

Journal of the House

FIFTIETH DAY

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

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

The roll was called with 122 members present.

Rep. O'Brien was excused on verified illness.

Reps. J. Peterson and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Almighty God, it's hard to know what words to use when confronted with difficulty. What do we say to you? What do we ask of you when it is we who are asked to discover a way forward? It is so easy to forget all that is good when difficulty visits our lives. We get so used to blessings that when the cycles of life bring us to lean times we imagine that we have never been there before and we wonder why you have led us to such a place. Like the Hebrew children as they left Egypt, turn to the past rather than the future and wonder if the comfort of what we've known isn't better than the unpredictable future that lies ahead.

But life lies ahead, O Lord. And life is your gift. You are the God who parted the waters and led your children to freedom. Part the waters again, O God, that we might move into your future. And if it is your will that we wander for a season in the wilderness, be with us to guide us and protect us. Keep us safe from the false Gods we would erect for ourselves. Sustain us with your Spirit. Let us travel together as a people united in thanksgiving and hope. Let none be left behind on the journey, and finally Lord, bring us at last out of the wilderness to that place which we all desire, your kingdom on this earth as it is in heaven. Amen.

The Pledge of Allegiance was led by Rep. Loyd.

INTRODUCTION OF GUESTS

Rep. R. Toelkes introduced Craig Cox, head coach of the Shawnee Heights boys' basketball team. The team won the Class 5A championship. Coach Cox introduced the team to the members of the House.

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2630** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2675** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2693** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

CONSENT CALENDAR

No objection was made to **HB 3021** 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 3021, An act concerning the employment security law; amending K.S.A. 44-705 and K.S.A. 2001 Supp. 44-703 and 44-710 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, 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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: None.

Present but not voting: None.

Absent or not voting: DiVita, O'Brien, J. Peterson, Winn.

The bill passed.

HB 2643, An act concerning crimes, criminal procedure and punishment; relating to criminal use of weapons; amending K.S.A. 2001 Supp. 21-4201 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

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, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Faber, Klein, McKinney, Jim Morrison.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

HB 2736, An act concerning human cloning; relating to criminal and civil penalties, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballou, Barnes, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Garner, Gatewood, Glasscock, Goering, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Krehbiel, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, Phelps, Pottorff, L.

Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Shriver, Shultz, Spangler, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballard, Beggs, Benlon, Cox, Crow, Dreher, Findley, Flaharty, Flora, Gilbert, Gordon, Henderson, Huff, Johnson, Kirk, Klein, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, E. Peterson, Ray, Showalter, Sloan, Stone, Storm, Tanner, Tomlinson, Welshimer.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I do not support the idea of human cloning but believe this bill is unnecessary for several reasons. The sponsor indicates no cases are anticipated. This issue is being taken care of at the federal level. Learning and research can be delayed but never stopped. All new knowledge has potential for good or evil. The bill's wording may prohibit future genetic repair for diabetes, Alzheimer's and other diseases. I vote no on **HB 2736**.—GERLADINE FLAHARTY

MR. SPEAKER: We are saddened this House has chosen to pass **HB 2736**. We believe it should be unlawful to clone a human embryo for the purpose of creating a live birth.

However, cloning human cells is beneficial to scientific research. By passing **HB 2736**, how will we encourage world-known scientists to work in Kansas? Obviously, we Kansans deserve a failing grade in Science class—first with evolution and now with passage of this bill. We vote no on **HB 2736**.—LISA BENLON, LLOYD A. STONE, RAY COX, GERRY RAY, ROBERT TOMLINSON, JUDITH LOGANBILL, SUE STORM, ETHEL M. PETERSON, RALPH M. TANNER, DAN JOHNSON, BARBARA BALLARD, RUBY GILBERT, AL LANE, TROY FINDLEY

