

Journal of the House

SIXTY-FIFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, April 30, 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. Mays was excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

Holy God,

be with us this day.

Be with those who have much to do
in very little time.

Give them strength and understanding.

Also be with those who have very little to do
in what seems to be a very long time.

Give them patience and grace.

And Gracious God,

help us all to be thankful

for the time that we do have,

and the tasks that are set before us.

I ask these things in Your name. Amen.

The Pledge of Allegiance was led by Rep. Gordon.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **Sub. SB 365**.

MESSAGE FROM THE SENATE

Announcing passage of **SB 363**.

Announcing passage of **HB 2336**, as amended by **S. Sub. for HB 2336**, as amended.

The Senate accedes to the request of the House for a conference on **S. Sub. for Sub. HB 2468** 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 2563** and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 363.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2174**, **HB 2313**; **S. Sub. for HB 2336**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Tanner, the House nonconcurrent in Senate amendments to **S. Sub. for HB 2336** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Tanner, Lloyd and Reardon as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2586** be adopted; also, on motion of Rep. Patterson to amend, the motion did not prevail, and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber, pursuant to House Rule 2311, **HB 2586** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2586, An act relating to taxation; allowing credits for payments to certain port authorities, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, 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, 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, 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, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Campbell, Wilk.

Present but not voting: T. Powell.

Absent or not voting: Mays.

The bill passed, as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 214**, 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 20, by striking "human remains" and inserting "dead human bodies"; in line 23, by striking "human"; in line 24, by striking "remains" and inserting "dead human bodies"; in line 28, by striking "human remains" and inserting "dead human bodies"; in line 32, after "cremation" by inserting "of a dead human body"; in line 34, by striking "human remains" and inserting "dead human body"; in line 38, before "remains" by inserting "cremated";

On page 2, in line 1, after the stricken material by inserting "Such chambers shall be used exclusively for the cremation of human remains."; following line 5 by inserting the following:

"(h) "Crematory operator in charge" means the crematory operator who is responsible to ensure that the crematory's license is current and that the licensed crematory is in com-

pliance with the laws and regulations of this state. Nothing in this definition shall relieve other persons involved with a cremation from complying with state and federal laws and regulations.

(i) "Dead human body" means a lifeless human body or such parts of a human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.";

And by relettering the remaining subsections accordingly;

Also on page 2, in line 6, by striking all after "person"; by striking all of lines 7 and 8; in line 9, by striking all before the period and inserting "who holds a current license as a funeral director issued by the board"; in line 10, by striking all after "a"; by striking all of lines 11 and 12; in line 13, by striking all before the period and inserting "funeral establishment or branch establishment as licensed by the board"; in line 15, by striking "human remains" and inserting "dead human bodies"; in line 19, by striking "human remains" and inserting "dead human body"; in line 20 by striking "licensed crema-"; in line 21, by striking "tory" and inserting "crematory's"; in line 25, after "harm" by inserting "or damage"; by striking all of lines 26 through 33; by striking all of lines 39 through 41; and by relettering subsections accordingly;

On page 3, in line 8, by striking the comma and inserting "and"; in line 9, by striking "human remains" and inserting "dead human bodies"; in line 12, by striking "remains" and inserting "dead human bodies"; by striking all of lines 16 through 19; in line 20, before "No" by inserting "(a) The crematory operator in charge shall supervise the licensed crematory on a full-time or a part-time basis and perform such other duties relating to the supervision of a licensed crematory as prescribed by the board by rules and regulations.

(b)";

Also on page 3, in line 21, after "dead" by inserting "human"; in line 22, by striking "(a)" and inserting "(1)"; in line 24, by striking "(1)" and inserting "(A)"; also in line 24, by striking "human remains" and inserting "dead human body"; in line 27, by striking "self motivated"; in line 33, by striking "human remains" and inserting "dead human body"; in line 34, by striking "human remains do" and inserting "dead human body does"; in line 39, by striking "operator"; and by renumbering and relettering subsections accordingly;

On page 4, in line 1, by striking all before "to" and inserting "dead human body is"; in line 4, by striking "human remains" and inserting "dead human body"; in line 5, by striking "or embalmer" and inserting ", embalmer or crematory operator in charge"; in line 6, after "a" by inserting "known"; in line 7, by striking "ultimately"; in line 8, before "pacemaker" by inserting "known"; in line 9, by striking "human remains" and inserting "dead human body"; in line 15, by striking "human remains" and inserting "dead human bodies"; in line 17, by striking "human remains" and inserting "dead human body"; in line 19, by striking "human remains" and inserting "dead human body"; in line 20, by striking "human remains have" and inserting "dead human body has"; in line 21, by striking "human remains" and inserting "dead human body"; in line 22, by striking all after "establishment" where it appears for the second time; in line 23, by striking all before the semicolon; in line 24, after "operator" by inserting "in charge"; in line 26, by striking "human remains" and inserting "dead human body"; in line 28, by striking "human remains are" and inserting "dead human body is"; in line 32, by striking "human remains" and inserting "dead human bodies"; in line 37, before "remains" by inserting "cremated";

On page 5, in line 33, by striking "and" and inserting "in charge or"; in line 36, by striking "or" and inserting a comma; also in line 36, before "shall" by inserting "or crematory operator in charge"; in line 37, by striking "human remains" and inserting "a dead human body"; in line 38, by striking "A crematory"; by striking all of line 39; in line 40, by striking all before "A"; in line 41, after "operator" by inserting "in charge"; in line 42, by striking "human"; in line 43, by striking "remains" and inserting "a dead human body";

