

Journal of the House

FIFTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 29, 2001, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. Kline was excused on verified illness.

Rep. O'Neal was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Dave Bennett, pastor, Fairlawn Church of the Nazarene, Topeka, and guest of Rep. Mays:

Our Heavenly Father,
We stand this morning humbly in your presence.
You are great and mighty, creator of the universe and every
soul present here.
Our adoration and praise is lifted towards the heavens.

Thank you for the benefits that you bestow upon us,
The life we live,
The friends we have,
The family we are blessed with,
The freedom we enjoy.

We pray this morning that we would display our thankfulness
by our devotion and obedience to you.
Direct us this morning to use the means of government to
acknowledge the God we trust and to call everyone to a
lovingly moral life found in You.

Forgive us when we have not done so.

Our prayer today is:
For wisdom to choose that which is right,
For strength to stand strong,
For unity to accomplish the greatest good,
For peace that at the end of this day we will stand before you
with a clear conscience.

May all we say and do be pleasing in your sight. I pray this in
the matchless name of your one and only son, Jesus.

The Pledge of Allegiance was led by Rep. Aurand.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **SB 100, SB 348.**

To be referred: **HB 2579.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 342.**

Announcing adoption of **SCR 1610**.

The Senate nonconcur in House amendments to **SB 14**, requests a conference and has appointed Senators Vratil, Oleen and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 57**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 263**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2189** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2301** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2303** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2369** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The President announced the appointment of Senator O'Connor as a member of the conference committee on **HB 2127** to replace Senator Brungardt.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 342; SCR 1610.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 14**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 57**.

Speaker Glasscock thereupon appointed Reps. Wilk, Neufeld and Nichols as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 263**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2106; SB 110** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2030, An act relating to sales taxation; exempting sales of certain coins and bullion therefrom; amending K.S.A. 2000 Supp. 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 51; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Boston, Compton, Cox, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Landwehr, Lightner, P. Long, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Palmer, Pauls, Pottorff, L. Powell, T. Powell, Powers, Ray, Schwartz, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tomlinson, Toplikar, Weber, Welshimer, Wilk, J. Williams, Wilson.

Nays: Alldritt, Ballou, Barnes, Burroughs, Campbell, Cook, Crow, Dahl, Dillmore, Feuerborn, Flaharty, Garner, Grant, Henderson, Henry, Hermes, Howell, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lloyd, Loganbill, M. Long, Loyd, McKinney, Minor, Nichols, O'Brien, Patterson, E. Peterson, J. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Tanner, Thimesch, Toelkes, Vickrey, Wells, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: Kline, O'Neal.

The bill passed, as amended.

HB 2557, An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2000 Supp. 2-223, 79-2959, 79-2964, 79-3425i and 79-34,147 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Dahl, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, Novascone, O'Brien, Osborne, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Ballou, Cook, Crow, DeCastro, Faber, Gatewood, Henderson, Howell, Huebert, Huy, Landwehr, P. Long, Mayans, McLeland, Myers, Ostmeyer, Palmer, Powers, Showalter, Shriver, Spangler, Vickrey, Welshimer, D. Williams.

Present but not voting: None.

Absent or not voting: Kline, O'Neal.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2557** because in Fiscal Year 2002 we would need to reduce this budget by \$105.0 million in order to stay in balance with the 7.5% ending balance law. However, even with this reduction, fiscal year 2000 SGF receipts would still increase \$121.7 million, or 2.7%.

This is not a budget . . . this is a wish list.—CARLOS MAYANS, DON MYERS, STEVE HUEBERT, JOE D. MCLELAND, BONNIE HUY

MR. SPEAKER: I do support **HB 2557** including all of its amendments. Especially the amendment that puts a cap on Kansas State Football tickets. Since I am from Sedgwick County I do hope that Kansas State follows another regent school's lead. That school of course is Wichita State. Wichita State has not raised their tickets to football games in 18 years. With that I vote yes on **HB 2557**.—TODD NOVASCONE

MR. SPEAKER: I vote NO on behalf of my constituents and thousands of other Kansas families that have been thrown into financial distress by the Kansas Payment Center. Our child support system has been thrown into disarray by a system that was created by a proviso and the mismanagement and administrative chaos should not be perpetuated by another proviso. I vote NO on **HB 2557**.—MARTI CROW, DOUG SPANGLER

MR. SPEAKER: I vote yes to funding for "Skills for Success" and intervention and preschool for kids who need help. I vote to protect the step movement and retiree's "13th check."

