

Journal of the House

FIFTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 28, 2001, 10:00 a.m.

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

Prayer by Chaplain Svoboda-Barber:

Holy and Living God,
Help us
to understand
the issues in front of us today;
Help us
to listen to one another
with generous hearts;
Help us
to know
Your desire for our state;
And finally,
help us
to make the decisions
that are best for all Kansans.
I ask these things in Your Name. Amen.

The Pledge of Allegiance was led by Rep. Flaharty.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HCR 5029; SB 344.**

MESSAGES FROM THE GOVERNOR

HB 2082, HB 2137, HB 2147, HB 2148, HB 2193, HB 2206, HB 2270 approved on March 27, 2001.

MESSAGES FROM THE SENATE

Announcing passage of **SB 100, SB 348.**

Announcing passage of **HB 2178**, as amended.

The Senate concurs in House amendments to **SB 1.**

The Senate concurs in House amendments to **SB 10.**

The Senate concurs in House amendments to **SB 11.**

The Senate concurs in House amendments to **SB 98.**

The Senate concurs in House amendments to **SB 184.**

The Senate concurs in House amendments to **Sub. SB 204.**

The Senate concurs in House amendments to **SB 205.**

The Senate concurs in House amendments to **SB 209.**

Also, the Senate accedes to the request of the House for a conference on **HB 2007** and has appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2017** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2047** and has appointed Senators Tyson, Huelskamp and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2055** and has appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2083** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2084** and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2098** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2103** and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2119** and has appointed Senators Allen, Brownlee and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2124** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2131** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2134** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2136** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2154** and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2174** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2175** and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2176** and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2200** and has appointed Senators Clark, Kerr, Emler, Lyon and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2208** and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2245** and has appointed Senators Corbin, Clark and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2266** and has appointed Senators Corbin, Clark and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2275** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2297** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2299** and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2313** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2343** and has appointed Senators Harrington, O'Connor and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2397** and has appointed Senators Clark, Emler and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2406** and has appointed Senators Allen, Schmidt and Gilstrap as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2497** and has appointed Senators Wagle, Barnett and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HCR 5008** and has appointed Senators Tyson, Wagle and Lee as conferees on the part of the Senate.

Also, the Senate nonconcur in House amendments to **SB 67**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 97**, requests a conference and has appointed Senators Vratil, Adkins and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 119**, requests a conference and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 128**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **H. Sub. for SB 192**, requests a conference and has appointed Senators Harrington, Brungardt and Hensley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 218**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 100, SB 348.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 67**.

Speaker pro tem Aurand thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 97**.

Speaker pro tem Aurand thereupon appointed Reps. Horst, Faber and Gatewood as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 119**.

Speaker pro tem Aurand thereupon appointed Reps. O'Neal, Loyd and Pauls as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 128**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 192**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 218**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt as conferees on the part of the House.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Burroughs, **HR 6016**, A resolution in memory of Herman Dillon, was adopted.

Reps. Grant and Burroughs addressed a few remarks to the members of the House in remembrance of Rep. Dillon and welcomed his family and friends.

CONSENT CALENDAR

No objection was made to **HB 2106**; **SB 110** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2020, An act establishing accessibility standards for certain dwellings, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 56; Present but not voting: 0; Absent or not voting: 0.

Yeas: Alldritt, Ballard, Barnes, Benlon, Burroughs, Cook, Cox, Crow, DeCastro, Dillmore, Faber, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huy, Johnson, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mason, Mayans, McClure, McKinney, McLeland, Nichols, O'Neal, Ostmeyer, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Thimesch, Toelkes, Toplikar, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Campbell, Compton, Dahl, DiVita, Dreher, Edmonds, Feuerborn, Freeborn, Hayzlett, Huff, Humerickhouse, Hutchins, Kauffman, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mays, McCreary, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, Osborne, Palmer, Patterson, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2020**. Although **HB 2020** is well intentioned, I cannot support in its present form. **HB 2020** is not limited to construction funding; any type of loan, grant, tax credit, exemption or refund from the state or administered by the state, including federal funds, will trigger the ANSI Standards in new residential construction under **HB 2020**. If a builder receiving any of the funds fails to comply with ANSI Standards, the builder will be barred from receiving future funding, tax credits, exemptions or refunds. The impact of this bill will have a devastating effect on new housing construction for the elderly and disabled.—KAREN M. DIVITA