On page 6, in line 2, by striking "or" and inserting a comma; also in line 2, before "who" by inserting "or crematory operator in charge"; in line 3, by striking "and a crematory operator who refuses,"; also in line 3, by striking "body" and inserting "dead human body"; in line 4, before "accept" by inserting "arrange, to"; in line 5, by striking "body" and inserting "dead human body"; in line 8, by striking "human"; in line 9, by striking "remains" and inserting "dead human body"; in line 13, by striking "or" and inserting a comma; in line 14,

by striking "and" and inserting "or"; also in line 14, after "operator" by inserting "in charge"; in line 16, by striking all after "the" where it appears for the first time; in line 17, by striking "director shall also" and inserting "dead human body such informed person shall"; in line 18, by striking "before de-"; in line 19, by striking all before the period"; also in line 19, by striking "the" where it appears for the third time and inserting "a"; in line 20, by striking all after "director"; in line 21, by striking "matory fail" and inserting "who delivers a dead human body to a crematory after being informed that a pacemaker or hazardous implant is within the dead human body and fails"; in line 22, by striking "human remains" and inserting "dead human body"; also in line 22, by striking "(a)" and inserting "(b)"; in line 23, by striking "human re-"; in line 24, by striking "mains" and inserting "dead human body"; also in line 24, by striking "the" where it appears for the second time and inserting "such"; in line 25, by striking "human"; in line 26, by striking "remains" and inserting "dead human body"; also in line 26, by striking "also"; in line 27, by striking all before the period; in line 30, by striking "hu-"; in line 31, by striking "man remains" and inserting "dead human bodies"; also in line 31, by striking "dying" and inserting "who died"; in line 35, by striking ", shall"; in line 36, by striking all before the period; in line 37, by striking "enact" and inserting "adopt"; in line 39, by striking all after "board"; by striking all of lines 40 through 43;

On page 7, in line 1, by striking all before the period; in line 3, by striking the comma and inserting "or"; also in line 3, by striking "or publicly or privately ensure a"; in line 4, by striking "licensee" where it appears for the first time and inserting "for the crematory"; also in line 4, by striking "a licensee or applicant for a license" and inserting "the crematory operator in charge"; by striking all of lines 8 and 9; in line 10, by striking "(3)" and inserting "(2)"; in line 15, by striking "licensee"; in line 16, by striking "or applicant" and inserting "crematory operator in charge"; by striking all of lines 17 and 18; in line 36, by striking "licensee" and inserting "crematory operator in charge or the crematory"; in line 38, by striking all after "court"; in line 39, by striking all before the semicolon; by striking all of lines 40 through 43; and by renumbering paragraphs accordingly;

On page 8, in line 6, by striking "been censured"; also in line 6, by striking "disciplinary"; in line 18, before "any" by inserting "this section or"; also in line 18, by striking "other"; in line 20, by striking all after "8."; by striking all of lines 21 through 25 and inserting the following: "This act shall take precedence over any conflicting Kansas laws, other than state environmental laws, that govern the handling and disposition of dead human bodies for cremation and cremated remains.";

On page 9, in line 5, by striking all after "person"; in line 6, by striking all before "or" and inserting "who is not an operator in charge of a crematory under this act to operate a crematory"; in line 28, after "operator" by inserting "in charge";

On page 10, following line 20, by inserting:

Funeral establishment/crematory renewal fee, not more than..... 1000";

Also on page 10, following line 21, by inserting:

"Branch establishment/crematory renewal fee, not more than 1000";

Also on page 10, in line 32, after the period by inserting "An owner of a licensed funeral establishment or licensed branch establishment and a licensed crematory may be charged by the board a combined funeral establishment/crematory license or renewal fee or branch establishment/crematory license or renewal fee under this section in lieu of a separate license or renewal fee for each facility.";

On page 11, in line 10, after "agent" by inserting "as defined under section 1 of this act, and amendments thereto"; in line 17, by striking "and (c) this disposition" and inserting ". Disposition";

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

GARRY BOSTON

JAMES F. MORRISON

JUDY SHOWALTER

Conferees on part of House

SUSAN WAGLE
 JIM BARNETT
 DAVID HALEY

Conferees on part of Senate

On motion of Rep. Jim Morrison, the conference committee report on **SB 214** was adopted.

On roll call, the vote was: Yeas 95; Nays 28; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Findley, Freeborn, Gatewood, Gilbert, Glasscock, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kline, Krehbiel, Lane, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, T. Powell, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Campbell, Crow, Dillmore, Edmonds, Faber, Flaharty, Flora, Garner, Gordon, Grant, Howell, Kirk, Klein, Kuether, Landwehr, Light, Nichols, Ostmeyer, L. Powell, Powers, Pyle, Rehorn, Sloan, Spangler, Toelkes, Toplikar, Vickrey, Welshimer.

Present but not voting: Alldritt.

