

Journal of the House

FIFTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, April 2, 2002, 9:30 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.
The roll was called with 122 members present.
Rep. O'Brien was excused on verified illness.
Reps. Ballard and Spangler were excused on excused absence by the Speaker.
Present later: Rep. Ballard.

Prayer by guest chaplain, the Rev. Cynthia L. Ray, pastor, Edgumbe Presbyterian Church, St. Paul, Minnesota, daughter and guest of Rep. Ray:

Almighty God, you have given us this good land as our heritage. You have helped us to build cities that prosper, to farm fields that yield, and to establish towns and neighborhoods that we call home. Make us always remember your generosity and constantly seek you will. Bless our land people with honest industry, sound learning, and an honorable way of life. When times are prosperous, let our hearts be thankful; and, in troubled times, do not let our trust in you fail.

Bless those who hold office in the government of this state, that they may do their work in a spirit of wisdom, kindness and justice. Help them remember that they are called to serve the people as lovers of truth and justice. Help them use their authority to serve faithfully in order to promote the general welfare, defend liberty, and provide for the least among the citizens of this land. Give all in authority the vision and strength to know your will and to do it. Under your law we live, great God, and by your will we govern ourselves. Encourage us as we encourage each other, and give your light and your truth to guide. Amen.

The Pledge of Allegiance was led by Rep. Ray.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 436**.

Appropriations: **HB 3033, HB 3034; B 627, SB 638**.

Federal and State Affairs: **HCR 5056**.

MESSAGES FROM THE GOVERNOR

HB 2663, HB 2761, HB 2769 approved on April 1, 2002.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas State University, Kansas Forest Service, 2001 Annual Report.

From Morey Sullivan, Chair, and Marion Cott, Executive Director, Kansas Humanities Council, 2001 Annual Report.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for SB 208**, requests a conference and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 410**, requests a conference and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 434**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 458**, requests a conference and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **Sub. SB 467**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 474**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 475**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 482**, requests a conference and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 486**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 531**, requests a conference and has appointed Senators Umbarger, Vratil and Lee as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 543**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 564**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 565**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2075** and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2686** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2746** and has appointed Senators Clark, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2810** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2817** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2880** and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

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 208**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 410**.

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 acceded to the request of the Senate for a conference on **H. Sub. for SB 434**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 458**.

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 acceded to the request of the Senate for a conference on **Sub. SB 467**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 474**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 475**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 482**.

Speaker Glasscock thereupon appointed Reps. Boston, Jim Morrison and Showalter 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 486**.

Speaker Glasscock thereupon appointed Reps. O'Neal, Loyd and Pauls 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 531**.

Speaker Glasscock thereupon appointed Reps. Tanner, Lloyd and Reardon 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 543**.

Speaker Glasscock thereupon appointed Reps. Ray, Campbell and Gilbert 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 564**.

Speaker Glasscock thereupon appointed Reps. Ray, Campbell and Gilbert 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 565**.

Speaker Glasscock thereupon appointed Reps. Mason, Aday and Kuether as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2956, An act concerning Kansas educational institutions; requiring the provision of educational benefits for certain students who have been placed in foster care; providing for payment of fees for such students, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 17; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Huebert, Huff, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long,

P. Long, Loyd, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Swenson, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Cook, Dahl, Faber, Feuerborn, Horst, Howell, Humerickhouse, Hutchins, Mason, Ostmeyer, Powers, Stone, Tafanelli, Weber, Wells.

Present but not voting: None.

Absent or not voting: Ballard, O'Brien, Spangler.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: While I have no quarrel with the concept proposed in this bill, Mr. Speaker, I vote no on **HB 2956** because the funding source has yet to be appropriated by the Federal Government and in a year of limited funds we add to the burden of our post-secondary institutions if the Chafee funds do not arrive.

Also, there is also no requirement that those who qualify be notified of such fund availability. Without such a requirement few will avail themselves as is the case with funds currently available to these same individuals. This bill needs more work.—DEENA HORST

HR 6012. A resolution urging participation in National Adoption Day, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, 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, Glascock, 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'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, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. 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: Ballard, O'Brien, Spangler.

