicle”; and the bill be passed as amended.

The Committee on **Insurance** recommends **HB 2115** be amended on page 1, following line 13, by inserting a new section as follows:

“Section 1. K.S.A. 40-3003 is hereby amended to read as follows: 40-3003. (a) This act shall provide coverage, for the policies and contracts specified in subsection (b), for:

(1) Persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees ~~or payees~~, *payees or providers* of the persons covered under paragraph (2); and

(2) persons who are owners of or certificate holders under such policies or contracts, and who:

(A) Are residents;

(B) are not residents, but only with respect to an annuity contract awarded pursuant to K.S.A. 60-3407 or 60-3409 , and amendments thereto, an annuity contract for future economic loss procured pursuant to a settlement agreement in a medical malpractice liability

action, as defined by K.S.A. 60-3401, and amendments thereto, or fixed-return accounts of the Kansas public employees deferred compensation plan under K.S.A. 75-5521 through 75-5529a, and amendments thereto; or

(C) are not residents, but only under all of the following conditions:

(i) The insurers which issued such policies or contracts are domiciled in this state;

(ii) such insurers never had a license or certificate of authority in the states in which such persons reside;

(iii) such states have associations similar to the association created by this act; and

(iv) such persons are not eligible for coverage by such associations.

(b) This act shall provide coverage to the persons specified in subsection (a) for direct, nongroup life, health, annuity and supplemental policies or contracts, unallocated annuity contracts covering individuals participating in a governmental deferred compensation plan established under section 457 of the U.S. internal revenue code pursuant to K.S.A. 75-5521 through 75-5529a, and amendments thereto, whether or not a resident, or the beneficiaries of each such individual if deceased, and for certificates under direct group policies and contracts issued by member insurers, except as limited by this act.”;

And by renumbering remaining sections accordingly;

On page 9, in line 17, before “40-3005”, by inserting “40-3003.”;

In the title, in line 10, before “40-3005”, by inserting “40-3003.”; and the bill be passed as amended.

The Committee on **Local Government** recommends **HB 2068**, **HB 2157** be passed.

The Committee on **Local Government** recommends **HB 2161** be amended on page 1, in line 16, by striking “\$40,000” and inserting “\$10,000”; in line 18, by striking “any” and inserting “a”; in line 19, by striking “the contract” and inserting “a contract for the construction of any bridge or a contract in excess of \$40,000 for the construction of a courthouse, jail or other county building”; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2244** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL NO. 2244,” as follows:

“Substitute for HOUSE BILL No. 2244

By Committee on Utilities

“AN ACT concerning energy resources; enacting the state energy resources coordination act; establishing the Kansas energy resources coordinating council; providing for a comprehensive state plan for coordination of the management, conservation and development of energy resources.”;

and the substitute bill be passed.

(**Sub. HB 2244** was thereupon introduced and read by title.)

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 42, by Representative Krehbiel, congratulating the members of the Moundridge High School debate team on being the 2001 Class 3-2-1A State Debate Champions;

Request No. 43, by Representative L. Powell, congratulating Elizabeth Sosa and Abbey Vieux for being named to the 2001 All-Kansas Academic Team and being nominees for the 2001 All-USA Academic Team;

Request No. 44, by Representative Stone, congratulating Jim Menze for being named the Kansas High School Principal of the Year;

Request No. 45, by Representative Gordon, congratulating Bob Chipman, Washburn University Head Basketball Coach in recognition of his 500th career victory;

Request No. 46, by Representative Dahl, honoring Walt and Anna Green in recognition of their 50th wedding anniversary;

Request No. 47, by Representative Thimesch, commending Jim Bunker in recognition of his efforts on behalf of the Gulf War Veterans and their families;

Request No. 48, by Representative Loyd, congratulating Abbey Vieux and Elizabeth Sosa of Garden City Community College on being selected as members of the 2001 All-Kansas Academic Team;

Request No. 49, by Representative Loyd, commending Jack Reeve, Lee Reeve and Reeve Agri-Energy in recognition of their receipt of the Livestock and Meat Industry Council's Stockman of the Year Award;

