

Journal of the House

SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 6, 2001, 10:00 a.m.

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

The roll was called with 124 members present.

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

Prayer by Chaplain Svoboda-Barber:

Holy God

we have tried
to be faithful to you
this session.

But now

we are near the end,
we are tired
but there is still much to do.

Give us the strength

to keep at our task today
to act with kindness
and to listen to others with a
peaceful heart.

I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. DiVita.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Committee of the Whole: **HR 6019**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Glasscock announced the following resolutions, appearing on the Calendar as "To Be Referred," were referred to committee as indicated:

Agriculture: **HCR 5030, HCR 5031**.

COMMUNICATIONS FROM STATE OFFICERS

From Lt. Governor/Secretary Gary Sherrer, Kansas Department of Commerce and Housing, in accordance with K.S.A. 74-50,118(b), Annual Report to the Governor and the Legislature on the Kansas Enterprise Zone Program.

From Dale Brunton, Director, Division of Accounts and Reports, Department of Administration, Monthly Financial Perspective for January 2001.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **SB 57**.

The Senate adopts conference committee report on **S. Sub. for HB 2035**.

The Senate adopts conference committee report on **HB 2114**.

The Senate adopts conference committee report on **HB 2131**.
 The Senate adopts conference committee report on **HB 2134**.
 The Senate adopts conference committee report on **S. Sub. for HB 2303**.
 The Senate adopts conference committee report on **HCR 5008**.
 Also, announcing passage of **HB 2493**.

Announcing passage of **HB 2067**, as amended by **S. Sub. for HB 2067**.

The Senate nonconcurrs in House amendments to **SB 146**, requests a conference 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 **S. Sub. for HB 2034** and has appointed Senators Brownlee, 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 2221** 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 2296** 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 **Sub. HB 2532** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 146**.

Speaker Glasscock thereupon appointed Reps. Edmonds, Huff and Larkin as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Beggs, the House nonconcurred in Senate amendments to **HB 2515** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Holmes, Beggs and McClure as conferees on the part of the House.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2336, An act concerning school district finance; relating to local option budgets; revising the definition of state prescribed percentage; amending K.S.A. 2000 Supp. 72-6433 and repealing the existing section; also repealing K.S.A. 2000 Supp. 72-6444, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 65; Nays 59; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Aurand, Ballou, Benlon, Bethell, Campbell, Compton, Cook, Cox, Dahl, DiVita, Edmonds, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Levinson, Light, Lightner, Lloyd, P. Long, Loyd, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Ray, Ruff, Schwartz, Shultz, Stone, Storm, Tanner, Tomlinson, Toplikar, Weber, Wilk, D. Williams.

Nays: Alldritt, Ballard, Barnes, Beggs, Boston, Burroughs, Crow, DeCastro, Dillmore, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Howell, Huy, Kirk, Klein, Kuether, Larkin, Loganbill, M. Long, Mason, McClure, McKinney, Minor, Nichols, O'Brien, Osborne, Ostmeyer, Pauls, E. Peterson, Phelps, Pottorff, Powers, Pyle, Reardon, Rehorn, Showalter, Shriver, Sloan, Spangler, Swenson, Tafanelli, Thimesch, Toelkes, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Sharp.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: During debate on **HB 2336** yesterday, I had received information that

increasing the cap on the LOB would lose my school district the Federal Impact aid. I have since been informed through the speaker's office that Dale Dennis with the Department of Education has confirmed that my school district will not lose the Federal Impact aid. I requested yesterday that you join me in voting against **HB 2336**. I now ask you to join me in allowing local control to take place and vote yes on **HB 2336**.—DON MYERS

MR. SPEAKER: While the passage of **HB 2336** will increase the inequity between high and low valuation districts. It will give districts who have no LOB the opportunity for a small increase, should they so desire.

The need for the bill is further confirmation that our school finance formula has many inequities. We must change it! Reluctantly I vote yes on **HB 2336**.—LLOYD STONE

MR. SPEAKER: I vote "yes" on **HB 2336** with great reluctance. I am concerned about the future of school finance in our state, and the implications of this bill are unclear.

However, in view of the current fiscal situation, this bill may offer the only opportunity to increase funding for education.

