

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, April 29, 2004, 11:00 a.m.

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

The roll was called with 124 members present.

Rep. Faber was excused on excused absence by the Speaker.

Present later: Rep. D. Williams was excused later in the day on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Kent Duncan, pastor, Jefferson Assembly of God, Meriden, and guest of Rep. Tafanelli:

It is a great honor for me to stand before this body today and invoke God's blessing. It is our greatest honor to come before God and request His blessing. Let us pray.

Heavenly Father, You are God Almighty . . . Creator of Heaven and Earth . . . Sustainer of all things . . . Redeemer of all humanity through Jesus Christ your Son. We approach you today in humility . . . and in hunger.

Hunger that we might live under your blessing. Hunger that we might receive your wisdom. Hungry that we — indeed, that this great state — would both honor You . . . and be honored by You.

Therefore I pray that you would bless this legislative body. Bless them corporately — in their common pursuit of the very best for your people. Grant that creativity, insight and wisdom — all that they need — might flow from heaven today. And bless them personally, as well — their homes and families — the lives of those they love and seek to serve.

Father, may these moments . . . this day — indeed, our very lives — be submitted to Your plan and purpose . . . serve the advance of your kingdom . . . and result in great glory for Your Name. I pray this in the name of Jesus my Lord, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2949, An act reconciling amendments to certain statutes; amending K.S.A. 2003 Supp. 8-170, 22-2401a, 72-6431, 74-4811f, 74-5602, 74-8017, 79-213, 79-3271, 79-3425c, K.S.A. 2003 Supp. 2-1205, as amended by section 1 of 2004 House Bill No. 2622, K.S.A. 8-1102, as amended by section 1 of 2004 Substitute for Senate Bill No. 380, K.S.A. 2003 Supp. 19-101a, as amended by section 20 of 2004 House Substitute for Substitute for Senate Bill No. 153, K.S.A. 2003 Supp. 58-3062, as amended by section 1 of 2004 Senate Bill No. 534, K.S.A. 2003 Supp. 60-2001, as amended by section 6 of 2004 House Bill No. 2293, K.S.A. 65-468, as amended by section 1 of 2004 House Bill No. 2760, K.S.A. 2003 Supp. 65-2891, as amended by section 5 of 2004 House Bill No. 2813, K.S.A. 2003 Supp. 83-302, as amended by section 20 of 2004 House Bill No. 2622, and K.S.A. 2003 Supp. 83-402, as amended by section 21 of 2004 House Bill No. 2622, and repealing the existing sections;

also repealing K.S.A. 2003 Supp. 8-170a, 72-6431b, 72-6431c, 74-4911h, 74-8017a, 79-201y, 79-213c, 79-2977a, 79-3271a, 79-3271b, K.S.A. 2003 Supp. 2-1205, as amended by section 188 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 2-2906, as amended by section 57 of 2004 Senate Bill No. 524, K.S.A. 8-1102, as amended by section 1 of 2004 House Bill No. 2633, K.S.A. 2003 Supp. 19-101a, as amended by section 5 of 2004 Senate Bill No. 461, K.S.A. 2003 Supp. 22-2401a, as amended by section 1 of 2004 House Substitute for Senate Bill No. 9, K.S.A. 2003 Supp. 22-2401a, as amended by section 6 of 2004 House Substitute for Senate Bill No. 136, K.S.A. 2003 Supp. 58-3062, as amended by section 3 of 2004 Senate Bill No. 404, K.S.A. 2003 Supp. 60-2001, as amended by section 5 of 2004 Senate Bill No. 297, K.S.A. 65-468, as amended by section 3 of 2004 House Bill No. 2813, K.S.A. 2003 Supp. 65-2891, as amended by section 11 of 2004 House Bill No. 2737, K.S.A. 2003 Supp. 74-5602, as amended by section 8 of 2004 House Substitute for Senate Bill No. 136, K.S.A. 2003 Supp. 74-5602, as amended by section 1 of 2004 Senate Bill No. 400, K.S.A. 2003 Supp. 79-3425c, as amended by section 174 of 2004 House Bill No. 2675, K.S.A. 2003 Supp. 79-3425c, as amended by section 134 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 79-34,147, as amended by section 176 of 2004 House Bill No. 2675, K.S.A. 82a-734, as amended by section 145 of 2004 Senate Bill No. 524, K.S.A. 2003 Supp. 83-302, as amended by section 186 of 2004 Senate Bill No. 524, and K.S.A. 2003 Supp. 83-402, as amended by section 187 of 2004 Senate Bill No. 524, by Committee on Appropriations.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committee as indicated:

Appropriations: **HB 2947**, **HB 2948**.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 304**.

The Senate adopts conference committee report on **HB 2347**.

The Senate adopts conference committee report on **HB 2549**.

The Senate adopts conference committee report on **HB 2597**.

The Senate adopts conference committee report on **HB 2695**.

The Senate adopts conference committee report on **HB 2712**.

The Senate adopts the conference committee report to agree to disagree on **HB 2880** and has appointed Senators Vratil, Schmidt and Goodwin as third conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2067** and has appointed Senators Morris, Adkins and Downey as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6034—

By Representative Shriver

A RESOLUTION requesting the United States Department of Agriculture to take certain actions to assist in opening foreign markets to trade following the finding of bovine spongiform encephalitis (BSE) in Canadian cattle brought into the United States.