MR. SPEAKER: **HB 2020** establishes accessibility standards for certain housing built with public assistance. Although the bill is well-intentioned and accessibility must be a goal of our society, I voted nay because of the negative effect this bill would have on low-income families. The bill would add substantially to the cost of each residence regardless of whether a buyer required accessibility. Housing would thus be more expensive for low-income individuals. Such individuals would effectively be priced out of the market because they could not afford the higher-cost homes. We must strive for accessibility but not in a way that hurts low-income families. I vote no on **HB 2020**.—DEAN NEWTON

HB 2219, An act relating to annual reports concerning certain tax incentive effectiveness; amending K.S.A. 2000 Supp. 74-8017 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 14; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans,

Mays, McClure, McCreary, McKinney, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballou, Crow, Findley, Grant, Howell, Huy, Landwehr, Miller, Myers, Palmer, Shultz, Toelkes, Vickrey, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2458. An act relating to sales taxation; exempting certain sales of hotel rental services and hospice purchases; amending K.S.A. 2000 Supp. 79-3603 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 20; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Kline, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Alldritt, Ballou, Benlon, Crow, Dillmore, Feuerborn, Henry, Klein, Krehbiel, Loyd, Nichols, Reardon, Sharp, Spangler, Storm, Swenson, Toelkes, Weber, Wells, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2507. An act concerning retirement; relating to participation in deferred compensation; amending K.S.A. 2000 Supp. 74-4911f and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 44; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Klein, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Schwartz, Shultz, Sloan, Spangler, Stone, Tafanelli, Tanner, Tomlinson, Weber, Wilk, D. Williams, Wilson.

Nays: Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Hermes, Hutchins, Kirk, Kuether, Larkin, Levinson, Loganbill, M. Long, McKinney, Minor, Nichols, O'Brien, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Storm, Swenson, Thimesch, Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2507**. At night after we leave, legislative and agency staff begin—reconciling budget numbers, producing bill explainers, and work we have requested. I understand the amount of time Legislative employees dedicate to their work. I have been there.

I was elected to represent ALL constituents including Legislative, Executive, and Judicial branch employees—all very dedicated to their positions. Legislative staff deserves this benefit as do other State employees who perform the same jobs as Legislative staff at state agencies. Thank you to each one of you on the Legislative Staff.—CINDY HERMES

HB 2545, An act making and concerning appropriations for the fiscal years ending June 30, 2001, and June 30, 2002, for the state bank commissioner, board of nursing, state board of pharmacy, real estate appraisal board, governor's department, lieutenant governor, state treasurer, insurance department, state board of indigents' defense services, department of administration, department of revenue, Kansas racing and gaming commission, Kansas technology enterprise corporation, department of human resources, Kansas commission on veterans affairs, department of health and environment, department on aging, department of social and rehabilitation services, department of education, state library, Kansas arts commission, Fort Hays state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, state board of regents, department of corrections, juvenile justice authority, state fire marshal, Kansas sentencing commission, Kansas department of agriculture, state conservation commission, Kansas water office department of wildlife and parks, adjutant general, behavioral sciences regulatory board, citizens' utility ratepayers board, department of commerce and housing, judicial council and Kansas human rights commission; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 21; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Edmonds, Feuerborn, Findley, Flaherty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Alldritt, Ballou, Crow, Dillmore, DiVita, Faber, Henderson, Huebert, Huy, P. Long, McKinney, McLeland, Myers, Ostmeyer, Palmer, Sharp, Spangler, Tomlinson, Toplikar, Vickrey, D. Williams.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

HB 2563, An act concerning securities; relating to investor education; establishing the investor education fund; amending K.S.A. 17-1271 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 73; Nays 52; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Kline, Krehbiel, Lane, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Newton,

Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, Pottorff, L. Powell, T. Powell, Powers, Ray, Ruff, Schwartz, Shriver, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Tomlinson, Weber, Wilk.

Nays: Alldritt, Aurand, Ballou, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Howell, Kirk, Kuether, Landwehr, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McKinney, Miller, Minor, Neufeld, O'Brien, Palmer, E. Peterson, J. Peterson, Phelps, Pyle, Reardon, Rehorn, Sharp, Showalter, Spangler, Storm, Thimesch, Toelkes, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The bill passed.

HB 2566. An act concerning retirement and pensions; relating to members of the legislature; purchase of retirement annuities; amending K.S.A. 2000 Supp. 74-4925 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 2; Absent or not voting: 0.

