

Journal of the House

FIFTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 2, 2003, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 125 members present.

Prayer by Chaplain Chamberlain:

Almighty God, the majesty of all we can see proclaims your glory and your love, for what other than love could have created light and dark, land and sea, the plants of the soil and the birds of the air and all the living things that walk upon the earth?

Lord, at the completion of each day, you paused to see that the creation was "good," and at the completion of all your work you declared that it was "very good." Give us joy in the completion of all the work that we do. Each day, allow us to receive the blessing of a job well and faithfully accomplished and help us to share our joy and our satisfaction with others.

Help us to remember also that the work is never truly done, that your creative blessing continues in the life that teems about us and that you call us especially to use our energy in a way that calls forth your kingdom on earth as it is in heaven. Amen.

The Pledge of Allegiance was led by Rep. Schwab.

INTRODUCTION OF GUESTS

Rep. Phelps introduced Dr. Richard Rajewski, Hays, who is serving as the Doctor of the Day. He also is the 2003 Family Practice Physician of the Year and was presented a certificate by Rep. D. Johnson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2466; SB 49, SB 252, SB 253.**

Commerce and Labor: **SB 222.**

Corrections and Juvenile Justice: **SB 243.**

Environment: **HR 6021.**

Federal and State Affairs: **SB 254.**

Taxation: **HB 2465.**

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills appearing on the calendar as "To Be Referred," were referred to committees as indicated:

Appropriations: **SB 12, Sub. SB 244, SB 261, SB 265, SB 268.**

Taxation: **Sub. SB 170.**

Select Committee on Pensions: **SB 13.**

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2466** from Committee on Appropriations and referral to Committee of the Whole.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2027** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2037** and has appointed Senators Clark, Brownlee and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2150** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2179** and has appointed Senators Umbarger, Vratil and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2201** and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2212** and has appointed Senators Allen, O'Connor and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2271** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2426** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

Also, announcing rejection of **HB 2231**.

The Senate concurs in House amendments to **SB 134**, and requests return of the bill.

The Senate adopts conference committee report on **HB 2106**.

The President announced the appointment of Senators Vratil, Allen and Goodwin as members of the conference committee on **HB 2121** to replace Senators Morris, Adkins and Feleciano.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Loyd, the House concurred in Senate amendments to **HB 2015**. An act concerning juvenile offenders; relating to the Kansas juvenile justice code; relating to modification of sentence; also relating to confidential information of a treatment facility patient; relating to information given to the juvenile justice authority; amending K.S.A. 38-1609, 38-1665 and 65-5603 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

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, 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: None.

On motion of Rep. Loyd, the House concurred in Senate amendments to **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.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 113; Nays 12; Present but not voting: 0; Absent or not voting: 0.

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

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. D. Johnson, the House concurred in Senate amendments to **Sub. HB 2036**, An act concerning petroleum products; relating to diesel fuel; misrepresentations regarding biodiesel; penalties; fuel purchases for state motor vehicles; amending K.S.A. 2002 Supp. 55-443 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 2; Present but not voting: 0; Absent or not voting: 0.

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, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Nichols, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: F. Miller, Siegfried.

Present but not voting: None.

Absent or not voting: None.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. O'Neal, Patterson and Pauls as members of the conference committee on **HB 2308** to replace Reps. Loyd, Owens and Ward.

Also, the appointment of Reps. O'Neal, Patterson and Pauls as members of the conference committee on **SB 64** to replace Reps. Loyd, Owens and Ward.

Also, the appointment of Rep. Sawyer as a member of the conference committee on **SB 102** to replace Rep. Wilson.

Also, the appointment of Rep. Sawyer as a member of the conference committee on **SB 103** to replace Rep. Wilson.

Also, the appointment of Rep. Sawyer as a member of the conference committee on **HB 2288** to replace Rep. Wilson.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 191**; **HB 2237** be passed over and retain a place on the calendar. Committee report to **HB 2067** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 250** be adopted; also, on motion of Rep. Ballou be amended on page 4, in line 4, by striking "over a three-year period"; in line 6, following the period by inserting "As used in this subsection, "exceptional enrollment growth" means a yearly average of a 3.5% increase in full time equivalent enrollment over a three-year period or an increase of at least 200 full time pupils per year over a three-year period.";

Also, on motion of Rep. Neufeld **H. Sub. for SB 250** be amended on page 3, in line 29, by striking "joint committee on state building construction" and inserting "state building advisory commission, created pursuant to K.S.A. 75-3780, and amendments thereto"; in line 36, by striking "committee" and inserting "commission";

On page 4, in line 1, by striking "joint committee on state building construction" and inserting "state building advisory commission"; in line 6, by striking "committee" and inserting "commission";

Also, on motion to recommend **H. Sub. for SB 250** favorably for passage, the motion did not prevail (see further action, this Committee of the Whole report).