WHEREAS, An incidence of BSE has been discovered in an American cattle herd causing certain export markets to cease buying American beef; and

WHEREAS, The United States Department of Agriculture's Animal and Plant Health Inspection Service is the only authorized source for testing for BSE and is resisting 100% testing as an unnecessary expense that does not make our beef safer; and

WHEREAS, Creekstone Farms, a Kansas meatpacker which exports about 25% of its beef products, desires to test its beef for BSE, including a rapid test which provides results in 24 to 36 hours. The Department of Agriculture has indicated it could take a year before testing could begin: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the United States Department of Agriculture (USDA): (a) Is requested to recognize a reliable, rapid

BSE test used in foreign markets such as Japan and many European nations; (b) use the rapid BSE test as a first detection for companies wanting to answer customer demands and to open foreign markets; (c) support United States Representative Todd Tiahart in his efforts to help Creekstone Premium Beef of Arkansas City, Kansas, house a laboratory to provide testing of BSE at the Arkansas City facility; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the United States Department of Agriculture and to each member of the Kansas legislative delegation.

HOUSE RESOLUTION No. 6035—

By Representatives Mays, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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 and Yonally

A RESOLUTION congratulating and commending John Lesley Petterson.

WHEREAS, John Petterson, the Kansas capitol reporter for the Kansas City Star, is retiring at the end of June, 2004, and this will be his final legislative session to cover; and

WHEREAS, Mr. Petterson's work history encompasses nearly four decades of reporting the news at the Kansas statehouse. From 1962 to 1967 he was a reporter for the Topeka Capital-Journal, including coverage of the 1967 legislative session. From 1967 to 1983 he was the capitol reporter for the Wichita Eagle and Beacon and commenced in 1983 as the capitol reporter for the Kansas City Times and the Kansas City Star. He has reported on 37 legislative sessions through the administrations of seven governors: Robert Docking, Robert Bennett, John Carlin, Mike Hayden, Joan Finney, Bill Graves and Kathleen Sebelius; and

WHEREAS, John followed his father, C. J. "Jim" Petterson, in the newspaper business. His father was a statehouse reporter for the Associated Press, the Wichita Beacon and the Topeka Daily Capital and the Topeka State Journal; and

WHEREAS, John Petterson was born January 21, 1939, in Oklahoma City, Oklahoma. He is a graduate of Topeka High School and Kansas State University where he earned a bachelor's degree in journalism. He married Helen Lowrey in 1983; she is now retired and volunteers at the Topeka and Shawnee County Public Library. His son, Jim, is the communications director for The Nature Conservancy, his son, Jeff, is program director for V-100, a Topeka radio station and his stepson, Robert Owen, is conducting post-doctoral research at the University of Michigan. He has two grandchildren, Caroline Petterson, 3, and John Alexander "Jack" Petterson, 2; and

WHEREAS, John's retirement plans include backpacking with annual treks to Colorado and Utah with the Prairie Packers. He enjoys working with ceramics and a potter's wheel and hopes to monitor art classes at Washburn University in his retirement. He and his wife plan to travel extensively, beginning this summer with an extended trip to Alaska; and

WHEREAS, Mr. Petterson has enjoyed the confidence of a myriad of legislators and officials in the executive branch of government. His articles regarding pending legislation have been widely read and recognized for their insight and completeness: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend John Lesley Petterson for four decades of professional service

to the media and to the citizens of Kansas who have relied on his writings. We wish him well in his future activities; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to John Petterson, Kansas City Star office, statehouse.

HOUSE RESOLUTION No. 6036—

By Representatives Mays, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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 and Yonally

A RESOLUTION congratulating and commending Dr. William G. Wolff.

WHEREAS, William G. (Bill) Wolff will retire on June 5, 2004, after serving nearly 30 years in the Kansas Legislative Research Department, including eight years as Associate Director of the Department; and

WHEREAS, William G. (Bill) Wolff commenced working for the Kansas Legislative Research Department in 1974 as a Research Aide, and because of his outstanding analytical and research skills was promoted to Research Assistant in 1975, Research Analyst in 1977, Principal Analyst in 1979 and Associate Director in 1996; and

WHEREAS, William G. (Bill) Wolff was known throughout the legislature for his years of working with the insurance, banking, claims, health and rules and regulations committees; and in these areas he worked with a wide variety of issues such as claims involving inmates stealing from each other and lost lottery tickets; and through his service to committees he worked with various commissioners of insurance, secretaries of state and state banking commissioners; and

WHEREAS, William G. (Bill) Wolff was the consummate professional who mentored college interns during the legislative sessions. He was a member of the state general fund consensus revenue estimating group, and served in that capacity with distinction and honor; and

WHEREAS, William G. (Bill) Wolff earned a bachelor's degree in social science from Buena Vista College, Storm Lake, Iowa; a master's degree in history from Southern Illinois University, Carbondale, Illinois; and a doctorate in history from Southern Illinois University, Carbondale, Illinois; and