Request No. 50, by Representative Pottorff, congratulating Paul Donham in recognition of his induction into the Kansas Baseball Hall of Fame;

Request No. 51, by Representative Edmonds, congratulating Mark Calcara in recognition of being awarded Great Bend Citizen of the Year;

Request No. 52, by Representative Hermes, congratulating Mildred A. Kint in recognition of her 101st birthday;

Request No. 53, by Representative Vickrey, congratulating Cy Haefeel in recognition of his 90th birthday;

Request No. 54, by Representative Aurand, congratulating Joseph Blecha in honor of being named as a recipient of a Prudential Spirit of Community Award;

Request No. 55, by Representative L. Powell, congratulating Loren and Ruby Delaney in recognition of their 72nd wedding anniversary;

Request No. 56, by Representative Johnson, congratulating Shannon Lowry of Barton County Community College, in recognition of her being named to the All-Kansas Academic Team;

Request No. 57, by Representative Schwartz, congratulating Herman and Evelyn Holle in recognition of their 70th wedding anniversary;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Weber, the committee report was adopted.

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 2472, An act concerning adoption; amending K.S.A. 59-2116 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2473, An act concerning life insurance companies; relating to replication transactions; amending K.S.A. 40-2b25 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2474, An act concerning the state corporation commission; relating to commission members, employees and former employees; imposing certain requirements and providing penalties for violations, by Committee on Utilities.

HB 2475, An act concerning state building construction; relating to consideration of life-cycle costs; amending K.S.A. 75-3783 and repealing the existing section, by Committee on Utilities.

HB 2476, An act concerning telecommunications; prohibiting certain charges under certain circumstances and requiring refunds thereof, by Committee on Utilities.

HB 2477, An act concerning income taxation; providing credits for certain expenditures for building insulation, by Committee on Utilities.

HB 2478, An act concerning computers; relating to computer contaminants, misidentified electronic mail and attempting certain connections; prohibiting certain acts and providing penalties for violations, by Committee on Utilities.

HB 2479, An act concerning meat and poultry inspection; relating to mediation of disputes; amending K.S.A. 65-6a30 and repealing the existing section, by Committee on Agriculture.

HB 2480, An act concerning unfair trade practices; relating to privacy of consumer financial and health information; amending K.S.A. 40-2404 and repealing the existing section, by Committee on Insurance.

HB 2481, An act amending the Kansas mortgage business act; amending K.S.A. 2000 Supp. 9-2201, 9-2202, 9-2203, 9-2204, 9-2205, 9-2206, 9-2207, 9-2208, 9-2209, 9-2211, 9-

2212, 9-2213, 9-2214, 9-2215, 9-2216 and 9-2220 and repealing the existing sections, by Committee on Financial Institutions.

HB 2482. An act relating to banks and banking; concerning the powers and duties of the state banking board and the state bank commissioner; amending K.S.A. 9-812, 9-908, 9-912, 9-1101a, 9-1127b, 9-1127c, 9-1127d and 9-1714 and K.S.A. 2000 Supp. 9-904, 9-1101, 9-1111, 9-1111b, 9-1801, 9-1804 and 74-3004 and repealing the existing sections, also repealing K.S.A. 9-1001 and 9-1806, by Committee on Financial Institutions.

HB 2483. An act prohibiting use of natural gas for certain generation of electricity, by Committee on Utilities.

HB 2484. An act concerning cities and counties; prohibiting the enactment of certain local labor laws, by Committee on Business, Commerce and Labor.

HB 2485. An act concerning legal publications; amending K.S.A. 2000 Supp. 64-101 and repealing the existing section, by Committee on Judiciary.

HB 2486. An act concerning controlled substances; relating to drug paraphernalia; amending K.S.A. 2000 Supp. 65-4153 and repealing the existing section, by Committee on Judiciary.

