

Journal of the House

THIRTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 27, 2003, 9:30 a.m.

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

Prayer by Chaplain Chamberlain:

Lord we praise you this morning as the God who fashioned the heavens and the earth. We honor you as the God who separated the light from the darkness and the water from the dry land. We bow before you as the God who lifted the birds into the air, gave motion to the fish of the sea, and breathed life into all the creatures of the earth. We thank you as the God who gave all living creatures every good thing to eat and who gave us dominion over the earth and all that is in it.

Lord, what are we to do when there seems too much to do? How are we to be about your work when it seems that we slide back every time that we step forward? Where will we find the strength and the will to stick with it when we are weary and heavy laden?

We've all asked ourselves these questions Lord, even though we know that you have given us the answer. We just keep forgetting.

Send your strength and wisdom upon this house and its members today for the rush of work that is upon them. Help them separate the wheat from the chaff. Guide them and protect them lest some important thing be left undone or some minor thing thwart their desire to do what is pleasing in your sight. Lord of creation, hear our prayer. Amen.

The Pledge of Allegiance was led by Rep. Humerickhouse.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 43, SB 175.**

Corrections and Juvenile Justice: **SB 27, SB 45, SB 64.**

Education: **SB 55.**

Federal and State Affairs: **SB 25.**

Health and Human Services: **SB 132.**

Judiciary: **HB 2418; SB 61, SB 71, SB 91.**

Taxation: **SB 162.**

Transportation: **SB 130.**

MESSAGE FROM THE SENATE

Announcing passage of **SB 22, SB 51, SB 63, SB 65, SB 67, SB 68, SB 70, SB 79, SB 102; Sub. SB 104; SB 106, SB 115, SB 133, SB 135, SB 147, SB 166, SB 167, SB 221, SB 223, SB 238.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 22, SB 51, SB 63, SB 65, SB 67, SB 68, SB 70, SB 79, SB 102; Sub. SB 104; SB 106, SB 115, SB 133, SB 135, SB 147, SB 166, SB 167, SB 221, SB 223, SB 238.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2015, An act concerning the Kansas juvenile justice code; relating to modification of sentence; amending K.S.A. 38-1665 and repealing the existing section, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed, as amended.

HB 2016, An act concerning the Kansas juvenile justice code; relating to juvenile corrections officers; training and powers and duties thereof; amending K.S.A. 38-1602 and 74-5602 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Howell, Kauffman, P. Long, Neufeld, Powers, Schwartz, Shultz.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2027, An act concerning prairie dogs; relating to control thereof; duties and authorities of county commissioners; assessment of costs; prohibited acts; amending K.S.A. 80-304, 80-1201 and 80-1202 and repealing the existing sections; also repealing K.S.A. 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 53; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Davis, Decker, Dreher, Edmonds, Feuerborn, Freeborn, Gilbert, Goering, Gordon, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Light, Loganbill, M. Long, P. Long, Loyd, J. Miller, Minor, Neighbor, Newton, Novascone, O'Malley, O'Neal, Owens, Pauls, Peterson, Phelps, Reitz, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Sloan, Tafanelli, Wilk, D. Williams, J. Williams, Winn, Yoder, Yonally.

Nays: Ballou, Burroughs, Carlin, Crow, Dahl, DeCastro, Dillmore, Faber, Flaharty, Flora, Gatewood, Goico, Grant, Hayzlett, Henderson, Huebert, Huy, Kauffman, Kuether, Landwehr, Larkin, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Osborne, Ostmeyer, Patterson, Pottorff, Powell, Powers, Reardon, Rehorn, Ruff, Sawyer, Siegfried, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilson.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2035. An act concerning children in need of care; relating to the right to counsel; amending K.S.A. 2002 Supp. 38-1505 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Carlin, Carter, Compton, Cox, Craft, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Kuether, 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, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Burroughs, Campbell, Crow, Freeborn, Huebert, Hutchins, Kirk, Klein, Landwehr, Rehorn, Ward.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

Sub. HB 2036. An act concerning the petroleum products inspection act; relating to diesel fuel; misrepresentations regarding biodiesel; penalties; amending K.S.A. 2002 Supp. 55-443 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rear-

don, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The substitute bill passed.