Yeas: Aday, Alldritt, Aurand, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, DeCastro, Dillmore.

Present but not voting: Ballard, McLeland.

Absent or not voting: None.

The bill passed.

SB 309. An act authorizing the state historical society to accept conveyance of certain real property on behalf of the state, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 4; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Henderson, Landwehr, Rehorn, Spangler.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

H. Sub. for SB 322. An act concerning the Kansas public employees retirement system; relating to assignment of certain positions under the Kansas civil service act; employee bonus awards; certain contracts for professional or consultant services, procedures and reports; amending K.S.A. 2000 Supp. 74-4908, 75-37,132 and 75-37,135 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed.

H. Sub. for Sub. SB 330. An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; benefits; employer certification of member contributions; purchase of service credit; postretirement benefit increase; lump sum payments; disability benefits; payments to beneficiaries; executive director; purchase of service credit; amending K.S.A. 74-4934, 74-4978h and 74-49,102 and K.S.A. 2000 Supp. 13-14a07, 14-10a07, 20-2603, 20-2610a, 74-4902, 74-4904, 74-4908, 74-4911e, 74-4914, 74-4914e, 74-4915, 74-4915b, 74-4915c, 74-4916, 74-4918, 74-4918a, 74-4919, 74-4919b, 74-4920, 74-4921, 74-4922, 74-4927h, 74-4932, 74-4940, 74-4957, 74-4957a, 74-4958, 74-4958a, 74-4959, 74-4960, 74-4960a, 74-4963, 74-4963a, 74-4964, 74-4964a, 74-4965, 74-4967, 74-4989, 74-4998c and 74-49,128 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 2; Absent or not voting: 0.

Yeas: Aday, Alldritt, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, DiVita, Novascone, Palmer, Weber.

Present but not voting: Flaharty, Powers.

Absent or not voting: None.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Although I rise in support of **H. Sub. for SB 330** I submit to you my colleagues, it falls short of respecting and including many, particularly certain members of

our law enforcement. On behalf of and with respect to those in uniform but ignored in **H. Sub. for SB 330**, I would request my colleagues to give much consideration to this disservice and acknowledge the years of loyal service of those sworn to protect.—TOM BURROUGHS, DOUG SPANGLER

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Krehbiel, the House concurred in Senate amendments to **HB 2188**. An act concerning community colleges; relating to expenditures for scholarships; authorizing the charging of fees; amending K.S.A. 71-203 and K.S.A. 2000 Supp. 71-301 and repealing the existing sections.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: J. Peterson.

Present but not voting: None.

Absent or not voting: None.

EXPLANATION OF VOTE

MR. SPEAKER: The Senate amended **HB 2188** to add a requirement that student government representatives acknowledge use of student fees for scholarships. The requirement is that students' knowledge of such use be expressly confirmed, not that students approve such fee use or any portion or particular allocation thereof. Once is enough. An acknowledgment anew by student government representatives upon change in either the student government or the board of trustees of any community college is unnecessary. Only if a board of trustees elects to change an approved policy regarding use of fees for scholarships might a student government representative's re-acknowledgment be warranted.—WARD LOYD

On motion of Rep. Benlon, the House nonconcurred in Senate amendments to **HB 2189** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Benlon, Krehbiel and Storm as conferees on the part of the House.

On motion of Rep. Cox, the House concurred in Senate amendments to **HB 2252**. An act relating to credit unions; concerning the regulation thereof; amending K.S.A. 17-2217 and K.S.A. 2000 Supp. 17-2223a and repealing the existing sections.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E.

Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou.

Present but not voting: None.

Absent or not voting: None.

On motion of Rep. Lane, the House concurred in Senate amendments to **HB 2263**. An act concerning group funded workers compensation pools; relating to refunds therefrom; amending K.S.A. 44-585 and repealing the existing section.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Glasscock.

On motion of Rep. Cox, the House concurred in Senate amendments to **HB 2482**. An act relating to banks and banking; concerning the powers and duties of the state banking board and the state bank commissioner; amending K.S.A. 9-812, 9-908, 9-912, 9-1101a, 9-1127b, 9-1127c, 9-1127d and 9-1714 and K.S.A. 2000 Supp. 9-904, 9-1101, 9-1111, 9-1111b, 9-1801, 9-1804 and 74-3004 and repealing the existing sections, also repealing K.S.A. 9-1001 and 9-1806.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Kline, Krehbiel, Kuether, Landwehr, Lane, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, Wilson, Winn.