The uncertainty concerning the effects of this bill demonstrates the need for an overhaul of the school finance system.—CARL C. KREHBIEL, WARD LOYD

MR. SPEAKER: I strongly, emphatically, vote no on **HB 2336**. What a difference a few years make. There was once a young individual from Manhattan who as a freshman legislator championed a bill (1992 **HB 2835**) to provide equalization aid to assist school districts in paying bond and interest obligations. I was proud to support his efforts.

It is now amazing to me that this same person has now shepherded through this house one of the most inequitable and unfair school funding proposals.

Mr. Speaker, I remain committed to the fair and equal treatment of our local schools. I vote NO.—JIM GARNER

MR. SPEAKER: I vote yes on **HB 2336**. This bill is a vehicle that will allow dialogue on school funding increases to move on. Two concepts I've championed are also included: a direct vote of the people, albeit only for the LOBs of 30%, and an effort to cause school districts to collect their financial data in such a manner that financial reports will include such information as direct and indirect instructional costs.—DEENA HORST

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. P. Long, the House concurred in Senate amendments to **HB 2343**. An act concerning accountants; relating to the board of accountancy; relating to peer review and permits; amending K.S.A. 2000 Supp. 1-202, 1-302b, 1-310, 1-311, 1-312, 1-321 and 1-501 and repealing the existing sections.

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

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, 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, 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, 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: Landwehr.

Present but not voting: Edmonds.

Absent or not voting: Alldritt, Sharp.

On motion of Rep. Mason, the House concurred in Senate amendments to **HB 2055**, An act relating to income taxation; authorizing research and development credits.

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

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, 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, 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, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, Phelps, L. Powell, T. Powell, Powers, Pyle, Ray, Rehorn, Ruff, Schwartz, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Burroughs, Crow, Henderson, Nichols, E. Peterson, Pottorff, Reardon, Shriver, Spangler, Toelkes, Winn.

Present but not voting: None.

Absent or not voting: Alldritt, Sharp.

On motion of Rep. T. Powell, the House concurred in Senate amendments to **Sub. HB 2129**, An act concerning certain commissions and councils; relating to the membership thereof; amending K.S.A. 2000 Supp. 74-9201 and 75-7202 and repealing the existing sections.

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

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, 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, 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, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballou, Crow, Dillmore, Henderson, Klein, Pyle, Spangler, Swenson, Vickrey, Winn.

Present but not voting: Nichols.

Absent or not voting: Alldritt, Sharp.

On motion of Rep. T. Powell, the House concurred in Senate amendments to **S. Sub. for HB 2299**, An act concerning committees and entities subject to the open records law and the open meetings law; amending K.S.A. 75-4318 and repealing the existing section.

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

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

Yeas: Aday, 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, 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: Alldritt, Sharp.

On motion of Rep. McClure, the House concurred in Senate amendments to **HB 2099**, An act concerning telecommunications; amending K.S.A. 2000 Supp. 50-6,103 and repealing the existing section.

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

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

Yeas: Aday, 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, 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: Alldritt, Sharp.

On motion of Rep. Tanner, the House concurred in Senate amendments to **HB 2289**, An act concerning school safety; revising the definition of weapon; providing for suspension of the driver's license or privilege to drive of pupils for the commission of certain acts at school, on school property or at school-supervised activities; amending K.S.A. 2000 Supp. 72-89a01, 72-89c01 and 72-89c02 and repealing the existing sections.

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

On roll call, the vote was: Yeas 85; Nays 38; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Johnson, Klein, Kline, Krehbiel, Landwehr, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barnes, Campbell, Cook, Cox, Crow, Dillmore, Edmonds, Faber, Findley, Flaharty, Flora, Garner, Howell, Hutchins, Huy, Kauffman, Kirk, Kuether, Lane, Larkin, P. Long, McClure, McCreary, McKinney, McLeland, Miller, Nichols, Palmer, Pauls, E. Peterson, Powers, Schwartz, Spangler, Swenson, Thimesch, Toelkes.

Present but not voting: None.