WHEREAS, William G. (Bill) Wolff is married to Dr. Luella Wolff; and

WHEREAS, William G. (Bill) Wolff is an ordained deacon in the Episcopal Church in the United States of America and a mentor of education for ministry, an extension course of theological study offered through the University of the South's School of Theology, Sewanee, Tennessee. He also teaches in the school of ministry in the Episcopal Diocese of Kansas and intends to become an ordained priest by attending Virginia Theological Seminary in Alexandria, Virginia: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Dr. William G. Wolff for giving nearly 30 years of devoted service to the state of Kansas and for the legacy of professional excellence he leaves after his many years with the Kansas Legislative Research Department; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to William G. Wolff, Kansas Legislative Research

Department, Room 545-N, Statehouse, Topeka, Kansas 66612; and Leo Wolff, 313 Oneida, Storm Lake, Iowa 50588.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

The motion of Rep. Flora, in accordance with House Rule 1503 (b), that **H. Sub. for SB 222** be changed to the first measure under the order of business General Orders and that Joint Rule 4 (k) be suspended for the purpose of considering the bill, was considered.

Roll call was demanded.

On roll call, the vote was: Yeas 51; Nays 72; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Boyer, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Holland, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, McCreary, McKinney, J. Miller, Minor, Neighbor, O'Malley, Patterson, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilson, Winn.

Nays: Aurand, Ballou, Barbieri-Lightner, Beggs, Bethell, Brunk, Burgess, Carter, Compton, Cox, Craft, Dahl, DeCastro, Decker, Dreher, Edmonds, Freeborn, Goering, Goico, Gordon, Hayzlett, Hill, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kassebaum, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Loyd, Mason, Mays, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeier, Owens, Pottorff, Powell, Powers, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Tafanelli, Vickrey, Wilk, D. Williams, J. Williams, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Campbell, Faber.

The motion of Rep. Flora did not prevail, and **H. Sub. for SB 222** remains on the calendar.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Aurand, in accordance with House Rule 2311, that House Rule 3905 be suspended for the purpose of considering **H. Sub. for SB 536**. The motion prevailed.

Committee report recommending a substitute bill to **H. Sub. for SB 536** be adopted; also, roll call was demanded on motion of Rep. Siegfried to amend on page 13, in line 20, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 30, by adding \$150,000 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On roll call, the vote was: Yeas 57; Nays 66; Present but not voting: 0; Absent or not voting: 2.

Yeas: Barbieri-Lightner, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Edmonds, Goering, Goico, Gordon, Henderson, Horst, Howell, Huff, Huntington, Huy, Jack, E. Johnson, Kauffman, Krehbiel, Loganbill, M. Long, Long-Mast, Loyd, Mays, Merrick, F. Miller, Judy Morrison, Neighbor, Newton, Novascone, O'Malley, O'Neal, Osborne, Owens, Patterson, Pauls, Powell, Reardon, Rehorn, Reitz, Sawyer, Schwab, B. Sharp, S. Sharp, Siegfried, Sloan, Storm, Swenson, Tafanelli, Wilk, D. Williams, Winn, Yoder, Yonally.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Grant, Hayzlett, Henry, Hill, Holland, Holmes, Huebert, Humerickhouse, Hutchins, D. Johnson, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Light, Mason, McCreary, McKinney, McLeland, J. Miller, Minor, Jim Morrison, Myers,

Neufeld, Ostmeyer, Phelps, Pottorff, Powers, Ruff, Schwartz, Scoggins-Waite, Showalter, Shriver, Shultz, Svaty, Thimesch, Thull, Toelkes, Vickrey, Ward, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Faber, Landwehr.

The motion of Rep. Siegfried did not prevail.

Also, on motion of Rep. Sloan, **H. Sub. for SB 536** be amended on page 9, in line 26, by striking "\$250,000" and inserting "\$49,190";

Also, on motion of Rep. Jim Morrison, **H. Sub. for SB 536** be amended on page 9, by striking all in lines 7 through 19, and inserting the following:

“Provided, That the state board of regents shall make expenditures from the technical college and school grant account for grants to technical schools and colleges which are identified by the state board of regents as pursuing accreditation from the North Central Association of Colleges and Schools.”;

Also, on motion of Rep. O’Neal, **H. Sub. for SB 536** be amended on page 25, after line 38, by inserting the following:

“(i) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Reimbursement for annual licenses issued to national guard members	
For the fiscal year ending June 30, 2005.....	\$60,000

Provided, That the secretary of wildlife and parks shall certify to the director of accounts and reports on a quarterly basis an amount to transfer from this account to the wildlife fee fund in order to reimburse the costs of annual hunting and annual fishing licenses issued to national guard members.

Reimbursement for annual park permits issued to national guard members	
For the fiscal year ending June 30, 2005.....	\$206,000

Provided, That the secretary of wildlife and parks shall certify to the director of accounts and reports on a quarterly basis an amount to transfer from this account to the parks fee fund in order to reimburse the costs of annual park permits issued to national guard members.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Sawyer, **H. Sub. for SB 536** be amended on page 15, after line 20, by inserting the following:

*“(h) On and after the effective date of this act, no moneys appropriated from the state general fund or from any special revenue fund for the above agency for the fiscal years ending June 30, 2004, or June 30, 2005, by this act or any other appropriations act of the 2003 or 2004 regular sessions of the legislature, shall be expended by the above agency for the closure of any polling place in this state unless prior to such closing permission to make such closure has been obtained by the county election officer and the secretary of state from the board of county commissioners of the county in which such polling place is located: *Provided, That the secretary of state shall submit a report to the legislative budget committee on July 15, 2004, for the state primary election and on October 15, 2004, for the state general election listing the polling places and locations thereof closed for the July 15, 2004, report subsequent to January 1, 2004, and for the October 15, 2004, report subsequent to July 15, 2004, and the reasons for such closure.”;**

Also, rose and reported progress (see further action, Committee of the Whole, Afternoon Session).

