

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 6, 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. Betts, Flora, Swenson and D. Williams were excused on verified illness.

Reps. E. Johnson, Pottorff and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, Dr. David F. Pendleton, pastor, Christ Community Church, Olathe, and guest of Rep. Boyer:

Father, we give you thanks today for your gift of life. We give you thanks today for freedom of which our President recently, publicly referred to as a gift from you. Thank you for freedom. And we give you thanks today in this place for the great state of Kansas and these men and women who have been chosen to serve as its public servants.

I pray for them today, that you in your divine sovereignty will grant them the gift of wisdom that exceeds them and clarity of thought and speech that the "stuff" of our own personal lives tends to take from us. Save us from ourselves, we pray. Keep us focused on your purpose that is at times beyond us. Help us as servants to seek the greater good.

God, we pray for our nation and our world both of which are in turmoil. I admit I don't know how to pray about what appears to be an impending war with Iraq, ongoing tensions in Afghanistan, or confusing behavior by North Korea. Those issues seem so distant from us in Kansas, yet many of our citizens are being called away in support of these conflicts. Lord in your mercy hear our prayer for the people of our state and our nation who are fighting wars so far from here, far from family, far from all that is familiar to them. Father, be with them and may your will be done on earth as it is in heaven.

And be with us this day as we pray, that this session will be a profitable one where our focus will not be on our personal preferences, but on those who graciously sent us to this place of service.

Now, may the Lord bless, preserve, and keep you; the Lord mercifully with his favor look upon you, and fill you with all spiritual blessings and give you his peace. In his holy name we pray, Amen.

The Pledge of Allegiance was led by Rep. Krehbiel.

SPECIAL REMARKS

There being no objection, the following remarks by Rep. Bethell are spread upon the Journal:

I would like to announce the birth of Addison Faye Pelham on March 5. She weighed 7 pounds, 2 ounces, and is 20 inches in length. She joins her brother, Zachary Robert Pelham, as the newest Johnson County, Kansas resident.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5017—

By Committee on Agriculture

A CONCURRENT RESOLUTION urging the United States Department of Agriculture to implement country of origin labeling for beef.

WHEREAS, Mandatory country of origin labeling for beef allows consumers to make a distinction between beef products derived from animals exclusively born, raised and slaughtered in the United States and similar imported products. This differentiation will also enable consumers to exercise their option to choose between purchasing domestic or imported products; and

WHEREAS, The United States Department of Agriculture may promulgate rules that will place an undue burden on United States cattle producers and add unnecessary complexity to the logistical process of labeling beef products with their country of origin; and

WHEREAS, Because no live animal processed in the United States may be disqualified from the United States label unless it has been imported from another country, the United States Department of Agriculture should design a system that requires all handlers of imported cattle to retain the animal's import documentation throughout the animal's life. Handlers of imported cattle should further be required to disclose and transfer the animal's accompanying import documentation to each buyer; and

WHEREAS, The United States Department of Agriculture should define the lack of import documentation as proof of exclusive domestic origin; and

WHEREAS, Under this proposal, no new record keeping system would be necessary to accurately identify cattle eligible for the United States label. In addition, the proposal would require only the retention of existing records kept on imported cattle in order to determine the proper origin of beef derived from imported cattle; and

WHEREAS, The United States Department of Agriculture should consider existing meat segregation models as recommended by the United States Congress to maintain the proper label on all imported cattle and meat processed by United States meat packing plants and distributed to United States retailers; and

WHEREAS, Requiring labeling on all meats and livestock that enter this country would eliminate the need for costly and unnecessary records by United States producers to individually identify domestically produced livestock; and

WHEREAS, Too many unrealistic and unnecessary regulations could create more of a burden than a benefit for United States livestock producers. Such an action would be detrimental to the Kansas agricultural industry and to United States consumers who want to purchase United States beef. Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we urge the United States Department of Agriculture to work to capture both the Congressional spirit and intent of mandatory country of origin labeling through the promulgation of rules that maximize benefits to both United States producers and consumers while minimizing costs to producers, processors and retailers; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the secretary of the United States Department of Agriculture and each member of the Kansas Congressional Delegation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2425.**