Absent or not voting: Alldritt, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 107**, 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 of the Whole amendments, as follows:

On page 2, after line 18, by inserting the following:

“If the advisory opinion states that the form of the question contained in the petition does not comply with the requirements of this act, such advisory opinion shall also state specific grounds to support such determination.”;

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

TONY POWELL
TED POWERS
RICHARD ALLDRITT
Conferees on part of House

BARBARA P. ALLEN
STAN CLARK
MARK GILSTRAP
Conferees on part of Senate

On motion of Rep. T. Powell, the conference committee report on **SB 107** was adopted.

On roll call, the vote was: Yeas 93; Nays 30; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Findley, Freeborn, Gilbert, Glasscock, Gordon, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Kirk, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Ray, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Storm, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Benlon, Burroughs, Crow, Dreher, Feuerborn, Flaharty, Flora, Garner, Gatewood, Grant, Henderson, Johnson, Klein, Kline, Kuether, M. Long, P. Long, Loyd, Miller, Neufeld, O'Brien, Pauls, J. Peterson, L. Powell, Pyle, Reardon, Spangler, Stone, Swenson, Toelkes.

Present but not voting: None.

Absent or not voting: Alldritt, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 115**, 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 1, in line 33, by striking “2004” and inserting “2005”;

On page 4, in line 2, by striking “Kansas register” and inserting “statute book”;

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

GARY K. HAYZLETT
JENE VICKREY
MARGARET E. LONG
Conferees on part of House

LES DONOVAN
 LARRY D. SALMANS
 U.L. GOOCH
Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **SB 115** was adopted.

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

Yeas: Aday, 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, 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: Alldritt, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 126**, 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 4, in line 9, after "recount" by inserting "in one or more counties"; in line 14, after "county" by inserting "in which the recount occurred"; in line 15, by striking "in conducting such"; in line 16, by striking "recount";

On page 5, after line 6, by inserting the following:

"Sec. 3. K.S.A. 25-409 is hereby amended to read as follows: 25-409. (a) If any person challenged pursuant to K.S.A. 25-414, and amendments thereto, shall refuse to subscribe the application for registration pursuant to K.S.A. 25-2309, and amendments thereto, the judges shall reject such person's vote.

(b) If a person is challenged pursuant to K.S.A. 25-414, and amendments thereto, such person shall be permitted to subscribe the application for registration and mark a ballot. The ballot shall thereupon be sealed in an envelope. The judges shall write on the envelope the word "provisional" and a statement of the reason for the challenge, and that the ballot contained in the envelope is the same ballot which was challenged pursuant to K.S.A. 25-409 *et seq.* and amendments thereto. Such statement shall be attested by two of the judges. The judges shall attach the application for registration to the envelope containing the provisional ballot. The envelope shall be numbered to correspond to the number of the provisional voter's name in the registration or poll book, and the word "provisional" shall be written following the voter's name in the poll book. Such provisional ballots, together with objected to and void ballots packaged in accordance with K.S.A. 25-3008, and amendments thereto, shall be ~~opened and~~ reviewed by the county board of canvassers *at the time prescribed for canvassing votes*, and such board shall determine the acceptance or rejection of the same. *The county board of canvassers shall open all ballots deemed to be valid and include such ballots in the final canvass of election returns.*"

And by renumbering sections accordingly;

Also on page 5, in line 7, after "25-106" by inserting ", 25-409";

In the title, in line 14, after "25-106" by inserting ", 25-409;"

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

TONY POWELL
TED POWERS
RICHARD ALLDRITT
Conferees on part of House

BARBARA P. ALLEN
KAY O'CONNOR
MARK GILSTRAP
Conferees on part of Senate

On motion of Rep. T. Powell, the conference committee report on **SB 126** was adopted.

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

Yeas: Aday, 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, Haylett, 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, 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: Alldritt, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 183**, 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 3, in line 18, by striking "an amount"; in line 19, by striking "equal to" and inserting "½ of such surplus shall be transferred to such fund from the plan and the remaining ½ of"; in line 21, by striking "has"; also in line 21, following "plan" by inserting "during the preceding fiscal year";

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

JOANN FREEBORN
DON MYERS
VAUGHN L. FLORA
Conferees on part of House

ROBERT TYSON
MARK TADDIKEN
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Myers, the conference committee report on **SB 183** was adopted.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 2; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, 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, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Thimesch.