The resolution was adopted.

SB 403. An act concerning the postsecondary education savings program; amending K.S.A. 2001 Supp. 60-2308 and 75-646 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, 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, Glascock, 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'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, Stone, Storm, Swenson,

Tafanelli, Tanner, Thimesch, R. 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: Ballard, O'Brien, Spangler.

The bill passed, as amended.

SB 443. An act concerning the personal property of inmates; establishing when considered abandoned property; disposition thereof; amending K.S.A. 75-52,135 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, 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'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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Winn.

Present but not voting: None.

Absent or not voting: Ballard, O'Brien, Spangler.

The bill passed.

SB 619. An act concerning the state finances; relating to biennial budget estimates; state finance council voting procedures; amending K.S.A. 75-3711 and K.S.A. 2001 Supp. 75-3717 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, 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'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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. 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: Ballard, O'Brien, Spangler.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Tanner, the House nonconcurrent in Senate amendments to **S. Sub. for HB 2094** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Tanner, Lloyd and Reardon as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **S. Sub. for HB 2123** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Tomlinson, the House nonconcurred in Senate amendments to **HB 2247** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2602** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Tomlinson, the House nonconcurred in Senate amendments to **HB 2640** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2662**. An act relating to accessible parking; concerning certain fees; amending K.S.A. 8-145d, 8-1,125 and 8-1,130 and repealing the existing sections.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, 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, Newton, Nichols, Novascone, O'Neal, Osborne, Ostneyer, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. 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: Ballard, Neufeld, O'Brien, Spangler.

On motion of Rep. T. Powell, the House nonconcurred in Senate amendments to **HB 2677** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. T. Powell, Powers and Barnes as conferees on the part of the House.

On motion of Rep. Freeborn, the House concurred in Senate amendments to **HB 2680**. An act concerning wildlife and parks; relating to violations of wildlife and parks laws; concerning cash bonds; changing the name of Toronto state park to Cross Timbers state park at Toronto Lake; amending K.S.A. 32-837 and 32-1050 and repealing the existing sections.

On roll call, the vote was: Yeas 98; Nays 23; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Mason, McClure, McCreary, McKinney, Merrick, Miller, Minor, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Show-

alter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Ballou, Cook, Dillmore, Edmonds, Faber, Gatewood, Howell, Huebert, Huy, Kauffman, Landwehr, P. Long, Loyd, Mayans, Mays, McLeland, Jim Morrison, Ostmeyer, Palmer, T. Powell, Powers, Pyle, Wilson.

Present but not voting: None.

Absent or not voting: Ballard, Neufeld, O'Brien, Spangler.

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2697**, An act concerning civil procedure for limited actions; amending K.S.A. 2001 Supp. 61-2910 and repealing the existing section.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, 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, 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, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Dillmore, Feuerborn, Flora, Kuether, Powers, Rehorn.

Present but not voting: None.

Absent or not voting: Ballard, Neufeld, O'Brien, Spangler.

On motion of Rep. Boston, the House concurred in Senate amendments to **HB 2733**, An act concerning presumptive death, relating to persons absent after catastrophic events and disasters; amending K.S.A. 59-2704 and 59-2705 and repealing the existing sections.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, 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, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. 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: Ballard, Neufeld, O'Brien, Spangler.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2752** and asked for a conference.

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

On motion of Rep. Johnson, the House nonconcurred in Senate amendments to **HB 2768** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. Cox, the House nonconcurrred in Senate amendments to **HB 2812** and asked for a conference.

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

On motion of Rep. Johnson, the House nonconcurrred in Senate amendments to **HB 2818** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrred in Senate amendments to **Sub. HB 2979** and asked for a conference.

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

On motion of Rep. Weber, 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 **HB 2819** be passed.

Committee report to **HB 3000** be adopted; also, roll call was demanded on motion of Rep. Rehorn to amend on page 3, in line 20, by striking all before "and" and inserting "an emergency exists that threatens the life or health of the minor";

On page 5, by striking all in line 16; in line 17, by striking "death" and inserting "an emergency exists that threatens the life or health of the minor";

On roll call, the vote was: Yeas 47; Nays 71; Present but not voting: 0; Absent or not voting: 7.

