

Journal of the House

SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, May 1, 2002, 10:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.
The roll was called with 124 members present.
Rep. O'Brien was excused on verified illness.

Prayer by Chaplain Chamberlain:

Lord, here we are again. We thank you for the rest, for the chance to back off and find perspective, for a bit more time to recover health and strength.

God of new beginnings, you are always making life new: refreshing our spirits, opening our eyes and offering your promise. When nothing but chaos existed, you called forth all that lives and breathes. When flood waters receded from the earth, you set a rainbow in the sky to mark a new covenant with all living creatures. When your people suffered in captivity, you emancipated them and offered a new beginning as they traveled through the wilderness. In the fullness of time, you sent salvation in your message of forgiveness and grace.

Offer us this day another "new beginning." Where there is chaos, calm the waters with your Spirit. Where there is slavery to any ideology, offer freedom to see the world in new ways. Send us a renewed message of your love and grace offered to all your children.

Bless the women and men who gather today to begin again the difficult work that you have set before them. Bless the leaders in the House that they may see the way ahead and may lead us into the future you promise. Lord, we trust that our beginning is your beginning and with you as our companion, we can't wait to be on our journey. Be with us always. Amen.

The Pledge of Allegiance was led by Rep. Boston.

MESSAGES FROM THE GOVERNOR

HB 2660, HB 2662, HB 2680, HB 2697, HB 2733, HB 2764, HB 2781 approved on April 15, 2002.

Also, **HB 2677, HB 2947, HB 2982** approved on April 17, 2002.

Also, **HB 2602, HB 2704** approved on April 22, 2002.

Also, **HB 2768, HB 3021** approved on April 23, 2002.

Also, **S. Sub. for HB 2123; HB 2747, HB 2818** approved on April 24, 2002.

MESSAGE FROM THE GOVERNOR

April 19, 2002

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 02-323 for your information.

EXECUTIVE DIRECTIVE No. 02-323

Authorizing Personnel Transactions and a Transfer of Funds

BILL GRAVES
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

April 22, 2002

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 02-03 for your information.

EXECUTIVE ORDER NO. 02-03

Offer of Reward

BILL GRAVES
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Dale Brunton, Director, Division of Accounts and Reports, State of Kansas Monthly Financial Perspective for March, 2002.

From Terry W. Heidner, Director, Division of Planning and Development, Kansas Department of Transportation, Selected Statistics, 2001.

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 **HB 2747**.

Announcing passage of **HB 2586**, as amended; **HB 2878**, as amended; **S. Sub. for Sub. HB 3012**, as amended.

The Senate concurs in House amendments to **SB 410**, and requests return of the bill.

The Senate concurs in House amendments to **SB 565**, and requests return of the bill.

The Senate concurs in House amendments to **SCR 1624**.

The Senate adopts conference committee report on **Sub. HB 2469**.

The Senate adopts conference committee report on **HB 2675**.

The Senate adopts conference committee report on **HB 2676**.

The Senate adopts conference committee report on **HB 2703**.

The Senate adopts conference committee report on **HB 2729**.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2621** and has appointed Senators Morris, Adkins and Feleciano as second conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 364**, requests a conference and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

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 **H. Sub. for SB 364; SB 396, SB 472, SB 501; H. Sub. for SB 643; Sub. SB 513; HB 2804, SB 458; S. Sub. for HB 2621; HB 2812, SCR 1614, HB 2878; S. Sub. for HB 3012**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 364**.

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 396**.

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 472**.

Speaker Glasscock thereupon appointed Reps. Edmonds, Huff and Larkin 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 501**.

Speaker Glasscock thereupon appointed Reps. Edmonds, Huff and Larkin 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 **H. Sub. for SB 643**.

Speaker Glasscock thereupon appointed Reps. Mays, Hutchins and Ruff as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Edmonds, the House nonconcurred in Senate amendments to **HB 2878** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Edmonds, Merrick and Larkin as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **S. Sub. for HB 3012** and asked for a conference.

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

INTRODUCTION OF GUESTS

Rep. Osborne introduced Maisie DeVore, and presented her with a certificate commending her for her 30-year successful effort of collecting recycling items and making raffle items to raise money for a swimming pool in her home town of Eskridge. She was accompanied to the House by the following family and friends: Deann Williams; Mike and Linda Parhomek; Marilyn Allen; Rod, LaDeen, Dayton and Tanner Allen.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 458**, submits the following report:

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

On page 8, in line 36, by striking "to any person"; by striking all in lines 37 through 39; in line 40, by striking all before the period;

On page 9, in line 4, after "26,000" by inserting "pounds";

On page 10, in line 2, by striking "Each" and inserting "Any"; also in line 2, after "shall" by inserting "be licensed in this or another state as a vehicle dealer under the laws of this or another jurisdiction and shall"

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

GARY K. HAYZLETT
JENE VICKREY
MARGARET LONG
Conferees on part of House

LES DONOVAN
LARRY D. SALMANS
U.L. GOOCH
Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **SB 458** was adopted.

On roll call, the vote was: Yeas 107; Nays 15; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Welshimer, Wilk, D. Williams, Wilson.

