

Journal of the House

TWENTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 13, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.

The roll was called with 122 members present.

Reps. Boyer, Edmonds and Rehorn were excused on excused absence by the Speaker.

Prayer by the Rev. Kevin Jones, associate pastor, Valley Assembly of God, Valley Center, and guest of Rep. Huebert:

Dear God,

Thank you for allowing us to be here today. What a blessing it is to be used to accomplish your will and destiny for this State. God, we don't take this lightly. We realize today that trust is placed in you for our nation, so our desire is to see your will accomplished and your kingdom advanced. Today Lord, we ask that you would provide all that we will need to make right decisions and choices for the people you have entrusted to our care and leadership. It is our desire Lord to continually grow in integrity and to know you. So many times we are tempted to make quick decisions or we get worked up with emotions; please forgive us for those times we have acted without your direction. Father, please help us to have clarity of thought today. Please give us wisdom and discernment. Please help us to have a full understanding of each issue and the courage to confront and stand, as we should. Lord, for every commitment we have made, help us to be faithful to fulfill them. We are grateful that all things come under your care and authority, for without your presence and counsel this gathering would be pointless. God, plain and simple, we invite you to be here today, and we want to know what you would have us do. Let today be one of the best days we have ever had. Help us to accomplish as much as we can in as little time as possible. Bless this day, Lord. Bless our families as some of us are away from them, and please continue to be our protection, provision, blessing and growth. Guide us today as a government, Lord, yet let us be united today as a people. We will give you the praise and the glory for all you will accomplish today.

In the name of Jesus we pray, Amen.

The Pledge of Allegiance was led by Rep. Jack.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2301, HB 2302, HB 2303, HB 2310, HB 2321, HB 2325, HB 2326, HB 2328, HB 2333, HB 2343, HB 2355, HB 2357, HB 2366.**

Commerce and Labor: **HB 2304, HB 2327, HB 2329, HB 2330, HB 2332, HB 2352, HB 2353, HB 2359.**

Corrections and Juvenile Justice: **HB 2308, HB 2309, HB 2311, HB 2312, HB 2313, HB 2314, HB 2315, HB 2316, HB 2317, HB 2318, HB 2319, HB 2320, HB 2338, HB 2349, HB 2358.**

Economic Development: **HB 2335, HB 2365.**

Education: **HB 2299, HB 2339, HB 2345, HB 2346, HB 2362, HB 2363, HB 2364.**

Ethics and Elections: **HB 2336.**

Federal and State Affairs: **HB 2300, HB 2340, HB 2354, HB 2361.**

Health and Human Services: **HB 2306, HB 2350; HCR 5013.**

Insurance: **HB 2337.**

Judiciary: **HB 2305, HB 2307, HB 2331, HB 2341, HB 2342, HB 2347, HB 2351, HB 2360.**

Taxation: **HB 2322, HB 2323, HB 2324, HB 2344, HB 2348, HB 2356.**

Utilities: **HB 2334.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 9, SB 11, SB 21, SB 28, SB 33, SB 40, SB 46, SB 53, SB 73, SB 117, SB 118, SB 119, SB 120.**

Also, announcing passage of **SB 36, SB 37, SB 38, SB 48, SB 74.**

The Senate adopts conference committee report on **S. Sub. for HB 2026.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 9, SB 11, SB 21, SB 28, SB 33, SB 36, SB 37, SB 38, SB 40, SB 46, SB 48, SB 53, SB 73, SB 74, SB 117, SB 118, SB 119, SB 120.

CONSENT CALENDAR

No objection was made to **HB 2118** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2006** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2006. An act concerning the state inservice education opportunities act; renaming the act the education professional development act; amending K.S.A. 72-6409, 72-9601, 72-9602, 72-9603, 72-9604, 72-9605, 72-9606, 72-9607, 72-9608, 72-9609, 72-9610 and 72-9901 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: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, 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, Mays, 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, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Stegfreid, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Rehorn.

The bill passed.

HB 2018. An act concerning electricity; providing for the organization of cooperative corporations to generate electricity from renewable resources and technologies and to transmit and sell such electricity at wholesale; authorizing issuance of bonds for certain purposes, 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: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, 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, Mays, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Rehorn.

The bill passed, as amended.

HB 2037. An act concerning public utilities; relating to recovery of certain costs; amending K.S.A. 66-1232 and 66-1233 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dreher, Faber, Freeborn, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Patterson, Pottorff, Powell, Reitz, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Toelkes, Vickrey, Ward, D. Williams, J. Williams, Yoder, Yonally.