HB 2057. An act concerning crimes and punishment; relating to identity theft; amending K.S.A. 2002 Supp. 21-4018 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed.

Sub. HB 2064. An act concerning civil procedure; relating to filing time; amending K.S.A. 60-1102 and K.S.A. 2002 Supp. 60-1103 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, 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: Freeborn, Schwartz.

Present but not voting: None.

Absent or not voting: B. Sharp.

The substitute bill passed.

HB 2071. An act concerning insurance; relating to the issuance of insurance policies in a foreign language; amending K.S.A. 40-216 and K.S.A. 2002 Supp. 40-2404 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

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

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2078, An act concerning wildlife and parks; relating to hunting permits; commercialization of wildlife; penalties therefor; amending K.S.A. 32-1005 and K.S.A. 2002 Supp. 32-937 and 32-988 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 98; Nays 26; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Campbell, Carlin, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, Kuether, Landwehr, Light, Loganbill, M. Long, P. Long, Loyd, Mason, McKinney, Merrick, F. Miller, J. Miller, Minor, Judy Morrison, Myers, Neighbor, Nichols, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Sawyer, Schwab, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Burgess, Burroughs, Carter, Compton, Dillmore, Edmonds, Faber, Freeborn, Henderson, Howell, Huebert, Huy, Kauffman, Larkin, Mays, McCreary, McLeland, Jim Morrison, Neufeld, Newton, Ostmeyer, Powell, Powers, Ruff, Schwartz, Swenson.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I support the increase in the number of licenses, which will help land owners and tenants to re-sell these licenses to help pay for crop depredation. I am not opposed to increasing the penalties for commercialization of wildlife. However, the increase of \$5 to \$10 for a resident and \$5 to \$25 for a nonresident big game tag is too much, especially during these hard economic times. I am concerned that such a large increase may reduce the number of hunters and thus further add to deer overpopulation. However, I vote yes on **HB 2078**.—C. FRANK MILLER

HB 2088, An act concerning the department of corrections; relating to inmate assistance upon release; requiring certain inmates to pay for public transportation costs; amending K.S.A. 75-5211 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Henderson, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed.

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

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightn, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Krehbiel, 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, Patterson, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Faber, Henderson, Howell, Kauffman, Kuether, Landwehr, Ostmeyer, Owens, Pauls, Powers, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed.

HB 2132. An act concerning county jails; relating to inmate fees to defray maintenance costs; amending K.S.A. 19-1930 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, 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, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Yoder, Yonally.

Nays: Flora, Henderson, Klein, Kuether, Powers, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed.

HB 2138. An act concerning criminal procedure; relating to forensic examinations; certification procedures; amending K.S.A. 2002 Supp. 22-3437 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed.

Sub. HB 2145. An act concerning public postsecondary education; certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 43; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Beggs, Bethell, Betts, Boyer, Burroughs, Campbell, Carlin, Compton, Cox, Crow, Davis, DeCastro, Dillmore, Dreher, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goering, Goico, Grant, Henderson, Henry, Hill, Holland, Horst, Huebert, Huff, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, McKinney, F. Miller, J. Miller, Minor, Jim Morrison, Neighbor, Nichols, O'Malley, O'Neal, Ostmeyer, Owens, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Aurand, Ballou, Barbieri-Lightn, Brunk, Burgess, Carter, Craft, Dahl, Decker, Edmonds, Freeborn, Gordon, Hayzlett, Holmes, Howell, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Landwehr, Mason, Mays, McCreary, McLeland, Merrick, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Patterson, Powell, Powers, Schwab, Schwartz, Shultz, Tafanelli, Vickrey, Yoder.

Present but not voting: None.