Committee report recommending a substitute bill to **H. Sub. for SB 251** be adopted; also, on motion of Rep. Neufeld be amended on page 3, in line 3, by striking "(1)"; by striking all in lines 16 through 32; and **H. Sub. for SB 251** be passed as amended.

Having voted on the prevailing side, Rep. Carter moved that the Committee of the Whole reconsider its adverse action in not recommending **H. Sub. for SB 250** favorably for passage (see previous action, this Committee of the Whole report). The motion prevailed.

The question then reverted back to the motion to recommend **H. Sub. for SB 250** favorably for passage. The motion prevailed and the substitute bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 2461** be amended on page 1, in line 22, by striking "550.00" and inserting "650.00"; and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Ballou announced the withdrawal of **SB 222** from Committee on Commerce and Labor and referral to Committee on Economic Development.

CHANGE OF CONFEREES

Speaker pro tem Ballou announced the appointment of Rep. Toelkes as a member of the conference committee on **SB 109** to replace Rep. Gilbert.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6022—

By Representative Hutchins and Flora

A RESOLUTION recognizing the centennial anniversary of the commemoration of Constitution Hall-Topeka, presented July 4, 1903, by the Topeka Chapter of the Daughters of the American Revolution and dedicated by Miss Zu Adams, who was the daughter of

Franklin G. Adams, the first executive secretary of Kansas State Historical Society, and its long-time key employee.

WHEREAS, Constitution Hall-Topeka, the vernacular style commercial building presently addressed 427-429 S. Kansas Avenue in Topeka, Kansas, served as the capitol of the free state territorial government from 1855 until 1861, and the Kansas state government from 1863 to 1869; and

WHEREAS, The free state legislature assembled on July 4, 1856, at this building to consider a constitution that would provide that "there shall be no slavery in this state"; and

WHEREAS, The 1998 Kansas Legislature recognized this building as historically significant in the nation and state by granting \$100,000 in funds for its immediate acquisition, and Friends of the Free State Capitol, a 501 (c)(3) not-for-profit corporation, acquired the building, prevented its demolition and progressed in steps toward its preservation and restoration; and

WHEREAS, The National Park Service Network to Freedom registered the building in May, 2001, for its use as an underground railroad station on the Lane trail to freedom; and

WHEREAS, A stated objective of the Daughters of the American Revolution, Washington D.C., through which its Topeka Chapter was organized in Kansas in January 1896, is, "To cherish, maintain, and extend institutions of American freedom, to foster true patriotism and love of country, and to aid in securing for mankind all the blessings of liberty"; and

WHEREAS, One hundred years ago this July 4, 2003, a bronze commemorative tablet was given by the Topeka Chapter of the Daughters of the American Revolution "...to carry out the design and spirit of the national society by aiding in the preservation of that which is most worthy and important in our own state." Zu Adams placed this tablet in the sidewalk in front of 429 S. Kansas Avenue to mark the historic building's location, on which tablet was inscribed:

CONSTITUTION HALL
WHERE THE TOPEKA CONSTITUTIONAL CONVENTION
MET IN 1855
AND THE
TOPEKA LEGISLATURE WAS DISPERSED
BY COL. E.V. SUMNER
JULY 4, 1856
USED AS STATE CAPITOL, 1864-1869
PLACED HERE BY THE DAUGHTERS OF THE AMERICAN REVOLUTION,
JULY 4, 1903

Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we recognize and join in celebrating the July 4, 2003, centennial of the commemoration of Constitution Hall; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to transmit an enrolled copy of this resolution to: Mary Hoyt, Topeka Chapter, DAR, 5815 SW 25th, Topeka, KS 66614; Greg Allen, Friends of the Free State Capitol, P.O. Box 2551, Topeka, KS 66601; Diane Miller, National Director, National Park Service Network To Freedom, 1709 Jackson St., Omaha, NE; Mary R. Allman, Executive Director, Kansas State Historical Society, 642 S.W. 6th Avenue, Topeka, KS 66605; Harry "Butch" Felker, Mayor, City of Topeka, 215 S.E. 7th, Topeka, KS and to each member of the Kansas congressional delegation.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2205** and asked for a conference.

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

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2135**. An act relating to roads and highways; concerning county roads; making certain designations;

amending K.S.A. 68-124 and 68-1029 and repealing the existing sections; also repealing K.S.A. 68-137, 68-138, 68-151b, 68-151c, 68-151d, 68-151e, 68-151k, 68-151l, 68-159, 68-160 and 68-166.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 0; Absent or not voting: 2.

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, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, 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, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, 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: Feuerborn, Howell, Huebert, Kassebaum, Powell, Powers, Ward.

Present but not voting: None.

Absent or not voting: Holland, Nichols.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2150**, An act concerning townships; relating to traffic control devices; amending K.S.A. 8-2005 and 68-526 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, 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, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holland, Nichols.

On motion of Rep. Vickrey, the House concurred in Senate amendments to **HB 2003**, An act concerning certain rural water districts; providing procedures for acquisition of such districts' water supply and distribution systems by certain municipalities.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, 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, McKin-

ney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holland, Nichols.