Present but not voting: Feuerborn, Shriver.

Absent or not voting: Alldritt, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 218**, 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.

TONY POWELL

TED POWERS

Conferees on part of House

BARBARA P. ALLEN

KAY O'CONNOR

MARK GILSTRAP

Conferees on part of Senate

On motion of Rep. T. Powell, the conference committee report on **SB 218** was adopted. Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Alldritt as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2035**, 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 16, by striking "New"; in line 17, by striking "New"; in line 19, by striking all following "the"; in line 20, by striking all preceding the period and inserting "state board of regents"; in line 35, by striking "New"; also in line 35, by striking all following "of"; in line 36, by striking "erate and maintain" and inserting "this act is to provide for"; in line 38, by striking all following the period; by striking all in lines 39 through 42 and inserting "For that purpose, the state board of regents shall contract in accordance with this act for the creation, operation and maintenance of such network, to be known as the KAN-ED network.";

On page 2, by striking all in lines 10 through 43;

On page 3, by striking all in lines 1 through 12; in line 13, by striking all preceding "shall" and inserting:

"Sec. 4. (a) The board";

Also on page 3, in line 15, by striking "and" and inserting ". The board"; in line 16, preceding the period, by inserting "and shall adopt priorities for implementation of such access"; in line 17, by striking "ITEC" and inserting "The board"; in line 19, by striking "or cable" and inserting ", cable or other communications"; in line 20, by striking ". ITEC" and inserting "and priorities. The board"; in line 22, by striking "and standards" and inserting ", standards and priorities. Not less than 75% of all schools which have applied to the board

to participate in the network, 75% of all libraries which have applied to the board to participate in the network and 75% of all hospitals which have applied to the board to participate in the network shall have access to the network by July 1, 2004"; in line 23, by striking "ITEC" and inserting "The board"; in line 25, by striking "KAN-ED"; also in line 25, following the period, by inserting "Such contracts shall be let by competitive bids as provided by K.S.A. 75-3739, and amendments thereto."; in line 26, by striking "ITEC" and inserting "The board"; in line 31, by striking "ITEC" and inserting "The board"; in line 35, by striking "ITEC" and inserting "The board"; in line 39, by striking "other"; in line 42, following the period, by inserting "Such advisory committees, to the extent appropriate, shall include both communications services providers and participants knowledgeable about topics such as network facilities and services, network content and user training, and such other topics as may be necessary or useful.";

On page 4, in line 3, by striking "ITEC" and inserting "On or before July 1, 2002, and thereafter as the board deems appropriate, the board shall adopt rules and regulations to implement and administer the provisions of this act.

(h) The board";

Also on page 4, in line 8, by striking "(h)" and inserting "(i)"; in line 11, by striking "ITEC" and inserting "the board"; in line 12, by striking all following "duties"; by striking all in line 13; in line 14, by striking all preceding "this" and inserting "pursuant to"; in line 15, by striking "New Sec. 7." and inserting "Sec. 5."; in line 16, by striking all following the period; by striking all in line 17 and inserting "The board shall remit to the state treasurer all moneys received by or on behalf of the board for the purposes of this act. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the KAN-ED fund."; in line 30, by striking "ITEC" and inserting "the board"; in line 32, by striking "New Sec. 8. (a)" and inserting "Sec. 6."; also in line 32, by striking "ITEC" and inserting "the board"; in line 34, by striking all following "report"; by striking all in line 35; in line 36, by striking all preceding "shall"; in line 37, by striking "ITEC" and inserting "the board"; in line 40, by striking all preceding "are"; in line 41, by striking all following the period; by striking all in lines 42 and 43;

On page 5, by striking all in lines 1 through 4; in line 5, by striking "New Sec. 9." and inserting "Sec. 7."; by striking all in lines 10 through 31; by renumbering section 12 as section 8;

In the title, in line 12, by striking all following "hospitals"; in line 13, by striking all preceding the period;

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

KARIN S. BROWNLEE
NICK JORDAN
JIM BARONE
Conferees on part of Senate

TOM SLOAN
CARL DEAN HOLMES
LAURA MCCLURE
Conferees on part of House

On motion of Rep. Sloan, the conference committee report on **S. Sub. for HB 2035** was adopted.