Nays: Burroughs, Campbell, Carlin, Crow, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Henderson, Henry, D. Johnson, Larkin, Loganbill, McKinney, Minor, Owens, Pauls, Peterson, Phelps, Powers, Reardon, Ruff, B. Sharp, Swenson, Thimesch, Wilk, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Rehorn.

The bill passed, as amended.

HB 2130. An act concerning transmission of electric power; relating to siting of certain transmission lines; concerning recovery of certain costs of certain utilities; amending K.S.A. 66-1,180 and repealing the existing section, 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: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, 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, Mays, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Rehorn.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2026**, submits the following report:

The Senate recedes from all of its 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 1, in line 37, by striking "and"; in line 38, by striking "June 30, 2005" and inserting "June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010"; following line 43, by inserting new material to read as follows:

"(c) This act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto. ";

On page 3, by striking all in lines 7 through 13;

And by renumbering sections accordingly;

Also on page 3, by striking all in lines 28 through 43;

On page 4, by striking all in lines 1 through 19, and inserting new material to read as follows:

"(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the workers compensation fund of the insurance department for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.";

Also on page 4, by striking all in lines 26 through 43;

On page 5, by striking all in lines 1 through 39;

And by renumbering sections accordingly;

On page 7, by striking all in lines 8 through 21 and inserting new material to read as follows:

“(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(2) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(3) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(4) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer from the state general fund the amount equal to 25% of the amount transferred from each special revenue fund pursuant to subsection (d)(1) to such special revenue fund for the purpose of repaying 25% of the amount transferred to the state general fund from such special revenue fund pursuant to subsection (d)(1): *Provided*, That the aggregate of the amounts transferred pursuant to this subsection (d)(5) to such special revenue funds shall not exceed \$214,500: *Provided further*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (d)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

Also on page 7, by striking all in lines 28 through 43;

On page 8, by striking all in lines 1 through 37;

And by renumbering sections accordingly;

Also on page 8, by striking all in lines 40 through 43;

On page 9, by striking all in lines 1 through 5; in line 6, by striking “(b) (1)” and inserting “(a) (1)”;

“(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$250,000 from the state general fund to the waste tire management fund of the department of health and environment for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section (a)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (a)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

Also on page 9, in line 28, by striking “(c)” and inserting “(b) (1)”; by striking all in lines 41 through 43;

On page 10, by striking all in line 1 through 23 and inserting new material to read as follows:

“(2) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfer prescribed by this subsection (b)(2) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2007, shall be considered to be a demand transfer from the state general fund.

(3) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfer prescribed by this subsection (b)(3) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2008, shall be considered to be a demand transfer from the state general fund.

(4) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department:

Provided further, That the transfers prescribed by this subsection (b)(4) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2009, shall be considered to be a demand transfer from the state general fund.

(5) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$2,500,000 from the state general fund to the underground petroleum storage tank release trust fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to subsection (b)(1): *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(5), the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *Provided further*, That the transfers prescribed by this subsection (b)(5) from the state general fund to the underground petroleum storage tank release trust fund during the fiscal year ending June 30, 2010, shall be considered to be a demand transfer from the state general fund.”;

On page 12, by striking all in lines 2 through 26; in line 27, by striking “(l)” and inserting “(g)”; by striking all in lines 31 through 38; in line 39, by striking “(o)” and inserting “(h)”; in line 43, by striking “(p)” and inserting “(i)”;;

On page 13, by striking all in lines 4 through 11; in line 12, by striking “(s)” and inserting “(j)”; in line 16, by striking “(t)” and inserting “(k)”; in line 20, by striking “(u)” and inserting “(l)”; by striking all in lines 30 through 43;

On page 14, by striking all in lines 1 through 43;

On page 15, by striking all in lines 1 through 4;

And by renumbering sections accordingly;

Also on page 15, by striking all in lines 11 through 41;

And by renumbering sections accordingly;

On page 16, by striking all in lines 1 through 7; by striking all in lines 16 through 43;

On page 17, by striking all in lines 1 through 38; by striking all in lines 41 through 43;

And by renumbering sections accordingly;

On page 18, by striking all in line 1; in line 2, by striking “(b)” and inserting “(a)”; by striking all in lines 6 through 15 and inserting new material to read as follows:

“(b) (1) On or before June 30, 2007, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(1), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(2) On or before June 30, 2008, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(2), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(3) On or before June 30, 2009, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(3), the director of the budget shall deliver a copy of such certification to the director of the legislative research department..