Absent or not voting: B. Sharp.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **Sub. HB 2145**. In difficult financial times, we are asked to make tough choices among worthwhile programs. This bill creates a new entitlement program, yet we have no idea how much it will cost the state. When we are facing cuts to programs designed to provide food to our seniors, provide medicine to our poor, and provide help to those least able to help themselves, I cannot in good conscience vote to create such a new program without knowing its costs.—JEFF JACK, KATHE DECKER, LEE TAFANELLI, DEAN NEWTON, TODD NOVASCONE

MR. SPEAKER: I vote no on **HB 2145**. While my heart goes out to those students who have gone through our Kansas High School system, but are not legal citizens of our State

or our Country; I find it difficult to give them preferential treatment. There certainly seems to be a need for better clarification and definition for status of these individuals by the Federal Government.—LANA GORDON

MR. SPEAKER: This bill is not specific to Friendly Nations. Hostile Nations are using our resources against us. This makes more affordable. This is not about race. This is about legal compliance, and I don't know about you, but my citizenship meant something to my forefathers, and it does to me, too. This is a tuition cut, an education funding decrease with an uncertain fiscal note. I vote no on **HB 2145**.—SCOTT SCHWAB

MR. SPEAKER: I vote yes on **HB 2145**. The reason for having lower in-state rates is to give preference to those who have made Kansas their home and who have paid Kansas taxes in support of our universities. Some undocumented immigrants who have lived here for three years meet this test better than some who pay in-state tuition after living in Kansas for a much shorter time.—JOHN FABER

MR. SPEAKER: Many students who are currently inhibited by the high cost of out-of-state tuition will now be given the opportunity to expand their educational opportunities, increasing their skill level and employability. Johnson Countians need educated workers to ensure the continuing success of their businesses. Additionally, it is my understanding that undocumented students are not given the opportunity to apply for citizenship until they are 21 years of age. I support **HB 2145** because it encourages education and will increase enrollment in our state universities.—STEPHANIE SHARP

HB 2160, An act concerning motor carriers; relating to certain fees; amending K.S.A. 66-1a01 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 35; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Betts, Boyer, Burroughs, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Dreher, Flaharty, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Larkin, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Nichols, Novascone, O'Neal, Osborne, Owens, Patterson, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Barbieri-Lightner, Brunk, Burgess, Campbell, Carter, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flora, Goering, Goico, Howell, Huebert, Huy, Jack, Kauffman, Klein, Kuether, Landwehr, Light, P. Long, McKinney, F. Miller, Neufeld, Newton, O'Malley, Ostmeyer, Pauls, Powell, Powers, Schwab, Vickrey, D. Williams.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed.

HB 2161, An act regarding dentists and dentistry; relating to dental hygienists; amending K.S.A. 65-1456 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rear-

don, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed, as amended.

HB 2169. An act concerning the Kansas board of examiners in optometry; relating to the fees charged and collected by the board; amending K.S.A. 65-1505 and 65-1509 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 25; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Dillmore, Dreher, Feuerborn, Flaharty, Freeborn, Gatewood, Gilbert, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kirk, Krehbiel, Larkin, Loganbill, M. Long, Mason, Mays, McCreary, McKinney, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Nichols, O'Neal, Osborne, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Carter, Decker, Edmonds, Faber, Flora, Goico, Howell, Huebert, Huy, Kauffman, Klein, Kuether, Landwehr, Light, P. Long, Loyd, McLeland, Newton, Novascone, O'Malley, Ostmeyer, Powell, Powers, Ward.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed.

HB 2171. An act concerning adult care home administrators; relating to licensure; amending K.S.A. 65-3503, 65-3504, 65-3506 and 65-3508 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed, as amended.

Sub. HB 2173. An act concerning dental students admitted to accredited schools of dentistry; requiring and providing for certain agreements for service commitments and repayment of certain amounts; prescribing certain powers, duties and functions for the state

board of regents; authorizing cities and counties to enter certain agreements, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 49; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, Craft, Dahl, DeCastro, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Reitz, Schwab, Schwartz, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Storm, Swenson, Tafanelli, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Nays: Betts, Burroughs, Carlin, Crow, Davis, Decker, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Huebert, Huntington, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Ruff, Sawyer, Shriver, Svaty, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp.

The substitute bill passed, as amended.

HB 2208, An act concerning tax increment financing and sales tax revenue bonds; relating to major commercial, entertainment and tourism areas and redevelopment of property located in Sedgwick county; amending K.S.A. 12-1770a and 12-1774 and K.S.A. 2002 Supp. 79-3620 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 31; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dillmore, Flaharty, Gilbert, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Klein, Krehbiel, Landwehr, Light, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Sawyer, Schwab, S. Sharp, Shriver, Shultz, Siegfried, Sloan, Storm, Swenson, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder.