On roll call, the vote was: Yeas 119; Nays 5; 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, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, 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, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novas-

cone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Howell, Landwehr, Miller, Powers, Shriver.

Present but not voting: None.

Absent or not voting: Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2114**, submits the following report:

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

On page 9, in line 1, before the period, by inserting “, except that on and after January 1, 2003, the amount of such bond shall be \$30,000”; in line 33, after the period by inserting “On or after January 1, 2003, the amount of cash, negotiable bonds of the United States or of the state of Kansas or negotiable certificates of deposit of any bank organized under the laws of the United States or of the state of Kansas deposited with the state treasurer shall be in an amount of no less than \$30,000.”;

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

LES DONOVAN
LARRY D. SALMANS
U.L. GOOCH
Conferees on part of Senate

ROBERT TOMLINSON
STANLEY DREHER
NANCY A. KIRK
Conferees on part of House

On motion of Rep. Tomlinson, the conference committee report on **HB 2114** was adopted.

On roll call, the vote was: Yeas 96; Nays 28; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Benlon, Boston, Burroughs, Compton, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, Merrick, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, E. Peterson, Phelps, Pottorff, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson.

Nays: Ballou, Beggs, Bethell, Campbell, Cook, Dahl, Feuerborn, Hayzlett, Hermes, Howell, Light, Lightner, P. Long, Mays, McLeland, Miller, Palmer, Pauls, J. Peterson, L. Powell, Powers, Pyle, Shriver, Spangler, Swenson, Vickrey, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: Sharp.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Reps. O'Neal, Loyd and Pauls as members of the conference committee on **HB 2154** to replace Reps. Boston, Jim Morrison and Showalter.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SCR 1611** be adopted; and the resolution be adopted as amended.

Committee report to **SB 343** be adopted; and the bill be passed as amended.

Committee report to **HB 2583** be adopted; and the bill be passed as amended.

Committee report to **SB 170** be adopted; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber, pursuant to House Rule 2311, **SCR 1611**; **SB 343**; **HB 2583**; **SB 170** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SCR 1611. A concurrent resolution expressing the Legislature's opposition to amendments to the Indian Gaming Regulatory Act which eliminate the Governor's right to concur in acquisitions of land for gaming purposes, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 87; Nays 37; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Alldritt, Ballou, Burroughs, Cox, Crow, Dillmore, Findley, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Kirk, Klein, Kuether, Lane, Levinson, Loganbill, M. Long, Nichols, O'Brien, E. Peterson, Reardon, Rehorn, Ruff, Showalter, Shriver, Spangler, Storm, Thimesch, Toelkes, Wells, Welshimer, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Sharp.

The resolution was adopted, as amended.

SB 343. An act concerning the department of health and environment; relating to vital statistics; establishing the vital statistics maintenance fee fund; amending K.S.A. 2000 Supp. 65-2418 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gilbert, Glasscock, Gordon, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Kline, Krehbiel, Landwehr, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Weber, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Alldritt, Ballou, Burroughs, Cook, Cox, Faber, Flora, Gatewood, Grant, Henderson, Howell, Huebert, Huy, Kauffman, Klein, Kuether, Lane, M. Long, P. Long, McLeland,

Nichols, Palmer, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Spangler, Swenson, Toelkes, Vickrey, Wells, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Sharp.

The bill passed, as amended.

HB 2583. An act providing for commemoration of the Kansas territorial sesquicentennial; creating the Kansas territorial sesquicentennial commission and an advisory commission to assist the commission, was considered on final action.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, 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, 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, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Burroughs, Howell, Vickrey.

Present but not voting: None.

Absent or not voting: Sharp.

The bill passed, as amended.

SB 170. An act relating to certain moneys in certain trust funds; concerning the Kansas children's cabinet; and the sunflower foundation; authorizing certain agreements with not-for-profit foundations or other entities; concerning investment of certain moneys; prescribing procedures, guidelines and conditions precedent for certain expenditures by, and providing for the composition of the board of trustees of, the sunflower foundation, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, 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, 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, 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: Hermes, Loyd.

Present but not voting: Bethell.