HB 2487. An act concerning the uniform commercial code; relating to secured transactions; amending K.S.A. 84-1-105, as amended by section 135 of chapter 142 of the 2000 Session Laws of Kansas, section 2 of chapter 142 of the 2000 Session Laws of Kansas, section 4 of chapter 142 of the 2000 Session Laws of Kansas, section 26 of chapter 142 of the 2000 Session Laws of Kansas, section 31 of chapter 142 of the 2000 Session Laws of Kansas, section 36 of chapter 142 of the 2000 Session Laws of Kansas, section 37 of chapter 142 of the 2000 Session Laws of Kansas, section 51 of chapter 142 of the 2000 Session Laws of Kansas, section 54 of chapter 142 of the 2000 Session Laws of Kansas, section 68 of chapter 142 of the 2000 Session Laws of Kansas, section 80 of chapter 142 of the 2000 Session Laws of Kansas, section 84 of chapter 142 of the 2000 Session Laws of Kansas, section 96 of chapter 142 of the 2000 Session Laws of Kansas, section 106 of chapter 142 of the 2000 Session Laws of Kansas, section 111 of chapter 142 of the 2000 Session Laws of Kansas, section 113 of chapter 142 of the 2000 Session Laws of Kansas, section 123 of chapter 142 of the 2000 Session Laws of Kansas, section 126 of chapter 142 of the 2000 Session Laws of Kansas, section 127 of chapter 142 of the 2000 Session Laws of Kansas, section 130 of chapter 142 of the 2000 Session Laws of Kansas, section 132 of chapter 142 of the 2000 Session Laws of Kansas, section 133 of chapter 142 of the 2000 Session Laws of Kansas, and repealing the existing sections, by Committee on Judiciary.

HB 2488. An act concerning administrative procedure; concerning presiding officers; amending K.S.A. 2-1208a, 2-3311, 8-2426, 21-3110, 31-140, 36-509, 40-2,137, 44-322a, 44-1005, 49-606, 65-163a, 65-673, 65-720a, 65-747, 65-753, 65-2305, 65-3483, 65-3488, 65-3490, 66-1,117, 75-37,121, 75-37,122, 75-6207, 76-3110, 77-505, 77-549, 77-550, 77-551, 77-551, as amended by section 43 of this act, 79-3313, 82a-1405, 82a-1501a, 82a-1502, 82a-1503 and 82a-1504 and K.S.A. 2000 Supp. 65-163, 65-525, 65-526, 66-1,117, 74-4904, 74-8804, 74-8816, 74-8817, 74-8837, 77-514 and 77-514 as amended by section 39 of this act and repealing the existing sections; also repealing K.S.A. 75-5611a, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. 5018—

By Representatives P. Long, Dahl, Huy, Mays, McCreary, Merrick, Judy Morrison, Myers, Neufeld, Palmer and D. Williams

A PROPOSITION to amend article 11 of the constitution of the state of Kansas by adding a new section thereto, prohibiting the increase of the rate of certain taxes.

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 11 of the constitution of the state of Kansas is hereby amended by adding a new section thereto to read as follows:

“§ 14. Prohibition against tax rate increases. No enactment of the legislature shall: (a) Increase the rate of any tax imposed prior to November 5, 2002; (b) impose a new tax after November 5, 2002; or (c) increase the rate of any tax described by clause (b), without the affirmative vote of two-thirds of the members of the House of Representatives and the Senate.”

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

“Explanatory statement. This amendment would establish a prohibition against general tax rate increases.

“A vote for this proposition would establish a prohibition against increases of the rate of any tax which was imposed prior to November 5, 2002, or the imposition or the increase of the rate of a tax newly imposed after November 5, 2002, without a two-thirds affirmative vote of the members of the House of Representatives and the Senate.

“A vote against this proposition would maintain the absence of any tax levy rate increase limitation in the constitution.”

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 to be held on November 5, 2002.