MR. SPEAKER: Prohibiting human cloning is a laudable concept. But, I hesitate to criminalize conduct when I do not understand the science well enough to cast a knowledgeable vote, and don't understand creating a crime when the proponents assure us there will be no prosecutions. Going further, the bill without rationale establishes a civil penalty tied to the state wrongful death statutes to enforce the implied public policy against human cloning. I vote no on **HB 2736**.—WARD LOYD, LANA GORDON, DEAN NEWTON

HB 2737, An act concerning human embryos; relating to criminal penalties, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 44; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballou, Barnes, Bethell, Boston, Campbell, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Glasscock, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Klein, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Schwartz, Shriver, Shultz, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballard, Beggs, Benlon, Burroughs, Compton, Cox, Crow, Dillmore, Dreher, Findley, Flaharty, Flora, Garner, Gilbert, Goering, Gordon, Henderson, Huff, Johnson, Kirk, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, Nichols, E. Peterson, Ray, Rehorn, Sharp, Showalter, Sloan, Spangler, Stone, Storm, Swenson, Tanner, R. Toelkes, Tomlinson, Welshimer.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: It is arrogant for legislators to believe they know more about stem cells than biologists. Even scientists admit there is more to be learned about both adult and embryonic stem cells.

We reject the bill sponsors' notion that all scientists are amoral. God gave us the ability to reason and question. It would be a sin not to use it.

Why should we eliminate the research needed to save lives? We have so much at stake—the possibility to cure cancer, ALS, epilepsy, Alzheimer's, Parkinson's disease and others. We vote NO on **HB 2737**.—LISA BENLON, DAVID HUFF, LLOYD A. STONE, RAY COX, GERRY RAY, ROBERT TOMLINSON, MARTI CROW, ETHEL M. PETERSON, TROY FINDLEY, JUDITH LOGANBILL, SUE STORM, RALPH M. TANNER, DAN JOHNSON, BARBARA BALLARD, RUBY GILBERT, AL LANE

MR. SPEAKER: The proponents say there is no prison bed impact study because there will be no prosecutions for this new crime; if so, where is the need? I cannot vote to criminalize conduct where I do not understand the science well enough to cast a knowledgeable vote. I vote no on **HB 2737**.—WARD LOYD, LANA GORDON, DEAN NEWTON

MR. SPEAKER: I am thankful that God gave wisdom and knowledge to Drs. Frederick Banting and Charles Best, who in 1921 had the genius to take insulin from animals and use it in humans. Because of their scientific work, my father was able to have an active and rewarding life.

We should tread carefully in impeding medical science. I vote no on **HB 2737**.—JIM GARNER

HB 2785, An act concerning taxation; relating to redemption of real estate; amending K.S.A. 79-2401a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: None.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed.

HB 2828, An act relating to sales taxation; authorizing Douglas county to impose a countywide tax for certain purposes; amending K.S.A. 12-187 and 12-189 and repealing the existing sections; also repealing K.S.A. 12-189e, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 23; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne,

Ostmeyer, Owens, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Tafanelli, Thimesch, R. Toelkes, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Dahl, Faber, Freeborn, Howell, Huebert, Hutchins, Kauffman, Landwehr, P. Long, Mayans, Miller, Minor, Neufeld, Palmer, T. Powell, Powers, Schwartz, Swenson, Tanner, Tomlinson, Toplikar, Vickrey.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

HB 3011, An act concerning the retailers' sales tax; authorizing use of the revenue thereof for construction of the county jail in Anderson county; amending K.S.A. 12-187 and 12-189e and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, 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, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Burroughs, Faber, Flora, Henderson, Howell, Huebert, Kauffman, Klein, Minor, Powers, Spangler, Tanner.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

SB 390, An act concerning insurance; relating to reinsurance matters; amending K.S.A. 40-221a and repealing the existing section, was considered on final action.

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

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, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Spangler.

Present but not voting: Hermes.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed.

