

Journal of the House

TWENTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 12, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 123 members present.
Reps. O'Neal and D. Williams were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God
be present with all of us
throughout this legislative session.
Guide us
in all knowledge and truth.
In the passion of debate
give us a quiet spirit;
In the complexities of the issues
give us clear minds.
And in the moments of decision
give us courageous hearts.
So that in all we do
we will honor your will
all the days of our lives.
I ask these things in your name. Amen.

The Pledge of Allegiance was led by Rep. Patterson.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2489, An act concerning certain state officers and employees; relating to compensation; relating to limitations on acceptance of gifts, food and beverages; amending K.S.A. 46-137a, 46-225, 46-237, 46-237a, 46-269 and 46-271 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2490, An act concerning state officers and employees; relating to governmental ethics; amending K.S.A. 46-225, 46-237, 46-237a, 46-269 and 46-271 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2491, An act concerning the health care professionals' rights of conscience, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2467**, **HB 2468**, **HB 2479**.

Appropriations: **HB 2475**; **HCR 5019**.

Business, Commerce and Labor: **HB 2484**.

e-Government: **HB 2478**.

Environment: **HB 2470**, **HB 2471**.

Federal and State Affairs: **HR 6008**.

Financial Institutions: **HB 2481, 2482.**
 Insurance: **HB 2473, HB 2480.**
 Judiciary: **HB 2466, HB 2469, HB 2472, HB 2486, HB 2487, HB 2488.**
 Local Government: **HB 2485.**
 Taxation: **HCR 5018.**
 Utilities: **HB 2474, HB 2476, HB 2477, HB 2483.**

COMMUNICATIONS FROM STATE OFFICERS

From Kathleen Sebelius, Insurance Commissioner, Kansas Insurance Department, 1999 Annual Report.

From Barbara Tombs, Executive Director, Kansas Sentencing Commission, 2001 Report to the Legislature.

From Tim Shallenburger, State Treasurer, Annual Report to the Legislature, FY 2000.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 3, SB 4, SB 9, SB 24, SB 25, SB 31, SB 50, SB 57, SB 78, SB 86, SB 133.**

Also, announcing adoption of **SCR 1605.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 3, SB 4, SB 9, SB 24, SB 25, SB 31, SB 50, SB 57, SB 78, SB 86, SB 133; SCR 1605.

CONSENT CALENDAR

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2034. An act concerning emergency telephone systems; relating to extension of such systems to include wireless service and cable telephony service; providing for financing thereof; establishing a wireless enhanced 9-1-1 advisory board; amending K.S.A. 12-5303 and K.S.A. 2000 Supp. 12-5301, 12-5302, 12-5304 and 12-5308 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Dahl, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gilbert, Glasscock, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Kline, Krehbiel, Kuether, Lane, Larkin, Light, Lightner, Lloyd, Loyd, Mason, McClure, McCreary, McKinney, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Newton, O'Brien, Patterson, J. Peterson, Phelps, Ray, Rardon, Ruff, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tanner, Thimesch, Toelkes, Tomlinson, Weber, Welshimer, J. Williams.

Nays: Ballou, Burroughs, Cook, Crow, DeCastro, Faber, Garner, Gatewood, Gordon, Henderson, Howell, Huebert, Huy, Kauffman, Klein, Landwehr, Levinson, Loganbill, M. Long, P. Long, Mayans, Mays, McLeland, Miller, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Rehorn, Schwartz, Sharp, Spangler, Swenson, Tafanelli, Toplikar, Vickrey, Wells, Wilk, Wilson, Winn.

Present but not voting: None.

Absent or not voting: O'Neal, D. Williams.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: When I ran for office, I promised the voters in my district I would vote against tax hikes. This legislation empowers counties and local units of government to use state law to impose this new and expanded tax on hardworking taxpayers. Furthermore as currently drafted, this legislation allows this new tax to continue even after the implementation of all enhancements. Taxpayers have no recourse by tax referendum or protest petition to either approve or stop this expanding tax burden that will be buried in their phone bills. I must vote no on **HB 2034**.—BONNIE HUY

HB 2105, An act concerning the flag of the United States of America; relating to the use and display thereof, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, 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, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: O'Neal, D. Williams.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2178**, **HB 2194**, **HB 2188**, **HB 2084** be passed.

Sub. HB 2129, **HB 2137** be passed over and retain a place on the calendar.

Committee report to **SB 18** be adopted; and the bill be passed as amended.