Absent or not voting: Mays.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee committee on conference on House amendments to **SB 343**, 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 2, by striking all in lines 40 to 43;

On page 3, by striking all in lines 1 through 5 and inserting the following:

"New Sec. 3. The activities of the secretary of health and environment in implementing and maintaining the vital statistics integrated information system in the department of health and environment and in acquiring financing for acquisition of equipment, technology, software, related capital improvements for remodeling or renovating and operating expenditures for the implementation and maintenance of the vital statistics integrated information system in the department of health and environment are hereby approved for the department of health and environment for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of one or more series of revenue bonds by the Kansas development finance authority in accordance with that statute.";

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

KENNY A. WILK
 MELVIN J. NEUFELD
 ROCKY NICHOLS

Conferees on part of House

STEPHEN R. MORRIS
 DAVID ADKINS
 PAUL FELECiano, JR.

Conferees on part of Senate

On motion of Rep. Neufeld, the conference committee report on **SB 343** was adopted.

On roll call, the vote was: Yeas 91; Nays 33; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Alldritt, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Compton, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, 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, M. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Reardon, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Weber, Wells, Welshimer, Wilk, J. Williams.

Nays: Ballou, Burroughs, Campbell, Cook, Crow, Faber, Feuerborn, Flora, Gatewood, Grant, Henderson, Howell, Huebert, Huy, Kauffman, Klein, Kuether, Lane, P. Long, McLeland, Nichols, Phelps, Powers, Pyle, Rehorn, Ruff, Spangler, Swenson, Toplikar, Vickrey, D. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mays.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2174**, 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 2, following line 10, by inserting the following:

"Section 1. K.S.A. 2000 Supp. 20-343 is hereby amended to read as follows: 20-343. ~~The chief judge, with the approval of a majority of the other district judges of the judicial district, shall appoint a clerk of the district court in each county within such district. The chief judge, with the approval of a majority of the other district judges of the judicial district, shall designate one of such clerks as the chief clerk of the district court of such judicial district, except that a chief clerk is not required to be designated in a judicial district which is authorized to have a court administrator pursuant to the personnel plan of the supreme court. The clerks of the district court and deputies, assistants and other clerical personnel shall have such qualifications as are prescribed for the offices by statute, rule of the district court and rule of the supreme court. Such clerks, deputies, assistants and other personnel shall have such powers, duties and functions as are prescribed by law, prescribed by rules of the supreme court or assigned by the chief judge. The supreme court, by supreme court rule or order, shall establish procedures for the appointment of all personnel as necessary to perform the judicial and administrative functions of the district court.~~";

And by renumbering remaining sections accordingly;

In the title, in line 12, by striking "the clerks;" and inserting "court personnel; amending K.S.A. 2000 Supp. 20-343 and repealing the existing section; also"; in line 13, by striking "20-343 and";

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

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

MICHAEL R. O'NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal to adopt the conference committee report on **HB 2174**, the motion did not prevail.

On roll call, the vote was: Yeas 20; Nays 104; Present but not voting: 0; Absent or not voting: 1.

Yeas: Boston, Cox, Gordon, Hermes, Horst, Lane, Lightner, Loyd, Mason, Newton, Novascone, O'Neal, Patterson, J. Peterson, Pottorff, T. Powell, Ray, Shriver, Tomlinson, D. Williams.

Nays: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Burroughs, Campbell, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Grant, Hayzlett, Henderson, Henry, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Light, Lloyd, Loganbill, M. Long, P. Long, Mayans, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, O'Brien, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, L. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mays.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2313**, 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 2, in line 26, before "Persons" by inserting "within 24 months of graduation. (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B)";

On page 4, in line 28, before "Persons" by inserting "within 24 months of graduation. (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B)";

On page 15, in line 7, before "Persons" by inserting "within 24 months of graduation. (1) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(2)";

Also on page 15, by striking all in lines 42 and 43;

By striking all of pages 16 through 18;

On page 19, by striking all in lines 1 through 11 and inserting in lieu thereof the following: "Sec. 12. K.S.A. 2000 Supp. 74-1106, as amended by section 301 of 2001 Senate Bill No. 15, is hereby amended to read as follows: 74-1106. (a) *Appointment, term of office.* (1) The governor shall appoint a board consisting of 11 members of which six shall be registered professional nurses, two shall be licensed practical nurses, one shall be a licensed mental health technician and two shall be members of the general public, which shall constitute a board of nursing, with the duties, power and authority set forth in this act.

(2) Upon the expiration of the term of any registered professional nurse, the Kansas state nurses association shall submit to the governor a list of registered professional nurses containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(3) On the effective date of this act, the Kansas federation of licensed practical nurses shall submit to the governor a list of licensed practical nurses containing names of not less

than three times the number of persons to be appointed, and appointments shall be made after consideration of such list, with the first appointment being for a term of four years and the second appointment being for a term of two years. Upon the expiration of the term of any licensed practical nurse, a successor of like qualifications shall be appointed in the same manner as the original appointment for a term of four years and until a successor is appointed and qualified.

(4) Upon the expiration of the term of any mental health technician, the Kansas association of human services technologies shall submit to the governor a list of persons licensed as mental health technicians containing names of not less than three times the number of persons to be appointed, and appointments shall be made after consideration of such list for terms of four years and until a successor is appointed and qualified.

(5) Each member of the general public shall be appointed for a term of four years and successors shall be appointed for a like term.