I do so reluctantly because this budget falls far short in addressing real and immediate needs. We go another year without providing decent pay to those who assist our develop-

mentally disabled neighbors in the community; to those who care for our parents and grandparents in nursing homes; and to those who work long hours in our understaffed prisons.

I vote yes for **HB 2557**, but acknowledge much is left undone.—JIM GARNER, MELANY BARNES

SB 35, An act concerning recreational districts; relating to the Blue Valley recreation system; amending K.S.A. 2000 Supp. 12-1927, 12-1928 and 12-1935 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aday, Alldritt, Burroughs, Faber, Freeborn, Nichols, Spangler.

Present but not voting: None.

Absent or not voting: Kline, O'Neal.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Mason, the House nonconcurred in Senate amendments to **HB 2505** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Mason, Aday and Kuether as conferees on the part of the House.

On motion of Rep. Loyd, the House nonconcurred in Senate amendments to **HB 2178** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 180** be adopted; also, on motion of Rep. Mayans be amended on page 3, following line 32, by inserting:

"Sec. 6. K.S.A. 2000 Supp. 21-4201 is hereby amended to read as follows: 21-4201. (a) Criminal use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possessing or carrying any bludgeon, sandclub, metal knuckles or throwing star, or any knife, commonly referred to as a switch-blade, which has a blade that opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife, or any knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement;

(2) carrying concealed on one's person, or possessing with intent to use the same unlawfully against another, a dagger, dirk, billy, blackjack, slung shot, dangerous knife, straight-edged razor, stiletto or any other dangerous or deadly weapon or instrument of like character, except that an ordinary pocket knife with no blade more than four inches in length shall not be construed to be a dangerous knife, or a dangerous or deadly weapon or instrument;

(3) carrying on one's person or in any land, water or air vehicle, with intent to use the same unlawfully, a tear gas or smoke bomb or projector or any object containing a noxious liquid, gas or substance;

(4) carrying any pistol, revolver or other firearm concealed on one's person except when on the person's land or in the person's abode or fixed place of business;

(5) setting a spring gun;

(6) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) selling, manufacturing, purchasing, possessing or carrying a shotgun with a barrel less than 18 inches in length or any other firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger; or

(8) possessing, manufacturing, causing to be manufactured, selling, offering for sale, lending, purchasing or giving away any cartridge which can be fired by a handgun and which has a plastic-coated bullet that has a core of less than 60% lead by weight.

(b) Subsections (a)(1), (2), (3), (4) and (7) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) wardens, superintendents, directors, security personnel and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority;

(3) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; or

(4) manufacture of, transportation to, or sale of weapons to a person authorized under subsections (b)(1), (2) and (3) to possess such weapons.

(c) Subsection (a)(4) shall not apply to or affect the following:

(1) Watchmen, while actually engaged in the performance of the duties of their employment;

(2) licensed hunters or fishermen, while engaged in hunting or fishing;

(3) private detectives licensed by the state to carry the firearm involved, while actually engaged in the duties of their employment;

(4) detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service, while actually engaged in the duties of their employment;

(5) the state fire marshal, the state fire marshal's deputies or any member of a fire department authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto, while engaged in an investigation in which such fire marshal, deputy or member is authorized to carry a firearm pursuant to K.S.A. 31-157 and amendments thereto; or

(6) special deputy sheriffs described in K.S.A. 2000 Supp. 19-827 who have satisfactorily completed the basic course of instruction required for permanent appointment as a part-time law enforcement officer under K.S.A. 74-5607a and amendments thereto.

(d) Subsections (a)(1), (6) and (7) shall not apply to any person who sells, purchases, possesses or carries a firearm, device or attachment which has been rendered unserviceable by steel weld in the chamber and marriage weld of the barrel to the receiver and which has been registered in the national firearms registration and transfer record in compliance with 26 U.S.C. 5841 *et seq.* in the name of such person and, if such person transfers such firearm, device or attachment to another person, has been so registered in the transferee's name by the transferor.