Nays: Ballou, Klein, Larkin, Neufeld, Spangler.

Present but not voting: Hermes.

Absent or not voting: Glasscock.

Speaker pro tem Aurand announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2212** do materially change its subject and **S. Sub. for HB 2212** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2212 was thereupon introduced and read by title.

Speaker pro tem Aurand thereupon referred **S. Sub. for HB 2212** to Committee on Judiciary.

On motion of Rep. Lane, the House nonconcurrred in Senate amendments to **HB 2301** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Lane, P. Long and Ruff as conferees on the part of the House.

On motion of Rep. Lane, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2303** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Lane, P. Long and Ruff as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurrred in Senate amendments to **HB 2316** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Freeborn, Schwartz and Flora as conferees on the part of the House.

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2369** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Hayzlett, Vickrey and Grant as conferees on the part of the House.

On motion of Rep. Cox, the House concurred in Senate amendments to **HB 2481**. An act amending the Kansas mortgage business act; amending K.S.A. 2000 Supp. 9-2201, 9-2202, 9-2203, 9-2204, 9-2205, 9-2206, 9-2207, 9-2208, 9-2209, 9-2211, 9-2212, 9-2213, 9-2214, 9-2215, 9-2216 and 9-2220 and repealing the existing sections.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: Hermes.

Absent or not voting: None.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Lane in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Weber, in accordance with House Rule 2311, that House Rule 3905 be suspended for the purpose of considering **HB 2557**. The motion prevailed.

Committee report to **HB 2557** be adopted; also, on motion of Rep. Wilk, in accordance with House Rule 2311, that House Rule 1704, Violation of Rules While Speaking, be suspended for the purpose of allowing designated members to speak more than once. The motion prevailed.

Also, on motion of Rep. Neufeld **HB 2557** be amended on page 78, by striking all in lines 21 through 23; by striking all in lines 25 and 26; by striking all in lines 28 and 29;

Also, on motion of Rep. Landwehr **HB 2557** be amended on page 138, in line 39, preceding the period, by inserting “: *Provided, however,* That the grant agreements for such pilot project shall require a \$1 for \$1 match from each service provider”;

Also, roll call was demanded on motion of Rep. Feuerborn to amend **HB 2557** on page 143, in line 30, before the period, by inserting the following: “: *And provided further,* That expenditures shall be made from the operating expenditures account for fiscal year 2002 for an additional amount of compensation for each employee in the trooper job classes of the Kansas highway patrol: *And provided further,* That such additional amount of compensation shall be an amount equal to 5% of the annual salary of each such employee that is payable to such employee for fiscal year 2001: *And provided further,* That expenditures from this account for such additional compensation for each such employee shall be at the same times and in the same manner that compensation is payable to each such employee for each payroll period chargeable to fiscal year 2001: *And provided further,* That such additional compensation shall be expended to provide a one pay grade increase for each employee in the trooper job classes of the Kansas highway patrol: *And provided further,* That such increase shall be in addition to the salary increase recommended by the governor in the governor’s budget report for fiscal year 2002: *Provided, however,* That the aggregate amount of expenditures from this account for such additional compensation for such troopers for fiscal year 2002 shall not exceed \$973,000”;

On roll call, the vote was: Yeas 103; Nays 21; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Ballard, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Lightner, Loganbill, M. Long, P. Long, Loyd, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O’Brien, Osborne, Palmer, Patterson, Pauls, E. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Bethell, Cox, Freeborn, Glasscock, Humerickhouse, Kline, Lane, Light, Lloyd, Mason, McCreary, Neufeld, Ostmeyer, J. Peterson, Pottorff, Schwartz, Shultz, Weber, Wilk.

Present but not voting: None.

Absent or not voting: O’Neal.

The motion of Rep. Feuerborn prevailed.

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Taxation** recommends **HB 2574** be passed.

The Committee on **Taxation** recommends **SB 146** be amended on page 2, after line 43, by inserting a new section to read as follows:

“New Sec. 2. (a) No political subdivision of this state, including but not limited to a county, municipality or township, shall enact, maintain or enforce any ordinance or resolution that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property.