(6) Whenever a vacancy occurs on the board of nursing, it shall be filled by appointment for the remainder of the unexpired term in the same manner as the preceding appointment. No person shall serve more than two consecutive terms as a member of the board of nursing and appointment for the remainder of an unexpired term shall constitute a full term of service on such board. With the expiration of terms for the registered professional nurse from education and one public member in July, 2003, the next appointments for those two positions will be for only one year. Thereafter the two positions shall be appointed for terms of four years.

(b) *Qualifications of members.* Each member of the board shall be a citizen of the United States and a resident of the state of Kansas. Registered professional nurse members shall possess a license to practice as a professional nurse in this state with at least five years' experience in nursing as such and shall be actively engaged in professional nursing in Kansas at the time of appointment and reappointment. The licensed practical nurse members shall be licensed to practice practical nursing in the state with at least five years' experience in practical nursing and shall be actively engaged in practical nursing in Kansas at the time of appointment and reappointment. The governor shall appoint successors so that the registered professional nurse membership of the board shall consist of at least two members who are engaged in nursing service, at least two members who are engaged in nursing education and at least one member who is engaged in practice as an advanced registered nurse practitioner or a registered nurse anesthetist. The licensed mental health technician member shall be licensed to practice as a licensed mental health technician in the state with at least five years' experience and shall be actively engaged in the field of mental health technology in Kansas at the time of appointment and reappointment. The consumer members shall represent the interests of the general public. Each member of the board shall take and subscribe the oath prescribed by law for state officers, which oath shall be filed with the secretary of state.

(c) *Duties and powers.* (1) The board shall meet annually at Topeka during the month of September and shall elect from its members a president, vice-president and secretary, each of whom shall hold their respective offices for one year. The board shall employ an executive administrator, who shall be a registered professional nurse, who shall not be a member of the board and who shall be in the unclassified service under the Kansas civil service act, and shall employ such other employees, who shall be in the classified service under the Kansas civil service act as necessary to carry on the work of the board. As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor. The board may hold such other meetings during the year as may be deemed necessary to transact its business.

(2) The board ~~may~~ shall adopt rules and regulations ~~not inconsistent~~ consistent with this act necessary to carry into effect the provisions thereof, and such rules and regulations may be published and copies thereof furnished to any person upon application.

(3) The board shall prescribe curricula and standards for professional and practical nursing programs and mental health technician programs, and provide for surveys of such schools and courses at such times as it may deem necessary. It shall accredit such schools and

approve courses as meet the requirements of the appropriate act and rules and regulations of the board.

(4) The board shall examine, license and renew licenses of duly qualified applicants and conduct hearings upon charges for limitation, suspension or revocation of a license or ~~accreditation approval~~ *approval* of professional and practical nursing and mental health technician programs and may limit, deny, suspend or revoke for proper legal cause, licenses or ~~accreditation approval~~ *approval* of professional and practical nursing and mental health technician programs, as hereinafter provided. Examination for applicants for registration shall be given at least twice each year and as many other times as deemed necessary by the board. The board shall promote improved means of nursing education and standards of nursing care through institutes, conferences and other means.

(5) The board shall have a seal of which the executive administrator shall be the custodian. The president and the secretary shall have the power and authority to administer oaths in transacting business of the board, and the secretary shall keep a record of all proceedings of the board and a register of professional and practical nurses and mental health technicians licensed and showing the certificates of registration or licenses granted or revoked, which register shall be open at all times to public inspection.

(6) The board may enter into contracts as may be necessary to carry out its duties.

(7) The board is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts. The board shall remit all moneys received by it under this paragraph (7) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the grants and gifts fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the board or a person designated by the president.

(8) A majority of the board of nursing including two professional nurse members shall constitute a quorum for the transaction of business.

(d) *Subpoenas.* In all investigations and proceedings, the board shall have the power to issue subpoenas and compel the attendance of witnesses and the production of all relevant and necessary papers, books, records, documentary evidence and materials. Any person failing or refusing to appear or testify regarding any matter about which such person may be lawfully questioned or to produce any books, papers, records, documentary evidence or relevant materials in the matter, after having been required by order of the board or by a subpoena of the board to do so, upon application by the board to any district judge in the state, may be ordered by such judge to comply therewith. Upon failure to comply with the order of the district judge, the court may compel obedience by attachment for contempt as in the case of disobedience of a similar order or subpoena issued by the court. A subpoena may be served upon any person named therein anywhere within the state with the same fees and mileage by an officer authorized to serve subpoenas in civil actions in the same procedure as is prescribed by the code of civil procedure for subpoenas issued out of the district courts of this state.

(e) *Compensation and expenses.* Members of the board of nursing attending meetings of such board, or attending a subcommittee meeting thereof authorized by such board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.”;

Also on page 19, in line 14, after “1106” by inserting: “, as amended by section 301 of 2001 Senate Bill No. 15.”;

On page 1, in the title, in line 14, after “74-1106” by inserting: “, as amended by section 301 of 2001 Senate Bill No. 15.”;

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

SUSAN WAGLE
JIM BARNETT
DAVID HALEY

Conferees on part of Senate

GARRY BOSTON
 JAMES F. MORRISON
 JUDY SHOWALTER
Conferees on part of House

On motion of Rep. Showalter, the conference committee report on **HB 2313** was adopted.

On roll call, the vote was: Yeas 123; Nays 1; 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, 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, 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: Hermes.

Present but not voting: None.