(e) Subsection (a)(8) shall not apply to a governmental laboratory, *the owners of a laboratory certified by the National Institute of Justice for the purposes of testing, research and development* or solid plastic bullets.

(f) It shall be a defense that the defendant is within an exemption.

(g) Violation of subsections (a)(1) through (a)(5) is a class A nonperson misdemeanor. Violation of subsection (a)(6), (a)(7) or (a)(8) is a severity level 9, nonperson felony.

(h) As used in this section, "throwing star" means any instrument, without handles, consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape, manufactured for use as a weapon for throwing.

(i) *The provisions of subsection (a)(6) shall not apply to the owners of a laboratory certified by the National Institute of Justice for the purposes of testing, research and development.*

Sec. 7. K.S.A. 2000 Supp. 21-4201 is hereby repealed.”;

By renumbering sections accordingly;

In the title, by striking all in lines 12 through 15 and inserting:

“AN ACT concerning firearms and other weapons; relating to the use and regulation thereof; amending K.S.A. 2000 Supp. 21-4201 and repealing the existing section.”; and **SB 180** be passed as amended.

Committee report to **SB 19** be adopted; also, on motion of Rep. Kirk be amended on page 1, by striking all in lines 18 through 43;

On page 2, by striking all in lines 1 through 3 and inserting in lieu thereof the following:

“Section 1. (a) Each health insurer and the state health care benefits program shall permit a woman insured by the health insurer or such program to visit an in-network obstetrician or gynecologist for routine gynecological care from an in-network obstetrician or gynecologist one time each calendar year without requiring such woman to first visit or receive a referral from a primary care provider, so long as the care is medically necessary, including, but not limited to, care that is routine.

(b) This section shall be part of and supplemental to the patient protection act, cited at K.S.A. 40-4601 *et seq.*, and amendments thereto.

Sec. 2. (a) Any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization, municipal group-funded pool and the state employee health care benefits plan which provides coverage for hospital, medical and surgical services, other than medicare supplement or accident-only policies which are delivered, issued for delivery, amended or renewed on or after July 1, 2001, shall include coverage for services related to diagnosis, treatment and management of osteoporosis when such services are provided by a person licensed to practice medicine and surgery in this state, for individuals with a condition or medical history for which bone mass measurement is medically necessary for such individual. Such policy, provision, contract, plan or agreement may apply to such services the same deductibles, coinsurance and other limitations as apply to other covered services.

(b) The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227 and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.”;

And by renumbering the remaining section accordingly;

Also, roll call was demanded on motion of Rep. Edmonds to amend **SB 19** following section 2 by inserting the following:

“New Sec. 3. (a) Any insurer who issues a group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical service corporation contract, fraternal benefit society or health maintenance organization which provides coverage for mental health benefits and which is delivered, issued for delivery, amended or renewed on or after January 1, 2002, must offer coverage for diagnosis and treatment of mental illnesses, but is not required to provide the coverage described by this section if the employer rejects such coverage. Such coverage shall be subject to the same deductibles, coinsurance and other limitations as apply to other covered services. Any rejection of such proposed coverage must be in writing.

(b) For the purposes of this section, “mental illness” means the following: Schizophrenia, schizoaffective disorder, major affective disorders (bipolar and major depression), obsessive compulsive disorder and panic disorder as such terms are defined in the diagnostic

and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association but shall not include conditions not attributable to a mental disorder that are a focus of attention or treatment.

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated.

(d) The provisions of this section shall not apply to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(e) The provisions of this section shall be applicable to the Kansas state employees health care benefits program and municipal funded pools.

(f) The provisions of this section shall not apply to any policy or certificate which provides coverage for any specified disease, specified accident or accident only coverage, credit, dental, disability income, hospital indemnity, long-term care insurance as defined by K.S.A. 40-2227 and amendments thereto, vision care or any other limited supplemental benefit nor to any medicare supplement policy of insurance as defined by the commissioner of insurance by rule and regulation, any coverage issued as a supplement to liability insurance, workers compensation or similar insurance, automobile medical-payment insurance or any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

(g) From and after January 1, 2002, the provisions of K.S.A. 40-2,105, and amendments thereto, shall not apply to any group accepting the health insurance coverage described in section 3, and amendments thereto, for mental illnesses as defined in this act.