Nays: Carlin, Carter, Crow, Davis, Dreher, Edmonds, Faber, Feuerborn, Flora, Freeborn, Gatewood, Grant, Henderson, Henry, Holland, Howell, Kirk, Kuether, Larkin, Minor, Neufeld, Nichols, Phelps, Ruff, Schwartz, Showalter, Svaty, Tafanelli, Thimesch, Vickrey, Yonally.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2212, An act concerning cities; relating to annexation amending K.S.A. 12-523 and 12-529 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 62; Nays 62; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Betts, Boyer, Burgess, Burroughs, Carter, Cox, Dahl, Davis, Decker, Dreher, Feuerborn, Flaharty, Flora, Gilbert, Gordon, Grant, Henderson, Henry, Hill, Holland, Howell, Humerickhouse, Huntington, Hutchins, Klein, Kuether, Larkin, Loganbill, M. Long, P. Long, Mays, McKinney, Merrick, J. Miller, Minor, Jim Morrison, Myers, Neufeld, Nichols, O'Neal, Pauls, Peterson, Phelps, Reardon, Rehorn, Sawyer, Schwartz, Showalter, Shriver, Shultz, Storm, Svaty, Thull, Toelkes, Ward, J. Williams, Wilson, Winn.

Nays: Beggs, Bethell, Brunk, Campbell, Carlin, Compton, Craft, Crow, DeCastro, Dillmore, Edmonds, Faber, Freeborn, Gatewood, Goering, Goico, Hayzlett, Holmes, Horst,

Huebert, Huff, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Landwehr, Light, Loyd, Mason, McCreary, McLeland, F. Miller, Judy Morrison, Neighbor, Newton, Novascone, O'Malley, Osborne, Ostmeyer, Owens, Patterson, Pottorff, Powell, Powers, Reitz, Ruff, Schwab, S. Sharp, Siegfried, Sloan, Swenson, Tafanelli, Thimesch, Vickrey, Wilk, D. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: It is believed that the amendment would likely make the annexation laws unconstitutional under the home rule amendment, Article 12, Section 5, of the Kansas Constitution. The constitutional amendment provides in pertinent part that: "(a) The legislature shall provide **by general law, applicable to all cities**, for the incorporation of cities and the methods by which **city boundaries may be altered . . .**" Clearly this amendment to **HB 2212** would only apply to cities in the 12 affected counties, making it unconstitutional. As a result, I vote "No" on **HB 2212**.—DOUG GATEWOOD, DEENA HORST

HB 2214, An act concerning elections; relating to handling ballots after canvass; establishing write-in boards; amending K.S.A. 25-3008 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed.

HB 2288, An act concerning elections; relating to conformity with the help America vote act of 2002; amending K.S.A. 25-216, 25-414, 25-1122d, 25-1216, 25-2111, 25-2908 and 25-3008 and K.S.A. 2002 Supp. 25-106, 25-409, 25-2309 and 25-2706 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 60; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Campbell, Carter, Compton, Cox, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hill, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, P. Long, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Patterson, Pottorff, Powers, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, Yoder.

Nays: Ballard, Ballou, Betts, Burroughs, Carlin, Craft, Crow, Dahl, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Holland, Holmes, D. Johnson, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Judy Morrison, Neufeld, Nichols, Ostmeyer, Owens, Pauls,

Peterson, Phelps, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2308. An act concerning confidential information of a treatment facility patient; relating to information given to the juvenile justice authority; amending K.S.A. 38-1609 and 65-5603 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed.

HB 2312. An act concerning criminal procedure; relating to a prompt trial; amending K.S.A. 22-3402 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 14; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dreher, Edmonds, Faber, Flaharty, Flora, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, 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, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Wilk, J. Williams, Wilson, Yoder, Yonally.

