

Journal of the House

THIRTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, February 26, 2002, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair. The roll was called with 121 members present.

Reps. McCreary and O'Brien were excused on verified illness.

Rep. T. Powell was excused on legislative business.

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

Prayer by guest chaplain, Dr. Glen A. Holman, pastor, United Presbyterian Church, Sterling, and guest of Rep. Bethell:

Dear Heavenly Father, we thank you for this new day, which you have created. We rejoice in your everlasting love for us, and we thank you for your compassions, which, Your Word reminds us, "never fail" and are "new every morning." We thank you for the plans you have for us and the power only you have to make them happen.

Our Father, we come to you today, seeking your guidance, direction, and wisdom for the Kansas House of Representatives. Give these representatives the courage to make bold decisions, which ultimately are pleasing in your sight.

Help them to stand against the tide of popular opinion and to seek your will in this important process. Let them remember that they serve a public trust, beyond personal gain or glory. May they see that no state lives by itself, but is responsible to you for peace and justice—and for the well-being of all the people of the great State of Kansas. We pray in the strong name of Jesus Christ the Lord. Amen.

The Pledge of Allegiance was led by Rep. Krehbiel.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **HB 2903** from Committee on Appropriations and referral to Committee on Utilities.

MESSAGE FROM THE GOVERNOR

February 22, 2002

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 02-01 for your information.

EXECUTIVE ORDER NO. 02-01

Establishing the Kansas Bioterrorism
Hospital Preparedness Advisory and Planning Committee

BILL GRAVES

Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Center for Sustainable Agriculture & Alternative Crops (KCSAAC), established by **SB 534**, passed by the 2000 State Legislature, Kansas Family Farmer and Rancher Resources and Services Guide.

From Tim Shallenburger, State Treasurer, Annual Report to the Legislature, FY 2001, January 2002.

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to House Rule 2306, **HB 2653** was withdrawn from the Calendar under the heading General Orders and referred to Committee on Taxation.

CONSENT CALENDAR

No objection was made to **HB 2665** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2817** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2817, An act concerning agricultural liens; relating to filing requirements; amending K.S.A. 58-204 and repealing the existing section, was considered on final action.

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

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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. 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: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed.

HB 2611, An act concerning crimes and punishment; relating to worthless checks; amending K.S.A. 2001 Supp. 21-3707 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 11; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch,

R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook, Crow, Flaharty, Flora, Goering, Klein, Kuether, McClure, Pauls, Powers, Rehorn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2661, An act concerning retail electric suppliers; amending K.S.A. 66-1,176 and 66-1,176b and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed.

Sub. HB 2673, An act concerning children in need of care; amending K.S.A. 2001 Supp. 38-1502 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glascock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook, Howell.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: According to the Bureau of Vital Statistics, there were 105 new Kansas citizens born yesterday. I am proud to support a bill that will serve to protect them. I am especially proud that one of those born yesterday was my 7 pound 7 ounce grandson Denton Cade Smiley, who along with this mother Alicia Faye Smiley and his father Jon Smiley are doing just fine. I vote yeas on **Sub. HB 2673**.—NILE DILLMORE

HB 2723. An act relating to manufactured homes and mobile homes; amending K.S.A. 58-4204 and repealing the existing section, was considered on final action.

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

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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Neufeld.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2746. An act concerning retail electric service; relating to station power; amending K.S.A. 66-1,170 and 66-1,173 and repealing the existing sections, was considered on final action.

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

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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. 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: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2769. An act concerning criminal procedure; relating to abatement of common nuisances; amending K.S.A. 22-3901 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 8; Present but not voting: 0; Absent or not voting: 4.

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

Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, Wilson.

Nays: Faber, Goering, Henderson, Howell, Rehorn, Spangler, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed.

HB 2771. An act concerning civil procedure for limited actions; concerning garnishment; relating to methods of service of process; concerning telefacsimile communications and internet electronic mail; amending K.S.A. 2001 Supp. 61-3003 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

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, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Garner, Goering, Howell, Spangler.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2772. An act concerning court costs; relating to a laboratory analysis fee; amending K.S.A. 28-176 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Cook, Feuerborn, Henderson, Nichols, Spangler, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2773. An act concerning criminal procedure; relating to criminal history record information; adding the state security hospital to the definition of criminal justice agency; amending K.S.A. 2001 Supp. 22-4701 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Feuerborn,

Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Crow, Dillmore, Faber, Howell, P. Long, Nichols, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed.