Nays: Cook, Dillmore, Feuerborn, Goering, Henderson, Kirk, Klein, Kuether, McKinney, Nichols, E. Peterson, Spangler, Wells, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Beggs, O'Brien, Osborne.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2621**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

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

KENNY A. WILK
LLOYD A. STONE
JOE SHRIVER
Conferees on part of House

On motion of Rep. Wilk to adopt the conference committee report on **S. Sub. for HB 2621** to agree to disagree, the motion did not prevail and the bill remains in conference.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2812**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

SANDY PRAEGER
RUTH TEICHMAN
Conferees on part of Senate

RAY L. COX
JOR HUMERICKHOUSE
Conferees on part of House

On motion of Rep. Cox, the conference committee report on **HB 2812** was adopted.

Speaker Glasscock thereupon appointed Reps. Cox, Humerickhouse and Burroughs as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SCR 1614**, submits the following report:

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

On page 2, in line 18, by striking all after the colon; by striking all of lines 19 through 28; in line 29, by striking all before the semicolon and inserting the following:

“That in order to decrease dependence on public moneys to finance long-term care and, in order to help assure the security, dignity and independence of Kansas senior citizens, the secretary of the Kansas department on aging and the Kansas department of social and rehabilitation services are urged to begin an education and awareness campaign that makes Kansans aware of the potential cost of long-term care and encourages them to invest in long-term care insurance at an age when it is affordable and to encourage the Kansas department of social and rehabilitation services to aggressively pursue a waiver to allow a five-year look back period for all transfers of assets considered in determining Medicaid eligibility on and after the effective date of such waiver being adopted and to report back to the 2003 Kansas legislature regarding potential legislative action”;

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

KENNY A. WILK
MELVIN J. NEUFELD
BARBARA W. BALLARD
Conferees on part of House

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

On motion of Rep. Wilk, the conference committee report on **SCR 1614** was adopted.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: 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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, 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’Neal, Osborne, Ostmeyer, Owens, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Hermes, Klein.

Present but not voting: None.

Absent or not voting: O’Brien.

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 **H. Sub. for SB 9; HB 2586**.

CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Reps. O’Neal, Loyd and Pauls as members of the conference committee on **H. Sub. for SB 9** to replace Reps. T. Powell, Powers and Alldritt.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2586** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Hayzlett, Vickrey and M. Long as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **Sub. SB 513** be adopted; and the bill be passed as amended.

Committee report to **HB 2804** be adopted; also, on motion of Rep. Huff to amend, Rep. Tanner moved that the bill be referred to Committee on Education. Roll call was demanded.

On roll call, the vote was: Yeas 77; Nays 45; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Beggs, Boston, Burroughs, Compton, Crow, Dahl, Dillmore, Dreher, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Larkin, Levinson, Lloyd, Loganbill, M. Long, Loyd, Mason, Mays, McClure, McKinney, Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, Powers, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Tafanelli, Tanner, Thimesch, R. Toelkes, Welshimer, J. Williams, Wilson, Winn.

Nays: Barnes, Benlon, Bethell, Campbell, Cook, Cox, DeCastro, DiVita, Flaharty, Glasscock, Howell, Huebert, Huff, Huy, Klein, Landwehr, Lane, Light, Lightner, P. Long, Mays, McCreary, McLeland, Merrick, Judy Morrison, Newton, Novascone, O'Neal, Owens, Patterson, Pottorff, T. Powell, Pyle, Ray, Spangler, Stone, Storm, Swenson, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Ballou, Edmonds, O'Brien.

The motion prevailed and **HB 2804** be referred to Committee on Education.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Barone as a member of the conference committee on **SB 517** to replace Senator Feleciano.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6018—

A RESOLUTION urging implementation of the Conrad 20 rule in Kansas.

By Representative Gatewood

WHEREAS, The State of Kansas currently is not participating in the Conrad 20 rule, which allows physicians who trained in the United States under J-1 visas to remain in the United States without having to leave the country to fulfill the two-year home rule stipulated under J-1 visa regulations; and

WHEREAS, The United States Department of Agriculture has recently stopped providing national interest waivers for J-1 physicians willing to practice in health care provider shortage areas; and

WHEREAS, As a consequence Kansans are likely to experience further limitations in access to primary care physicians in medically underserved areas of Kansas; and

WHEREAS, Kansas Department of Health and Environment data show that 62 counties in Kansas are designated as provider shortage areas and 19 of those counties would be adversely affected due to the lack of sponsorship of a physician by an interested government agency; and

WHEREAS, The entire state of Kansas is critically underserved for pediatric care; and
WHEREAS, The implementation of the Conrad 20 rule would allow, in addition to improving the shortage in rural areas of primary care physicians, for recruitment of pediatric subspecialties who are in short supply in Kansas; and

WHEREAS, It is believed the Kansas Department of Health and Education can relatively easily and expeditiously set forth regulations to implement and administer this program: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the Governor and the Kansas Department of Health and Environment to act to allow the State of Kansas to participate in the Conrad 20 rule thus allowing physicians trained in this country to practice their profession in Kansas; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the Governor and the Secretary of the Kansas Department of Health and Environment.

REPORT ON ENROLLED BILLS

HB 2768, HB 3021 reported correctly enrolled, properly signed and presented to the governor on April 15, 2002.

Also, **S. Sub. for HB 2123; HB 2747, HB 2818** reported correctly enrolled, properly signed and presented to the governor on April 19, 2002.

REPORT ON ENROLLED RESOLUTIONS

HR 6015 reported correctly enrolled and properly signed on April 17, 2002.

Also, **HCR 5051** reported correctly enrolled and properly signed on April 19, 2002.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, May 2, 2002.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

