

Journal of the House

SIXTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 4, 2004, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Huff and D. Williams were excused on excused absence by the Speaker.
Present later: Rep. D. Williams.

Prayer by Chaplain Chamberlain:

Almighty God, your psalmist wrote that you would walk with us in every valley, that you would lead us to green pastures beside still waters and that you would give us life. We thank you for the promise and for the reality, for we know that you do, indeed, walk with us through every moment of life.

As this session of the House of Representatives of our great state draws to a close, we praise your name and offer our thanks for your guidance and your care. Where we have done your will, let our work blossom, bringing forth good for all the people of Kansas. Where we have gone astray or departed from your will, protect those who might be harmed and forgive us and reveal to us the path of righteousness for your name's sake.

As work is completed and we depart from this place, may our continuing prayer be for the good of all your children, for the triumph of the right, and for the blessing of providence on the land we love: one nation indivisible, proclaiming liberty and justice always. Amen.

The Pledge of Allegiance was led by Rep. Larkin.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2947**.

Announcing passage of **Sub. HB 2145**, as amended; **HB 2948**, as amended; **HB 2949**, as amended.

The Senate adopts conference committee report on **SB 387**.

The Senate adopts conference committee report on **HB 2271**.

The Senate adopts conference committee report on **HB 2774**.

The Senate adopts conference committee report on **S. Sub. for Sub. HB 2777**.

The Senate not adopts the conference committee report on **HB 2418**, requests a new conference committee be appointed and has appointed Senators Vratil, Schmidt and Goodwin as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **SB 317** and has appointed Senators Vratil, Schmidt and Goodwin as second conferees on the part of the Senate.

The President announced the appointment of Senators Umbarger, Vratil and Hensley as members of the conference committee on **SB 463** to replace Senators Schmidt, Huelskamp and Lee.

The President announced the appointment of Senators Umbarger, Vratil and Hensley as members of the conference committee on **SB 472** to replace Senators Schmidt, Huelskamp and Lee.

The President announced the appointment of Senators Vratil, Schmidt and Goodwin as members of the conference committee on **HB 2585** to replace Senators Schmidt, Huelskamp and Lee.

Also, the President announced the appointment of Senator Hensley as a member of the conference committee on **SB 393** to replace Senator Downey.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Sloan, 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 **Sub. HB 2145**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Sloan, the House nonconcurrent in Senate amendments to **Sub. HB 2145** and asked for a conference.

Speaker Mays thereupon appointed Reps. Decker, Horst and Storm as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker Mays announced the appointment of Reps. Decker, O'Neal and Reardon as members of the conference committee on **SB 463** to replace Reps. Freeborn, Tafanelli and Flora.

Also, the appointment of Reps. Decker, O'Neal and Reardon as members of the conference committee on **SB 472** to replace Reps. Hayzlett, Faber and J. Miller.

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 2418**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **HB 2418**.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6040—

By Representative Ruff

A RESOLUTION naming October 15, 2004, and subsequent yearly anniversaries as pregnancy and infant loss remembrance day.

WHEREAS, According to a 1996 study by the Centers of Disease Control, over six million pregnancies ended in either a miscarriage or stillbirth, which is almost one million perinatal losses; and

WHEREAS, Of those over six million pregnancies, 3,720,000 ended in live births, and 26,784 of those births ended in infant deaths from 11 months and younger. The above statistics do not reflect the 22% of infants that are lost to abortions; and

WHEREAS, The availability of information and support is of the utmost importance to the families who suffer from pregnancy and infant loss to better help them cope; and

WHEREAS, A public that is informed and educated about pregnancy and infant loss can better learn how to respond with compassion to affected families; and

WHEREAS, Professionals who come in contact with families who have suffered pregnancy or infant loss, such as physicians, clergy, emergency medical technicians, funeral directors, police officers, public health nurses and employers can better serve families if they have special training and better knowledge of pregnancy and infant loss; and

WHEREAS, If a Pregnancy and Infant Loss Remembrance Day is created to recognize the grief of the families and to remember all of the pregnancies and infants lost it will help to heal and comfort the families in a time of pain and heartache, and give the families hope for the future: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That October 15, 2004, and subsequent yearly anniversaries, be named as Pregnancy and Infant Loss Remembrance Day to recognize the grief of the families and to remember all of the pregnancies and infants lost, to help to heal and comfort the families in a time of pain and heartache, and to give the families hope for the future.