SB 392, An act relating to drivers' licenses; amending K.S.A. 8-285, 8-1002, 8-1020 and 40-3104 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: 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, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Shriver, Shultz, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aday, Garner, Goering, Henderson, Rehorn, Showalter, Sloan, Spangler.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

SB 397, An act concerning telecommunications providers; relating to the use of public rights-of-way; amending K.S.A. 12-2001 and 17-1902 and repealing the existing sections, was considered on final action.

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

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, Kauffman, Kirk, Klein, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Spangler.

Present but not voting: Krehbiel.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed.

SB 439, An act concerning real estate brokers and salespersons; relating to the licensure and regulation thereof; amending K.S.A. 58-3043 and 58-3047 and K.S.A. 2001 Supp. 58-3036, 58-3037, 58-3039, 58-3042, 58-3045, 58-3050 and 58-30,103 and repealing the existing sections, was considered on final action.

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

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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, L. Powell, T. 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.

Nays: Spangler.

Present but not voting: Pottorff.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed, as amended.

SB 469, An act concerning the state health care benefits program; concerning participation by local governmental entities in such program; amending K.S.A. 75-6501, 75-6506 and 75-6509 and repealing the existing sections, was considered on final action.

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

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

Nays: Ballou, Huebert.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed.

SB 546, An act concerning retail natural gas suppliers; relating to franchise agreements; compensation, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: None.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The bill passed.

SCR 1622, A Concurrent Resolution urging the University of Kansas School of Law to establish an agriculture law teaching professorship and agriculture law clinic, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 25; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Compton, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Lane, Larkin, Levinson, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans,

McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Sloan, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Burroughs, Campbell, Cook, Crow, Dillmore, Flora, Goering, Henderson, Huebert, Kirk, Kuether, Landwehr, Loganbill, M. Long, Mays, Jim Morrison, Phelps, Pottorff, T. Powell, Sharp, Shultz, Spangler, Stone, R. Toelkes, Vickrey.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

The resolution was adopted.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2658**, An act concerning highways; designating a part of United States Highway 400 as the Clayton J. Connell memorial highway; designating a part of interstate highway 135 as the Ben E. Vidricksen highway.

On roll call, the vote was: Yeas 101; Nays 21; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Findley, Flaharty, Flora, Freeborn, Garner, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Lightner, Lloyd, Loganbill, M. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, R. Toelkes, Toplikar, Vickrey, Weber, Welshimer, Wilk, J. Williams, Wilson.

Nays: Dahl, Edmonds, Faber, Feuerborn, Gatewood, Howell, Hutchins, Landwehr, Light, P. Long, Loyd, Mayans, Neufeld, Ostmeyer, Powers, Pyle, Tanner, Thimesch, Tomlinson, Wells, D. Williams.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2794**, An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-135, 8-145 and 8-145d and repealing the existing sections.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: None.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2743** be adopted; also, pursuant to House Rule 2311, unanimous consent was granted to suspend House Rule 1704(b) for designated members to speak more than twice on the same subject.

Also, on motion of Rep. Wilk **HB 2743** be amended on page 13, after line 21, by inserting the following material to read as follows:

“(c) On the effective date of this act, of the \$134,903,477 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 129(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the long term care account, the sum of \$808,190 is hereby lapsed.”;

Also on page 13, in line 28, by adding \$6,116,392 to the dollar amount and by adjusting the dollar amount in line 28 accordingly; in line 38, by subtracting \$60,000 from the dollar amount and by adjusting the dollar amount in line 38 accordingly;

On page 16, after line 11, by inserting the following material to read as follows:

“(z) On the effective date of this act, of the \$58,603,619 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$1,659,775 is hereby lapsed.”;

Also on page 16, following line 18, by inserting the following:

“General state aid..... \$2,212,000”;

Also, on motion of Rep. R. Toelkes to amend **HB 2743**, Rep. Wilk requested the question be divided. The question was divided.