Absent or not voting: Mays.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2406**, submits the following report:

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

On page 1, in line 15, by striking "(a)"; in line 22, following "engineer" by inserting "who is a registered land surveyor"; by striking all in lines 32 and 33; after line 33 by inserting:

"Sec. 2. K.S.A. 68-404 is hereby amended to read as follows: 68-404. The secretary of transportation shall have the following powers, duties, authority and jurisdiction:

(a) General supervision over the administration of all road and bridge laws and over the construction and maintenance of all roads, bridges and culverts throughout the state, except that such supervision by the secretary shall not extend to township roads, except that any township road for which federal aid is granted shall be under the supervision of the secretary;

(b) to compile information concerning the road, bridge and culvert materials of the state and furnish such information to boards of county commissioners, township highway commissioners, county engineers and other highway officials; the secretary shall answer all inquiries of such officials concerning highway construction and maintenance and shall advise them of the reasonable prices for materials and construction work;

(c) devise and adopt standard plans and specifications for road, bridge and culvert construction and maintenance suited to the needs of the different counties of the state and furnish them to county engineers;

(d) make a biennial report for the use of the legislature and may issue bulletins and pamphlets, which shall be printed as public documents;

(e) carry on such other highway educational work, and may cooperate with the state and national organizations for the support and advancement of highway construction;

(f) may make investigations of the highway conditions in any county, assist boards of county commissioners and the attorney general in the prosecution or defense of patent suits relative to road and bridge construction when so requested, and the secretary shall report any violations of the law to the attorney general who shall take such steps as are necessary regarding such violations;

(g) to enter upon any property to make surveys, examinations, investigations, and tests, and to acquire other necessary and relevant data in contemplation of (1) establishing the location of a road, street or highway; (2) acquiring land, property, and road building materials; or (3) performing other operations incident to highway construction, reconstruction or maintenance. Prior to entering upon any such property the secretary shall first request permission of the landowner to do so. Where consent to do the things authorized in this subsection (g) is not given to the secretary by the owner or occupant of the land involved, the secretary may proceed as authorized after giving 10 days written notice to landowner or occupant of the secretary's intention to conduct such surveys, examinations, investigations and tests. Entry upon any property, pursuant to this subsection, shall not be considered to be a legal trespass and no damages shall be recoverable on that account alone. In case of any actual or demonstrable damages to the premises, the secretary shall pay the owner of the premises the amount of the damages. Upon failure of the landowner and such secretary to agree upon the amount of damages the landowner may file an action against the secretary in the district court of the county in which the land is situated to recover such damages;

(h) to make tests, do research, to inspect and test all materials, supplies, equipment, and machinery used for state highway purposes or highway projects involving federal funds, and to develop methods and procedures for this purpose. Tests of such materials, supplies or equipment may be made available, upon payment of actual costs therefor, to any federal agency or political subdivision of the state;

(i) to maintain and develop testing laboratories to carry out the requirements of this act;

(j) to perform such other acts and duties and exercise such authority as will give the provisions of this act and other laws relating to the secretary or department of transportation full force and effect;

(k) to adopt rules and regulations to carry out the provisions of this act and any other laws relating to the secretary or department of transportation; ~~and~~

(l) to adopt rules and regulations relating to debarment and suspension of contractors for cause; *and*

(m) *to prepare a report and make a presentation to the legislature as required by section 3 and amendments thereto.*

Sec. 3. K.S.A. 75-3516 is hereby amended to read as follows: 75-3516. (a) Each state agency shall have the legal custody of all deeds to real estate held or acquired by such state agency for and in the name of the state of Kansas, together with the abstracts of title thereto and the title insurance policies therefor, and of all other original instruments relating to real estate transactions of such state agency. ~~It shall be the duty of~~ Each state agency ~~to~~ *shall* keep, preserve and file all such deeds, abstracts of title, title insurance policies and other instruments, and all such instruments in the custody of the secretary of state on the effective date of this act shall be and are hereby transferred to the custody of the respective state agencies.

(b) ~~It shall be the duty of~~ Each state agency ~~to~~ *shall* record or cause to be recorded all deeds to real estate acquired by ~~it~~ *the state agency* with the register of deeds of the county where the real estate is located and any other instruments relating to ~~its~~ *the agency's* real estate transactions provided by law to be recorded.

(c) The director of accounts and reports shall maintain inventory records of the real property owned by the state, which records shall reflect all real property held and every real estate transaction engaged in by each state agency except the secretary of transportation. Such inventory records shall include, but not be limited to, the acreage, the location by city and county, a brief legal description and the use and purpose of each lot, tract or parcel of land held by a state agency.

(d) (1) *The secretary of transportation shall deliver to the secretary of the senate and the chief clerk of the house of representatives on or before January 30, 2002, and January 30th of each year thereafter, a written report concerning the department of transportation's system of inventory of records pertaining to all real property owned by the department of transportation and all real estate transactions engaged in by the department of transportation. Each report shall describe the current status of the inventory system and the steps taken during the past year to improve such inventory system and comply with the require-*

ments of this section. The secretary of transportation shall notify each member of the legislature of the availability of copies of the report.

(2) On or before January 30, 2002, and January 30th of each year thereafter, the secretary of transportation shall make a presentation to the joint committee on state building construction on the report described in paragraph (1).