Absent or not voting: Sharp.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2303**, 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 as Senate Substitute for House Bill No. 2303, as follows:

On page 36, in line 36, by striking "(e)(2)(F)" and inserting "(e)(2)(G)"; in line 41, by striking "(e)(2)(F)" and inserting "(e)(2)(G)";

On page 37, in line 5, by striking "(e)(2)(F)" and inserting "(e)(2)(G)"; in line 21, by striking "(G)" and inserting "(H)";

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

KARIN BROWNLEE
NICK JORDAN
JIM BARONE
Conferees on part of Senate

AL LANE
PEGGY LONG
L. CANDY RUFF
Conferees on part of House

On motion of Rep. Lane, the conference committee report on **S. Sub. for HB 2303** was adopted.

Call of the House was demanded.

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

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, 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, 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, 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: Boston.

Present but not voting: None.

Absent or not voting: Mason, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2131**, submits the following report:

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

On page 9, in line 14, by striking "paying" and inserting "Paying"; in line 22, by striking "\$300,000 or 43%" and inserting "\$250,000 or 36%";

On page 13, after line 23, by inserting:

"Sec. 7. K.S.A. 2000 Supp. 65-3424m is hereby amended to read as follows: 65-3424m.

(a) The county official, or the official of a designated city, responsible for solid waste management in each county shall report to the secretary any known waste tire accumulation within the county not later than three months after the accumulation becomes known, if unknown before July 1, 1996.

(b) After July 1, ~~2001~~ 2003, each county shall be responsible for abatement of any waste tire accumulation within the county."

By renumbering the remaining sections accordingly;

On page 14, in line 17, before "and" by inserting ", 65-3424m";
 In the title, in line 13, before "and" by inserting ", 65-3424m";

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

ROBERT TYSON
 MARK TADDIKEN
 JANIS K. LEE
Conferees on part of Senate

JOANN L. FREEBORN
 BILL LIGHT
 DANIEL J. THIMESCH
Conferees on part of House

On motion of Rep. Freeborn, the conference committee report on **HB 2131** was adopted.

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

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Boston, Campbell, Compton, Cox, DiVita, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Johnson, Kauffman, Kirk, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lloyd, Loganbill, Loyd, Mayans, McClure, McCreary, Minor, Jim Morrison, Myers, Newton, Nichols, O'Brien, O'Neal, Pauls, E. Peterson, T. Powell, Ray, Shultz, Sloan, Stone, Storm, Swenson, Tanner, Thimesch, Toelkes, Toplikar, Weber, Wells, Welshimer, Wilk, J. Williams.

Nays: Alldritt, Ballou, Bethell, Burroughs, Cook, Crow, Dahl, DeCastro, Dillmore, Edmonds, Faber, Hayzlett, Howell, Huebert, Hutchins, Huy, Klein, Landwehr, Lightner, M. Long, P. Long, Mason, Mays, McKinney, McLeland, Merrick, Miller, Judy Morrison, Neufeld, Novascone, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Spangler, Taffanelli, Tomlinson, Vickrey, D. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Henderson, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2134**, submits the following report:

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

On page 12, in line 6, by striking all after the period; in line 7, by striking all before "If"; also in line 7, after "approve" by inserting "or deny";

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

ROBERT TYSON
 MARK TADDIKEN
 JANIS K. LEE
Conferees on part of Senate

JOANN L. FREEBORN
 BILL LIGHT
 DANIEL J. THIMESCH
Conferees on part of House

On motion of Rep. Freeborn, the conference committee report on **HB 2134** was adopted.

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

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, How-

ell, 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, 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: Henderson, Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HCR 5008**, submits the following report:

The Senate recedes from all of its amendments to the bill;

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

ROBERT TYSON

SUSAN WAGLE

JANIS K. LEE

Conferees on part of Senate

JOANN L. FREEBORN

DON MYERS

VAUGHN L. FLORA

Conferees on part of House

On motion of Rep. Freeborn, the conference committee report on **HCR 5008** was adopted.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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, 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, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, 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: Howell, Neufeld, L. Powell, Schwartz.

Present but not voting: None.

