

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 29, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 118 members present.
Reps. Huff, Kirk, Neighbor and Swenson were excused on verified illness.
Reps. Klein, Kuether and Neufeld were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain,

O God, The most important thing that you give us on this earth is the gift of a home—a place where we can be who we are, a place where we are loved and cared for, and a place to which we can always return and be welcomed.

We know, Lord, that in our broken world there are those who do not know your gift, who live in situations where the promise of home has been broken—and we pray for them.

But today, we pray for our collective home on this great plain. We pray with joy for things that Kansas means to us and for its promise for future generations. We pray that the spirit of those who stood for freedom as our state was born will continue to live and grow in us. We pray that the spirit of those who endured hard winters in prairie soddies will strengthen us as we look to the stars through any difficulty. We pray that the spirit of imagination and invention that birthed industry and opened trails and rails will lead us as we journey into your future.

Lord, thank you for our home on the range. Thank you for its history, for its richness and, especially thank you for its people, the citizens of this great state, our neighbors and our kin.

Author of Liberty, it is to thee that we sing. Long may this land be bright, with freedoms holy light. Protect us by thy might, Great God, our King. Amen.

The Pledge of Allegiance was led by Rep. Gilbert.

CELEBRATION OF KANSAS DAY

In celebration of the 142nd birthday of the State of Kansas, Reps. Ballard, Betts, Campbell and Svaty led the members of the House in singing *Home on the Range*.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2100. An act concerning real property; relating to home inspections, by Representative Patterson.

HB 2101. An act concerning a license to be a private detective or private detective agency; allowing renewal of license for a two-year period; concerning expiration date of firearm permit; amending K.S.A. 2002 Supp. 75-7b05, 75-7b07, 75-7b17 and 75-7b21 and repealing the existing sections, by Committee on Judiciary.

HB 2102. An act concerning school districts; relating to budgeting, by Representative F. Miller.

HB 2103, An act concerning children in need of care; relating to the confidentiality of proceedings; amending K.S.A. 38-1552 and repealing the existing section, by Representative F. Miller.

HB 2104, An act concerning crimes and punishment; relating to theft; amending K.S.A. 21-3704 and K.S.A. 2002 Supp. 21-3701 and repealing the existing sections, by Representative Newton.

HB 2105, An act concerning school districts; relating to an additional enhancement budget, by Representative Owens.

HB 2106, An act concerning the council on travel and tourism; amending K.S.A. 74-9001 and repealing the existing section, by Committee on Tourism and Parks.

HB 2107, An act relating to the department of transportation; concerning plans or specifications for certain highway or bridge projects, by Representative Loyd.

HB 2108, An act relating to income taxation; concerning certain property depreciation deductions; amending K.S.A. 2002 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2109, An act concerning taxation; relating to sales tax imposition and exemptions; motor vehicles and aircraft; amending K.S.A. 2002 Supp. 79-3603 and 79-3606 and repealing the existing sections, by Committee on Taxation.

HB 2110, An act concerning taxation; relating to sales tax exemptions; fuel and utilities; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2111, An act concerning taxation; relating to sales tax exemptions; manufacturing and warehouse and distribution facilities; amending K.S.A. 2002 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2112, An act concerning counties; relating to the enforcement of county resolutions; amending K.S.A. 2002 Supp. 19-101d and repealing the existing section, by Committee on Local Government.

HB 2113, An act regulating traffic; concerning the maximum speed limit for school buses; amending K.S.A. 8-1558 and repealing the existing section, by Committee on Transportation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **HB 2080**.

Corrections and Juvenile Justice: **HB 2088, HB 2089, HB 2090, HB 2091, HB 2092, HB 2093, HB 2095**.

Ethics and Elections: **HB 2079, HB 2094; HCR 5005**.

Judiciary: **HB 2081**.

Local Government: **HB 2082, HB 2085, HB 2086, HB 2087**.