Sec. 4. K.S.A. 2000 Supp. 75-6609 is hereby amended to read as follows: 75-6609. (a) When used in this section, "surplus real estate" means real estate which is no longer needed by the state agency which owns such real estate as determined in accordance with this section.

(b) (1) The secretary of administration shall develop criteria for the identification of surplus real estate, including but not limited to, a review of any legal restrictions associated with the real estate and the reasons for the state agency to keep the real estate. In accordance with such criteria, the secretary shall assist state agencies in the identification of surplus real estate. The secretary of administration shall periodically review the status of all real estate of state agencies subject to this section to determine if any of the real estate owned by state agencies is potentially surplus real estate. If any real estate owned by a state agency is determined by the secretary of administration, in consultation with the head of the state agency, to be surplus real estate in accordance with the criteria developed under subsection (a), then the secretary of administration shall recommend to the governor that such real estate be sold under the procedures prescribed by this section.

(2) The secretary of administration shall develop guidelines for the sale of surplus real estate. In accordance with such guidelines and upon the ~~written consent of approval of the governor,~~ after consultation with the head of the state agency which owns such surplus real estate, after consultation with the joint committee on state building construction and after approval by the state finance council under subsection (c), the secretary may offer such property for sale by one of the following means: ~~(A)~~ (A) Public auction; ~~(B)~~ (B) by listing the surplus property with a licensed real estate broker or salesperson; or ~~(C)~~ (C) by sealed bid. Subject to the approval of the state finance council as required by subsection (c), the secretary of administration may sell surplus real estate and any improvements thereon on behalf of the state agency which owns such property.

(c) Prior to the sale of any surplus real estate under subsection (b), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) Prior to offering any real estate for sale, such property shall be appraised pursuant to K.S.A. 75-3043a, and amendments thereto, unless the appraisal is waived as provided in this subsection. The secretary of administration may waive the requirement for appraisal for any parcel of surplus real estate that is to be sold at public auction under this section if the secretary of administration determines that it is in the best interests of the state to waive the requirement for appraisal for such parcel of surplus real estate. The costs of any such appraisal may be paid from the proceeds of the sale.

(e) Conveyance of title in surplus real estate offered for sale by the secretary of administration shall be executed on behalf of the state agency by the secretary of administration. The deed for the conveyance may be by warranty deed or by quitclaim deed as determined to be in the best interests of the state by the secretary of administration in consultation with the head of the state agency which owns the surplus real estate.

(f) (1) Any proceeds from the sale of surplus real estate and any improvements thereon, after deduction of the expenses of such sale and ~~the any cost of the appraisal of the surplus real estate,~~ shall be deposited in the state treasury and credited to the state general fund as prescribed by this subsection, unless otherwise authorized by law. On and after the effective date of this act, a portion of the proceeds from each such sale deposited in the state treasury shall be determined and designated by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting on this matter in conjunction with approval of such sale under subsection (c), to be credited to the surplus real estate fund or another appropriate special revenue fund of the state agency

which owned the surplus real estate, as is prescribed by law or as may be determined by the state agency, except that such portion shall not exceed the amount equal to 50% of such proceeds unless otherwise required by state or federal law or by the limitations or restrictions of the state's title to the real estate being sold. In the case of proceeds from the sale of surplus real estate at a state mental health institution or a state mental retardation institution, such portion of the proceeds shall be credited to the client benefit fund of such institution or to another special revenue fund of such institution for (A) rehabilitation and repair or other capital improvements for such institution, or (B) one-time expenditures for community mental health organizations if the real estate sold was at a state mental health institution or for community developmental disabilities organizations if the real estate sold was at a state mental retardation institution, and, in any such case, shall be expended in accordance with the provisions of appropriation acts. After crediting the amount designated by the state finance council, the remainder of the proceeds from each such sale deposited in the state treasury shall be credited to the state general fund.

(2) The amount of expenses and the cost of appraisal for each sale of surplus real estate pursuant to this section shall be transferred and credited to the property contingency fund created under K.S.A. 75-3652, and amendments thereto, and may be expended for any operations of the department of administration.

(3) Any state agency owning real estate may apply to the director of accounts and reports to establish a surplus real estate special revenue fund in the state treasury. Subject to the provisions of appropriation acts, moneys in a surplus real estate special revenue fund may be expended for the operating expenditures of the state agency.

(g) Any sale of property by the secretary of transportation pursuant to K.S.A. 68-413, and amendments thereto, shall not be subject to the provisions of this section.

New Sec. 5. If a mental health institution or mental retardation institution is closed and all or part of the real estate of such institution is sold, the proceeds from the sale of such real estate, after deduction of the costs of the sale and any costs of appraisal of such surplus real estate, shall be deposited in the state treasury to the credit of a new or existing special revenue fund. All expenditures of such moneys in any such special revenue fund shall be in accordance with the provisions of appropriation acts and shall be used (a) for capital improvement or operating expenditures for another state institution providing either mental health services or mental retardation services, whichever were provided by the closed institution or (b) to provide either mental health services or mental retardation services, whichever was provided by the closed institution, through community organizations in communities.”;

By renumbering the remaining sections accordingly;

On page 1, in line 34, by striking “2000 Supp. 58-2005 is” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609 are”;

In the title, on page 1, in line 10 by striking “plats; relating to the review thereof” and inserting “real estate; relating to surplus real estate owned by state agencies; relating to the review of plats”; in line 11, by striking “2000 Supp. 58-2005” and inserting “68-404 and 75-3516 and K.S.A. 2000 Supp. 58-2005 and 75-6609”; also in line 11, by striking “section” and inserting “sections”;

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

BARBARA P. ALLEN
DEREK SCHMIDT
MARK GILSTRAP
Conferees on part of Senate

GERRY RAY
LARRY CAMPBELL
RUBY GILBERT
Conferees on part of House

On motion of Rep. Ray, the conference committee report on **HB 2406** was adopted.