HB 2809. An act concerning public health departments; relating to tests and inoculations for pupils enrolling or enrolled in schools; amending K.S.A. 2001 Supp. 72-5210 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 7; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Cook, Faber, Howell, Klein, Nichols, Palmer, Powers.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2812. An act amending the uniform consumer credit code; relating to balloon payments; amending K.S.A. 16a-3-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 8; Present but not voting: 1; Absent or not voting: 4.

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, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, 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, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Flaharty, Garner, Goering, Klein, Krehbiel, Loyd, Nichols, Pauls.

Present but not voting: Hermes.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

HB 2813, An act concerning real estate sales validation questionnaires; concerning use of contents; amending K.S.A. 2001 Supp. 79-1437f and repealing the existing section, was considered on final action.

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

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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, 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, R. 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: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed.

HB 2896, An act concerning the Kansas sports hall of fame; relating to funding therefor, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 55; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Ballou, Barnes, Beggs, Bethell, Boston, Compton, Cox, Dahl, DiVita, Dreher, Flora, Freeborn, Glasscock, Gordon, Grant, Hayzlett, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Kirk, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, Loyd, Mason, Mays, McClure, McKinney, Merrick, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, L. Powell, Pyle, Ray, Rehorn, Schwartz, Showalter, Shriver, Shultz, Tanner, Thimesch, Weber, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballard, Benlon, Burroughs, Campbell, Cook, Crow, DeCastro, Dillmore, Edmonds, Faber, Feuerborn, Findley, Flaharty, Garner, Gatewood, Gilbert, Goering, Henderson, Henry, Howell, Huebert, Huy, Johnson, Klein, Landwehr, Loganbill, P. Long, Mayans, McLeland, Miller, Minor, Jim Morrison, Nichols, E. Peterson, Phelps, Pottorff, Powers, Reardon, Ruff, Sharp, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I respectfully vote NO on **HB 2896** which is designed to help an outstanding institution, the Kansas Sports Hall of Fame. I object to pushing the cost of the bill onto two groups that have voted specifically and asked us *not* to do this. I refer to the heads of the Regents Schools and the Community Colleges. If we had sought and won their support, or if the state had accepted any responsibility for funding, I would have proudly voted yes. As it is, I vote no on **HB 2896**.—ETHEL M. PETERSON

MR. SPEAKER: I vote yes on **HB 2896**. Kansas has a lot to be proud of in regard to sports. Kansas sports heroes deserve a place to be recognized. That place is the Kansas Sports Hall of Fame. I realize to keep and maintain the Kansas Sports Hall of Fame it costs money. I am from Sedgwick County the home of the Wichita State Shockers. Not only do I support the Kansas Hall of Fame getting one dollar per ticket sold for one Wichita State basketball and baseball game in the 2003 season, but I am sure Wichita State would have no problem if a dollar were taken from one of their football games as well.—TODD NOVASCONE

MR. SPEAKER: I vote today for the heritage of Kansas. By stabilizing the funding for the Kansas Sports Hall of Fame, we are saying that we are proud to showcase our sports heroes to the world. If we aren't willing to do this simple thing, who is? We heard from the universities that they are unwilling to allow the sports fans of Kansas to contribute a \$1 surcharge to this worthy cause; however, they seem to think that they can place a surcharge up to \$1,000 per sports fan for their own purposes. Where's the rationale for their position? I vote yes on **HB 2896**.—VERN OSBORNE

MR. SPEAKER: At a time when our only options, on the table, are budget cuts for education, social services, the infirm and elderly, I cannot in good faith support a guaranteed funding stream for the Kansas Sports Hall of Fame any more than I could support a similar measure for the Agriculture Hall of Fame, the Teachers Hall of Fame or the Greyhound Hall of Fame. I respectfully vote no on **HB 2896**.—JOHN FABER

MR. SPEAKER: The Kansas legislature organized this Hall of Fame as a state agency, but for the most part, has refused to fund it. Some of the Regents' institutions and a few other entities have, in the past, volunteered to keep it afloat by charging an extra dollar on admissions to sporting events.