LATE MORNING SESSION

The House met pursuant to recess with Speaker pro tem Ballou in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2271**, 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 of the Whole amendments, as follows:

On page 1, in line 21, by striking "2002" and inserting "2003";

On page 4, by striking all in lines 38 through 43;

On page 5, by striking all in lines 1 through 23;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 24, by striking "2002" and inserting "2003";

On page 10, by striking all in lines 10 through 39 and inserting the following:

"Sec. 4. K.S.A. 2003 Supp. 21-4318 is hereby amended to read as follows: 21-4318. (a) Inflicting harm, disability or death to a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog is knowingly and intentionally, and without lawful cause or justification poisoning, inflicting great bodily harm, permanent disability or death, upon a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog.

(b) As used in this section:

(1) "Arson dog" means any dog which is owned, or the service of which is employed, by the state fire marshal or a fire department for the principal purpose of aiding in the detection of liquid accelerants in the investigation of fires.

(2) "Assistance dog" has the meaning provided by K.S.A. 2003 Supp. 39-1113, and amendments thereto.

(3) "Fire department" means a public fire department under the control of the governing body of a city, township, county, fire district or benefit district or a private fire department operated by a nonprofit corporation providing fire protection services for a city, township, county, fire district or benefit district under contract with the governing body of the city, township, county or district.

(4) "*Game warden dog*" means any dog which is owned, or the service of which is employed, by the department of wildlife and parks for the purpose of aiding in detection of criminal activity, enforcement of laws, apprehension of offenders or location of persons or wildlife.

(5) "Police dog" means any dog which is owned, or the service of which is employed, by a law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws or apprehension of offenders.

~~(5)~~ (6) "Search and rescue dog" means any dog which is owned or the service of which is employed, by a law enforcement or emergency response agency for the purpose of aiding in the location of persons missing in disasters or other times of need.

(c) Inflicting harm, disability or death to a police dog, arson dog, assistance dog, *game warden dog* or search and rescue dog is a class A nonperson misdemeanor.

(d) This section shall be part of and supplemental to the Kansas criminal code.";

And by renumbering the remaining sections accordingly;

Also on page 10, in line 40, by striking "21-3608 and"; also in line 40, after "21-3704" by inserting "and 21-4007"; in line 41, by striking "2002" and inserting "2003"; also in line 41, by striking "21-3415 and"; also in line 41, after "21-3701" by inserting ", 21-4318";

Also on page 1, in the title, in line 15, by striking "relating to crimes"; in line 16, by striking "against children;"; also in line 16, by striking "21-3608 and"; in line 17, by striking "2002" and inserting "2003"; also in line 17, by striking "21-3415 and"; also in line 17, after "21-3701" by inserting ", 21-4318"; in line 18, after "sections" by inserting "; also repealing K.S.A. 21-4007";

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

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

WARD LOYD
THOMAS C. OWENS
JIM WARD
Conferees on part of House

On motion of Rep. Loyd to adopt the conference committee report on **HB 2271**, Rep. Freeborn offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Loyd and the conference committee report was adopted.

On roll call, the vote was: Yeas 103; Nays 19; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Compton, Dahl, Decker, Faber, Freeborn, Hayzlett, Howell, Huebert, E. Johnson, Kauffman, Mason, F. Miller, Neufeld, Osborne, Ostmeyer, Powell, Powers, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: Huff, Sloan, D. Williams.