Nays: Brunk, Dillmore, Feuerborn, Freeborn, Goering, Goico, Huebert, Klein, Landwehr, Newton, Pauls, Ward, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2314. An act concerning the juvenile justice authority; relating to the Kansas juvenile correctional complex; amending K.S.A. 38-1602, 72-978, 74-5344 and 76-3201 and K.S.A. 2002 Supp. 75-3765 and repealing the existing sections; also repealing K.S.A. 75-52,143, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

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

Present but not voting: None.

Absent or not voting: B. Sharp.

The bill passed, as amended.

HB 2315. An act concerning the juvenile justice authority; relating to grant payments; amending K.S.A. 75-7050 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Light, Loganbill, M. Long, P. Long, Loyd, Mason, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: B. Sharp.

The bill passed.

HB 2332. An act relating to employment security law; concerning social security benefits; amending K.S.A. 44-704 and K.S.A. 2002 Supp. 44-706 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 4; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, 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, Rehorn, Reitz, Ruff, Sawyer, Schwartz, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Carter, Kauffman, Schwab, D. Williams.

Present but not voting: None.
 Absent or not voting: B. Sharp.
 The bill passed, as amended.

HB 2375. An act concerning criminal procedure; relating to preliminary examinations, was considered on final action.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, 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, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, 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: Klein.

Present but not voting: None.
 Absent or not voting: B. Sharp.
 The bill passed, as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2204**, **HB 2154** be passed.

HB 2149; **Sub. HB 2211** be passed over and retain a place on the calendar.

Committee report to **HB 2125** be adopted; and the bill be passed as amended.

Committee report to **HB 2271** be adopted; and the bill be passed as amended.

Committee report to **HB 2391** be adopted; also, be passed over and retain a place on the calendar (see further action later in Committee of the Whole).

Committee report to **HB 2374** be adopted; also, roll call was demanded on motion of Rep. Peterson to amend on page 1, by striking all after line 14;

On page 2, by striking all in lines 1 through 16 and inserting:

“Section 1. (a) At the time that a filing pursuant to K.S.A. 66-1233, and amendments thereto, the state corporation commission will release the name of the utility making the application, the amount of recovery requested for security-related expenditures and the method of cost recovery requested by the utility. When a final ruling is made, the total dollar amount of expenditures allowed shall be made public, with details of how the amount will be recovered.

(b) The caption of the application shall be substantially in the following form: “In the Matter of the Application of (utility name) for Recovery of Security Expenditures Pursuant to K.S.A. 66-1233.” At the time an application is filed, a copy shall be provided to the citizens’ utility ratepayer board.

(c) The commission shall rule on the application within 60 days after the date it is filed if the initial filing contains documentation and information necessary to establish the prudence and reasonableness of the expenditures unless it is necessary to extend the 60-day period to accommodate site visits, discovery by commission staff or time constraints in the commission’s schedule. The utility shall have the burden of showing that the expenditures are prudent, are for security measures and are reasonably required to protect utility assets. Only recovery of incremental costs shall be allowed. The application shall address these issues and provide information necessary to meet these standards. If an application includes

expenditures for personnel, the utility shall provide information as to the level of employees covered in the last rate order, the current level of employees and the specific basis for requesting recovery of the costs of the new personnel pursuant to K.S.A. 66-1233, and amendments thereto. The manner of recovery of security-related capital expenditures shall be the standard regulatory method of cost recovery for other capital expenditures.

(d) When an application is filed, the utility shall specify the manner in which it seeks to recover the incremental security-related costs. The commission shall review the proposal for reasonableness and efficiency. Amounts approved for recovery through a surcharge shall be identified as line items on customer bills.”;

By renumbering the remaining sections accordingly;

On roll call, the vote was: Yeas 37; Nays 81; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballard, Betts, Campbell, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Kirk, Klein, Larkin, Loganbill, McKinney, J. Miller, Minor, Nichols, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sawyer, Svaty, Swenson, Thimesch, Thull, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Carlin, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Faber, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Krehbiel, Kuether, Landwehr, Light, M. Long, P. Long, Loyd, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O’Malley, O’Neal, Osborne, Ostmeyer, Owens, Patterson, Powell, Reitz, Schwab, Schwartz, S. Sharp, Showalter, Shriver, Siegfried, Sloan, Storm, Tafanelli, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Burroughs, Horst, Kauffman, Neufeld, Powers, B. Sharp, Shultz.