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2947, HB 2948** be passed.

On motion of Rep. Aurand, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Ballou, **HR 6035**, by Reps. Mays, Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faber, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, Loyd, Mason, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, 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 and Yonally, as follows, was introduced and adopted:

John Petterson was recognized by Rep. Ballou and then addressed a few remarks to the members of the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2950, An act concerning children; creating the Kansas oversight committee on child deaths; membership and duties thereof; duties of the state child death review board; investigations by the attorney general; amending K.S.A. 22a-243, 22a-244, 38-1508 and 38-1523 and K.S.A. 2003 Supp. 22-3101, 22a-242, 38-1507, 38-1522 and 75-4319 and repealing the existing sections, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 305**.

Announcing passage of **HB 2571**.

Announcing passage of **HB 2471**, as amended by **S. Sub. for HB 2471; HB 2939**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 305.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **H. Sub. for SB 536** (see Committee of the Whole, Morning Session); also, roll call was demanded on motion of Rep. Loyd to amend on page 12, after line 11, by inserting the following:

“(i) (1) Notwithstanding any provision of law to the contrary and for the purpose of tuition and fees for attendance at a postsecondary educational institution, any individual who is enrolled or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of Kansas: *Provided*, That as used in this subsection: (a) “Postsecondary educational institution” has the meaning ascribed thereto in K.S.A. 74-3201b, and amendments thereto; and (b) “individual” means a person who (i) has attended an accredited Kansas high school for three or more years, (ii) has either graduated from an accredited Kansas high school or has earned a general educational development (GED) certificate issued within Kansas, regardless of whether the person is or is not a citizen of the United States of America; and (iii) in the case of a person without lawful immigration status, has filed with the postsecondary educational institution an affi-

davit stating that the person or the person's parents have filed an application to legalize such person's immigration status, or such person will file such an application as soon as such person is eligible to do so or, in the case of a person with a legal, nonpermanent immigration status, has filed with the postsecondary educational institution an affidavit stating that such person has filed an application to begin the process for citizenship of the United States or will file such application as soon as such person is eligible to do so: *Provided further*, That the provisions of this subsection shall not apply to any individual who: (a) Has a valid student visa; or (b) at the time of enrollment, is eligible to enroll in a public postsecondary educational institution located in another state upon payment of fees and tuition required of residents of such state: *And provided further*, That any individual who: (a) Files an affidavit which contains false information; (b) fails to file an application to legalize such person's immigration status within one year of becoming eligible; (c) fails to begin the process for citizenship within one year of becoming eligible; or (d) fails to maintain an active application for citizenship after filing therefor shall not be deemed a resident of the state of Kansas for the purpose of tuition and fees: *And provided further*, That in addition, such individual shall be required to repay the difference between the amount of fees and tuition actually paid and the amount such person would have paid as a nonresident of the state of Kansas, plus interest at a rate not to exceed the maximum under K.S.A. 16-201, and amendments thereto, for the time such individual was enrolled as a resident pursuant to this subsection.”;

On roll call, the vote was: Yeas 70; Nays 53; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barbieri-Lightner, Beggs, Boyer, Burroughs, Campbell, Carlin, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Goico, Grant, Henderson, Henry, Hill, Horst, Huff, Huntington, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Neighbor, O'Malley, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Thimesch, Thull, Toelkes, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Aurand, Ballou, Bethell, Brunk, Burgess, Carter, Compton, Dahl, Decker, Edmonds, Freeborn, Goering, Gordon, Hayzlett, Holland, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Jack, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Light, Long-Mast, Mason, Mays, McCreary, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostneyer, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Swenson, Tafanelli, Vickrey, Yoder.

Present but not voting: None.

Absent or not voting: DeCastro, Faber.

The motion of Rep. Loyd prevailed.

Also, on motion of Rep. Hayzlett, **H. Sub. for SB 536** be amended on page 15, following line 29, by inserting the following subsection to read as follows:

“(b) In addition to the other purposes for which expenditures may be made by the state corporation commission from the moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2005, as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the state corporation commission from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005, notwithstanding the provisions of any other statute to the contrary, to provide that, ground water well drilling rigs, as defined by 49 C.F.R. 395.2, are hereby exempt under the provisions of K.S.A. 66-1,109, and amendments thereto.”;

Also, on motion of Rep. Wilk to amend **H. Sub. for SB 536**, the motion did not prevail. Also, on motion of Rep. Barbieri-Lightner to amend, the motion did not prevail.

Also, on motion of Rep. Schwartz, **H. Sub. for SB 536** be amended on page 30, after line 39, by inserting the following:

“Sec. 38.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas military emergency relief fund	
For the fiscal year ending June 30, 2005.....	\$50,000

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest—free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and army reserve members during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies.