EXPLANATION OF VOTE

MR. SPEAKER: I find it objectionable that lifting a ban on hypnosis as entertainment is included in such an important conference committee report. Despite my objection to a portion of the conference committee report, the remainder of the report puts into place important language that is intended to strengthen our crime laws. I, therefore, vote yes on **HB 2271** in order to ensure the strengthening of our crime laws.—DEENA HORST

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Toelkes, 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 2774**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2774**, 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 of the Whole amendments, as follows:

On page 1, by striking all in lines 20 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 9; in line 10, by striking "New Sec. 4." and inserting "New Section 1.";

By renumbering the remaining sections accordingly;

On page 5, in line 26, by striking "by";

On page 6, in line 34, by striking "5" and inserting "2";

On page 8, in line 9, by striking everything following "12-520" and inserting "is";

In the title, in line 14, by striking "relating to"; in line 15, by striking all preceding "relating"; in line 16, by striking all following "12-520"; in line 17, by striking all preceding "and" where it appears for the second time; also in line 17, by striking "sections" and inserting "section";

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

BARBARA P. ALLEN

KAY O'CONNOR

DONALD BETTS, JR.

Conferees on part of Senate

JENE VICKREY

RALPH OSTMEYER

ROGER TOELKES

Conferees on part of House

On motion of Rep. Toelkes, the conference committee report on **HB 2774** was adopted.

On roll call, the vote was: Yeas 73; Nays 51; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Barbieri-Lightner, Brunk, Burgess, Burroughs, Carlin, Carter, Compton, Craft, Dahl, DeCastro, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Goering, Goico, Gordon, Grant, Hayzlett, Henderson, Holland, Huebert, Hutchins, Huy, E. Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Loganbill, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Judy Morrison, Neufeld, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Rehorn, Sawyer, Schwartz, Scoggins-Waite, Shriver, Storm, Svaty, Tafanelli, Thimesch, Thull, Toelkes, Ward, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Beggs, Bethell, Boyer, Campbell, Cox, Crow, Davis, Decker, Dillmore, Dreher, Gatewood, Gilbert, Henry, Hill, Holmes, Horst, Howell, Humerickhouse, Huntington, Jack, D. Johnson, Kassebaum, Kirk, Kuether, Larkin, Light, Loyd, Minor, Jim Morrison, Myers, Neighbor, Newton, Novascone, O'Malley, Owens, Reardon, Reitz, Ruff, Schwab, B. Sharp, S. Sharp, Showalter, Shultz, Siegfried, Sloan, Swenson, Vickrey, Wilk, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Huff.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Loyd, 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 **S. Sub. for Sub. HB 2777**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2777**, submits the following report:

The Senate recedes from all its amendments to the bill, and your committee on conference further agrees to amend the bill as printed as Substitute for HB 2777 as follows:

On page 1, by striking all in lines 13 through 18;

On page 3, after line 29 by inserting the following:

“New Sec. 4. On and after July 1, 2004: (a) Aggravated endangering a child is endangering a child, as defined in K.S.A. 21-3608, and amendments thereto, and permitting such child to be in an environment where:

(1) A person is selling, offering for sale or having in such person’s possession with intent to sell, deliver, distribute, prescribe, administer, dispense, manufacture or attempt to manufacture any methamphetamine as defined by subsections (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto;

(2) drug paraphernalia or volatile, toxic or flammable chemicals are stored for the purpose of manufacturing or attempting to manufacture any methamphetamine as defined by subsections (d)(3) or (f)(1) of K.S.A. 65-4107, and amendments thereto; or

(3) a weapon is present and readily accessible by an unattended child under the age of 14 and such weapon caused great bodily harm or death to such child.

(b) Aggravated endangering a child is a severity level 9, person felony.

(c) As used in this section:

(1) “Manufacture” shall have the meaning ascribed to that term in K.S.A. 65-4101, and amendments thereto;

(2) “drug paraphernalia” shall have the meaning ascribed to that term in K.S.A. 65-4150, and amendments thereto; and

(3) “weapon” means any weapon described in K.S.A. 21-4201, and amendments thereto.