(h) There shall be no coverage under this section for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.

New Sec. 4. On and after January 1, 2002, any group health insurance policy, nonprofit medical and hospital service corporation contract, fraternal benefit society, health maintenance organization, municipal group funded pool and state employee benefit program which provides coverage for prescription drugs, other than prescription drugs administered in a hospital or physician's office shall provide coverage for psychotherapeutic drugs used for the treatment of mental illness under terms and conditions no less favorable than coverage provided for other prescription drugs.

New Sec. 5. The provisions of K.S.A. 40-2249a, and amendments thereto, shall not apply to sections 3 and 4.

Sec. 6. On and after January 1, 2002, K.S.A. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114 and 40-2250, and amendments thereto and K.S.A. 40-2,160 and 40-2,165 through 40-2,170, inclusive, 40-2250, section 3 and section 4, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 7. On and after January 1, 2002, K.S.A. 40-2,105 is hereby amended to read as follows: 40-2,105. (a) On or after the effective date of this act, every insurer which issues any individual or group policy of accident and sickness insurance providing medical, surgical or hospital expense coverage for other than specific diseases or accidents only and which provides for reimbursement or indemnity for services rendered to a person covered by such policy in a medical care facility, must provide for reimbursement or indemnity under such individual policy or under such group policy, except as provided in subsection (d), which shall be limited to not less than 30 days per year when such person is confined for treatment of alcoholism, drug abuse or nervous or mental conditions in a medical care facility licensed under the provisions of K.S.A. 65-429 and amendments thereto, a treatment facility for alcoholics licensed under the provisions of K.S.A. 65-4014 and amendments thereto, a treatment facility for drug abusers licensed under the provisions of K.S.A. 65-4605 and amendments thereto, a community mental health center or clinic licensed under the provisions of K.S.A. 75-3307b and amendments thereto or a psychiatric hospital licensed under the provisions of K.S.A. 75-3307b and amendments thereto. Such individual policy or such group policy shall also provide for reimbursement or indemnity, except as provided in subsection (d), of the costs of treatment of such person for alcoholism, drug abuse and nervous or

mental conditions, limited to not less than 100% of the first \$100, 80% of the next \$100 and 50% of the next \$1,640 in any year and limited to not less than \$7,500 in such person's lifetime, in the facilities enumerated when confinement is not necessary for the treatment or by a physician licensed or psychologist licensed to practice under the laws of the state of Kansas.

(b) For the purposes of this section "nervous or mental conditions" means disorders specified in the diagnostic and statistical manual of mental disorders, fourth edition, (DSM-IV, 1994) of the American psychiatric association but shall not include conditions not attributable to a mental disorder that are a focus of attention or treatment (DSM-IV, 1994). *For those groups which accept health insurance coverage described in section 3, and amendments thereto, the terms mental disorder and nervous conditions shall not include any mental illness as defined in section 3 and amendments thereto.*

(c) The provisions of this section shall be applicable to health maintenance organizations organized under article 32 of chapter 40 of the Kansas Statutes Annotated.

(d) There shall be no coverage under the provisions of this section for any assessment against any person required by a diversion agreement or by order of a court to attend an alcohol and drug safety action program certified pursuant to K.S.A. 8-1008 and amendments thereto *or for evaluations and diagnostic tests ordered or requested in connection with criminal actions, divorce, child custody or child visitation proceedings.*

(e) The provisions of this section shall not apply to any medicare supplement policy of insurance, as defined by the commissioner of insurance by rule and regulation.

(f) The provisions of this section shall be applicable to the Kansas state employees health care benefits program developed and provided by the Kansas state employees health care commission.

(g) The outpatient coverage provisions of this section shall not apply to a high deductible health plan as defined in Section 301 of P.L. 104-191 and any amendments thereto if such plan is purchased in connection with a medical savings account pursuant to that act. After the amount of eligible deductible expenses have been paid by the insured, the outpatient costs of treatment of the insured for alcoholism, drug abuse and nervous or mental conditions shall be paid on the same level they are provided for a medical condition, subject to the yearly and lifetime maximums provided in subsection (a).