I do not believe it is good public policy to *require* one state supported agency to collect money to support another. If the Hall of Fame is important, and I believe that it is, then we, the state, should be allocating the necessary funds to support it. I vote no on **HB 2896**.—LLOYD A. STONE, KENNY A. WILK

MR. SPEAKER: I vote yes. I am a legislator representing a community with a Regents University. Many would assume I would be opposed to this bill. However, it is in the best interest of my community, university, student-athletes, and fans that I should vote yes. The Hall is truly a resource to allow Kansas athletics the opportunity to showcase our rich heritage in sport. I believe that one dollar per season is not too much to ask of my fans for this endeavor. Therefore, I vote yes on **HB 2896**.—R. J. WILSON

Sub. SB 379, An act concerning state senate districts; providing for the reapportionment thereof; repealing K.S.A. 4-4,201 through 4-4,243, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 25; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Gamer, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huy, Johnson, Kirk, Klein, Kuether, Landwehr, Larkin, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Storm, Swenson, Tanner, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Beggs, Benlon, Cox, Crow, Dreher, Feuerborn, Gatewood, Goering, Henderson, Huff, Humerickhouse, Hutchins, Krehbiel, Lane, Levinson, Loyd, Minor, L. Powell, Ray, Stone, Tafanelli, Thimesch, Tomlinson, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Kauffman, McCreary, O'Brien, T. Powell.

The substitute bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **HB 2078** be adopted; also, on motion of Rep. DiVita to amend, the motion did not prevail. Also, on further motion of Rep. Divita to amend, the motion was withdrawn.

Also, on further motion of Rep. DiVita **HB 2078** be amended on page 1, in line 31, preceding the period, by inserting “, except for limiting the civil penalty to \$50 for merchantable goods recovered by a merchant”; and **HB 2078** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2366** be adopted; and the substitute bill be passed.

On motion of Rep. Huff to amend **HB 2777**, the motion did not prevail. Also, on motion of Rep. P. Long to amend, the motion did not prevail.

Also, on motion of Rep. Landwehr **HB 2777** be amended on page 4, after line 7, by inserting the following:

“New Sec. 4. The state board of education shall adopt rules and regulations for administration and effectuation of the provisions of this act and, in accordance therewith, may issue an initial license to teach in this state to any person who successfully completes the alternate teacher preparation program.

New Sec. 5. As used in this act:

(a) “Alternate teacher preparation program” means a program which is provided for by the state board of education under contractual arrangements with an accredited Kansas teacher education institution having an approved teacher education program and with accredited schools and which is designed to ensure the attainment of the basic competencies necessary to engagement in the profession of teaching through correlation of professional development study at the teacher education institution with practical experience at an accredited school.

(b) “Teacher licensure applicant” means a person who applies under authority of this act for an initial license to teach in this state.

New Sec. 6. (a) The alternate teacher preparation program will require a teacher licensure applicant to complete:

(1) Nine semester hours of professional development study at the teacher education institution. Professional development study shall include, but not be limited to, study of adolescent psychology, foundations of education, classroom management, and methodology. Professional development study may be taken during a summer or regular session and must be completed by the applicant prior to entry into the classroom;

(2) a 10 contact hour preservice orientation conducted by the employing accredited school prior to a classroom assignment. Orientation shall include familiarization with school policies, procedures, curriculum, instructional model, community characteristics, and resources;

(3) an internship of two school years (four semesters). During internship, the applicant will be enrolled in three credit hours of internship each semester. The contact and delivery system will be determined by the teacher education institution. At the successful completion of internship, student teaching requirements will be waived; and

(4) professional development coursework during the second year of internship or the second summer of participation in the program as needed to meet professional development standards set by the state board of education.

(b) During internship, a teacher licensure applicant will be supervised by a team of three persons consisting of a mentor teacher from the accredited school employing the applicant, the building principal, and a faculty member from the teacher education institution. Guidelines for supervision will be provided by the teacher education institution. The supervisory team will meet no fewer than three times per school year to evaluate, consult with, and provide advice to the applicant. The last meeting of the first year of internship will result in a recommendation for discontinuation of the program or continuation for the second year of internship. Successful completion of the program will result in a recommendation for licensure.

(c) In order to receive institutional recommendation for initial licensure, a teacher licensure applicant must successfully complete the required semester hours of professional development study at the teacher education institution and the two years of internship. An applicant will be suspended from participation in the program by failure to attain a 3.0 grade point average on a 4.0 scale or for causes for suspension arising under law or rules and regulations of the state board of education.