(b) On July 1, 2004, the director of accounts and reports shall transfer \$50,000 from the state general fund to the Kansas military emergency relief fund of the adjutant general.”;

And by renumbering sections accordingly;

Also, on further motion of Rep. Schwartz to amend **H. Sub. for SB 536**, the motion did not prevail.

Also, on motion of Rep. Holland, **H. Sub. for SB 536** be amended on page 19, following line 8, by inserting the following material to read as follows:

“(o) During the fiscal years ending June 30, 2004, and June 30, 2005, notwithstanding the provisions of any other statute, no expenditures shall be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2004 or fiscal year 2005 to make any contract for the customer service program relating to the electronic benefit transfer portion of the food stamp vision card program with any contractor or vendor who performs, or subcontracts or otherwise procures the services or work contracted for, at a location outside of the United States of America: *Provided*, That each contractor or vendor submitting a bid to contract to provide services or work for the department of social and rehabilitation services shall certify that the services or work covered by the bid or contract will be performed at a location in the United States: *Provided further*, That no expenditures shall be made under any such contract upon a finding that the contractor or vendor, or any subcontractor thereof, during the term of the contract shifts services or work on any such contract to a location outside of the United States of America and the contract shall be terminated for noncompliance: *And provided further*, That any such contract shall contain a provision which allows for the employment of qualified TAF recipients to provide services under such contract.”;

And by redesignating subsections accordingly;

Also, roll call was demanded on motion of Rep. Long-Mast to amend **H. Sub. for SB 536** on page 13, in line 20, by adding \$23,344 to the dollar amount and by adjusting the dollar amount in line 20 accordingly; in line 30, by adding \$23,344 to the dollar amount and by adjusting the dollar amount in line 30 accordingly;

On page 30, after line 39, by inserting the following:

“Sec. 38. On July 1, 2004, notwithstanding any provision of law to the contrary, the director of accounts and reports shall transfer \$46,688 from the healing arts fee fund of the board of healing arts to the state general fund: *Provided*, That the amount transferred from the healing arts fee fund to the state general fund pursuant to this section shall be to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 59; Nays 64; Present but not voting: 0; Absent or not voting: 2.

Yeas: Barbieri-Lightner, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Dahl, DeCastro, Decker, Freeborn, Goering, Goico, Gordon, Hayzlett, Henderson, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, E. Johnson, Kauffman, Landwehr, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Patterson, Powell, Powers, Reardon, Schwab, Showalter, Shultz, Siegfried, Storm, Tafanelli, Vickrey, D. Williams, Winn.

Nays: Aurand, Ballard, Ballou, Beggs, Bethell, Cox, Craft, Crow, Davis, Dillmore, Dreher, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henry, Hill, Holland, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, Loyd, J. Miller, Minor, Neighbor, O'Malley, O'Neal, Owens, Pauls, Phelps, Pottorff, Rehorn, Reitz, Ruff, Sawyer, Schwartz, Scoggins-Waite, B. Sharp, S. Sharp, Shriver, Sloan, Svaty, Swenson, Thimesch, Thull, Toelkes, Ward, Wilk, J. Williams, Wilson, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Faber, Klein.

The motion of Rep. Long-Mast did not prevail.

Also, roll call was demanded on motion of Rep. McCreary to amend **H. Sub. for SB 536** on page 30, following line 39, by inserting the following section to read as follows:

"Sec. 38. (a) Except as provided in subsection (c) or subsection (d), on July 1, 2004, of the amount of each appropriation or reappropriation from the state general fund for a state agency for the fiscal year ending June 30, 2005, made by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, the amount certified by the director of the budget and the director of the legislative research department to the director of accounts and reports for such appropriation or reappropriation pursuant to subsection (b) or subsection (d) is hereby lapsed.

(b) On or before July 1, 2004, the director of the budget and the director of the legislative research department shall jointly determine and certify to the director of accounts and reports the amount to be lapsed from each appropriation or reappropriation from the state general fund for the fiscal year ending June 30, 2005, made by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature in accordance with this section. Except as otherwise provided in subsection (d), each amount to be lapsed shall be determined by applying the percentage determined by calculating the uniform percentage to be applied to all appropriations and reappropriations for state agencies from the state general fund for fiscal year 2005 which are subject to subsection (a), after factoring any in any lapse in state aid prescribed by subsection (d), in order to fully offset the additional state aid for public schools. Each amount to be lapsed shall be equal to the result obtained by multiplying the percentage so determined to the amount appropriated or reappropriated from the state general fund for fiscal year 2005, which is subject to subsection (a).

(c) The following shall not be subject to the provisions of subsection (a):

(1) Any item of appropriation or reappropriation from the state general fund for fiscal year 2005 for debt service for payments pursuant to contractual bond obligations; and

(2) any item of appropriation or reappropriation from the state general fund for fiscal year 2005 for one or more capital improvement projects;

(3) any item of appropriation or reappropriation from the state general fund for fiscal year 2005 for employer contributions for the public school districts who are eligible employers as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system in accordance with K.S.A. 74-4939, and amendments thereto, or as otherwise provided by statute;

(4) any item of appropriation or reappropriation from the state general fund for fiscal year 2005 for the department of education for state aid, except as otherwise provided in subsection (d).