HOUSE CONCURRENT RESOLUTION No. 5019—

By Representatives P. Long, Ballou, Cook, Dahl, DiVita, Faber, Huebert, Landwehr, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Palmer, Patterson, T. Powell, Pyle, Shultz, Toplikar, Vickrey and D. Williams

A PROPOSITION to amend the constitution of the state of Kansas by adding a new article thereto, prescribing certain limitations upon expenditures by the state.

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: The constitution of the state of Kansas is amended by adding a new article thereto to read as follows:

“Article 16.—LIMITATIONS ON STATE EXPENDITURES

§ 1. (a) For the state fiscal year commencing during calendar year 2004 and each state fiscal year thereafter, the percentage of increase in the amount of total expenditures for such fiscal year over the amount of total expenditures for the immediately preceding fiscal year shall not exceed the lesser of either 5% or the average annual percentage growth in aggregate personal income of Kansas residents over the three most recently completed calendar years for which personal income data has been officially reported as of the September 1st which precedes the fiscal year for which the limitation is being imposed.

(b) As used in this section:

(1) “Total expenditures” means the total amount of moneys that are expended or encumbered for a state fiscal year by the state, except any such expenditure or encumbrance of the following, which shall be strictly construed and applied to allow the least amount of exceptions:

(A) Moneys received from the federal government;

(B) moneys which are proceeds of any bonds, notes or other evidences of state government borrowing which are issued or incurred as otherwise provided in this constitution;

(C) moneys which are required for the payment of obligations evidenced by bonds, notes or other evidences of state government borrowing that were undertaken prior to the effective date of this article;

(D) moneys in unemployment or disability insurance funds;

(E) moneys from permanent endowment funds, trust funds, deferred compensation funds or pension funds; and

(F) moneys of grants, gifts or donations which are expended or encumbered for purposes specified by the donor; and

(2) "personal income" means the total income received by residents of Kansas from all sources, including transfer payments, as defined and officially reported by the bureau of economic analysis of the United States department of commerce, or its successor agency.

(d) The provisions of this section and the limitations imposed thereby shall be effective as to the state, notwithstanding any other provisions of this constitution.

§ 2. The limitation imposed on the state by subsection (a) of section 1 of this article may be exceeded for a state fiscal year upon the issuance of a declaration of need by the governor and upon the vote by three-fifths of the members then elected (or appointed) and qualified of each house of the legislature approving the declaration of need. In each case of any such declaration of need, the legislature, by law, shall set forth the aggregate amount of the cost of the need or needs for which the declaration was issued and the method by which such cost shall be defrayed.

§ 3. In addition to other actions or methods of enforcement, individual or class actions may be filed in the courts of this state for enforcement of the provisions of sections 1 and 2 of this article and such actions shall have precedence over all other civil actions before the court except those of like character. Successful plaintiffs shall be allowed costs and reasonable attorney fees, but the state shall not be allowed costs and attorney fees unless any such action filed against it is found by the court to be frivolous.

§ 4. Commencing during the regular session of the legislature held in calendar year 2003, the legislature shall enact legislation consistent with, and as may be necessary to implement and enforce, the provisions of this article."

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

"Explanatory statement. This amendment would limit increases in total expenditures, as defined in the amendment, for a fiscal year to the lesser of 5% or the average annual percentage growth in the total personal income of Kansas residents over three recently completed calendar years, except that such limitations may be exceeded upon a declaration of need for a state fiscal year issued by the governor with three-fifths of the legislature concurring therein and permitting individual or class action enforcement actions.

"A vote for the proposition would impose a limit on increases in total expenditures by the state, as defined therein.

"A vote against the proposition would continue the present constitutional and statutory authority for the legislature to enact laws making appropriations of moneys in the state treasury, governing the disposition of tax revenues and other matters in the exercise of the legislative power of this state."

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.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6008—

By Representatives Thimesch, Judy Morrison, Aday, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Horst, Howell, Huebert, Huff, Hutchins, Huy, Johnson, Kauffman, Kirk, Kline, Krehbiel, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Myers, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, Phelps, Pottorff, L. Powell, T. Powell, Powers, Ray, Reardon, Schwartz, Sharp, Showalter, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams and Wilson

A RESOLUTION memorializing the President of the United States and the United States Congress to provide ongoing assistance to Gulf War veterans and their families who suffer persistent symptoms of various kinds described now as Gulf War illness.