On Part A of the motion of Rep. R. Toelkes, **HB 2743** be amended on page 24, by striking all in lines 15 through 43;

On page 25, by striking all in lines 1 through 11, and inserting the following material to read as follows:

“Sec. 63. (a) During the fiscal year ending June 30, 2002, prior to the last day of the first payroll period commencing after the effective date of this act, the director of the budget (1) shall determine the shrinkage rate to be applied to each state agency for fiscal year 2002 pursuant to this section by increasing the rate of shrinkage in the approved budget for such state agency for the fiscal year ending June 30, 2002, by adding .9% to the rate of shrinkage in the approved budget for such state agency which shall be the shrinkage rate to be applied to the state agency for fiscal year 2002 pursuant to this section, and (2) shall determine the amount by which the moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2002 for each state agency for salaries and wages for state officers and employees, including associated employer contributions, is to be adjusted in such budget and is to be lapsed from such appropriations pursuant to this section to reflect the shrinkage rate to be applied to each state agency for fiscal year 2002 pursuant to this section, based on such determinations: *Provided*, That, upon determining the rate of shrinkage to be applied to a state agency for fiscal year 2002 pursuant to this section, the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2002 of such state agency and to certify, upon the date that such determinations are made by the director of the budget, to the director of accounts and reports the amount in each such account of the state general fund for fiscal year 2002 of such state agency by which the director of the budget is reducing the budget of such state agency for salaries and wages for state officers and employees, including associated employer contributions, pursuant to this section: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That it is hereby deemed to be necessary by reason of shortage of funds for the shrinkage rate for each state agency to be increased in accordance with this section: *And*

provided further, That the aggregate of all amounts certified to the director of accounts and reports by the director of the budget pursuant to this subsection shall not exceed \$7,000,000.

(b) During the fiscal year ending June 30, 2002, and on the date of the certification by the director of the budget under this section, the amount certified by the director of the budget to the director of accounts and reports under subsection (a) in each account of the state general fund of each state agency that is appropriated for fiscal year 2002, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2002 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency: *Provided*, That the aggregate of all such amounts lapsed shall not exceed \$7,000,000.

(c) In addition to the other purposes for which expenditures may be made by each state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made, for the purposes of the shrinkage rate applied to the state agency pursuant to this section, to (1) make appropriate staffing adjustments and to not fill empty positions, (2) authorize state officers and employees to voluntarily take leave without pay, and (3) authorize, determine and implement other administrative and management efficiencies to manage any required reductions in expenditures.

Also, on Part B of the motion of Rep. R. Toelkes, **HB 2743** be amended by inserting the following after Sec. 63:

Sec. 64 (a) On July 1, 2002, the director of the budget (1) shall determine the shrinkage rate to be applied to each state agency for fiscal year 2003 pursuant to this section by increasing the rate of shrinkage in the approved budget for such state agency for the fiscal year ending June 30, 2003, by adding 3.6% to the rate of shrinkage in the approved budget for such state agency which shall be the shrinkage rate to be applied to the state agency for fiscal year 2003 pursuant to this section, and (2) shall determine the amount by which the moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2003 for each state agency for salaries and wages for state officers and employees, including associated employer contributions, are to be adjusted in such budget and is to be lapsed from such appropriations pursuant to this section to reflect the shrinkage rate to be applied to each state agency for fiscal year 2003 pursuant to this section, based on such determinations: *Provided*, That, upon determining the rate of shrinkage to be applied to a state agency for fiscal year 2003 pursuant to this section, the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2003 of such state agency and to certify, upon the date that such determinations are made by the director of the budget, to the director of accounts and reports the amount in each such account of the state general fund for fiscal year 2003 of such state agency by which the director of the budget is reducing the budget of such state agency for salaries and wages for state officers and employees, including associated employer contributions, pursuant to this section: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That it is hereby deemed to be necessary by reason of shortage of funds for the shrinkage rate for each state agency to be increased in accordance with this section: *And provided further*, That the aggregate of all amounts certified to the director of accounts and reports by the director of the budget pursuant to this subsection shall not exceed \$29,056,450.