New Sec. 7. A teacher licensure applicant shall:

(a) Be the holder of a baccalaureate or higher degree, earned with a minimum cumulative grade point average of 2.75 on a 4.0 scale, and granted by an accredited college or university;

(b) have earned academic credits appropriate to meeting subject and field requirements for licensure with an endorsement at the secondary level for such subject or field. The teacher education institution will assure attainment by the applicant of the minimum semester hour requirements for general education and minimum competence in subjects or fields of specialization. Minor deficiencies in the subject or field of specialization may be satisfied through additional course work approved by the teacher education institution;

(c) take and pass the PPST or other basic skills test as prescribed by the state board of education;

(d) apply for and receive from the state board of education a restricted license valid for three years and renewable in accordance with rules and regulations of the state board of education;

(e) fulfill formal requirements for admission to a teacher education program at an accredited Kansas teacher education institution;

(f) meet all nonacademic requirements of the teacher education institution upon which the applicant will depend for initial institutional recommendation;

(g) receive and document an offer of a teaching position at an accredited Kansas school in accordance with rules and regulations of the state board of education;

(h) pay a fee approved by the state board of education as part of the contractual arrangements with the teacher education institution and employing accredited school, which fee shall be in an amount determined to be necessary for payment of the costs of the program including, but not limited to, the costs related to the credit hours of professional development study and internship earned at the teacher education institution, the costs for travel expenses of the teacher education institution faculty member of the supervisory team, and the costs for remuneration of the principal and mentor teacher members of the supervisory team. The applicant and employing accredited school will share equally in the costs for remuneration of the principal and mentor teacher.

New Sec. 8. Upon successful completion of the alternate teacher participation program as verified by the teacher education institution, a teacher licensure applicant may apply for licensure on a form provided by the state board of education. The state board shall review the application and the recommendation of the teacher education institution and shall grant or deny licensure. Successful completion of the alternate teacher preparation program will not entitle a teacher licensure applicant to certification with an endorsement in special education.

New Sec. 9. Upon completion of each school year, commencing with the 2004-05 school year, the state board of education shall make a report to the governor and the legislature on the effectiveness of the alternate teacher preparation program. The report shall include the following information:

(a) The number of accredited schools participating in the program;

(b) the number of persons who applied for employment as teacher licensure applicants and the number of such applicants who actually were employed;

(c) the number of persons who successfully completed the alternate teacher preparation program, who were recommended for licensure, and who were granted licenses;

(d) the rate of attrition of teachers granted licenses under this act as compared with teachers who have completed a regular teacher preparation program; and

(e) the costs of the alternate teacher preparation program as compared with costs associated with regular teacher preparation programs.

New Sec. 10. Nothing contained in this act shall be construed to abrogate, affect the status, force or operation of any other provision of law relating to initial issuance of licenses to teach or of any rules and regulations adopted pursuant thereto. The requirements and procedures contained in this act for initial issuance of licenses to teach shall be deemed alternative to the requirements and procedures therefor that are in effect under any other provision of law and under rules and regulations adopted pursuant thereto by the state board of education.”;

And by renumbering sections accordingly;

On page 1, in the title, in line 9, after “concerning” by inserting “schools; relating to teachers; providing for an alternative teacher preparation program; relating to”;

Also, on motion of Rep. Thimesch to amend **HB 2777**, the motion did not prevail. Also, on motion to recommend the bill favorably for passage, the motion did not prevail.

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **HCR 5037** be amended by substituting a new concurrent resolution to be designated as “Substitute for HOUSE CONCURRENT RESOLUTION No. 5037,” as follows:

“Substitute for HOUSE CONCURRENT RESOLUTION No. 5037

By Committee on Agriculture

“A CONCURRENT RESOLUTION urging the federal government to aggressively respond to the spread of kernal bunt in this country and related trade issues.”;

and the substitute concurrent resolution be adopted.

(Sub. **HCR 5037** was thereupon introduced and read by title.)

The Committee on **Business, Commerce and Labor** recommends **HB 2729** be passed.

The Committee on **Health and Human Services** recommends **HB 2666** be amended on page 2, in line 6, preceding the period, by inserting “and shall be paid from the district coroners fund”; preceding line 7, by inserting the following:

“Sec. 2. K.S.A. 22a-245 is hereby amended to read as follows: 22a-245. (a) There is hereby established in the state treasury the district coroners fund.

(b) Moneys in the district coroners fund *after the payment of fees for autopsies under subsection (f) of K.S.A. 22a-242 and amendments thereto* shall be allocated and distributed to each county on March 15 of each year based on the number of recorded deaths in the county during the previous calendar year as a ratio of the total number of deaths in this state during the previous calendar year. Such distributions shall be credited to the county general fund to assist in paying for the district coroner’s expenses pursuant to chapter 2 of article 22a of the Kansas Statutes Annotated, and amendments thereto. Moneys in the district coroners fund shall not be ~~expended~~ *allocated and distributed* to the county general fund until such time as all outstanding death certificates for the previous calendar year are filed with the state registrar and such ~~certificate contains~~ *certificates contain* the final cause of death.

