

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 28, 2002, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. Spangler was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, as we gather this day, we are mindful of all those who labor to make our lives possible. We give you thanks for those who provided the food that nourished us this morning. We give you thanks for the many persons who labor to help us fulfill our responsibilities: assistants, interns, secretaries, elevator operators, custodians. We thank you for those who keep us safe: firemen and police officers. And we thank you for those who in many places around our world stand as freedom's sentinels.

Make us always mindful, O Lord, that each of us depends to a surprising degree on the faithfulness of others, that we do not exist as independent, unconnected human beings, but as members of a community built on our mutual trust and faith in one another.

Lord, bless the community that we know as the state of Kansas and all the people who make it the wonderful place that it is. Bless those whose calling is to serve in this legislature and lead them also to faithful and dedicated service for all. Amen.

The Pledge of Allegiance was led by Rep. McKinney.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2708, An act concerning the Johnson county park and recreation district; relating to the acquisition of property and the issuance of bonds; amending K.S.A. 19-2874 and repealing the existing section, by Committee on Local Government.

HB 2709, An act concerning the uniform commercial code; relating to secured transactions; relating certain financial transactions of municipalities; amending K.S.A. 2001 Supp. 84-9-102, 84-9-109 and 84-9-515 and repealing the existing sections, by Committee on Local Government.

HB 2710, An act concerning groundwater management districts; relating to certain standards, policies and orders; amending K.S.A. 2001 Supp. 82a-1903 and repealing the existing section, by Committee on Environment.

HB 2711, An act enacting the health care providers' rights of conscience act, by Representatives T. Powell, Aday, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Hayzlett, Henry, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Lightner, Lloyd, P. Long, Mason, Mayans, McClure, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, L. Powell, Powers, Pyle, Reardon, Shultz, Swenson, Thimesch, Toplikar, Vickrey, D. Williams and Wilson.

HB 2712, An act concerning the Kansas development finance authority; authorizing issuance of bonds for certain purposes; amending K.S.A. 2001 Supp. 74-8905 and repealing the existing section, by Committee on Utilities.

HB 2713, An act concerning electric generation; relating to parallel generation; providing for net metering; repealing K.S.A. 2001 Supp. 66-1,184, by Committee on Utilities.

HB 2714, An act relating to income taxation; concerning the credit therefrom for property tax paid upon certain machinery and equipment; amending K.S.A. 2001 Supp. 79-32,206 and repealing the existing section, by Committee on New Economy.

HB 2715, An act concerning disabled persons, relating to assistance dogs and other assistance animals; amending K.S.A. 39-1102, 39-1103, 39-1107, 39-1108 and 39-1109 and repealing the existing sections, by Committee on Health and Human Services.

HB 2716, An act concerning property taxation; relating to limitations upon certain property tax exemptions relating to certain school district levies; amending K.S.A. 2001 Supp. 79-201a and repealing the existing section, by Representative Ballou.

HB 2717, An act concerning health care; relating to the cost of prescription drugs; enacting the Kansas prescription drug card program act, by Committee on Health and Human Services.

HB 2718, An act concerning the department of health and environment; relating to vital statistics; amending K.S.A. 23-110 and 65-2417 and K.S.A. 2001 Supp. 65-2418 and 65-2422d and repealing the existing sections; also repealing K.S.A. 2001 Supp. 65-2418a, by Committee on Health and Human Services.

HB 2719, An act relating to state purchasing procedures; amending K.S.A. 75-3738 and 75-3740 and K.S.A. 2001 Supp. 75-3739 and repealing the existing sections, by Committee on e-Government.

HB 2720, An act relating to drivers' training; defining approved course in driver training; amending K.S.A. 8-235c, 8-237, 8-272, 8-2406 and 40-3104 and K.S.A. 2001 Supp. 40-3118, 72-5015 and 72-5017 and repealing the existing sections, by Representative Gordon.

HB 2721, An act relating to schools; administered by the Kansas state employees health care commission; providing a separate health benefits program for public school districts; amending K.S.A. 75-6504, 75-6505, 75-6506, 75-6508, 75-6509 and 75-6510 and repealing the existing sections, by Committee on Education.

HB 2722, An act concerning the secretary of social and rehabilitation services; authorizing financial organizations to provide information relating to applicants for or recipients of public assistance to certain persons, by Committee on Financial Institutions.

HB 2723, An act relating to manufactured homes and mobile homes; amending K.S.A. 58-4204 and repealing the existing section, by Committee on Financial Institutions.

HB 2724, An act relating to property taxation; concerning county appraiser meetings; amending K.S.A. 79-1401 and repealing the existing section, by Committee on Taxation.

HB 2725, An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 2001 Supp. 74-4914 and repealing the existing section, by Representative Edmonds.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2707**.