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

Sec. 5. On and after July 1, 2004, K.S.A. 74-7302 is hereby amended to read as follows: 74-7302. (a) Within the limits of appropriations therefor, the board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

(b) *The board may adjust compensation so that the total amount of compensation granted in each fiscal year does not exceed the amount of money anticipated to be credited to the crime victim compensation fund during such year. An adjustment may include prorating or prioritizing such compensation based upon the anticipated funds.*

Sec. 6. On and after July 1, 2004, K.S.A. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit ~~7.99%~~ 11.99% to the crime victims compensation fund, ~~1.45%~~ 2.45% to the crime victims assistance fund, 2.01% to the community alcoholism and intoxication programs fund, 2.01% to the department of corrections alcohol and drug abuse treatment fund. The remainder of the remittances shall be credited to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.”;

And by renumbering the remaining sections accordingly;

Also on page 3, after line 35 by inserting the following:

“Sec. 7. On and after July 1, 2004, K.S.A. 74-7302 and 74-7336 are hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 1, in the title, in line 9, by striking “controlled substances; relating to manufacturing” and inserting “crimes, punishment and criminal procedure”; in line 10, by striking the first “and” and inserting a comma; also in line 10, after “65-4163” by inserting “, 74-7302 and 74-7336”;

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

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

WARD LOYD
THOMAS C. OWENS
JIM WARD
Conferees on part of House

On motion of Rep. Loyd to adopt the conference committee report on **S. Sub. for Sub. HB 2777**, Rep. Goering offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Ballou thereupon appointed Reps. Loyd, Owens and Ward as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Mason, 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 **H. Sub. for SB 2**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H. Sub. for SB 2**, 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.

WILLIAM G. MASON
DONALD L. DAHL
Conferees on part of House

PETE BRUNGARDT
BOB LYON
Conferees on part of Senate

On motion of Rep. Mason to adopt the conference committee report on **H. Sub. for SB 2**, the motion did not prevail, and the bill remains in conference.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. D. Johnson, 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 **Sub. SB 296**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 296**, submits the following report:

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

On page 8, by striking all in lines 15 through 43;

On page 9, by striking all in lines 1 through 14 and inserting in lieu thereof the following:

“New Sec. 16. Notwithstanding the provisions of K.S.A. 77-514, and amendments thereto, on and after July 1, 2004, with respect to hearings pursuant to K.S.A. 65-6a18 *et seq.*, and amendments thereto, before the secretary of agriculture in accordance with the Kansas administrative procedure act, a hearing officer from the office of administrative hearings shall be the presiding officer unless the party requests that the matter, for which a hearing

has been scheduled or for which a right to a hearing exists, be heard by a hearing officer appointed by the secretary.”;

On page 1, in the title, in line 14, by striking all after the semicolon; in line 15, by striking all before “amending”;

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

DAN JOHNSON
SHARON SCHWARTZ
DANIEL J. THIMESCH
Conferees on part of House

DEREK SCHMIDT
TIM HUELSKAMP
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. D. Johnson, the conference committee report on **Sub. SB 296** was adopted.

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

Yeas: Aurand, Ballard, Barbieri-Lightner, Beggs, Bethell, 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, 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, Showalter, Shriver, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thimesch, Thull, Toelkes, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yoder, Yonally.

Nays: Ballou, S. Sharp.

Present but not voting: None.