Utilities: **HB 2424.**

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6012—

By Representatives Merrick, Ballou, Barbieri-Lightner, Boyer, Campbell, Carter, Cox, Huff, Huntington, Judy Morrison, Neighbor, Newton, O'Malley, Owens, Patterson, Schwab, S. Sharp, Siegfried, Storm, D. Williams, Yoder and Yonally

A RESOLUTION in memory of Sheriff John Foster.

WHEREAS, John Foster, the Sheriff of Johnson County, died March 6; and

WHEREAS, John Foster, 67, was a lifelong resident of Johnson County and Kansas. He attended elementary school at Hickory Grove Grade School in Mission and graduated from Shawnee Mission Rural High School, now Shawnee Mission North. He graduated from Wichita State University, where he received both bachelor and master level degrees; and

WHEREAS, John Foster served the people of Johnson County and Kansas in law enforcement for nearly 50 years. He joined the Johnson County Sheriff's Patrol in 1956, serving four years, before becoming the Assistant Police Chief for the City of Fairway for a period of 11 years. He assumed the position of Police Chief for the City of Lenexa, where he served 20 years, and retired from that position in 1991. After a very brief retirement, he was appointed Undersheriff by Sheriff Fred Allenbrand; and

WHEREAS, John Foster was elected Sheriff of Johnson County in November of 2000, with oversight of and responsibility for one of the largest law enforcement agencies in the state of Kansas; and

WHEREAS, John Foster was a member of the International Association of Chiefs of Police, a life member of the Kansas City Metropolitan Chiefs and Sheriffs Association and served as President of that Association on two different occasions. He was a member of the Kansas Association of Police Chiefs, the Johnson County Chiefs and Sheriffs Association, the Kansas Sheriffs Association and the Kansas Peace Officers Association. Furthermore, John Foster graduated from the FBI National Academy; and

WHEREAS, John Foster served as an adjunct instructor at Johnson County Community College and at Wichita State University's undergraduate and graduate schools; and

WHEREAS, John Foster married Karen M. Foster. They have five children, four daughters and a son, and four granddaughters; and

WHEREAS, John Foster consistently showed great integrity in serving the people of Kansas and ensuring their safety; Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we express our condolences to the family of John Foster and express our appreciation for the public service he gave to his city, county and state; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Mrs. John Foster, 125 N. Cherry, Olathe, KS 66061.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 40**; **HB 2182**, **HB 2343**, **HB 2369** be passed.

HR 6005 be adopted.

HB 2005 be passed over and retain a place on the calendar.

Committee report to **HB 2367** be adopted; also, on motion of Rep. Neufeld be amended on page 2, in line 35, following "administration", by inserting ", with the concurrence of the state agency that owns the property,"; and **HB 2367** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2397**, **HB 2399**, **HB 2400** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

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 2426, An act making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations

HB 2427, An act concerning sales taxation; relating to countywide and city retailers' sales tax; prohibiting use for schools and school districts; amending K.S.A. 2002 Supp. 12-187 and repealing the existing section, by Committee on Taxation.

HB 2428, An act concerning enhanced wireless emergency telecommunications system; providing for financing by a surcharge imposed hereunder; establishing a wireless enhanced 911 advisory board; amending K.S.A. 12-5301 and repealing the existing section, by Committee on Taxation.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **HB 2422** from Committee on Federal and State Affairs and referral to Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2122, HB 2125, HB 2133, HB 2196, HB 2205, HB 2221, HB 2231, HB 2374 reported correctly engrossed March 4, 2003.

HB 2233, HB 2234, HB 2247, HB 2254, HB 2271, HB 2289, HB 2293, HB 2297, HB 2353, HB 2391 reported correctly engrossed March 5, 2003.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, March 7, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