Yeas: Barnes, Beggs, Benlon, Burroughs, Cox, Crow, Dillmore, Dreher, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Horst, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Minor, Newton, Nichols, E. Peterson, Pottorff, Ray, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Nays: Aday, Aurand, Ballou, Bethell, Boston, Campbell, Compton, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Larkin, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Schwartz, Stone, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Ballard, Light, Loyd, Neufeld, O'Brien, Shultz, Spangler.

The motion of Rep. Rehorn did not prevail, and **HB 3000** be passed as amended.

Roll call was demanded on motion to recommend **HB 2797** favorably for passage.

On roll call, the vote was: Yeas 69; Nays 52; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Ballou, Bethell, Boston, Campbell, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Shriver, Shultz, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballard, Barnes, Beggs, Benlon, Burroughs, Compton, Cox, Crow, Dreher, Findley, Flaharty, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes,

Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, Owens, E. Peterson, J. Peterson, Pottorff, Ray, Rehorn, Ruff, Schwartz, Sharp, Showalter, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Flora, Neufeld, O'Brien, Spangler.

The motion prevailed and **HB 2797** be passed.

Committee report to **SB 506** be adopted; also, on motion of Rep. Sloan be amended on page 4, after line 25, by inserting the following:

"New Sec. 4. (a) On and after January 1, 2003, any owner or lessee of one or more passenger vehicles or trucks of a gross weight of 20,000 pounds or less, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, that such person is a firefighter, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle or truck designating such person as a firefighter. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a firefighter may make application for such distinctive license plates, not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require that the applicant is a firefighter. Application for the registration of a passenger vehicle or truck and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.";

By renumbering sections accordingly; and **SB 506** be passed as amended.

Roll call was demanded on motion of Rep. Bethell to amend **SB 624** on page 1, in line 20, by striking "choose life" and inserting "support adoption"; by striking all in lines 26 through 38; following line 38, by inserting:

"(b) The secretary of social and rehabilitation services may authorize the use of the logo to be affixed on license plates as provided by this section. Any royalty payment received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the prenatal care program fund. Any motor vehicle owner or lessee annually may apply to the secretary for the use of such logo. Upon annual application and payment to the secretary in an amount of \$50 as a logo use royalty payment for each license plate to be issued, the secretary shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.";

On page 2, in line 16, by striking all following "The" and inserting "secretary of social and rehabilitation services"; in line 21, by striking "Kansans for life educational trust fund" and inserting "the secretary of social and rehabilitation services"; in line 24, by striking all following "The" and inserting "secretary of social and rehabilitation services";

On page 4, following line 14, by inserting the following:

"New Sec. 3. There is hereby created in the state treasury the prenatal care program fund. All moneys credited to the prenatal care program fund shall be used by the department of social and rehabilitation services to match available federal funds to provide prenatal care

programs. All expenditures from the prenatal care program fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services.”;

By renumbering sections accordingly;

On roll call, the vote was: Yeas 56; Nays 63; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Burroughs, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, M. Long, McKinney, Minor, Newton, Nichols, E. Peterson, J. Peterson, Phelps, Pottorff, Ray, Rehorn, Ruff, Showalter, Shriver, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Nays: Aday, Ballou, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, L. Powell, T. Powell, Powers, Pyle, Reardon, Schwartz, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Hermes, Neufeld, O'Brien, Sharp, Shultz, Spangler.

The motion of Rep. Bethell did not prevail.

Also, on motion of Rep. Kuether to amend **SB 624**, the motion did not prevail.

Also, roll call was demanded on motion to recommend **SB 624** favorably for passage.

On roll call, the vote was: Yeas 66; Nays 56; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Schwartz, Shultz, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Burroughs, Compton, Cox, Crow, Dillmore, Dreher, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, Nichols, Owens, Patterson, E. Peterson, Pottorff, Ray, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Wells, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, Spangler.