On motion of Rep. Vickrey, the House concurred in Senate amendments to **HB 2122**, An act concerning abandoned property; relating to the rehabilitation thereof; amending K.S.A. 12-1750, 12-1756a, 12-1756b and 12-1756e and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, 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, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Holland, Nichols.

On motion of Rep. Sloan, the House concurred in Senate amendments to **HB 2009**, An act concerning the state board of regents; relating to certain fees imposed thereby; amending K.S.A. 72-4530 and 75-4938 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Boyer, 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, Henderson, Henry, Hill, Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Kirk, Krehbiel, Kuether, Larkin, Light, Loganbill, M. Long, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Brunk, Faber, Howell, Huy, Klein, Landwehr, P. Long, Neufeld, Powers, Vickrey.

Present but not voting: None.

Absent or not voting: Holland, Nichols.

On motion of Rep. Pottorff, the House concurred in Senate amendments to **HB 2426**, An act concerning capital improvements for state agencies; making and concerning appropriations for the fiscal years ending June 30, 2004, and June 30, 2005, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain re-

strictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2002 Supp. 76-6b05 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 86; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Betts, Burroughs, Carter, Compton, Cox, Craft, Crow, Dahl, DeCastro, Decker, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hill, Holmes, Horst, Huff, Humerickhouse, Hutchins, D. Johnson, E. Johnson, Kassebaum, Kirk, Klein, Kuether, Larkin, Light, Loganbill, M. Long, Mason, Mays, McKinney, J. Miller, Minor, Jim Morrison, Neighbor, Neufeld, Nichols, Novascone, O'Malley, Osborne, Ostmeyer, Peterson, Phelps, Pottorff, Powell, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwartz, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson, Winn, Yonally.

Nays: Boyer, Brunk, Burgess, Campbell, Carlin, Davis, Dillmore, Edmonds, Faber, Goering, Goico, Howell, Huebert, Huntington, Huy, Jack, Kauffman, Krehbiel, Landwehr, P. Long, Loyd, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Myers, Newton, O'Neal, Owens, Patterson, Pauls, Powers, Schwab, Tafanelli, Wilk, D. Williams, Yoder.

Present but not voting: None.

Absent or not voting: Holland.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2426**. I am supportive of many of the provisions of **HB 2426**, especially those dealing with capital expenditures at the University of Kansas. However, I vote no because the Senate deleted important Judicial Branch appropriations needed for expansion of the Kansas Court of Appeals. —PAUL DAVIS

On motion of Rep. Barbieri-Lightner, the House concurred in Senate amendments to **HB 2071**, An act concerning insurance; relating to group health policies; relating to the use of credit scores in issuing certain policies; amending K.S.A. 2002 Supp. 40-2258 and repealing the existing section.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 100; Nays 24; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Aurand, Burroughs, Campbell, Crow, Flaharty, Flora, Henderson, Henry, Howell, Klein, Kuether, Loganbill, M. Long, Nichols, Phelps, Reardon, Rehorn, B. Sharp, Shriver, Svaty, Swenson, Thimesch, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Holland.

EXPLANATION OF VOTE

MR. SPEAKER: A no vote on the motion to concur on **HB 2071** (insurance credit scoring) was a procedural vote and would have sent the bill back to conference committee. **HB 2071** in its present form offers very little protection for consumers and deserves further study. I will support a bill that truly restricts credit scoring, unfortunately **HB 2071** is not that bill. Kansas should demand an end to a practice that allows the insurance industry to keep im-

portant information secret, costing consumers additional dollars in premiums.—BONNIE SHARP, VAUGHN L. FLORA, RICK REHORN, RUBY GILBERT, DAN THIMESCH, BILL REARDON, R.J., WILSON, ROCKY NICHOLS, MARTI CROW, ANNIE KUETHER, EBER PHELPS.

On motion of Rep. Barbieri-Lightner, the House concurred in Senate amendments to **HB 2233**, An act enacting the uniform prescription drug information card act.

(The House requested the Senate to return the bill, which was in conference).

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, 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, 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: Holland.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Rep. Svaty as a member of the conference committee on **HB 2247** to replace Rep. Flora.

REPORT ON ENGROSSED BILLS

HB 2444 reported correctly engrossed March 31, 2003.

REPORT ON ENROLLED BILLS

Sub. HB 2064; **HB 2073**, **HB 2169**, **HB 2214**, **HB 2220** reported correctly enrolled, properly signed and presented to the governor on March 31, 2003.

REPORT ON ENROLLED RESOLUTIONS

HCR 5008 reported correctly enrolled and properly signed on March 31, 2003.

Also, **HR 6016** reported correctly enrolled and properly signed on April 1, 2003.

Also, **HCR 5021** reported correctly enrolled and properly signed on April 2, 2003.

On motion of Rep. Aurand, the House adjourned until 10:00 a.m., Thursday, April 3, 2003.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