The motion of Rep. Peterson did not prevail, and **HB 2374** be passed as amended.

Committee report to **HB 2205** be adopted; also, on motion of Rep. Campbell be amended on page 2, after line 24 by inserting the following:

“New Sec. 2. As part of the contract or prior to the execution of a contract for the sale of any real property which is subject to a special assessment or fee pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto, the seller of the property shall disclose to the buyer that the property is subject to such special assessment or fee or located in an improvement district created pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto. If the amount of such special assessment or fee is unknown, the seller shall make a good faith estimation of such amount. The seller of the property shall obtain a written acknowledgment from the buyer that the buyer is aware of such assessment or fee or that the property is located in an improvement district created pursuant to K.S.A. 12-6a01 *et seq.*, and amendments thereto.”;

New Sec. 3. As part of the contract or prior to the execution of a contract for the sale of any real property which is subject to a special assessment or fee pursuant to K.S.A. 12-601 *et seq.*, and amendments thereto, the seller of the property shall disclose to the buyer that the property is subject to such special assessment or fee or located in an improvement district created pursuant to K.S.A. 12-601 *et seq.*, and amendments thereto. If the amount of such special assessment or fee is unknown, the seller shall make a good faith estimation of such amount. The seller of the property shall obtain a written acknowledgment from the buyer that the buyer is aware of such assessment or fee or that the property is located in an improvement district created pursuant to K.S.A. 12-601 *et seq.*, and amendments thereto.”;

By renumbering the remaining sections accordingly;

On page 1, in the title, in line 11, by striking “property taxation; con-”; in line 12, by striking all before the semicolon and inserting “special assessments”; and **HB 2205** be passed as amended.

Committee report to **HB 2221** be adopted; and the bill be passed as amended.

Committee report to **HB 2234** be adopted; also, on motion of Rep. Owens to amend, the motion did not prevail and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2039** be adopted; also, roll call was demanded on motion of Rep. Hutchins to amend on page 10, in line 27, by striking "\$10" and inserting "\$100"; in line 34, following "(g)" by inserting "(1)";

On page 11, following line 6, by inserting:

"(2) Ninety dollars from each temporary resident license fee shall be credited to the education classroom enhancement fund pursuant to section 9, and amendments thereto.";

On page 15, following line 7, by inserting the following:

"New Sec. 9. There is hereby established in the state treasury the education classroom enhancement fund. All funds pursuant to subsection (g)(2) of K.S.A. 8-240, and amendments thereto, shall be credited to the education classroom enhancement fund. All moneys received for such fund 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 education classroom enhancement fund. Moneys in such fund shall be disbursed to school districts in the state of Kansas based on such school districts number of pupils regularly enrolled in the district on September 20 of each school year. Moneys in such fund shall be used for any supplies related to teaching in the classroom. Expenditures from the 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 commissioner of education or a person designated by the commissioner.";

And by renumbering the remaining sections accordingly:

On roll call, the vote was: Yeas 38; Nays 79; Present but not voting: 0; Absent or not voting: 8.

Yeas: Barbieri-Lightner, Brunk, Burgess, Campbell, Dahl, Decker, Faber, Freeborn, Goering, Goico, Gordon, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Landwehr, P. Long, McCreary, McLeland, Merrick, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Patterson, Powell, Schwab, Schwartz, Stegfreid, Tafanelli, D. Williams.

Nays: Aurand, Ballard, Ballou, Beggs, Betts, Boyer, Burroughs, Carlin, Carter, Compton, Cox, Craft, Crow, Davis, Dillmore, Dreher, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Huntington, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, McKinney, F. Miller, J. Miller, Minor, Jim Morrison, Neighbor, Nichols, O'Malley, O'Neal, Ostmeyer, Owens, Pauls, Peterson, Phelps, Pottorff, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Showalter, Shriver, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Bethell, DeCastro, Edmonds, Mason, Mays, B. Sharp, S. Sharp, Shultz.

The motion of Rep. Hutchins did not prevail, and **Sub. HB 2039** be passed.