Sec. 8. On and after January 1, 2002, K.S.A. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, ~~40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive,~~ 40-2a01 *et seq.*, 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, ~~K.S.A. 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163, 40-2,164 and 40-2,165 through 40-2,170 section 3 and section 4,~~ and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.

New Sec. 9. Sections 3, 4 and 5, and amendments thereto, shall be known as the Kansas mental health parity act.

Sec. 10. On January 1, 2002, K.S.A. 40-2,103, 40-2,105 and 40-19c09 are hereby repealed.";

And by renumbering sections accordingly;

In the title, in line 15, after "osteoporosis" by inserting: "; relating to coverage for certain mental health conditions; amending K.S.A. 40-2,103, 40-2,105 and 40-19c09 and repealing the existing sections";

On roll call, the vote was: Yeas 83; Nays 38; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Flora, Freeborn, Gatewood, Glascock, Gordon, Grant, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Showalter, Shultz, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams.

Nays: Alldritt, Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Garner, Gilbert, Henderson, Henry, Klein, Kuether, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Shriver, Spangler, Storm, Swenson, Thimesch, Welshimer, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Kirk, Kline, O'Neal, Toelkes.

The motion of Rep. Edmonds prevailed.

Also, on motion of Rep. Wells to amend **SB 19**, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 69** be adopted; and the bill be passed as amended.

On motion of Rep. Findley to amend **HCR 5018**, Rep. Edmonds requested the question be divided. The Chair ruled the question not divisible. The question reverted back to the motion of Rep. Findley.

Also, on motion of Rep. Edmonds to rerefer **HCR 5018** to Committee on Taxation, the motion prevailed and **HCR 5018** be rereferred to Committee on Taxation with the amendment pending.

Committee report to **HB 2396** be adopted; also, rose and reported progress (see further action, Afternoon Session).

REPORTS OF STANDING COMMITTEES

The Committee on **Utilities** recommends **SB 112** be amended by substituting a new bill to be designated as "House Substitute for SENATE BILL No. 112," as follows:

"HOUSE Substitute for SENATE BILL No. 112

By Committee on Utilities

"AN ACT concerning energy resources; concerning generation of electricity using renewable energy resources; providing certain income tax credits with regard to electricity generated by such facilities; providing for issuance of bonds for certain purposes; establishing an energy policy division of the state corporation commission and the position of director thereof; prescribing the duties thereof; creating an energy policy advisory council; amending K.S.A. 66-1,184 and K.S.A. 2000 Supp. 74-616 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 112** 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 were thereupon introduced and read by title:

HB 2580, An act concerning alcoholic beverages; relating to the purchase or consumption thereof by minors; amending K.S.A. 41-727 and repealing the existing section, by Committee on Appropriations.

HB 2581, An act concerning the decennial census information; relating to legislative redistricting; amending K.S.A. 2000 Supp. 11-304 and repealing the existing section; also repealing K.S.A. 2000 Supp. 11-210 and 11-321, by Committee on Appropriations.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Boston, the House concurred in Senate amendments to **HB 2015**, An act concerning child care facilities; exempting certain residential facilities, hospitals and summer camps from licensure requirements; amending K.S.A. 2000 Supp. 65-501 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 121; Nays 2; 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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, 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, D. Williams, J. Williams, Wilson.

Nays: Hermes, Winn.

Present but not voting: None.

Absent or not voting: Kline, O'Neal.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2369**, An act concerning cities and counties; relating to the powers and duties of the governing bodies thereof.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 115; Nays 8; 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, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, 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, Myers, Newton, Nichols, Novascone, O'Brien, Osborne, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, Wilson, Winn.

Nays: Faber, Freeborn, Hutchins, Judy Morrison, Neufeld, Ostmeyer, L. Powell, J. Williams.

Present but not voting: None.

Absent or not voting: Kline, O'Neal.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Horst as a member of the conference committee on **HB 2119** to replace Rep. Campbell.