(c) ~~Payments~~ *Distributions* to counties under this act *and payments of fees for autopsies under subsection (f) of K.S.A. 22a-242 and amendments thereto from this fund* shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or by a person or persons designated by the secretary of health and environment.”;

And by renumbering sections accordingly;

Also on page 2, in line 7, by striking “is” and inserting “and 22a-245 are”;

On page 1, in the title, in line 10, after “22a-242” by inserting “and 22a-245”; also in line 10, by striking “section” and inserting “sections”; and the bill be passed as amended.

The Committee on **Higher Education** recommends **HB 2820**, **HB 2821**, **HB 2900**, **HB 2901** be passed.

The Committee on **Higher Education** recommends **HB 2831** be amended on page 5, in line 24, by striking “statute book” and inserting “Kansas register”; and the bill be passed as amended.

The Committee on **Higher Education** recommends **HB 2872** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2872,” as follows:

“Substitute for HOUSE BILL No. 2872

By Committee on Higher Education

“AN ACT establishing the workforce development loan program; concerning such loan; creating a fund; providing for loan repayment, forgiveness and administration thereof; amending K.S.A. 72-4433 and repealing the existing section.”;

and the substitute bill be passed.

(Sub. **HB 2872** was thereupon introduced and read by title.)

The Committee on **Taxation** recommends **HB 2714** be amended by striking all in line 40 and inserting the following:

“Sec. 2. K.S.A. 2001 Supp. 79-201w is hereby amended to read as follows: 79-201w. The following described property, to the extent specified by this section, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) Any item of machinery, equipment, materials and supplies which, except for the operation of the provisions of this section, would be required to be listed for the purpose of taxation pursuant to K.S.A. 79-306, and amendments thereto, and which is used or to be used in the conduct of the owner’s business, or in the conduct of activities by an entity not subject to Kansas income taxation pursuant to K.S.A. 79-32,113, and amendments thereto, whose original retail cost when new is ~~\$250 or less~~ *\$500 or less with respect to tax years 2002 and 2003, and \$1,000 or less with respect to tax year 2004, and all tax years thereafter.*

~~(b) The provisions of this section shall apply to all taxable years commencing after December 31, 1995.~~

Sec. 3. K.S.A. 79-301 is hereby amended to read as follows: 79-301. All tangible personal property subject to taxation shall be listed and assessed as of the first day of January each year in the name of the owner thereof. Such listing and assessment shall be made as ~~hereinafter~~ *provided by law. A county or district appraiser may request the listing of any property not subject to taxation, but no taxpayer shall be required to comply with such request.*

Sec. 4. K.S.A. 79-301 and K.S.A. 2001 Supp. 79-201w and 79-32,206 are hereby repealed;”

By renumbering section 3 as section 5;

In the title, in line 9, by striking “income”; also in line 9, by striking all after the semicolon; in line 10, by striking all before the semicolon and inserting “concerning property tax exemptions for and income tax credits for property tax paid upon certain machinery and equipment”; in line 11, after “K.S.A.” by inserting “79-301 and K.S.A.”; also in line 11, after “Supp.” by inserting “79-201w and”; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2644** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2644,” as follows:

“Substitute for HOUSE BILL No. 2644

By Committee on Utilities

“AN ACT concerning certain public utilities; providing for recovery of certain costs of security measures.”;

and the substitute bill be passed.

(Sub. **HB 2644** was thereupon introduced and read by title.)

The Committee on **Utilities** recommends **HB 2999** be amended on page 1, in line 16, after “58-2553” by inserting “or subsection (a)(6) of K.S.A. 58-25,111”; in line 19, by striking “reasonable” and inserting “actual”; in line 20, after the period, by inserting “The furnishing of water by a landlord to a tenant in accordance with this section shall not be construed as a sale for resale which may be subject to the jurisdiction of the state corporation commission.”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2611, HB 2723, HB 2746, HB 2771, HB 2772, HB 2809, HB 2812, HB 2896 reported correctly engrossed February 25, 2002.

HB 2603 reported correctly re-engrossed February 25, 2002.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 1577, under that order of business Committee of the Whole, “Committee report to **HB 2773**” should be corrected to read “Committee report to **HB 2723**”.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, February 27, 2002.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