Committee report to **HB 2289** be adopted; also, on motion of Rep. Sloan be amended on page 7, after line 28, by inserting:

"(i) (1) The authority may issue bonds for the purpose of financing facilities for high speed digital service in cooperation with one or more political subdivisions or with one or more political subdivisions in partnership with the private sector. Bonds issued pursuant to this subsection shall be exempt from the provisions of clause (2) of subsection (a). Such financing shall be available on a technologically neutral basis and shall not be used for facilities where there is an existing provider of high speed digital service.

(2) As used in this subsection (i), "high speed digital service" means service which provides upstream, from customer to provider, and downstream, from provider to customer, transmission of digital signals at a rate of at least 200 kilobits per second.

(j) (1) As used in this subsection (j):

(A) "Appurtenances" means all substations, towers, poles and other structures and equipment necessary for the bulk transfer of electricity.

(B) "Electric transmission line" means any line or extension of a line which is at least five miles long and which is used for the bulk transfer of electricity.

(2) The authority may issue revenue bonds in amounts sufficient to pay the following described costs of construction, upgrading and acquisition, including any required interest on the bonds during such construction, upgrading and acquisition, plus all amounts required for the costs of bond issuance and any required reserves on the bonds: (A) Construction or upgrading of electric transmission lines and appurtenances to be used for the transfer of 69 kilovolts or more of electricity; (B) acquisition of the right-of-way on which transmission lines and appurtenances to be used for the transfer of 69 kilovolts or more of electricity are to be constructed; and (C) upgrading of electric transmission lines and appurtenances to be used for the transfer of 69 kilovolts or more of electricity. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from use of the transmission lines.

(3) The provisions of subsection (a) shall not prohibit the issuance of bonds by the authority for the purposes of this subsection and any such issuance of bonds is exempt from the provisions of subsection (a) which would operate to preclude such issuance.”;

By renumbering the remaining subsections accordingly;

In the title, in line 11, before “amending” by inserting “authorizing issuance of bonds for certain purposes;”; and **HB 2289** be passed as amended.

Committee report to **HB 2297** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2307** be adopted; also, on motion of Rep. O’Neal be amended as shown online on the information network of Kansas, on page 2, following line 27, by inserting the following:

“(c) In counties where district magistrate judge positions are eliminated or from which district magistrate judge positions are reassigned, the county commission may elect to retain the position and pay the salary of the current district magistrate judge. Counties may elect to pay the salary of the successor district magistrate judges in accordance with the provisions of K.S.A. 20-310a, and amendments thereto.”;

Also, on motion of Rep. Larkin **Sub. HB 2307** be amended as shown online on the information network of Kansas, on page 1, in line 43, by striking “1,200” and inserting “600”;

On page 2, following line 27, by inserting:

“(c) As used in this section, the yearly average caseload shall not include those cases which are traffic infractions or violations.”;

Also, on motion of Rep. Neufeld **Sub. HB 2307** be amended as shown on line on the information network of Kansas, on page 3, following line 39, by inserting the following:

“New Sec. 7. Notwithstanding any other law to the contrary, if the supreme court determines that, in order to effectively expedite the business of the district court in any judicial district, the district judge position should be eliminated and that an additional position or positions of district magistrate judge should be created in any judicial district, the supreme court shall certify to the secretary of state the elimination of the district judge position and the creation of the additional position or positions of district magistrate judge. If the position or positions are to be created in a judicial district in which the proposition of nonpartisan selection of district court judges has been approved, certification also shall be made to the chairperson of the district judicial nominating commission of the judicial district. When the certification has been made, the position or division shall be deemed created and the judgeship therefor shall be deemed vacant, to be filled in the manner provided by law for filling vacancies in judgeships in the judicial district. If the position or positions are to be created in a judicial district in which the proposition of nonpartisan selection of district court judges has not been approved, the district magistrate judge shall be selected at the next general election held in November by the electors of the county to which such district magistrate judge has been assigned.”;

And renumbering the remaining sections accordingly.;

Also, on motion of Rep. Schwartz **Sub. HB 2307** be amended as shown online on the information network of Kansas, on page 2, following line 27, by inserting:

“(c) As used in this section, the yearly average caseload shall include those cases which are filed pursuant to the Kansas code for the care of children, article 15 of chapter 38 of the K.S.A., and amendments thereto; the Kansas juvenile justice code, article 16 of chapter 38 of the K.S.A., and amendments thereto; and the probate code, chapter 59 of the K.S.A., and amendments thereto.”; and **Sub. HB 2307** be passed as amended.