(d) (1) If additional state aid for fiscal year 2005 is less than \$50,000,000, then the provisions of subsection (a) shall not apply to and no amount shall be lapsed pursuant to this

subsection (d) from any item of appropriation or reappropriation from the state general fund for fiscal year 2005 for the department of education for state aid.

(2) If additional state aid for fiscal year 2005 is equal to or more than \$50,000,000, but less than \$100,000,000, then the amount equal to 1% of each item of appropriation or reappropriation from the state general fund for fiscal year 2005 for the department of education for state aid shall be certified by the director of the budget and the director of the legislative research department to the director of accounts and reports and shall be lapsed pursuant to subsection (a).

(3) If additional state aid for fiscal year 2005 is equal to or more than \$100,000,000, then the amount equal to 2.25% of each item of appropriation or reappropriation from the state general fund for fiscal year 2005 for the department of education for state aid shall be certified by the director of the budget and the director of the legislative research department to the director of accounts and reports and shall be lapsed pursuant to subsection (a).

(e) As used in this section:

(1) "state agency" means any state agency named in chapter 138 or 160 of the 2003 Session Laws of Kansas or in this or other appropriation act of the 2004 regular session of the legislature; and

(2) "state aid" means all aid amounts appropriated or budgeted for fiscal year 2005 to be paid to public school districts, except that state aid shall not include any amount or amounts appropriated or reappropriated for employer contributions for the public school districts who are eligible employers as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system in accordance with K.S.A. 74-4939, and amendments thereto, or as otherwise provided by statute.

(3) "additional state aid" means that portion of state aid that is equivalent to all additional aid amounts appropriated or budgeted for fiscal year 2005 to be paid to public school districts pursuant to any bill passed by the legislature on or after April 28, 2004, during the 2004 regular session of the legislature, and enacted into law, except that additional state aid shall not include any amount or amounts appropriated or reappropriated for employer contributions for the public school districts who are eligible employers as specified in subsection (1), (2) or (3) of K.S.A. 74-4931, and amendments thereto, under the Kansas public employees retirement system in accordance with K.S.A. 74-4939, and amendments thereto, or as otherwise provided by statute or any amounts appropriated to finance state aid under the law in effect prior to April 28, 2004.":

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 36; Nays 82; Present but not voting: 0; Absent or not voting: 7.

Yeas: Ballou, Barbieri-Lightner, Brunk, Carter, Dahl, Decker, Edmonds, Goering, Goico, Hayzlett, Howell, Huebert, Huy, E. Johnson, Kauffman, Landwehr, Long-Mast, McCreary, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Patterson, Pottorff, Powell, Schwab, Schwartz, Siegfried, Tafanelli, D. Williams.

Nays: Aurand, Ballard, Beggs, Bethell, Boyer, Burgess, Burroughs, Campbell, Carlin, Compton, Cox, Craft, Crow, Davis, DeCastro, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Gordon, Grant, Henderson, Henry, Hill, Holland, Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Jack, D. Johnson, Kassebaum, Kirk, Krehbiel, Kuether, Lane, Larkin, Loganbill, M. Long, Loyd, McKinney, Minor, Jim Morrison, Neighbor, Newton, O'Malley, O'Neal, Owens, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Shultz, Sloan, Storm, Svaty, Swenson, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, J. Williams, Wilson, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Faber, Klein, Light, Mason, Mays, Powers, Yonally.

The motion of Rep. McCreary did not prevail.

Also, on motion of Rep. Ward, **H. Sub. for SB 536** be amended on page 30, following line 39, by inserting the following section to read as follows:

"Sec. 38. (a) In addition to the other purposes for which expenditures may be made by each state agency making expenditures for one or more capital improvement projects, from

the moneys appropriated from the state general fund or from any special revenue fund for the fiscal year ending June 30, 2005, as authorized by chapter 138 or 160 of the 2003 Session Laws of Kansas or by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005, notwithstanding the provisions of any other statute to the contrary, to provide that, at least 75% of persons employed by contractors performing all or part of the work for each such capital improvement project shall be Kansas residents.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Swenson, **H. Sub. for SB 536** be amended on page 30, after line 39, by inserting the following:

“Sec. 38.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, the following:

Wheatshocker football program donations fund..... No limit;

Also, on motion of Rep. Edmonds, **H. Sub. for SB 536** be amended on page 30, after line 39, by inserting the following:

“Sec. 38.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM (KPERs)

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2005, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

KDFA series 2003H bond debt service fund..... No limit

Provided, That notwithstanding the provisions of K.S.A. 74-4921, et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939 and amendments thereto, and K.S.A. 74-4967 and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49-109 et seq and amendments thereto shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2005: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2005.”;

Also, on further motion of Rep. Edmonds, **H. Sub. for SB 536** be amended on page 19, following line 8, by inserting:

“(o) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 to shall pay for medically necessary organ transplant services for any recipient under the state medicaid program who has progressive lung disease that developed before the recipient was 21 years of age: *Provided*, That, as used in this subsection, “Medically necessary” means any goods, services, item, facility or accommodation that a reasonable and prudent health care provider under similar circumstances would believe is appropriate for treating the recipient’s condition.”;

And by redesignating subsections accordingly; and **H. Sub. for SB 536** be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Hayzlett, the House proceeded to reconsider **HB 2798**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 12-4516 and K.S.A. 2003 Supp. 21-4201 and 21-4619 and repealing the existing sections.