Absent or not voting: Huff.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House concurred in Senate amendments to **HB 2948**, An act concerning the department of human resources; relating to the change of name of such agency; relating to other changes required by 2004 ERO 31; amending K.S.A. 38-622, 39-7,108, 39-1702, 44-322a, 44-327, 44-402, 44-403, 44-404, 44-405, 44-406, 44-409, 44-412, 44-552, 44-555c, 44-596, 44-5,104, 44-5,122, 44-5,124, 44-601, 44-601b, 44-607, 44-608, 44-609, 44-610, 44-611, 44-612, 44-614, 44-615, 44-616, 44-618, 44-619, 44-620, 44-621, 44-622, 44-623, 44-624, 44-626, 44-631, 44-634, 44-635, 44-636, 44-638, 44-643, 44-645, 44-646, 44-647, 44-661, 44-662, 44-704a, 44-710b, 44-711, 44-713, 44-713a, 44-715, 44-716, 44-716a, 44-718, 44-720, 44-721, 44-727, 44-759, 44-809, 44-816, 44-820, 44-914, 44-915, 44-1202, 44-1402, 44-1405, 44-1409, 65-1824, 65-4971, 65-5703, 66-132, 72-4427, 72-5413, 72-5432, 73-1209, 73-1219, 74-711, 74-32,160, 74-5068, 74-6701, 74-6702, 74-6703, 74-6706, 74-6707, 74-6708, 74-6709, 74-72,103, 75-443, 75-4323, 75-4332, 75-5133a, 75-5702, 75-5705, 75-5708, 75-5712, 75-5713, 75-5722, 75-5723, 75-5724, 75-5727, 75-5730, 75-5731, 75-5734, 75-5735, 75-5740, 75-5741, 76-186, 76-3110, 77-618, 79-1010, 79-1012 and 79-1014 and K.S.A. 2003 Supp. 44-313, 44-411, 44-508, 44-511, 44-703, as amended by section 6 of 2004 Senate Bill No. 440, 44-704, 44-704b, as amended by section 1 of 2004 Senate Bill No. 440, 44-706, as amended by section 2 of 2004 Senate Bill No. 440, 44-709, as amended by section 3 of 2004 Senate Bill No. 440, 44-710, as amended by section 4 of 2004 Senate Bill No. 440, 44-710a, as amended by section 5 of 2004 Senate Bill No. 440, 44-714, 44-717, 44-757, 44-762, 44-817, 44-926, 49-201, 74-32,151, 74-4911f, 74-4911h, 74-50,131, 74-50,136, 74-8942, 75-2935, 75-3728b, 75-4234, 75-5701, 75-5733,

75-5742, 75-5743, 76-11a06 and repealing the existing sections; also repealing K.S.A. 75-5714 and 75-5716.

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

Yeas: Aurand, Ballard, Ballou, Barbieri-Lightner, Beggs, Bethell, 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, Humerickhouse, Huntington, Hutchins, Huy, 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'Neal, 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, Yonally.

Nays: Boyer, Jack, O'Malley, Osborne.

Present but not voting: None.

Absent or not voting: Huff.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6041—

By Representatives Pottorff, 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, 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, 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 in memory of Dorothy N. Nichols.

WHEREAS, Dorothy N. Nichols, 80, of Ottawa died April 19; and

WHEREAS, Dorothy Nichols served in the Kansas House of Representatives representing the 14th representative district from 1981 to 1986. She served as vice chairperson of the Committee on Labor and Industry and as a member of the Committees on Local Government, Financial Institutions and Public Health and Welfare; and

WHEREAS, Dorothy Nichols was very active in her community serving on a multitude of boards and commissions. Such activity included being a member of the Ottawa City Commission from 1977 to 1981, serving as mayor from 1978 to 1979; a member of the Greater Ottawa Chamber of Commerce, serving as a board member and as president from 1976 to 1977; communication and image committee chairperson for downtown development; member of the Kansas Public Employee-Employer Relations Board from 1987 to 1995; moderator and on the pastoral relations committee of the First Baptist church; Sante Fe Council of Girl Scouts; officer of Business and Professional Women's Club; president of Soroptimist International of Ottawa; and membership on the Franklin County United Way Board and Ottawa Boys & Girls Club; and

WHEREAS, Dorothy Nichols was born in Ottawa and graduated from Ottawa High School in 1941. She married William R. Nichols on January 26, 1946. She worked as a secretary, clothing store manager and bookkeeper before owning and operating with her husband Lee's Downtown Cafe for over 20 years; and

WHEREAS, Dorothy Nichols is survived by two sons, Stephen R. Nichols and William S. Nichols, three daughters, Christine Campbell, Julie McAdoo and Penny Knapp, 25 grandchildren and 12 great-grandchildren: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we extend our deepest sympathy to the family of Dorothy N. Nichols and express our appreciation for the service she so bountifully gave to her community and state; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Representative Pottorff.