Taxation: **HB 2084, HB 2096, HB 2097, HB 2098, HB 2099**.

Tourism and Parks: **HB 2083**.

Utilities: **HCR 5007**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6005—

By Representatives Bethell, Ballard, Barbieri-Lightner, Beggs, Brunk, Burroughs, Campbell, Cox, Crow, Dahl, DeCastro, Dreher, Edmonds, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goico, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Huebert, Huntington, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, Loyd, McCreary, McLeland, Merrick, Minor, Jim Morrison, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Ostmeyer, Owens, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Reardon, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Winn, Yoder and Yonally

A RESOLUTION memorializing the Congress of the United States to Enact a Medicare Prescription Drug Benefit.

WHEREAS, The use of prescription drugs improves the quality of care and helps patients live healthier, longer and more productive lives while keeping them out of more costly acute care settings in the long term; and

WHEREAS, The increased use of new and improved prescription drugs has changed the delivery of health care in the United States since Medicare was enacted and while two-thirds of the Medicare population has some form of prescription drug coverage, although it many times is inadequate, one-third of Medicare beneficiaries have no coverage at all; and

WHEREAS, Congress did not enact a drug benefit in the Medicare program, therefore the program is inadequate in providing the elderly and disabled the most appropriate drug therapies, preventing the delivery of quality health care at an affordable cost; and

WHEREAS, The private sector provides affordable coverage by negotiating discounts on drugs and meeting the needs of special populations with chronic diseases and those with co-morbidities through coordinating care with disease management, drug utilization review and patient education programs, all of which aid in ameliorating medical errors; and

WHEREAS, Comprehensive reform of the Medicare program would utilize the successful tools of the private sector in coordinating care for this population and use the marketplace to foster competition among private plans, resulting in more choices of quality coverage for seniors and the disabled while maintaining the financial sustainability of the program; and

WHEREAS, Congress' inaction has failed to provide for comprehensive reform of Medicare, encouraging states to use their own resources to ease the burden of their elderly and disabled populations and effectively assume an unfunded, informal mandate; and

WHEREAS, The Congressional Budget Office and the United States Department of Health and Human Services have estimated there are thousands of Medicare recipients in Kansas that rely on Kansas Medicaid for prescription drug benefits and that Kansas would save \$330,000,000 in Medicaid funds over the period 2005 - 2012 if Congress would enact this long-overdue Medicare health benefit; and

WHEREAS, In implementing state programs to assist the Medicare population, state budgetary constraints often result in requirements to restrict and limit the patients' access to needed prescription drugs and cause anti-competitive price controls: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the United States House of Representatives and the United States Senate to enact financially sustainable, voluntary, universal and privately administered out-patient prescription drug coverage as part of the federal Medicare program;

Be it further resolved: That the Chief Clerk of the House of Representatives send an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional delegation.

On motion of Rep. Aurand, the House went into Committee of the Whole, with Rep. Reardon in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Reardon, Committee of the Whole report, as follows, was adopted:
Recommended that **HCR 5001** be adopted.

Committee report to **HR 6004** be adopted; also, on motion of Rep. Shultz be amended on page 7, in line 22, by striking "human resources" and inserting "commerce"; by striking all in line 25 and inserting in lieu thereof the following:

"6. Tax, judicial, transportation and retirement budget committee	5
7. Legislative branch budget committee	8";

and **HR 6004** be adopted as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Judiciary** recommends **HB 2031** 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 **Local Government** recommends **HB 2003** be amended on page 2, in line 8, by striking "10%" and inserting "20%"; in line 15, following the period, by inserting "Each participating member shall be entitled to a single vote, regardless of the number of benefit units to which such member has subscribed."; 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 were thereupon introduced and read by title:

HB 2114, An act concerning campaign finance; relating to political committees; amending K.S.A. 2002 Supp. 25-4145 and repealing the existing section, by Representative Flaharty.