WHEREAS, Nearly 700,000 members of the United States armed forces, including 7,500 Kansans, deployed to the Persian Gulf region during 1990 and 1991 to participate in Operation Desert Shield and Operation Desert Storm to liberate Kuwait; and

WHEREAS, These Gulf War veterans have been, and continue to be, afflicted by an abnormally high rate of unexplained health problems. To date federal research efforts have not identified the prevalence, patterns, causes or treatments for illnesses suffered by Gulf War veterans. Yet thousands of our veterans continue to suffer from a variety of chronic symptoms; and

WHEREAS, The Kansas Persian Gulf War Veterans Health Initiative, a project of the Kansas Commission on Veterans Affairs, primarily through the efforts of Dr. Lea Steele, has completed a scientific study of 2,000 Kansas Gulf War veterans with the results being published in the American Journal of Epidemiology. Major findings of this study include:

Kansas Gulf War veterans have significantly more health problems than veterans who served in other areas. The study results indicate these conditions may have been caused by multiple factors.

A pattern of chronic symptoms, Gulf War illness, was identified. Thirty-four percent of Kansas Gulf War veterans report a pattern of chronic symptoms that include joint pain, respiratory problems, neuropsychologic difficulties, diarrhea, skin rashes, and fatigue. Veterans with Gulf War illness experience a pattern of multiple types of symptoms that can persist for years, problems that can be severe and disabling for some veterans.

The rates of Gulf War illness can be linked to where and when veterans served in the Persian Gulf region. Veterans who served on board ship had the lowest rates (21%), with higher rates in veterans who had been stationed in support areas of Saudi Arabia (31%), and highest rates in veterans who were in Iraq or Kuwait (42%). In addition, veterans who served only during Desert Shield have a low rate of illness (9%), while those who were in the Persian Gulf region several months after the war ended have higher rates (36-43%).

Veterans who did not deploy to the Persian Gulf, but reported getting vaccines during the war, may have some of the same health problems as Gulf War veterans; and

WHEREAS, While it has been established that Gulf War veterans suffer from an abnormally high rate of unexplained health problems, the cause, or causes of these varied conditions have not been determined, and the system for providing care and treatment of these veterans has been inadequate or nonresponsive to the conditions presented; and

WHEREAS, Gulf War illness has had a severe negative impact on the physical and emotional well-being of Gulf War veterans, and has affected their ability to work, yet adequate compensation for these conditions has not been received by these veterans; and

WHEREAS, Service connected illnesses have not been addressed adequately for veterans of past wars and conflicts: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we memorialize the President and the Congress of the United States to provide funding for Gulf War illness research independent of that administered by the United States Departments of Defense and Veterans Affairs; and to establish a process of independent review of federal policies and programs associated with Gulf War illness research, benefits, and health care; and

Be it further resolved: That we urge further assistance to veterans afflicted with Gulf War illness, whether by the Department of Defense, Department of Veterans Affairs or another designated organization, to provide badly needed health care, vocational assistance and disability compensation; and that there be public service announcements informing veterans across the nation of the findings of this research and informing the veterans of the programs that are available to help them; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States, the Vice-President of the United States, the Speaker of the United States House of Representatives, the Secretary of Defense, the Secretary of Veterans Affairs, and to each member of the Kansas Congressional delegation; to the Governor of the State of Kansas, the Secretary of Health and Environment, the Secretary of Human Resources, and the Chairman of the Kansas Commission on Veterans Affairs; and to the National and State Commanders of the American Legion, the Veterans of Foreign Wars and the Disabled American Veterans, National Retired Officers Association, National Retired Enlisted Association and the National Order of the Purple Heart.

REPORT ON ENGROSSED BILLS

HB 2034 reported correctly engrossed February 9, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Monday, February 12, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

