

Journal of the House

SIXTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 2, 2001, 10:00 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. Lane and Spangler were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God

You have been patient with your people
for thousands and thousands of years:

help us to be patient
with our legislative process.

You rule your people
with justice and equity:
help us create a budget
that is just and equitable.

You give us infinite beauty
in the world:

help us to see the beauty
in all that is around us.

I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Hutchins.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2602, An act concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section, by Committee on Agriculture.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2591**, **HB 2594**, **HB 2595**, **HB 2597**.

Announcing passage of **HB 2599**, as amended; **HB 2600**, as amended.

The Senate adopts conference committee report on **SB 14**.

The Senate adopts conference committee report on **SB 214**.

The Senate adopts conference committee report on **HB 2297**.

The Senate concurs in House amendments to **SB 239**, and requests return of the bill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2208**, **HB 2297**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2307, the following bills were stricken from the calendar:

HB 2023, HB 2064, HB 2109, HB 2171, HB 2363, HB 2411, HB 2521, HB 2523; Sub. HB 2534; HB 2537, HB 2538, HB 2539, HB 2542; SB 31, SB 191.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2208**. An act concerning district magistrate judges; relating to the jurisdiction thereof; amending K.S.A. 2000 Supp. 20-302b and repealing the existing section; also repealing K.S.A. 2000 Supp. 20-302d.

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

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cox, 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, Kline, Krehbiel, Kuether, Landwehr, 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, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook, Crow, Klein, Neufeld.

Present but not voting: None.

Absent or not voting: Bethell, Lane, Spangler.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **HB 2599** and asked for a conference.

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

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **HB 2600** and asked for a conference.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2297**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 18, by striking "July" and inserting "January"; also in line 18, by striking "June 30" and inserting "December 31"; in line 19, by striking "2004" and inserting "2003"; in line 20, by striking "July" and inserting "January"; in line 21, by striking "June 30" and inserting "December 31"; also in line 21, by striking "2005" and inserting "2004"; in line 23, by striking "July" and inserting "January"; also in line 23, by striking "June 30" and inserting "December 31"; in line 24, by striking "2006" and inserting "2005"; in line 25, by striking "July" and inserting "January"; following line 39, by inserting the following:

"(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.";

On page 3, following line 27, by inserting the following:

"Sec. 4. K.S.A. 46-234 is hereby amended to read as follows: 46-234. No elected state officer shall within one year after the expiration of such officer's last term receive any civil appointment to a state office which was created by law during the last term for which such person had been elected, and all such appointments shall be void. Upon resignation by an

elected state officer, such person may be appointed to any elective state office to fill a vacancy. As used in this section, the term "civil appointment to a state office" shall not include an additional district judge position created by K.S.A. 20-355, and amendments thereto, or an additional court of appeals judge position created by K.S.A. 20-3002, and amendments thereto.";

And renumber the remaining sections accordingly;

Also on page 3, in line 28, by deleting "and" and inserting a comma; also in line 28, after "20-3006" by inserting "and 46-234";

On page 1, in the title, in line 13, by striking "and" where it appears for the first time and inserting a comma; also in line 13, after "20-3006" by inserting "and 46-234";

And your committee on conference recommends the adoption of this report.

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2297** was adopted.

On roll call, the vote was: Yeas 82; Nays 39; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Boston, Campbell, Compton, Cox, Crow, DeCastro, DiVita, Dreher, Faber, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Gordon, Hayzlett, Henderson, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Johnson, Kirk, Klein, Kline, Krehbiel, Kuether, Levinson, Light, Lightner, Lloyd, Loganbill, Loyd, Mason, Mayans, McClure, McCreary, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, Pottorff, L. Powell, T. Powell, Ray, Rehorn, Ruff, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tanner, Thimesch, Toelkes, Toplikar, Weber, Wells, Welshimer, D. Williams, J. Williams.

Nays: Alldritt, Aurand, Ballou, Burroughs, Cook, Dahl, Dillmore, Edmonds, Feuerborn, Freeborn, Gatewood, Grant, Henry, Howell, Hutchins, Huy, Landwehr, Larkin, M. Long, P. Long, Mays, McKinney, Miller, Myers, Neufeld, O'Brien, J. Peterson, Phelps, Powers, Pyle, Reardon, Schwartz, Shriver, Tafanelli, Tomlinson, Vickrey, Wilk, Wilson, Winn.

Present but not voting: Kauffman.

Absent or not voting: Bethell, Lane, Spangler.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2480**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 8, after line 41 by inserting the following:

"Sec. 3. (a) Commencing in plan year 2002, within the limits of appropriations thereof, the Kansas state employees health care commission shall establish a pilot program which provides that, if an active employee of the state of Kansas is enrolled in a health care benefits plan administered by the Kansas state employees health care commission, pursuant to K.S.A. 75-6501 *et seq.*, and amendments thereto, the commission shall provide that a percentage determined by the commission, within the limits of appropriations for the pilot program, of the cost to cover an eligible child or children shall be paid as an employer contribution for the participation of any eligible child or children in the state health benefits program.

(b) As used in this section, "eligible child" means any child who is an eligible dependent pursuant to K.A.R. 108-1-1 and who is otherwise eligible for insurance coverage under the insurance plan authorized by K.S.A. 38-2001 and amendments thereto and under the guide-

lines for eligibility developed by the commission within the limits of appropriations for the pilot program but is not eligible solely because the child is a member of a family that is eligible for health benefits coverage under a state health benefits plan administered by the Kansas state employees health care commission.

(c) The Kansas state employees health care commission shall report its findings and any recommendations which the commission may have concerning the pilot program established under this section to the governor and to the legislature annually.

(d) The secretary of administration is hereby authorized to receive grants, gifts or donations from the United States government, or its agencies, the Sunflower Foundation: Healthcare for Kansas, or any other source whatsoever for the purposes of the pilot program established under this section and amendments thereto, and any moneys so received shall be deposited in the state treasury and credited to the cafeteria benefits fund established by K.S.A. 75-6513 and amendments thereto. All funds received pursuant to this section shall be placed in a separate account within the cafeteria benefits fund. All expenditures made from such fund for the purposes of this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued by the secretary of administration or a person designated by the secretary of administration.”;

By renumbering the remaining sections accordingly;

Also, in the title in line 12 by striking all after “concerning”; in line 13 by striking all before the semicolon and inserting “health; relating to the state employees health benefit program; relating to privacy of health information”;

And your committee on conference recommends the adoption of this report.

SANDY PRAEGER
RUTH TEICHMAN
PAUL FELECIANO, JR.
Conferees on part of Senate

ROBERT TOMLINSON
STANLEY DREHER
NANCY A. KIRK
Conferees on part of House

On motion of Rep. Tomlinson to adopt the conference committee report on **HB 2480**, Rep. Neufeld offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Aurand thereupon appointed Reps. Tomlinson, Dreher and Kirk as second conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2178; S. Sub. for Sub. HB 2468 reported correctly engrossed May 1, 2001.

HB 2059 reported correctly re-engrossed May 1, 2001.

REPORT ON ENROLLED BILLS

HB 2014, HB 2406; Sub. HB 2532 reported correctly enrolled, properly signed and presented to the governor on May 1, 2001.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 981, under Introduction of Original Motions, **H. Sub. for SB 322** should be corrected to read **H. Sub. for SB 332**.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, May 3, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