(b) This section shall not impair the right of any local unit of government to manage and control residential property in which such local unit of government has a property interest.”;

By renumbering existing sections accordingly;

In the title, in line 12, by striking all after “ACT”; in line 13, by striking all before the semicolon and inserting “relating to the economic development of certain political subdivisions”; and the bill be passed as amended.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Aurand announced the following bill, appearing on the Calendar as "To Be Referred," was referred to committee as indicated:

Taxation: **HB 2578**.

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

AFTERNOON SESSION

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

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Wells as a member of the conference committee on **SB 183** to replace Rep. Flora.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Lane in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2557** (see Committee of the Whole, Morning Session). Also, on motion of Rep. T. Powell **HB 2557** be amended on page 136, following line 2, by inserting the following:

"(g) During the fiscal year ending June 30, 2002, no moneys appropriated for the department of corrections from the state general fund or any special revenue fund for fiscal year 2002 shall be expended for the purpose of providing offender substance abuse treatment services by Mirror Inc., for any offender incarcerated for a conviction of a sexual offense or for any individual who has been committed as a sexually violent predator pursuant to K.S.A. 59-29a01 et seq., at the treatment facility located at 3820 North Toben, Wichita, Kansas: *Provided*, That the secretary of corrections may make expenditures from any moneys appropriated for the department of corrections from the state general fund or any special revenue fund for fiscal year 2002 to renegotiate the contract for services with Mirror Inc., which renegotiation is hereby authorized and directed to be undertaken, if required, to amend the current contract to the effect that no individuals who have been committed for a sexual offense or who are participants in the sexually violent predator program receive treatment at 3820 North Toben, Wichita, Kansas, but are provided such offender substance abuse treatment services at another, suitable location in Wichita, Kansas, or in the proximity of Wichita within Sedgwick county.";

Also, on motion of Rep. Reardon **HB 2557** be amended on page 91, in line 31, preceding the period by inserting: "*And provided further*, That the amount of general state aid that is attributed to and budgeted for special education weights in the general state aid account shall be approximately 85% of special education excess costs: *And provided further*, That such amount of general state aid that is attributed to and budgeted for special education weights in the general state aid account shall serve as a baseline for fiscal year 2003 and ensuing fiscal years and, if federal funding for special education increases, any such amount of federal funding for special education shall be used to increase the percentage of special education excess costs funded and shall not be used to supplant any portion of general state aid that is provided for purposes of funding special education";

Also, on motion of Rep. Nichols **HB 2557** be amended on page 83, in line 10, by subtracting \$250,000 from the dollar amount and adjusting the dollar amount in line 10 accordingly;

On page 89, in line 28, by adding \$250,000 to the dollar amount and adjusting the dollar amount in line 28 accordingly;

On page 92, in line 11, by adding \$250,000 to the dollar amount and adjusting the dollar amount in line 11 accordingly;

On page 95, in line 37, by subtracting \$250,000 from the dollar amount and adjusting the dollar amount in line 37 accordingly;

Also, on motion of Rep. Gatewood to amend **HB 2557**, the motion was withdrawn. Also, on motion of Rep. Campbell to amend, the motion did not prevail.

Also, on motion of Rep. Alldritt **HB 2557** be amended on page 14, after line 12, by inserting the following material to read as follows:

“Senate chamber electronic voting board..... \$50,000”;

Also, on motion of Rep. Sharp to amend **HB 2557**, the motion did not prevail.

Also, on motion of Rep. Levinson **HB 2557** be amended on page 29, following line 7, by inserting:

“(d) In addition to the other purposes for which expenditures may be made by the Kansas public employees retirement system from the moneys appropriated from the Kansas public employees retirement fund or from the group insurance reserve fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures are hereby authorized and directed to be made by the Kansas public employees retirement system from the moneys appropriated from the Kansas public employees retirement fund or from the group insurance reserve fund for fiscal year 2002 for the following:

(1) Each retirant who is entitled to receive a retirement benefit, pension or annuity payment from a retirement system or who is a local school annuitant shall be entitled to receive a retirant dividend payment as specified in this subsection (d). Such retirant dividend payment shall be paid in addition to the amount of the annual retirement benefit, pension or annuity payment to which the retirant is otherwise entitled and shall be paid in the form of an additional payment which shall be made on October 1, 2001.

(2) Each such retirement dividend payment as provided in this subsection (d) shall be payable to the retirant in an amount equal to 50% of the retirement benefit payment such retirant is entitled to receive on July 1, 2001.