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

Yeas: Alldritt, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Faber, Findley, Flaharty, Gilbert, Glasscock, Gordon, Hayzlett, Henderson, Henry, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Kline, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McKinney, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Patterson, Pauls, E. Peterson, Pottorff, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Wells, Welshimer, Wilk, D. Williams.

Nays: Aday, Aurand, Ballou, Cook, Dillmore, Edmonds, Feuerborn, Flora, Freeborn, Garner, Gatewood, Grant, Hermes, Howell, Huebert, Huy, Klein, Landwehr, P. Long, McCreary, Miller, Minor, Neufeld, O'Brien, Palmer, J. Peterson, Phelps, L. Powell, Powers, Pyle, Showalter, Shriver, Spangler, Vickrey, Weber, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mays.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2532**, 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 4, following line 14, by inserting the following:

"New Sec. 2. (a) There is created the Kansas territorial sesquicentennial commission. The commission shall be composed of nine residents of the state appointed by the governor, one of whom shall be designated by the governor as chairperson of the commission.

(b) Members of the commission shall serve without compensation or reimbursement of expenses.

(c) The commission is authorized to hire staff sufficient to carry out the purposes of sections 2 through 6, inclusive, and amendments thereto.

New Sec. 3. (a) There is hereby created an advisory committee to assist in the work of the Kansas territorial sesquicentennial commission. The advisory committee shall be composed of the following members:

(1) The executive director of the Kansas state historical society, who shall serve as chairperson of the advisory committee;

(2) the director of the Kansas humanities council or the director's designee;

(3) the director of the Kansas arts commission or the director's designee;

(4) the director of the division of travel and tourism development of the department of commerce and housing or the director's designee;

(5) the commissioner of education or the commissioner's designee;

(6) fifteen members appointed by the governor as follows: (A) Six members of history faculties of universities under the supervision of the state board of regents; (B) six members of history faculties of community colleges or private colleges or universities in the state; (C) a representative of the travel industry association of Kansas; (D) a representative of the Kansas museums association; and (E) a representative of the territorial Kansas heritage alliance;

(7) two members appointed by the speaker of the house of representatives;

(8) two members appointed by the minority leader of the house of representatives;

(9) two members appointed by the president of the senate; and

(10) two members appointed by the minority leader of the senate.

(b) The chairperson of the advisory committee shall appoint a person to serve as secretary of the committee.

(c) Members of the advisory committee shall serve without compensation or reimbursement of expenses.

New Sec. 4. (a) The state motto, *ad astra per aspera* ("to the stars through difficulties"), references the seven-year struggle to make the Kansas territory into the 34th star of the United States flag. That struggle shall frame the remembrance of many of the important

events in the territorial era that led to statehood, such as territorial elections in 1855, the battle of black jack in 1856, the Lecompton constitution in 1857, the marais des cygnes massacre in 1858 and many others.

(b) The year 2004 shall be considered the kick-off date for the remembrance and commemoration of the history, heritage and national impact of the Kansas territorial era and, ultimately, for the commemoration in January 2011 of the sesquicentennial of Kansas statehood.

(c) The sesquicentennial of the Kansas territory, 2004, will be commemorated commencing January 2004 during Kansas day ceremonies in Topeka. The Kansas territorial sesquicentennial commission shall prepare an overall program for commemorating the signing of the Kansas-Nebraska Act in 1854 and plan, encourage, develop and coordinate observances and activities commemorating the creation of the Kansas territory in 1854 and its implications, both positive and negative, for the peoples in the region and for the future. Special consideration will be given to the history, heritage and national impact of the Kansas territorial period.

(d) In preparing its plans and programs, the Kansas territorial sesquicentennial commission shall consider recommendations developed by the advisory committee and local and private groups. The commission may designate special committees with representatives from local and private groups to plan, develop and coordinate specific activities. The advisory committee shall recommend to the commission ways in which Kansans of all ages may become familiar with the events involved in the history of the territorial period in Kansas and the nation.

(e) The Kansas territorial sesquicentennial commission, no later than July 1, 2002, shall submit to the governor a comprehensive report incorporating the commission's specific recommendations for commemoration of the Kansas sesquicentennial and related events. The governor shall transmit the commission's report to the legislature. The report may recommend activities, including, but not limited to:

(1) The production, publication and distribution of books, pamphlets, films and other education materials on the history, culture and political life of the people in the region during the territorial period;

(2) the development of bibliographical and documentary projects and publications, a website and other interactive media;

(3) conferences, convocations, lectures, seminars and other programs;

(4) the development of libraries, museums, historic sites and exhibits, including mobile exhibits;

(5) ceremonies and celebrations commemorating specific events;

(6) programs and activities on the national and international significance of the territorial period in Kansas history;

(7) the issuance of commemorative medals, seals, license plates and certificates of recognition; and

(8) proposals for legislation and administrative action that the commission considers necessary to carry out the commission's recommendations.

