

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 24, 2001, 11:00 a.m.

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

Prayer by Chaplain Svoboda-Barber:

Holy God,
Help us today remember
that we are made in your image.
As you are all-loving
help us to love each other.
As you are forgiving
help us to forgive.
And as you are all-knowing
help us to understand the implications of our decisions.
We ask these things in Your name.
Amen.

The Pledge of Allegiance was led by Rep. Spangler.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2135, An act concerning alcohol and drug safety action programs; relating to the assessment fee; amending K.S.A. 2000 Supp. 8-1008 and repealing the existing section, by Committee on Judiciary.

HB 2136, An act concerning crimes, punishment and criminal procedure; relating to criminal history classification; amending K.S.A. 2000 Supp. 21-4711 and repealing the existing section, by Committee on Judiciary.

HB 2137, An act concerning traffic; relating to citations; amending K.S.A. 2000 Supp. 8-2106 and repealing the existing section, by Committee on Judiciary.

HB 2138, An act concerning civil procedure; relating to habeas corpus; amending K.S.A. 60-1507 and repealing the existing section, by Committee on Judiciary.

HB 2139, An act abolishing the tax upon gross earnings derived from money, notes and other evidence of debt; amending K.S.A. 12-140 and repealing the existing section; also repealing K.S.A. 12-1,101 through 12-1,108 and 12-1,110 and K.S.A. 2000 Supp. 12-1,109, by Representative Faber (By request).

HB 2140, An act relating to income taxation; concerning the credit therefrom for property tax paid upon certain machinery and equipment; amending K.S.A. 2000 Supp. 79-32,206 and repealing the existing section, by Committee on Taxation.

HB 2141, An act concerning the healing arts; relating to pain management, by Committee on Health and Human Services.

HB 2142, An act relating to motor fuels; providing for payments for selling blended motor fuels; amending K.S.A. 79-3461 and 79-3462 and K.S.A. 2000 Supp. 79-3425 and repealing the existing sections, by Committee on Transportation.

HB 2143, An act regulating traffic; concerning auxiliary driving lamps and fog lamps; amending K.S.A. 2000 Supp. 8-1725 and repealing the existing section, by Committee on Transportation.

HB 2144, An act relating to vehicle registration; exempting truck mounted concrete pump with boom; amending K.S.A. 2000 Supp. 8-128 and repealing the existing section, by Committee on Transportation.

HB 2145, An act relating to motor vehicles; concerning safety belts; amending K.S.A. 8-2507 and repealing the existing section, by Committee on Transportation.

CORRECTION OF REFERENCE

Speaker Glasscock announced **HB 2114** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Transportation, should be corrected to be referred to Committee on Insurance.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2123**.

Appropriations: **HB 2106, HB 2107, HB 2121**.

Business, Commerce and Labor: **HB 2130**.

Environment: **HB 2131, HB 2133, HB 2134**.

Ethics and Elections: **HB 2110, HB 2129**.

Federal and State Affairs: **HB 2105, HB 2108, HB 2109, HB 2111, HB 2112, HB 2113**.

Financial Institutions: **HB 2116**.

Health and Human Services: **HB 2117, HB 2127, HB 2132**.

Insurance: **HB 2115, HB 2125**.

Judiciary: **HB 2126**.

Local Government: **HB 2118, HB 2119, HB 2120, HB 2124**.

Taxation: **HB 2122, HB 2128**.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2095** from Committee on Judiciary and referral to Committee on Appropriations.

Also, the withdrawal of **HCR 5002** from Committee on Appropriations and referral to Committee on Judiciary.

Also, the withdrawal of **HB 2086** from Committee on Financial Institutions and referral to Committee on Local Government.

CONSENT CALENDAR

No objection was made to **HB 2031, HB 2032** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2049, HB 2050, HB 2051, HB 2052, HB 2053** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2049, An act repealing K.S.A. 72-1106c and 72-1106d, concerning the school term and special exceptions thereto, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, 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, 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, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

HB 2050, An act repealing K.S.A. 72-7514b, relating to extraordinary procedures for adoption of rules and regulations by the state board of education, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, 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, 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, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Vickrey.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

HB 2051, An act repealing K.S.A. 72-7514a, relating to continuation in effect of rules and regulations of certain state agencies until amendment or revocation by the state board of education, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, 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, 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, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

HB 2052, An act repealing K.S.A. 12-1769, relating to issuance of bonds for joint acquisition and operation by a city and a school district of community buildings, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Gate-wood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Logan-bill, 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, 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, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

HB 2053, An act repealing K.S.A. 72-67,109, relating to equitable payments under agree-ments or court orders made pursuant to the second unification act, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Gate-wood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Logan-bill, 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, 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, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

HB 2022, An act concerning retirement; relating to the Kansas public employees retire-ment system; investment standards; amending K.S.A. 2000 Supp. 74-4921 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

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, Gate-wood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Logan-bill, 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, 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, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Kuether.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2035** be adopted; and the bill be passed as amended.