(3) Each such retirant dividend payment shall be paid by the retirement system to the retirant and the local school annuitant and shall be payable from the Kansas public employees retirement fund and the group insurance reserve fund.

(4) The actuarial cost of the retirant dividend payments prescribed by this subsection (d) shall not be subject to the provisions of subsection (8) of K.S.A. 74-4920 and amendments thereto.

(5) As used in this subsection (d):

(A) “Retirant” means (i) any person who is a member of a retirement system and who retired prior to July 1, 2000, (ii) any person who is a special member of a retirement system and who retired prior to July 1, 2000, (iii) any person who is a joint annuitant or beneficiary of any member described in clause (i) or any special member described in clause (ii), and (iv) any insured disability benefit recipient.

(B) “Retirement system” means the Kansas public employees retirement system, the Kansas police and firemen’s retirement system, the state school retirement system and the retirement system for judges.

(C) “Local school annuitant” means (i) any person who is an annuitant with 10 or more years of service, who is receiving an annuity, whose annuity is not included, in whole or in part, in payments made to such school district under K.S.A. 72-5512b and amendments thereto, and who is not a member of a group I or of group II as defined in K.S.A. 72-5518 and amendments thereto, and (ii) any person who is receiving an annuity and who retired prior to September 1, 1981.

(D) “Insured disability benefit recipient” means any person receiving an insured disability benefit under K.S.A. 74-4927, and amendments thereto, prior to July 1, 2000.”

Also, roll call was demanded on motion of Rep. Crow to amend **HB 2557** on page 85, in line 27, by subtracting \$2,600,000 from the dollar amount and by adjusting the dollar amount in line 27 accordingly;

On page 89, by striking all in lines 4 through 18;

And by relettering subsections accordingly;

On roll call, the vote was: Yeas 60; Nays 62; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Cook, Crow, Dillmore, DiVita, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Howell, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Loyd, Mayans, McClure, McKinney, McLeland, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Storm, Swenson, Tanner, Thimesch, Toelkes, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Dahl, DeCastro, Dreher, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, Mason, Mays, McCreary, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, Powers, Ray, Schwartz, Sloan, Spangler, Stone, Tafanelli, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: O'Neal, T. Powell, Shultz.

The motion of Rep. Crow did not prevail.

Also, on motion of Rep. Gatewood to amend **HB 2557**, the motion did not prevail.

Also, on motion of Rep. Ballard **HB 2557** be amended on page 79, in line 37, preceding the period, by inserting “: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to continue meeting with the directors of nursing facilities for mental health (NF/MH facilities) and the directors of community mental health centers and to develop a plan for reducing the reliance of the state on NF/MH facilities and to determine the number of individuals currently in care who are candidates for community based services: *And provided further*, That the secretary of social and rehabilitation services shall not decertify any beds prior to the plan being reviewed by the legislature during the regular session in 2002”;

Also, roll call was demanded on motion of Rep. Wilson to amend **HB 2557** on page 47, in line 1, after “*Provided*,” by inserting “That of the amounts so certified during fiscal year 2001 and fiscal year 2002, the director of accounts and reports shall not transfer to the automated tax systems fund of the department of revenue the first amounts which are certified during such fiscal years and which in the aggregate are equal to \$10,000,000: *Provided further*,”;

On page 128, after line 19, by inserting the following:

“Regents 2002 and Washburn university operating grant shortfall fund . . . No limit *Provided*, That the state board of regents may transfer moneys from this fund to a fund of any institution under its jurisdiction and to Washburn university to be expended to address base budget shortfalls and operating grant calculation issues as presented in testimony to the house education budget committee.”;

On page 129, after line 10, by inserting the following:

“(f) On July 1, 2001, the director of accounts and reports shall transfer \$6,378,667 from the state general fund to the regents 2002 and Washburn university operating grant shortfall fund.”;

On roll call, the vote was: Yeas 58; Nays 64; Present but not voting: 0; Absent or not voting: 3.

Yeas: Alldritt, Ballard, Barnes, Benlon, Burroughs, Crow, DeCastro, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Howell, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, McLeland, Minor, Nichols, O'Brien, Osborne, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Stone, Storm, Swenson, Thimesch, Toelkes, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mayans, Mays, McCreary, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, Ostmeyer, Pal-

mer, Patterson, L. Powell, Powers, Ray, Schwartz, Shultz, Sloan, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Hermes, Mason, O'Neal.