(4) On or before June 30, 2010, on a date certified by the director of the budget, the director of accounts and reports shall transfer \$23,652,162 from the state general fund to

the state highway fund for the purpose of repaying 25% of the amount transferred to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas: *Provided*, That, at the same time that such certification is made by the director of the budget to the director of accounts and reports under this subsection (b)(4), the director of the budget shall deliver a copy of such certification to the director of the legislative research department.”;

On page 19, by striking all in lines 27 through 43;

On page 20, by striking all in lines 1 through 13;

And by renumbering sections accordingly;

On page 21, in line 29, preceding “K.S.A.”, by inserting “On the effective date of this act,”;

On page 22, in line 13, by striking “K.S.A. 2-223 and”;

On page 1, in the title, in line 13, by striking “June 30, 2005, and June 30, 2006” and inserting “June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010.”; in line 17, by striking “lieutenant governor,”; in line 18, by striking “de-”; in line 19, by striking all preceding “Kansas”; in line 20, by striking all following the comma, where it appears the first time; by striking all in lines 21 and 22; in line 23, by striking “affairs,”; in line 25, by striking all following the comma, where it appears the first time; in line 26, by striking all preceding “department”; in line 27, by striking all preceding “Kansas”; by striking all in line 28; in line 29, by striking all preceding “and”; in line 33, by striking “K.S.A. 2-223 and”;

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

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

MELVIN J. NEUFELD
CLARK SHULTZ
ROCKY NICHOLS
Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on **S. Sub. for HB 2026** was adopted.

On roll call, the vote was: Yeas 86; Nays 36; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Betts, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Howell, Huff, Hutchins, D. Johnson, E. Johnson, Kirk, Klein, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, Showalter, Shriver, Shultz, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn.

Nays: Beggs, Bethell, Brunk, Burgess, Campbell, Dreher, Faber, Goering, Goico, Holland, Huebert, Humerickhouse, Huntington, Huy, Jack, Kassebaum, Kauffman, Landwehr, P. Long, Loyd, Judy Morrison, Neighbor, Newton, O'Malley, O'Neal, Owens, Powers, Schwab, S. Sharp, Siegfried, Sloan, Tafanelli, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Boyer, Edmonds, Rehorn.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HCR 5005** be adopted; and the resolution be adopted as amended.

Committee report to **HB 2038** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Corrections and Juvenile Justice** recommends **HB 2089, HB 2090** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Corrections and Juvenile Justice Oversight** recommends **HB 2017** be amended on page 1, in line 30 by striking "two members" and inserting "one member"; also in line 30, by striking "members", where it appears for the second time, and inserting "a member"; also in line 30 by striking "are"; in line 31 by striking "members" and inserting "is a member"; in line 34, by striking "judiciary" and inserting "corrections and juvenile justice"; in line 36, by striking "one member" and inserting "two members"; also in line 36, by striking "a member", where it appears for the second time, and inserting "members"; also in line 36, by striking "is a"; in line 37, by striking "member" and inserting "are members"; also in line 37, by striking "judiciary" and inserting "corrections and juvenile justice"; and the bill be passed as amended.

The Committee on **Education** recommends **HB 2179** be passed.

The Committee on **Financial Institutions** recommends **HB 2224; SB 8** be passed.

The Committee on **Health and Human Services** recommends **HB 2155** be amended on page 1, in line 35, after "(2)" by striking all after "(2)"; by striking all of lines 36 through 43 and by inserting "Any graduate of an accredited dental school, dental college or dental department of a college or university, who: (A) Has a D.D.S. or D.M.D. degree and is otherwise qualified; (B) is not licensed to practice dentistry in Kansas; (C) holds a license to practice in the state from which they are applying; and (D) has not failed an examination for a license to practice dentistry in Kansas, may be issued a temporary license of not more than 14 calendar days to provide dental services under subsection (f)(4) of K.S.A. 75-6102, and amendments thereto.";

On page 2, in line 28, by striking all after "(b)"; by striking all of lines 29 through 36 and by inserting "Any graduate of an accredited dental hygiene school, dental college or dental department of a college or university who: (1) Has a R.D.H. (registered dental hygienist) or L.D.H. (licensed dental hygienist) and is otherwise qualified; (2) is not licensed to practice as a dental hygienist in Kansas; (3) holds a license to practice in the state from which they are applying; and (4) has not failed an examination for a license to practice in Kansas, may be issued a temporary license of not more than 14 days to provide dental hygienist services under subsection (f)(4) of K.S.A. 75-6102, and amendments thereto.";

On page 1, in the title, in line 10, after "dentists" by inserting "and dental hygienists"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2165** be passed.