The motion prevailed, and **SB 624** be passed.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 421**, as amended by Senate Committee, be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 421," as follows:

"HOUSE Substitute for SENATE BILL No. 421

By Committee on Appropriations

"AN ACT concerning the department of social and rehabilitation services; authorizing the secretary of social and rehabilitation services to request and accept certain voluntary fees; prescribing procedures; guidelines and reports therefor and disposition thereof.";

and the substitute bill be passed.

(H. Sub. for **SB 421** was thereupon introduced and read by title.)

The Committee on **Appropriations** recommends **SB 429** be amended on page 2, in line 5, following the period by inserting "The secretary of administration shall adopt rules and

regulations to provide safeguards to preclude opportunities for abuse within the employee award and recognition program in each state agency, to ensure objective decision-making procedures in award and recognition determinations for all participating employees, and to provide participating employees a right of review or appeal to the department of administration, or other disinterested agency, as part of such procedures.”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **SB 517** be amended on page 7, by striking lines 22 through 43;

On page 8, by striking lines 1 through 17;

And by renumbering the remaining sections accordingly;

On page 10, following line 19, by inserting the following:

“(c) The department of administration is hereby authorized and directed to pay the following amount from the cancelled warrants payment fund of the above agency as reimbursement for a cancelled warrant to the following claimant:

Richard W. Dougherty

335 Point Drive

Great Bend, KS 67530..... \$91.00

Sec. 8. The legislature is hereby authorized and directed to pay the following amount from the operations account of the state general fund of the legislature for the fiscal year ending June 30, 2002, a claim for the employer contribution and lost interest earnings on amounts that were not paid while the claimant was serving in the legislature and not eligible for retirement contributions while on leave of absence from the university of Kansas, for the period of the 1993 session to the 2001 session. The director of accounts and reports is hereby authorized and directed to transfer the amount specified below to the university of Kansas for the purpose of making an employer contribution to the retirement account of the following claimant:

Representative Barbara Ballard

1532 Alvamar Drive

Lawrence, KS 66047..... \$16,057.00”;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2832** be amended on page 1, in line 31, by striking “, nonjudgmental”; in line 39, by striking “, nonjudgmental”;

On page 2, in line 5, by striking all after the period; by striking all in lines 6 through 13; in line 14, by striking “(f)” and inserting “(e)”; in line 16, by striking all after the period; by striking all in lines 17 and 18;

In the title, in line 10, by striking “; providing remedies”; in line 11, by striking “for violation”; and the bill be passed as amended.

The Committee on **Federal and State Affairs** recommends **HB 2907** be amended on page 1, in line 32, by striking “may not be terminated at any time by the court” and inserting “shall remain in effect while the child is in placement in the foster parent’s home and shall not terminate until: (1) The child is successfully placed in another foster home; (2) the child is successfully adopted; or (3) the child is successfully reintegrated into the natural home, after care services are completed and the case is terminated”; 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 bill was thereupon introduced and read by title:

HB 3035, An act concerning election campaign finance; prohibiting contributions in elections for the office of insurance commissioner from certain entities; and prescribing penalties for the violation thereof, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **Sub. SB 62** from Committee on Federal and State Affairs and referral to Committee on Transportation.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Stone as a member of the conference committee on **HB 2621** to replace Rep. Neufeld.

REPORT ON ENGROSSED BILLS

HB 2956 reported correctly engrossed April 1, 2002.

HB 3008 reported correctly engrossed April 2, 2002.

REPORT ON ENROLLED BILLS

HB 2372, HB 2399, HB 2639, HB 2708, HB 2723, HB 2741, HB 2763, HB 2799, HB 2808, HB 2821, HB 2879, HB 2900, HB 2901 reported correctly enrolled, properly signed and presented to the governor on April 2, 2002.

READING AND CORRECTION OF JOURNAL

In the Journal, on page 1945, please insert the following preceding MESSAGES FROM THE GOVERNOR:

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture: **SB 436**.

Appropriations: **HB 3033, HB 3034; SB 627, SB 638**.

Federal and State Affairs: **HCR 5056**.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Wednesday, April 3, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