The Governor's objection of **HB 2798** having been read, (see HJ, pages 1891-1892) the question being, shall the bill be passed notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 77; Nays 47; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballou, Bethell, Brunk, Burgess, Burroughs, Campbell, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Feuerborn, Freeborn, Gatewood, Goering, Goico, Gordon, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Klein, Landwehr, Lane, Light, M. Long, Long-Mast, Loyd, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Pauls, Powell, Powers, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, Shultz, Siegfried, Sloan, Svaty, Swenson, Tafaneli, Thimesch, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Barbieri-Lightner, Beggs, Boyer, Carlin, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Henderson, Hill, Holland, Huff, Huntington, Jack, Kassebaum, Kirk, Krehbiel, Kuether, Larkin, Loganbill, Minor, Neighbor, Newton, O'Malley, Owens, Patterson, Phelps, Pottorff, Reardon, Rehorn, Reitz, S. Sharp, Showalter, Shriver, Storm, Thull, Toelkes, Winn, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Faber.

A two-third majority of the members elected to the House not having voted in favor of the bill over the Governor's veto, the motion did not prevail, the bill did not pass, and the veto was sustained.

CONSIDERATION OF VETOED BILLS

The Governor's objection to the line items in sections 45(c), 88(q) and 88(r) of **HB 2675** having been read April 28 (see HJ, page 1892), the time arrived for reconsideration of **HB 2675**, An act making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2003 Supp. 2-223, 55-193, 75- 2319, 75-6702, 76-775, 79-2959, 79-2974, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections.

There was no motion to reconsider. The Chair ruled the line items had been reconsidered and the vetoes sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Landwehr the House proceeded to reconsider **HB 2675**, An act making and concerning appropriations for the fiscal years ending June 30, 2004, June 30, 2005, and June 30, 2006, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2003 Supp. 2-223, 55-193, 75- 2319, 75-6702, 76-775, 79-2959, 79-2974, 79-3425c, 79-3425i, 79-34,147 and 82a-953a and repealing the existing sections..

The Governor's objection of the line item in section 101(n) of 2004 **HB 2675**, which reads as follows:

(n) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2005 as authorized by this or other appropriation act of the 2004 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated

from the state general fund or from any special revenue fund for fiscal year 2005 for to fully utilize the vocational rehabilitation federal grant.

The question being, shall the line item pass notwithstanding the Governor's veto?

On roll call, the vote was: Yeas 72; Nays 52; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Ballard, Beggs, Burroughs, Carlin, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Holland, Huff, Kassebaum, Kirk, Klein, Kuether, Lane, Larkin, Loganbill, M. Long, Loyd, McKinney, J. Miller, Minor, Pauls, Phelps, Reardon, Rehorn, Reitz, Ruff, Sawyer, Scoggins-Waite, B. Sharp, Showalter, Shriver, Svaty, Thimesch, Thull, Toelkes, Ward, J. Williams, Wilson, Winn, Yonally.

Present but not voting: None.

Absent or not voting: Faber.

A two-thirds majority of the members elected to the House not having voted in favor of the passage of the line item over the Governor's veto, the motion did not prevail, the line item did not pass, and the veto was sustained.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2101, HB 2347; S. Sub. for HB 2471; HB 2549, HB 2597, HB 2641, HB 2695, HB 2712, HB 2880.**

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2101**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 20, by striking "2002" and inserting "2003"; in line 24, by striking "2002" and inserting "2003"; in line 31, by striking "2002" and inserting "2003"; in line 36, by striking "2002" and inserting "2003"; in line 40, by striking "2003" and inserting "2004";

On page 2, in line 20, by striking "24" and inserting "eight"; in line 30, by striking "2002" and inserting "2003";

On page 4, in line 2, by striking "2002" and inserting "2003"; in line 30, by striking "2002" and inserting "2003";

On page 6, in line 18, by striking "2003" and inserting "2004"; in line 26, by striking "2002" and inserting "2003";

On page 7, in line 6, by striking "2002" and inserting "2003"; in line 23, by striking "2003" and inserting "2004"; in line 27, by striking "2002" and inserting "2003"; following line 27, by inserting:

"New Sec. 6. (a) A federal law enforcement officer who enters this state may arrest a person, without a warrant, when in the judgment of the federal law enforcement officer a person:

(1) Asserts physical force or uses forcible compulsion likely to cause death or great bodily harm to any person; or

(2) is committing an inherently dangerous felony as defined in K.S.A. 21-3436, and amendments thereto.

(b) To provide assistance to law enforcement officers, a federal law enforcement officer shall have the same authority as a law enforcement officer where:

(1) The federal law enforcement officer is rendering assistance at the request of any law enforcement officer; or

(2) the federal law enforcement officer is effecting an arrest or providing assistance as part of a bona fide task force or joint investigation in which law enforcement officers are participating.

(c) Any lawful actions pursuant to this section shall be deemed to be within the scope of the federal law enforcement officer's employment.

(d) As used in this section:

(1) "Federal law enforcement officer" means a person employed by the United States government and assigned to the federal bureau of investigation who is empowered to effect an arrest with or without a warrant for violation of the United States code and who is authorized to carry a firearm in the performance of the person's official duties as a federal law enforcement officer.