The Committee on **Transportation** recommends **HB 2120** be passed and, because the committee is of the opinion that the bill is 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 2367, An act concerning state capital improvement projects; relating to inspections of such projects; amending K.S.A. 75-1262 and 75-3741c and repealing the existing sections, by Committee on Appropriations.

HB 2368, An act concerning motor vehicle registration and title fees; relating to the disposition thereof; amending K.S.A. 2002 Supp. 8-145 and 28-115 and repealing the existing sections; also repealing K.S.A. 2002 Supp. 28-115a, by Committee on Appropriations.

HB 2369, An act concerning the state employee suggestion program; relating to employee suggestion bonus awards; amending K.S.A. 2002 Supp. 75-37,105 and repealing the existing section, by Committee on Appropriations.

HB 2370, An act concerning certain electric public utilities; relating to recovery of certain costs of compliance with environmental regulations, by Committee on Utilities.

HB 2371, An act relating to privileges and immunities; concerning ministers; amending K.S.A. 2002 Supp. 38-1522 and repealing the existing section, by Committee on Education.

HB 2372, An act concerning lotteries; authorizing operation of electronic gaming machines at certain locations; amending K.S.A. 74-8702, 74-8710 and 74-8711 and K.S.A. 2002 Supp. 19-101a and 79-4805 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2373, An act regarding the Kansas development finance authority; relating to mortgage revenue bonds and mortgage certificates; amending K.S.A. 74-8904 and repealing the existing section, by Committee on Economic Development.

HB 2374, An act concerning public utilities; relating to procedures to recover certain security costs, by Committee on Utilities.

HB 2375, An act concerning criminal procedure; relating to preliminary examinations, by Committee on Judiciary.

HB 2376, An act concerning public health; relating to the licensing of child care facilities; amending K.S.A. 65-501 and repealing the existing section, by Committee on Judiciary.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6010—

By Representatives Ruff, Crow and Wilk

A RESOLUTION congratulating and commending Donald Lee Hollowell.

WHEREAS, Donald Lee Hollowell of Atlanta, Georgia, a noted attorney and civil rights pioneer, will be the honored guest at the Richard Allen Cultural Center's Annual Benefit Gala on February 15 at Leavenworth; and

WHEREAS, Mr. Hollowell was born in Wichita in 1917 and completed his elementary and secondary education in Kansas. He then attended Lane College in Jackson, Tennessee, where he was an honor student and football team quarterback. His undergraduate studies were interrupted by service in the United States Army during World War II from which he was honorably discharged with the rank of Captain. He then completed a law degree at Loyola University in Chicago, Illinois; and

WHEREAS, Mr. Hollowell entered the private practice of law in Georgia in 1952. During the following 14 years his law firm, Hollowell, Ward, Moore and Alexander, served as counsel for hundreds of persons who participated in the civil rights and civil liberties struggles of that era. Notable clients included Horace T. Ward, now a United States District Judge for the Northern District of Georgia, in his efforts to gain admission to the University of Georgia Law School; Charlayne Hunter and Hamilton Holmes in their efforts to be admitted to the University of Georgia and the Reverend Doctor Martin Luther King, Junior, in his appearances with the courts to gain freedom for all Americans; and

WHEREAS, In 1966 he was appointed Regional Director of the United States Equal Employment Opportunity Commission and held this position for 10 years. In 1976 he transferred to the position of Regional Attorney for the Commission, a position he held until his retirement in 1985. During his tenure with the Equal Employment Opportunity Commission he supervised a staff of up to 34 attorneys and was responsible for their training, for the supervision of case preparation and the trial of hundreds of employment law cases involving Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act and the Equal Pay Act; and

WHEREAS, During his past 60 plus years in Georgia he has been a noted civic and church leader, has served on numerous institutional boards and commissions, has received over 100 awards for his legal and community service and has had an honorary professorship named after him at the Emory University School of Law; and

WHEREAS, Mr. Hollowell is married to Louise E. Thornton who holds Professor Emeritus status from her service as teacher of English for 35 years at Morris Brown: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we welcome this son of Kansas back to his childhood home and congratulate and commend this man for his contributions to the civil rights struggles of our nation; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Ruff for presentation to Mr. Hollowell.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, February 14, 2003.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