HB 2115, An act concerning qualifications for director of the division of health; amending K.S.A. 75-5603 and repealing the existing section, by House Committee on Health and Human Services.

HB 2116, An act creating the Kansas commission on health; providing for the powers, duties and functions thereof, by Committee on Health and Human Services.

HB 2117, An act concerning per diem compensation of legislators during sessions of the legislature, by Representatives Mays and Aurand.

HB 2118, An act relating to antique vehicles; concerning the registration thereof; amending K.S.A. 8-172 and K.S.A. 2002 Supp. 8-170 and repealing the existing sections, by Committee on Transportation.

HB 2119, An act relating to motor vehicles; concerning safety belts; amending K.S.A. 8-2503 and repealing the existing section, by Committee on Transportation.

HB 2120, An act regulating traffic; concerning unattended motor vehicles; amending K.S.A. 8-1573 and repealing the existing section, by Committee on Transportation.

HB 2121, An act concerning crimes, criminal procedure and punishment; relating to aid to indigent defendants; application fee; amending K.S.A. 2002 Supp. 22-4529 and repealing the existing section, by Committee on Judiciary.

HB 2122, An act concerning abandoned property; relating to the rehabilitation thereof; amending K.S.A. 12-1750, 12-1756a, 12-1756b and 12-1756e and repealing the existing sections, by Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6006—

By Representatives Mays, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder and Yonally

A RESOLUTION congratulating and commending Ben F. Barrett.

WHEREAS, Ben F. Barrett retired December 6, 2002, after serving nearly six years as the Director of the Kansas Legislative Research Department; and

WHEREAS, Ben F. Barrett commenced working for the Legislative Research Department in 1964 as a legislative intern; he became the Associate Director in 1978 and Director in 1996; and

WHEREAS, Ben F. Barrett, as Director of the Legislative Research Department, ensured an outstanding nonpartisan work product by Research Department employees and facilitated critical yet fair analysis by the staff; and

WHEREAS, Ben F. Barrett was known throughout the legislature and state for his years of working with education policy. He became known as the top education specialist in state government, particularly through his able staffing of the Senate Education Committee and the House Education Committee and showed himself to be highly motivated and innovative in helping to formulate state educational policy. On countless occasions, he responded to legislative inquiries in an open and straightforward manner demonstrating his knowledge of state educational policy to the legislature, state agencies, educational organizations, the media and the residents of Kansas; and

WHEREAS, Ben F. Barrett was the consummate professional; his technical skills were matched only by his skilled diplomacy and he was masterful at anticipating issues and managing information and people to accomplish results. He has clearly earned the respect of past and present legislators; and

WHEREAS, Ben F. Barrett, was a member of the State General Fund Consensus Revenue Estimating Group, and served in that capacity with distinction and honor; and

WHEREAS, Ben F. Barrett enjoys the outdoors and intends to become an expert fisherman and spend time in the quiet seclusion of a peaceful mountain stream where no one will ask him about local option budgets; and

WHEREAS, Ben F. Barrett was born in Topeka, Kansas, and reared in Florence, Kansas. He earned a bachelor's degree in political science/history/education from Washburn University and a master's degree in political science from the University of Kansas; and

WHEREAS, Ben F. Barrett is married to Corinne (Corky) Moran Barrett. They have a daughter, Angie Barrett, and a son, Dan Barrett, and are proud grandparents of eight grandchildren: Andrew, Anthony, and Andrea Douglas, and Alex, Megan, Jason, Benjamin, and Nathan Barrett: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Ben F. Barrett for his 38 years of devoted service to the state of Kansas and for the legacy of professional excellence he leaves after his many years as Associate Director and Director of the Kansas State Legislative Research Department.

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to: Ben Barrett, 5842 NW North Hills Drive, Topeka, KS 66617; Angie Barrett, 2013 Kincaid Way, Sacramento, CA 95825; and Dan Barrett, 22399 East Durado Avenue, Aurora, CO 80015.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, January 30, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