CHANGE OF CONFEREES

Speaker pro tem Ballou announced the appointment of Rep. Merrick as a member of the conference committee on **H. Sub. for SB 2** to replace Rep. Mason.

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.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **Sub. SB 296**.

The Senate accedes to the request of the House for a conference on **Sub. HB 2145** and has appointed Senators Umbarger, Vratil and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for Sub. HB 2777** and has appointed Senators Vratil, Schmidt and Goodwin as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5005**, submits the following report:

The House accedes to all Senate amendments to the concurrent resolution, and your committee on conference further agrees to amend the concurrent resolution, as printed with amendments by the Senate Committee of the Whole, as follows:

On page 1, by striking all in lines 18 through 34; in line 35, by striking all after the first "the" and inserting "Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to"; in line 36, by striking all after the colon; by striking all in lines 37 through 43;

On page 2, by striking all in lines 1 through 15 and inserting:

"Section 17. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

"§ 16. **Marriage.** (a) The marriage contract is to be considered in law as a civil contract.

Marriage shall be constituted by one man and one woman only. All other marriages are declared to be contrary to the public policy of this state and are void.

"(b) No relationship, other than a marriage, shall be recognized by the state as entitling the parties to the rights or incidents of marriage."

Sec. 18. The following statement shall be printed on the ballot with the amendment as a whole:

Explanatory statement. There is currently no constitutional provision regarding marriage. There is a statute, enacted by the legislature, that defines marriage as a civil contract between two persons who are of opposite sex and declares all other marriages to be contrary to public policy and void.

“A vote for this proposition would amend the Kansas constitution to incorporate into it the definition of marriage as a civil contract between one man and one woman only and the declaration that any other marriage is contrary to public policy and void. The proposed constitutional amendment also would prohibit the state from recognizing any other legal relationship that would entitle the parties in the relationship to the rights or incidents of marriage.

“A vote against this proposition would not amend the constitution, in which case the current statute that defines marriage would remain unchanged but could be amended by future acts of the legislature or modified by judicial interpretation.”

Sec. 19. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2004 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.”;

In the title, in line 14, by striking all after “A”; by striking all in line 15; in line 16, by striking all before the period and inserting “PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning marriage”;

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

JOHN VRATIL
DEREK SCHMIDT
Conferees on part of Senate

WILLIAM G. MASON
MICHAEL R. O'NEAL
Conferees on part of House

On motion of Rep. D. Williams to adopt the conference committee report on **HCR 5005**, the motion did not prevail.

HCR 5005, A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning marriage.

Call of the House was demanded.

On roll call, the vote was: Yeas 79; Nays 45; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Barbieri-Lightner, Bethell, Boyer, Brunk, Burgess, Burroughs, Campbell, Carter, Dahl, DeCastro, Decker, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Goering, Goico, Grant, Hayzlett, Henderson, Henry, Holland, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kauffman, Krehbiel, Landwehr, Larkin, Light, M. Long, Long-Mast, Mason, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, J. Miller, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, Phelps, Pottorff, Powell, Powers, Ruff, Schwab, Schwartz, Shultz, Siegfried, Swenson, Tafanelli, Thimesch, Thull, Vickrey, Ward, Wilk, D. Williams, J. Williams, Winn.

Nays: Ballard, Ballou, Beggs, Carlin, Compton, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Flaharty, Flora, Gilbert, Gordon, Hill, Huntington, Jack, Kassebaum, Kirk, Klein, Kuether, Lane, Loganbill, Loyd, Minor, O'Malley, Owens, Reardon, Rehorn, Reitz, Sawyer, Scoggins-Waite, B. Sharp, S. Sharp, Showalter, Shriver, Sloan, Storm, Svaty, Toelkes, Wilson, Yoder, Yonally.