Absent or not voting: Henderson, Sharp.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Benlon, the House concurred in Senate amendments to **HB 2189**, An act concerning public safety officers; relating to administration of educational benefits for dependents of such officers; amending K.S.A. 75-4364 and repealing the existing section.

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

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

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, 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, 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: Henderson, Sharp.

EXPLANATION OF VOTE

MR. SPEAKER: After discussions with representatives of the Revisor's Office and Legislative Research in the course of hearing and working **HB 2189**, it is the understanding of the House Committee on Higher Education that the term "injury" employed in **HB 2189** includes death in the line of duty due to heart attack, and therefore that the dependent(s) of public safety officers for whom the cause of death is heart attack suffered in the line of duty shall be eligible for the provisions of this act. I vote yes on **HB 2189**.—LISA BENLON, CARL KREHBIEL, SUE STORM

On motion of Rep. Mays, the House nonconcurred in Senate amendments to **S. Sub. for HB 2067** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Bethell and Showalter as conferees on the part of the House.

On motion of Rep. Tomlinson, the House nonconcurred in Senate amendments to **HB 2480** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Aurand announced the appointment of Rep. Kline as a member of the Committee on Appropriations replacing Rep. Weber.

REPORTS OF STANDING COMMITTEES

The Committee on **Ethics and Elections** recommends **Substitute for SB 171** be amended on page 1, in line 26, by striking all after "superintendent"; in line 27, by striking all before "or"; also in line 27, following "designee" by inserting "shall designate the mode of transportation deemed necessary"; in line 29, by striking "When" and inserting:

"(3) Subject to approval by the federal aviation administration of an exemption from applicable federal aviation administration regulations, when";

On page 2, by striking all in lines 4 through 10 and inserting:

"New Sec. 2. The secretary of administration, by rules and regulations, shall fix the fees and provide for the collection of such fees for travel by the governor or the governor's family as authorized by subsection (a)(3) of K.S.A. 74-2105, and amendments thereto."; and the substitute bill be passed as amended.

The Committee on **Transportation** recommends **HB 2586** be amended on page 1, in line 13, by striking "commencing after December 31, 2001" and inserting "2002 through 2021"; and the bill be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 189, by Representative Weber, congratulating Dawn Bentz on being named 2001 Kansas Junior Miss;

Request No. 190, by Representative Barnes, commending Raymond E. Rancuret on completion of the Delano Revitalization Plan;

Request No. 191, by Representative Freeborn, congratulating Cloud County Community College Women's Basketball Team on winning the NJCAA Division I National Championship;

Request No. 192, by Representative Weber, congratulating Bob and Donna Wehmeier on their 50th Wedding Anniversary;

Request No. 193, by Representative Gordon, congratulating Rhonda and Todd Zimlich on their new baby;

Request No. 194, by the Johnson County Delegation, congratulating the Johnson County Community College Men's Basketball Team for winning the 2001 NJCAA Division II Championship;

Request No. 195, by the Johnson County Delegation, congratulating Mid-America Nazarene University Men's Basketball Team on reaching the championship game of the NAIA Division II 2001 tournament;

Request No. 196, by Representative D. Williams, honoring Bradley S. Hudson on attaining the rank of Eagle Scout;

Request No. 197, by Representative Stone, congratulating Emily Bloss on having been named NCAA Division II Women's Basketball 2000-2001 Player of the Year;

Request No. 198, by Representative McKinney, congratulating Gene Brehm on being named Outdoor Skills Instructor of the Year;

Request No. 199, by Representative McKinney, congratulating Lee Queal on being named Conservationist of the Year;

Request No. 200, by Representative Spangler, honoring The Honorable George Groeman for his service to the people of the State of Kansas.

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Weber, the committee report was adopted.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2587, An act concerning crimes, punishment and criminal procedure; relating to postrelease supervision; amending K.S.A. 2000 Supp. 22-3717 and repealing the existing section; also repealing K.S.A. 2000 Supp. 22-3717b, by Joint Committee on Corrections and Juvenile Justice Oversight.

HB 2588, An act making and concerning appropriations for the fiscal year ending June 30, 2003, for the department of corrections; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Joint Committee on Corrections and Juvenile Justice Oversight.