The motion of Rep. Wilson did not prevail.

Also, on motion of Rep. Kuether **HB 2557** be amended on page 42, following line 32, by inserting the following:

“(a) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures are hereby authorized and directed to be made by the secretary of administration from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2002, to provide for a pro-active program to address issues of sexual harassment and discrimination in accordance with the following policies and related matters, which policies and related matters are hereby authorized and directed to be implemented and enforced:

(1) The secretary of administration shall reaffirm and direct that no agency under the jurisdiction of the governor shall tolerate sexual harassment or discrimination by any state employee against any other employee, applicant for employment, or client or other person receiving services from the state;

(2) each agency shall have in place a sexual harassment policy consistent with the content and intent of Governor's Executive Order No. 82-55 and the requirements of the federal equal employment opportunity commission applicable thereto;

(3) each agency head shall be required to create a workplace environment which encourages discussion of sexual harassment and in which discrimination questions or complaints are provided clear, impartial and timely responses;

(4) the secretary of administration shall ensure that a systematic review of programs is in place to address issues of sexual harassment and discrimination including the steps to be taken and appropriate sanctions when instances of sexual harassment or discrimination are alleged;

(5) the secretary of administration shall ensure that effective strategies are developed and implemented for each state agency to discourage and prevent sexual harassment and discrimination through clearly drawn policies and education;

(6) the secretary of administration shall ensure that each state agency has an effective complaint mechanism in place that provides appropriate oversight and resolution of such complaints;

(7) the secretary of administration shall ensure that contractors and grantees receiving state funds have, as a condition of receiving such funding, written sexual harassment policies which are conspicuously posted;

(8) the secretary of administration shall have the authority to issue such directives and to adopt and promulgate such rules or regulations as may be necessary to carry out the provisions of this subsection and all state agencies, boards and commissions under the governor's jurisdiction shall cooperate fully with the secretary of administration in the implementation of the provisions of this subsection; and

(9) the secretary of administration shall prepare and submit a written report to the members of the legislative coordinating council on or before December 31, 2001, on the progress made in attaining compliance with the provisions of this subsection and detailing the actions of each state agency to comply with Executive Order No. 82-55 and with the provisions of this subsection.”;

Also, on motion of Rep. Osborne **HB 2557** be amended on page 109, following line 1, by inserting the following:

“(e) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures are hereby authorized and directed to be made by the president of Kansas state university from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2002, to provide for

renegotiation and modification of all applicable agreements with the Kansas state university athletic corporation, and all other necessary entities, which are hereby authorized and directed to be renegotiated and modified, to provide (1) that no surcharges shall be added to the original purchase price for, or otherwise be imposed on the purchase or use of booths, seat backs and boxes and other reserved seating at varsity football games in the football stadium for all persons who have paid, prior to the effective date of this act, for the right to use or to renew the right or license to use such booths, seat backs and boxes and other reserved seating for such events; and (2) that Kansas state university and all affiliated or associated corporations, including but not limited to the Kansas state university athletic corporation, shall honor the accepted offers, representations and agreements entered into with all such persons, as have been or may be advertised and relied upon by such persons prior to the effective date of this act.”;

Also, on motion of Rep. Loyd **HB 2557** be amended on page 158, after line 3, by inserting the following material to read as follows:

“Ogallala aquifer institute \$45,000”;

Also, having voted on the prevailing side, Rep. Spangler moved that the House reconsider its action in not adopting the amendment by Rep. Crow. The motion did not prevail, and **HB 2557** be passed as amended.

SB 180 be passed over and retain a place on the calendar.

Committee report to **SB 35** be adopted; and the bill be passed as amended.

Committee report to **HB 2030** be adopted; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 2579, An act concerning telecommunications; relating to the provision of local exchange telephone service; amending K.S.A. 12-2001, 17-1901 and 17-1906 and repealing the existing sections, by Committee on Taxation.

REPORT ON ENGROSSED BILLS

HB 2300, HB 2458, HB 2507, HB 2545 reported correctly engrossed March 27, 2001.

Also, **HB 2020, HB 2188, HB 2252, HB 2263, HB 2482** reported correctly engrossed March 28, 2001.

HB 2481 reported correctly re-engrossed March 28, 2001.

REPORT ON ENROLLED RESOLUTIONS

HR 6016 reported correctly enrolled and properly signed on March 28, 2001.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Thursday, March 29, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