HB 2391 (see previous action in Committee of the Whole) be passed as amended.

Committee report to **HB 2231** be adopted; and the bill be passed as amended.

Committee report to **HB 2083** be adopted; also, on motion of Rep. Nichols be referred to Committee on Appropriations.

Committee report to **HB 2353** be adopted; also, on motion of Rep. Ruff be amended on page 1, in line 28, by striking "and" and inserting "or"; by further amending on page 4, in line 18, by striking " , but not limited to"; and the bill be passed as amended.

On motion of Rep. Carter to refer **HB 2352** to Committee on Federal and State Affairs, the motion did not prevail, and the bill be passed.

Committee report recommending a substitute bill to **Sub. HB 2294** be adopted; and the substitute bill be passed.

Committee report to **HB 2217** be adopted; also, on motion to recommend the bill favorably for passage, the motion did not prevail.

Committee report to **HB 2254** be adopted; and the bill be passed as amended.

Committee report to **HB 2133** be adopted; and the bill be passed as amended.

Committee report to **HB 2196** be adopted; and the bill be passed as amended.

Committee report to **HB 2293** be adopted; and the bill be passed as amended.

Committee report to **HB 2122** be adopted; and the bill be passed as amended.

Committee report to **HB 2247** be adopted; and the bill be passed as amended.

Committee report to **HB 2233** be adopted; and the bill be passed as amended.

Committee report to **HB 2339** be adopted; also, on motion of Rep. Landwehr be referred to Committee on Appropriations.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were thereupon introduced and read by title:

HB 2419, An act concerning property taxation; relating to exempt property; machinery, equipment, materials and supplies; amending K.S.A. 2002 Supp. 79-201w and repealing the existing section, by Committee on Taxation.

HB 2420, An act enacting the children's internet protection act; prohibiting certain acts and providing remedies for violations, by Committee on Federal and State Affairs.

HOUSE CONCURRENT RESOLUTION No. 5016—

By Committee on Federal and State Affairs

A CONCURRENT RESOLUTION urging the Office of the Attorney General and the Division of Alcoholic Beverage Control of the Department of Revenue to conduct a study and hearings and make recommendations with regard to sale and delivery of wines which are not available for sale in Kansas.

WHEREAS, There are consumers in Kansas who wish to order and receive wines which are not available for sale in this state; and

WHEREAS, Current Kansas law does not allow the purchase and delivery of such wines: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: The Legislature requests the Office of the Attorney General and the Division of Alcoholic Beverage Control of the Department of Revenue to conduct a study of how sales and delivery of wines which are not otherwise available to consumers in Kansas might be best implemented in this state, consistent with current regulation and taxation of such sales and delivery in Kansas; and

Be it further resolved: That the Legislature urges the Office of the Attorney General and the Division of Alcoholic Beverage Control to conduct hearings to receive input from interested parties and the public and to submit a report and recommendations, including any proposed legislation needed to implement such recommendations, to the Legislature at the beginning of the 2004 regular legislative session; and

Be it further resolved: That the Legislature directs the Kansas Legislative Research Department and the Kansas Revisor of Statutes Office to assist the Office of the Attorney General and the Division of Alcoholic Beverage Control in carrying out the study, report and recommendations pursuant to this resolution; and

Be it further resolved: That the Secretary of State provide an enrolled copy of this resolution to the Attorney General and the Director of Alcoholic Beverage Control.

MESSAGE FROM THE SENATE

Announcing passage of **SB 66; Sub. SB 83; SB 131, SB 134, SB 146.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 66; Sub. SB 83; SB 131, SB 134, SB 146.

REPORT ON ENGROSSED BILLS

HB 2016, HB 2212, HB 2288 reported correctly engrossed February 27, 2003.

On motion of Rep. Aurand, the House adjourned until 9:00 a.m., Friday, February 28, 2003.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