Present but not voting: None.

Absent or not voting: Huff.

Not having received the required two-thirds majority, the conference committee report on **HCR 5005** was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: Most cultures throughout the history of civilization, including all sects of the Judeo-Christian faith have celebrated the singular sanctity of marriage between one man and one woman. Only from that union are children procreated and thus can truly be defined as a family. Civilizations that have departed from that norm of conduct have soon decayed into oblivion. I urge all members of this body to vote *YES* on this amendment to our constitution in order to provide the highest protection for the sanctity of marriage, and for the continued well being of this great nation. I vote Yes on **HCR 5005**.—C. FRANK MILLER, EVERETT JOHNSON, DONALD DAHL, STEVEN R. BRUNK, BILL MCCREARY, VERN OSBORNE, RALPH OSTMEYER, JUDY MORRISON, MARY KAUFFMAN, BONNIE HUY, MARIO GOICO, PEGGY LONG-MAST

MR. SPEAKER: I vote yes on **HCR 5005** because I am convinced the traditional definition of marriage as being between a man and a woman is essential to the future of this state and our country.

I vote yes because marriage is the foundational institution of our government and is too important to be subject to the inclusion of an endless variety of sexual orientations in "pursuit of happiness."

I vote yes because I trust the citizens of Kansas to choose the proper definition of marriage, and do not want to leave such a critical decision to the whim of a judge.—ARLEN SIEGFREID, DON MYERS, JEFF GOERING, LARRY POWELL

MR. SPEAKER: During my 12 years in the legislature, there were two votes that I agonized over. They were votes that really bothered me. The first one was the death penalty and then this, the gay marriage ban.

I voted for the ban when we put it in the statutes. With anguish, I went ahead and voted for the amendment, but something was still troubling me. That night of the vote, I realized the problem. I had voted to put Fred Phelps and his placards of "God Hates Fags" into the Kansas Constitution!! This was unacceptable. God does not hate anyone.

Thank you for your attention and letting me express my feelings. I vote No on **HCR 5005**.—RAY COX

MR. SPEAKER: I vote yes on **HCR 5005**. Constitutional amendments are designed to allow the general populous to vote. Legislators have a responsibility to determine that the proposed amendments are not in direct violation of the U.S. Constitution or have aspects that could harm the ability of the state to meet its obligations. A vote other than "Yes" says I do not trust my fellow Kansans to make such decisions.

I have heard from both supporters of and those opposed to the marriage amendment who desire to vote to express their belief. I say, LET THE PEOPLE VOTE!—DEENA HORST

MR. SPEAKER: I vote no on **HCR 5005** because I believe our constitution is a sacred document which has served us through the years, and I want to keep it as written.

We have a law that states Kansas does not recognize same sex marriages. This amendment isn't necessary, and it will open the door for many other factions to ask for changes for their issues.

I feel this will be challenged in court, if passed. Let's keep our constitution sound.—MARY COMPTON

MR. SPEAKER: I vote no on **HCR 5005**. Why? I could list separation of church and state, the tyranny of the majority over the minority, the repugnance of supporting a Topeka picketing group, or just the redundancy of moving current law from one book to another.

However the overriding reason is disappointment that those who have contacted me as Christians spoke only about already illegal gay marriage and not about public education, hunger among Kansas children, waiting lists for services, access to health care, lack of rehabilitation for our incarcerated, or regressive tax policy.—GERALDINE FLAHARTY

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10 of the Kansas Constitution, I submit the following written protest against **HCR 5005**:

I strongly support our state statute, K.S.A. 2003 Supp. 23-101, which upholds marriage “. . . as a civil contract between two parties who are of opposite sex” and declares all other marriages “. . . to be contrary to the public policy of this state and are void.”

Furthermore, K.S.A. 2003 Supp. 23-115, protects our state law from other state practices by stating that “It is the strong public policy of this state only to recognize as valid marriages from other states that are between a man and a woman.”