Committee report to **HB 2208** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2040** be amended on page 1, following line 13, by inserting the following:

“Section 1. K.S.A. 75-3516 is hereby amended to read as follows: 75-3516. (a) Each state agency shall have the legal custody of all deeds to real estate held or acquired by such state agency for and in the name of the state of Kansas, together with the abstracts of title thereto and the title insurance policies therefor, and of all other original instruments relating to real estate transactions of such state agency. ~~It shall be the duty of~~ Each state agency to *shall* keep, preserve and file all such deeds, abstracts of title, title insurance policies and other instruments, and all such instruments in the custody of the secretary of state on the effective date of this act shall be and are hereby transferred to the custody of the respective state agencies.

(b) ~~It shall be the duty of~~ Each state agency to *shall* record or cause to be recorded all deeds to real estate acquired by ~~it~~ *the state agency* with the register of deeds of the county where the real estate is located and any other instruments relating to ~~its~~ *the agency's* real estate transactions provided by law to be recorded.

(c) The director of accounts and reports shall maintain inventory records of the real property owned by the state, which records shall reflect all real property held and every real estate transaction engaged in by each state agency ~~except the secretary of transportation~~. Such inventory records shall include, but not be limited to, the acreage, the location by city and county, a brief legal description and the use and purpose of each lot, tract or parcel of land held by a state agency.”;

Also on page 1, by renumbering “Section 1.” as “Sec. 2.”; in line 35, after the comma, by inserting “after consultation with the joint committee on state building construction”;

On page 2, in line 9, before the period, by inserting “, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate”; in line 10, after “of”, the first time it appears, by inserting “any”; in line 18, by striking all after “and”, and inserting “any”; in line 19, by striking “the” the first time it appears; in line 30, before the comma, by inserting “, as is prescribed by law or as may be determined by the state agency”; in line 31, after the period, by inserting “In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts.”;

On page 3, following line 3, by inserting the following:

“New Sec. 3. If a mental health institution or mental retardation institution is closed and all or part of the real estate of such institution is sold, the proceeds from the sale of such real estate, after deduction of the costs of the sale and any costs of appraisal of such surplus real estate, shall be deposited in the state treasury to the credit of a new or existing special revenue fund. All expenditures of such moneys in any such special revenue fund shall be in accordance with the provisions of appropriation acts and shall be used (a) for capital improvement or operating expenditures for another state institution providing either mental health services or mental retardation services, whichever were provided by the closed institution or (b) to provide either mental health services or mental retardation services, whichever was provided by the closed institution, through community organizations in communities.”;

Also on page 3, in line 4, by striking all before “hereby” and inserting “Sec. 4. K.S.A. 75-3516 and K.S.A. 2000 Supp. 75-6609 are”; in line 5, by striking “Sec. 3.” and inserting “Sec. 5.”;

On page 1, in the title, in line 10, before “K.S.A.” by inserting “K.S.A. 75-3516 and”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2155** be amended on page 3, in line 10, by striking “designated” and inserting “designed”; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business
Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2492. An act relating to motor vehicle fuel taxes; amending K.S.A. 2000 Supp. 79-3492b, 79-34,118, 79-34,141 and 79-34,142 and repealing the existing sections, by Committee on Taxation.

HB 2493. An act concerning the state fair; relating to acquisition, construction, equipping, furnishing, renovation, reconstruction and repair of the Kansas state fairgrounds, by Committee on Appropriations.

HB 2494. An act concerning nursing facilities; salaries of direct care staff; creating the nursing facility direct care salaries fund; making and concerning appropriations for the fiscal year ending June 30, 2002, for the department on aging; amending K.S.A. 2000 Supp. 75-4265 and repealing the existing section, Committee on Appropriations.

HB 2495. An act concerning social welfare; relating to payment schedules for providers of adult care home services; amending K.S.A. 39-708c and repealing the existing section, by Committee on Appropriations.

HB 2496. An act enacting the Kansas opportunity scholarship research experiment act, by Committee on Appropriations.

HB 2497. An act concerning the committee on economic development of the house of representatives; renaming such committee as the committee on new economy; amending K.S.A. 44-1408, 46-1603 and 46-1801 and K.S.A. 2000 Supp. 12-1771a, 74-5001a, 74-5049, 74-5080, 74-50,104, 74-50,151, 74-8001, 74-8002, 74-8004, 74-8017, 74-8101, 74-8105, 74-8204, 74-8310, 74-8317 and 74-8405 and repealing the existing sections, by Committee on Appropriations.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, February 13, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