HB 2589, An act concerning the state educational institutions; relating to residence of students for fee purposes; amending K.S.A. 2000 Supp. 76-729 and repealing the existing section, by Committee on Appropriations.

MESSAGES FROM THE SENATE

Announcing passage of **HB 2480**, as amended.

Announcing rejection of **HB 2408**.

Also, the Senate adopts conference committee report on **SB 18**.

The Senate adopts conference committee report on **SB 37**.

The Senate adopts conference committee report on **SB 50**.

The Senate adopts conference committee report on **SB 83**.

The Senate adopts conference committee report on **SB 128**.

The Senate concurs in House amendments to **SB 127**, and requests return of the bill.

The Senate concurs in House amendments to **SB 147**, and requests return of the bill.

The Senate nonconcur in House amendments to **SB 39**, requests a conference and has appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

The Senate not adopts the conference committee report on **SB 160**, requests a new conference committee be appointed and has appointed Senators Wagle, Barnett and Haley as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2515** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 39**.

Speaker pro tem Aurand thereupon appointed Reps. Edmonds, Huff and Larkin 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 160**.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Holmes, the House concurred in Senate amendments to **HB 2515**, An act concerning municipalities; relating to convention and tourism committees; concerning franchise agreements between telecommunications providers and municipalities; relating to access by telecommunications providers to public rights-of-ways; amending K.S.A. 12-1695 and 12-16,101 and repealing the existing sections.

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

On roll call, the vote was: Yeas 87; Nays 34; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Holmes, Horst, Howell, Huebert, Huy, Johnson, Kirk, Klein, Kuether, Landwehr, Lane, Levinson, Light, Lightner, Loganbill, P. Long, Loyd, Mason, Mayans, Mays, McClure, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ruff, Schwartz, Showalter, Shriver, Sloan, Stone, Swenson, Tafanelli, Tanner, Toelkes, Tomlinson, Vickrey, Wells, Welshimer, Wilson.

Nays: Alldritt, Benlon, Burroughs, Campbell, Compton, Crow, Feuerborn, Freeborn, Henry, Hermes, Huff, Humerickhouse, Hutchins, Kauffman, Kline, Larkin, Lloyd, M. Long, McCreary, McKinney, Phelps, Ray, Reardon, Rehorn, Shultz, Spangler, Storm, Thimesch, Toplikar, Weber, Wilk, D. Williams, J. Williams, Winn.

Present but not voting: Krehbiel.

Absent or not voting: Henderson, Novascone, Sharp.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Wilson as a member of the conference committee on **SB 218** to replace Rep. Alldritt.

On motion of Rep. Weber, the House recessed until the sound of the gavel.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

Announcing passage of **HB 2219, HB 2573.**

Announcing passage of **S. Sub. for HB 2143**, as amended; **HB 2283**, as amended; **HB 2508**, as amended.

The Senate concurs in House amendments to **SB 146**, and requests return of the bill.

The Senate concurs in House amendments to **SCR 1611.**

The Senate adopts conference committee report on **SB 107.**

The Senate adopts conference committee report on **SB 115.**

The Senate adopts conference committee report on **SB 126.**

The Senate adopts conference committee report on **SB 183.**

The Senate adopts conference committee report on **HB 2068.**

The Senate adopts conference committee report on **HB 2406.**

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2067** 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 2480** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **SB 218**, requests a new conference committee be appointed, and has appointed Senators Allen, O'Connor and Gilstrap as second conferees on the part of the Senate.

REPORT ON ENGROSSED BILLS

Sub. HB 2005; HB 2301, HB 2336 reported correctly engrossed April 5, 2001.

HB 2098, HB 2127 reported correctly re-engrossed April 5, 2001.

Also, **S. Sub. for HB 2303** reported correctly engrossed April 6, 2001.

HB 2099, HB 2134 reported correctly re-engrossed April 6, 2001.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5009 reported correctly re-engrossed April 5, 2001.

Also, **HCR 5008** reported correctly engrossed April 6, 2001.

REPORT ON ENROLLED BILLS

HB 2015, HB 2128, HB 2369, HB 2550, HB 2551, HB 2552 reported correctly enrolled, properly signed and presented to the governor on April 6, 2001.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Wednesday, April 25, 2001.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