(f) The Kansas territorial sesquicentennial commission, no later than January 15, 2005, shall submit to the governor and the legislature:

(1) A report of all activities sponsored or supported by the commission pursuant to sections 2 through 6, inclusive, and amendments thereto, and recommendations of how the state can support continued territorial sesquicentennial activities and events from 2005 to 2011; and

(2) recommendations for planning the sesquicentennial of Kansas statehood in 2011.

New Sec. 5. (a) In fulfilling its responsibilities, the Kansas territorial sesquicentennial commission shall consult, cooperate with and seek advice from appropriate state agencies, local and public bodies, learned societies and historical, patriotic, philanthropic, civil, professional and related organizations. State agencies shall cooperate with the commission in planning, encouraging, developing and coordinating appropriate commemorative activities.

(b) The chief executive officer of each state university shall cooperate with the commission, especially in the encouragement and coordination of scholarly works and presen-

tations on the history, culture and political activities related to the territorial period in Kansas history.

(c) The state historical society and the state librarian shall cooperate with the commission, especially in the development and displays of exhibits and collections and in the development of bibliographies, catalogs and other materials relevant to the territorial period.

(d) The division of travel and tourism development of the department of commerce and housing shall cooperate with the commission in marketing to potential visitors to the state commemorative activities enabling visitors to experience the cultural heritage of Kansas.

New Sec. 6. (a) The Kansas territorial sesquicentennial commission is hereby authorized and empowered to accept donations, gifts, bequests and other contributions of money to be used in furthering sesquicentennial activities.

(b) (1) There is hereby created in the state treasury the sesquicentennial fund which shall be administered by the state historical society. The chairperson of the Kansas territorial sesquicentennial commission shall remit to the state treasurer all moneys received by or for the commission for the purposes of sections 2 through 6, inclusive, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the sesquicentennial fund.

(2) Moneys in the sesquicentennial fund shall be expended only for the purposes of sections 2 through 6, inclusive, and amendments thereto, and only upon approval of the Kansas territorial sesquicentennial commission.

(3) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the sesquicentennial fund interest earnings based on: (A) The average daily balance of moneys in the sesquicentennial fund for the preceding month; and (B) the net earnings rate for the pooled money investment portfolio for the preceding month.

(4) All expenditures from the sesquicentennial fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by a person authorized by the Kansas territorial sesquicentennial commission for the purposes set forth in this section.

New Sec. 7. The provisions of sections 2 through 6 of this act shall expire on July 1, 2005.”;

And by renumbering sections accordingly;

In the title, in line 14, after “concerning”, by inserting “certain state historical agencies and commissions; relating to”; also in line 14, after “society”, by inserting “; establishing the Kansas territorial sesquicentennial commission”;

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

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

KENNY A. WILK
MELVIN J. NEUFELD
ROCKY NICHOLS
Conferees on part of House

On motion of Rep. Wilk to adopt the conference committee report on **Sub. HB 2532**, Rep. Pauls offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

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

On roll call, the vote was: Yeas 92; Nays 31; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Glasscock, Gordon, 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, P. Long, Loyd, Mason, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Rehorn, Ruff, Schwartz, Sharp, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Toelkes, Tomlinson, Toplikar, Weber, Wells, Wilk, D. Williams, J. Williams.

Nays: Alldritt, Ballou, Barnes, Burroughs, Dillmore, Faber, Feuerborn, Gatewood, Gilbert, Grant, Henderson, Howell, M. Long, McClure, Minor, Ostmeyer, Pauls, E. Peterson, Phelps, Powers, Pyle, Reardon, Showalter, Shriver, Spangler, Swenson, Thimesch, Vickrey, Welshimer, Wilson, Winn.

Present but not voting: Mayans.

Absent or not voting: Mays.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **HB 2124**.

The Senate adopts conference committee report on **HB 2480**.

The Senate concurs in House amendments to **Sub. SB 171**.

The Senate nonconcurrs in House amendments to **SB 100**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 304**, requests a conference and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 332**, requests a conference and has appointed Senators Corbin, Jenkins and Lee as conferees on the part of the Senate.

The President announced the appointment of Senator Hensley as a member of the conference committee on **HB 2050** to replace Senator Downey.

The President announced the appointment of Senator Steineger as a member of the conference committee on **S. Sub. for HB 2143** to replace Senator Barone.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 100**.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Nichols 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 304**.

Speaker pro tem Aurand thereupon appointed Reps. Wilk, Neufeld and Nichols as conferees on the part of the House.

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

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2336** and has appointed Senators Umbarger, Vratil and Hensley as conferees on the part of the Senate.

Also, announcing passage of **SB 364, SB 366**.

Announcing passage of **HB 2014**.

The Senate adopts conference committee report on **HB 2059**.

The Senate adopts conference committee report on **HB 2178**.

The Senate nonconcur in House amendments to **H. Sub. for SB 52**, requests a conference and has appointed Senators Morris, Adkins and Feleciano 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 364, SB 366.

REPORT ON ENGROSSED BILLS

HB 2569, HB 2590 reported correctly engrossed April 30, 2001.

REPORT ON ENROLLED BILLS

HB 2106 reported correctly enrolled, properly signed and presented to the governor on April 30, 2001.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Tuesday, May 1, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