On motion of Rep. Weber, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2396** (see previous action, Committee of the Whole, Morning Session).

Also, on motion of Rep. Wilson **HB 2396** be amended on page 4, after line 39, by inserting a new section to read as follows:

"Sec. 3. K.S.A. 2000 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~1999 and 2000~~ 2001 and 2002, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of ~~\$20,000~~ \$30,000 of its appraised valuation.";

By renumbering existing sections accordingly;

Also, on page 4, in line 40, after "Supp." by inserting "79-201x and"; also, in line 40, by striking "is" and inserting "are";

In the title, in line 16 after the semicolon by inserting "concerning the school district homestead property tax exemption"; also, in line 16, after "Supp." by inserting "79-201x and"; in line 17, by striking "section" and inserting "sections";

Also, on motion of Rep. Flora to amend **HB 2396**, Rep. Ballou requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Flora to amend on page 4, after line 39, by inserting a new section to read as follows:

"New Sec. 3. (a) Whenever the governing body of any city, county, township, municipal university, community college or any other political subdivision which levies or certifies a levy of ad valorem property taxes proposes the adoption of a budget of expenditures for any year to be funded by the levy of ad valorem property taxes which exceed 103% of the amount of ad valorem taxes levied in the next preceding year for such purpose, it shall provide notice thereof in the notice required by K.S.A. 79-2929, and amendments thereto. If a petition containing the signatures of not less than 10% of the registered voters of such taxing subdivision is filed within 30 days after the date of the budget hearing required by K.S.A. 79-2933, and amendments thereto, with the appropriate county election officer, requesting an election on whether the budget shall be funded by such increased ad valorem taxes, an election thereon shall be conducted in the same manner as prescribed for elections under the mail ballot election act, K.S.A. 25-431 *et seq.*, and amendments thereto, except that ballots may be sent to electors at any time not less than three days preceding the date of the election. If such an election is held, no ad valorem taxes shall be levied in excess of the amount levied to fund the budget of expenditures for the next preceding year unless approved by a majority of the electors voting in such election.

(b) The provisions of subsection (a) shall not apply to or limit the levy of ad valorem taxes for the payment of principal and interest on bonds, temporary notes and no-fund warrants or judgments rendered against any such taxing subdivision.";

By renumbering existing sections accordingly;

Also, on page 4, in line 40, by striking "is" and inserting "and 79-2925b are";

In the title, in line 16, after the semicolon by inserting "limiting budget expenditures from revenue produced therefrom"; in line 17, before the period by inserting "; also repealing K.S.A. 2000 Supp. 79-2925b";

Roll call was demanded.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, 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, Krehbiel, Kuether, Landwehr, Lane, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. 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, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Alldritt, Aurand, Cox, Larkin, Light, Loyd, Minor, Neufeld, J. Peterson, Weber.

Present but not voting: None.

Absent or not voting: Kline, Mayans, O'Neal.

The motion of Rep. Flora prevailed.

Also, on motion of Rep. Newton to amend **HB 2396**, the motion was withdrawn.

Also, on motion of Rep. J. Williams **HB 2396** be amended on page 3, in line 30, by striking "Net" and inserting "For all taxable years commencing after December 31, 2000, net";

Also, on motion of Rep. Newton **HB 2396** be amended on page 4, after line 39 by inserting a new section to read as follows:

"Sec. 3. (a) For all taxable years commencing after December 31, 2001, property tax levied upon residential property owned and occupied by any person 65 years of age or older which is attributable to the increase of the appraised valuation thereof shall be deferred until six months after the date of the final settlement of the estate of such person or such person's spouse if 65 years of age or older or, on the date of sale of such property, whichever date is earlier. Such deferred tax shall be paid, collected and distributed in accordance with the law applicable to the ordinary payment, collection and distribution of property tax.

(b) The director of property valuation shall adopt rules and regulations necessary to accomplish the purposes of this section.";

By renumbering existing sections accordingly;

In the title, in line 16, after the semicolon by inserting "providing for the deferral thereof";

Also, on motion of Rep. Klein to rerefer **HB 2396** to Committee on Taxation, the motion prevailed, and the bill be rereferred to Committee on Taxation.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Friday, March 30, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