These statutes were upheld in 2002 by the Kansas Supreme Court in the Matter of the Estate of Marshall G. Gardiner.

Our constitution is the most important document we have for governing our state. Approving **HCR 5005** threatens the validity of our constitution and may invite a federal court to determine what our public policy should be. While supporters of this constitutional amendment believe such action strengthens traditional marriage in Kansas, I believe our action on this measure may reward us with unintended judicial ramifications.

I continue to support our state statutes on marriage and stand in opposition to any action which would jeopardize the institution of marriage in Kansas between one man and one woman.

Therefore, I vote No on **HCR 5005**.—LANA GORDON

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Neufeld, the House concurred in Senate amendments to **HB 2949**, An act reconciling amendments to certain statutes; amending K.S.A. 2003 Supp. 8-170, 22-2401a, 72-6431, 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.

Call of the House was demanded.

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, 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, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Huff, Osborne.

On motion of Rep. Aurand, the House recessed until 6:00 p.m.

EARLY EVENING SESSION

The House met pursuant to recess with Speaker pro tem Ballou in the chair.

MESSAGE FROM THE SENATE

The President announced the appointment of Senator Downey as a member of the conference committee on **Sub. HB 2145** to replace Senator Hensley.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Horst, the House concurred in Senate amendments to **Sub. HB 2145**. An act concerning public postsecondary education; concerning certain persons deemed to be residents for purposes of tuition and other fees at postsecondary educational institutions. (The House requested to return the bill, which was in conference).

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barbieri-Lightner, Beggs, Boyer, Burroughs, Carlin, Cox, Craft, Crow, Davis, Dillmore, Dreher, Faust-Goudeau, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Grant, Henderson, Henry, Hill, Horst, 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, Vickrey, Ward, Wilk, D. Williams, J. Williams, Wilson, Winn, Yonally.

Nays: Aurand, Ballou, Bethell, Brunk, Burgess, Carter, Compton, Dahl, DeCastro, Decker, Edmonds, Faber, Freeborn, Goering, Goico, 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, Ostmeyer, Powell, Powers, Schwab, Schwartz, Shultz, Siegfried, Tafanelli, Yoder.

Present but not voting: None.

Absent or not voting: Campbell, Huff, Swenson.

EXPLANATIONS OF VOTE

MR. SPEAKER: We Kansans are very benevolent..If terrorists come to get a pilot's license, at a Kansas University, at least we gave them in-state tuition before they use it against us. I vote no on **Sub. HB 2145**.—SCOTT SCHWAB

MR. SPEAKER: Although the record shows that I voted for **HB 2145**, it is not correct. The

Speaker pro tem incorrectly changed my vote to yes while I was searching for an absent seat mate who was not in the House Chamber. In addition to voting against this issue this time, I also voted no last year. I strongly oppose affording illegal immigrants the same rights and privileges of children of our own tax-paying Kansas citizens.—JENE VICKREY

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **H. Sub. for SB 2**, 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.

RAY MERRICK

RICK REHORN

Conferees on part of House

PETE BRUNGARDT

MARK S. GILSTRAP

Conferees on part of Senate

On motion of Rep. Merrick, the conference committee report on **H. Sub. for SB 2** was adopted.

Speaker pro tem Ballou thereupon appointed Reps. Merrick, Dahl and Rehorn as second conferees on the part of the House.

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2133; S. Sub. for HB 2404; HB 2549, HB 2597, HB 2705 reported correctly engrossed May 3, 2004.

HB 2556, HB 2569, HB 2658, HB 2712, HB 2880 reported correctly re-engrossed May 3, 2004.

Also, **HB 2638, HB 2669, HB 2695, HB 2939** reported correctly engrossed May 4, 2004.

HB 2347, HB 2641, HB 2795 reported correctly re-engrossed May 4, 2004.

REPORT ON ENROLLED BILLS

HB 2393; S. Sub. for HB 2886 reported correctly enrolled, properly signed and presented to the governor on May 4, 2004.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Wednesday, May 5, 2004.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