Environment: **HB 2703**, **HB 2704**, **HB 2705**.

Taxation: **HB 2706**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6004—

By Representatives E. Peterson, Aday, 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, Goering, 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, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn

A RESOLUTION in memory of Donald C. Smith.

WHEREAS, Donald C. Smith died January 19, 2002, at the age of 76 years in Dodge City. The son of a former Kansas Attorney General and Supreme Court Justice, Mr. Smith was an active public servant for his community, serving two terms as the Ford County Attorney, four terms as a member of the Kansas House of Representatives and 10 years as a district judge; and

WHEREAS, After graduating from Washburn Rural High School in 1943, Mr. Smith served in World War II as a paratrooper with the 82nd Airborne Division in the European theater of operations and was a part of the D-Day invasion, the liberation of Holland and the battle of the bulge. After the war he returned to Topeka to complete college and was graduated from Washburn University law school in 1950. He then entered the private practice of law in Dodge City where he participated in several law partnerships. In 1997 he received the Kansas Bar Association's Professionalism Award, which recognizes individuals who by their conduct, honesty, integrity and courtesy best exemplified and represented the highest standards of the legal profession; and

WHEREAS, Mr. Smith served in many prominent roles in the Dodge City and western Kansas communities. In 1954, he received the Dodge City Jaycees Distinguished Service Award and was the state vice president of the Kansas Jaycees in 1955. He served as commander of the Dodge City chapter of Disabled American Veterans, chairman of the financial drive to build the first Boy's Ranch in Dodge City, president of the Dodge City Baseball Association, member of the Dodge City Public Library Board and a member of the Board of Directors of the Kansas State High School Activities Association. In 1969, he was elected President of the Kansas Trial Lawyers Association. He served as a member of the Unified School District No. 443 Board of Education, including two years as president of the board, and as a Deacon, Elder and member of the Board of Trustees of the First Presbyterian Church, Dodge City. He also served on the Board of Directors for High Plains Public Radio; and

WHEREAS, Mr. Smith is survived by a son, Don Smith, of Denver, Colorado; two daughters, Sarah Henson and Kim Clark, both of Wamego and two grandsons, Luke Henson and Will Clark, both of Wamego; and a granddaughter, Emily Clark, of Wamego: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the members of the Kansas House of Representatives honor and remember the life and service of Donald C. Smith; and

Be it further resolved: That we extend our deepest sympathy to the family of Donald C. Smith; 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 surviving children of Mr. Smith.

HOUSE RESOLUTION No. 6005—

By Representative Ballard

A RESOLUTION honoring Langston Hughes upon the centennial of his birth.

WHEREAS, Langston Hughes was born in Joplin, Missouri, on February 1, 1902. He was raised by his mother, Carrie Hughes, after his parents separated, and lived in Lawrence, Topeka and Kansas City before moving to Ohio at the age of 12. He started writing poetry while in the eighth grade and was voted the Class Poet by his high school senior class. Sent by his father to Columbia University to study engineering, he quit college shortly thereafter

upon the publication of his famous poem, "The Negro Speaks of Rivers." Subsequently, he traveled to Senegal, Nigeria, Cameroon, Belgium, Congo, Angola, Guinea, Italy, Russia, France and Spain before finally settling in Harlem, New York, in 1924; and

WHEREAS, Hughes' astounding literary works inspired and transformed the consciousness of the Harlem Renaissance. Between 1924 and his death on May 22, 1967, he wrote sixteen books of poems, two novels, three collections of short stories, four volumes of "editorial" and "documentary" fiction, twenty plays, children's poetry, musicals and operas, three autobiographies, a dozen radio and television scripts, and dozens of magazine articles. In addition, he edited seven anthologies; and

WHEREAS, The State of Kansas recognizes and honors Mr. Hughes' lifelong struggle to fight racism and social injustice. Through his writings and lectures, he relentlessly attacked segregation and reshaped Afro-centric thought around the world; and

WHEREAS, The University of Kansas will celebrate the art and legacy of America's premier public poet by sponsoring the Langston Hughes Symposium on February 7-10, 2002. This centennial celebration of his birth will include a three-day symposium of scholars and performance artists from around the world who will explore themes related to Hughes' life, work and influence. Subsequently, a year-long series of events are planned to promote reading, listening and appreciating poetry; and

WHEREAS, The United States Postal Service will be issuing a memorial Langston Hughes stamp in conjunction with the National Park Service and with input from the Kansas Fever Committee: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor Langston Hughes upon the centennial year of his birth and encourage participation in the University of Kansas Symposium in his name; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the Chancellor of the University of Kansas and five copies to Representative Ballard.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2621**, **HB 2622**, **HB 2626** be passed.

The Committee on **Education** recommends **HB 2641** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Utilities** recommends **HCR 5039** be adopted.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Tuesday, January 29, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