Committee report to **HR 6004** be adopted; also, on motion of Rep. Alldritt to amend, the motion did not prevail and the resolution be adopted as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Higher Education** recommends **HB 2001** be amended on page 3, in line 36, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

The Committee on **Higher Education** recommends **HB 2016** 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 **Insurance** recommends **HB 2033** be amended on page 1, in line 17, before the comma, by inserting: "on or before March 1, 2002"; in line 29, by striking "schizoffective" and inserting "schizoffective"; also in line 29, by striking "schizophreniform" and inserting "schizophreniform"; 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 and concurrent resolution were thereupon introduced and read by title:

HB 2146, An act relating to banks and banking; concerning general powers thereof; amending K.S.A. 2000 Supp. 9-1101 and repealing the existing section, by Committee on Financial Institutions.

HB 2147, An act relating to banks and banking; concerning unlawful transactions; amending K.S.A. 2000 Supp. 9-1112 and repealing the existing section, by Committee on Financial Institutions.

HB 2148, An act relating to trusts; providing for certification of trusts, by Committee on Financial Institutions.

HB 2149, An act relating to the state bank commissioner; providing for the sharing of certain information with agencies; amending K.S.A. 2000 Supp. 9-1303 and repealing the existing section, by Committee on Financial Institutions.

HB 2150, An act concerning worthless checks; amending K.S.A. 2000 Supp. 60-2610 and repealing the existing section; also repealing K.S.A. 2000 Supp. 60-2611, by Committee on Business, Commerce and Labor.

HB 2151, An act concerning certain providers of care services; employment of persons by such providers; amending K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 and repealing the existing sections, by Committee on Appropriations.

HB 2152, An act concerning retirement; relating to certain postretirement benefit increases, by Committee on Appropriations.

HB 2153, An act relating to credit card solicitation; prohibiting certain practices regarding solicitation thereof at institutions of higher learning, by Committee on Appropriations.

HB 2154. An act concerning providers of care services; employment of persons by such providers; amending K.S.A. 39-970 and K.S.A. 2000 Supp. 65-5117 and repealing the existing sections, by Committee on Appropriations.

HB 2155. An act concerning school safety; revising the definition of weapon; amending K.S.A. 2000 Supp. 72-89a01 and 72-89c01 and repealing the existing sections, by Committee on Education.

HB 2156. An act concerning criminal procedure; relating to reportable events under the criminal history record information; amending K.S.A. 22-4705 and repealing the existing section, by Committee on Local Government.

HB 2157. An act concerning counties; relating to computer software; amending K.S.A. 2000 Supp. 75-6104 and repealing the existing section, by Committee on Local Government.

HB 2158. An act concerning solid waste; relating to fees and charges for the collection and disposal thereof; amending K.S.A. 65-3410 and repealing the existing section, by Committee on Local Government.

HB 2159. An act concerning a child in need of care; relating to home studies and assessments, by Representative Lightner.

HB 2160. An act concerning proceedings for the tax foreclosure sale on certain property; amending K.S.A. 79-2801 and repealing the existing section, by Committee on Local Government.

HB 2161. An act concerning counties; concerning the awarding of certain contracts; amending K.S.A. 19-214 and repealing the existing section, by Committee on Local Government.

HB 2162. An act relating to accident and health insurance; providing coverage for durable medical equipment; amending K.S.A. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative J. Peterson.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Committee on Appropriations

A CONCURRENT RESOLUTION endorsing National Heart Failure Awareness week.

WHEREAS, Congestive heart failure is a major public health problem that impacts five million Americans; and

WHEREAS, Each year there are 550,000 new cases of congestive heart failure diagnosed, with 200,000 deaths and one million hospitalizations per year caused by this disease; and

WHEREAS, Congestive heart failure is the leading cause of hospitalization in patients over the age of 65; and

WHEREAS, Congestive heart failure patients with the most severe symptoms have approximately a 50% one-year survival rate, and half of the patients with even mild symptoms die within 5 years; and

WHEREAS, The vast majority of patients are not diagnosed until late in the course of the disease; and

WHEREAS, A conservative estimate of the annual health expenditures in the United States for congestive heart failure is in excess of ten billion dollars, with the largest portion, eight billion dollars, of this expenditure being for the cost of hospitalizations; and

WHEREAS, Although current treatment guidelines recommend that approximately 80% of heart failure patients receive ACE inhibitors in combination with beta blockers to extend life and reduce costly hospitalizations, only 45% of these patients are treated with ACE inhibitors and only 20% receive beta blockers; and

WHEREAS, The primary goals of National Heart Failure Awareness week are (1) to promote research related to all aspects of heart failure and provide a forum for presentation of that research; (2) to educate heart failure caregivers and patients through programs, publications and other media allowing for more effective treatment and diagnosis of heart failure; and (3) to enhance the quality and duration of life for those with heart failure: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature endorses the national proclamation of National Heart Failure Awareness week; and

Be it further resolved: That the Secretary of Health and Environment transmit the treatment guidelines for congestive heart failure published by the Heart Failure Society of America, Inc. to the appropriate health care professionals in the state urging their adoption of these guidelines in their practice; and

Be it further resolved: That physicians be encouraged to administer echocardiograms to all patients over 50 years of age with a history of heart disease and begin appropriate treatment as early as possible; and

Be it further resolved: That payers of medical expenses be encouraged to provide reimbursement for the standard of care for congestive heart failure, including FDA approved ACE inhibitors and beta blockers, as well as other therapies that have been shown to reduce the mortality and morbidity associated with congestive heart failure; and

Be it further resolved: That the Kansas Legislature endorses the inclusion of the latest treatment advances for congestive heart failure in the curriculum of the medical schools of the state of Kansas.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Thursday, January 25, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