(2) "Law enforcement officer" has the meaning ascribed thereto in K.S.A. 21-3110, and amendments thereto.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

(f) The provisions of this section shall expire on July 1, 2007."

By renumbering the remaining sections accordingly;

Also on page 7, in line 28, by striking "2002" and inserting "2003";

In the title, in line 12, by striking all after "concerning"; by striking all in lines 13 and 14; in line 15, by striking all before the semicolon and inserting "certain investigative and law enforcement personnel; relating to private detectives and private detective agency licenses and firearm permits; relating to arrest powers of certain federal law enforcement officers"; also in line 15, by striking "2002" and inserting "2003";

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

PETE BRUNGARDT
ROBERT A. LYON
MARK GILSTRAP
Conferees on part of Senate

WILLIAM G. MASON
DAN A. WILLIAMS
RICK REHORN
Conferees on part of House

On motion of Rep. Mason, the conference committee report on **HB 2101** was adopted.

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

Yeas: Aurand, Ballard, Ballou, Beggs, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carlin, Carter, Compton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Dreher, Edmonds, Faust-Goudeau, 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, Lane, Larkin, Light, Loganbill, M. Long, Long-Mast, 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, Phelps, Pottorff, Powell, Powers, Reardon, Rehorn, Reitz, Ruff, Sawyer, Schwab, Schwartz, Scoggins-Waite, B. Sharp, 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: Winn.

Present but not voting: None.

Absent or not voting: Barbieri-Lightner, Faber.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2347**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 50, in line 39, by striking "two years" and inserting "one year";

On page 57, in line 6, by striking "\$25,000" and inserting "\$25,000";

On page 90, in line 1, by striking "17-1264, 17-1265,";

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal to not adopt the conference committee report and that a new conference committee be appointed, the motion prevailed.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **HB 2880**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of House

MICHAEL R. O'NEAL
DOUG PATTERSON
JANICE L. PAULS
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **HB 2880** was adopted.

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House nonconcurred in Senate amendments to **S. Sub. for HB 2471** and asked for a conference.

Speaker Mays thereupon appointed Reps. Neufeld, Shultz and Feuerborn as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Decker, Beggs and Reardon as members of the conference committee on **SB 393** to replace Reps. Wilk, Gordon and Burroughs.

Also, the appointment of Reps. Decker, Beggs and Reardon as members of the conference committee on **HB 2027** to replace Reps. D. Johnson, Powell and Thimesch.

Also, the appointment of Reps. Edmonds, McCreary and Flaharty as members of the conference committee on **SB 520** to replace Reps. Wilk, Gordon and Burroughs.

Also, the appointment of Rep. Long-Mast as a member of the conference committee on **SB 511** to replace Rep. DeCastro.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 12** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 12," as follows:

"HOUSE Substitute for SENATE BILL No. 12

By Committee on Appropriations

"AN ACT relating to assessments on certain hospital providers and health maintenance organizations; amending sections 4, 8, 11 and 13 of 2004 Senate Substitute for House Bill No. 2912 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 12** was thereupon introduced and read by title.)

Committee on **Economic Development** recommends **SB 395** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 395," as follows:

"HOUSE Substitute for SENATE BILL No. 395

By Committee on Economic Development

"AN ACT concerning commerce; relating to special obligation bonds; redevelopment districts; payment sources; implementation by rules and regulations; amending K.S.A. 12-1771, as amended by section 26 of 2004 Senate Substitute for Substitute for House Bill No. 2647, and K.S.A. 2003 Supp. 12-1774, 12-1780b and 12-1780c and repealing the existing sections.";

(**H. Sub. for SB 395** was thereupon introduced and read by title.)

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to House 2307, the following bills were stricken from the calendar:

HB 2409, HB 2610, HB 2734, Sub. HB 2807, HB 2832, HB 2842, HB 2878, HB 2893, HB 2896, HB 2915, HB 2921, Sub. HB 2928; HCR 5036, HCR 5040; HR 6010, HR 6012, HR 6013, HR 6023, Sub. HR 6026, HR 6027; H. Sub. for H. Sub. for SB 18, H. Sub. for SB 222, SB 289, H. Sub. for SB 295, SB 306, SB 311, SB 314, H. Sub. for SB 315, SB 321, SB 329, SB 337, SB 340, SB 342, SB 346, SB 383, H. Sub. for SB 388, SB 390, SB 392, SB 408, SB 416, SB 421, SB 424, SB 430, H. Sub. for SB 437, SB 441, SB 460, SB 466, SB 469, Sub. SB 496, Sub. SB 500, SB 540.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **SB 562.**

REPORT ON ENGROSSED BILLS

HB 2545, HB 2606 reported correctly engrossed April 29, 2004.

HB 2037, HB 2201, HB 2557, HB 2563, HB 2617, HB 2653, HB 2745, HB 2805 reported correctly re-engrossed April 29, 2004.

REPORT ON ENROLLED RESOLUTIONS

HR 6014, HR 6031, HR 6032 reported correctly enrolled and properly signed on April 29, 2004.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1891, the following should be inserted after Introduction of Bills and Concurrent Resolutions:

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JOURNAL OF THE HOUSE

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, April 30, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