(b) During the fiscal year ending June 30, 2003, and on the date of the certification by the director of the budget under this section, the amount certified by the director of the budget to the director of accounts and reports under subsection (a) in each account of the state general fund of each state agency that is appropriated for fiscal year 2003, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2003 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency: *Provided*, That the aggregate of all such amounts lapsed shall not exceed \$29,056,450.

(c) In addition to the other purposes for which expenditures may be made by each state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made, for the purposes of the shrinkage rate applied to the state agency pursuant to this section, to (1) make appropriate staffing adjustments and to not fill empty positions, (2) authorize state officers and employees to voluntarily take leave without pay, and (3) authorize, determine and implement other administrative and management efficiencies to manage any required reductions in expenditures.”;

And by renumbering sections accordingly;

Also, on motion of Rep. Reardon to amend **HB 2743**, the motion was withdrawn.

Also, on motion of Rep. Schwartz **HB 2743** be amended on page 19, following line 9 by inserting the following:

“(e) During the fiscal year ending June 30, 2002, the secretary of the Kansas department of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2002 from the state water plan fund of the Kansas department of agriculture to another item of appropriation for fiscal year 2002 from the state water plan fund of the Kansas department of agriculture.”; and **HB 2743** be passed as amended.

Committee report to **HB 3008** be adopted; also, pursuant to House Rule 2311, unanimous consent was granted to suspend House Rule 1704(b) for designated members to speak more than twice on the same subject.

Also, on motion of Rep. Wilk **HB 3008** be amended on page 70, in line 16, by subtracting \$3,478,832 from the dollar amount and by adjusting the dollar amount in line 16 accordingly; in line 34, by adding \$400,000 to the dollar amount and by adjusting the dollar amount in line 34 accordingly; in line 42, by adding \$11,137,653 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 81, in line 8, by adding \$4,681,000 to the dollar amount and by adjusting the dollar amount in line 8 accordingly; in line 19, by adding \$97,000 to the dollar amount and by adjusting the dollar amount in line 19 accordingly;

Also, on further motion of Rep. Wilk **HB 3008** be amended on page 44, in line 30, before “HOME” by inserting “motion picture and television sales tax reimbursement;”

On page 65, in line 6, by adding \$5,083,604 to the dollar amount and by adjusting the dollar amount in line 6 accordingly;

On page 67, in line 8, by adding \$470,000 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 68, in line 15, by striking all after “communities”; by striking all of lines 16 through 19, in line 20, by striking all before the period;

On page 69, in line 8, by adding \$1,000 to the dollar amount and by adjusting the dollar amount in line 8 accordingly;

On page 70, in line 34, by subtracting \$470,000 from the dollar amount and by adjusting the dollar amount in line 34 accordingly; in line 42, by subtracting \$5,083,604 from the dollar amount and by adjusting the dollar amount in line 42 accordingly;

On page 71, in line 11, by adding \$2,147,541 to the dollar amount and by adjusting the dollar amount in line 11 accordingly;

On page 73, in line 18, by adding \$145,872 to the dollar amount and by adjusting the dollar amount in line 18 accordingly;

On page 131, in line 41, by striking “2003, and January 1, 2004” and inserting “2002, and January 1, 2003”;

On page 135, in line 35, by striking “2003” and inserting “2002”;

On page 145, in line 35, after “into” by inserting “by the”;

On page 161, in line 17, by striking “2003” and inserting “2002”; in line 29, by striking “2003” and inserting “2002”;

On page 185, in line 5, by striking all after the period; by striking all of lines 6 through 10;

Also, on motion of Rep. Mays to amend **HB 3008**, Rep. Wilk requested the question be divided. Seeing no challenge to the entire amendment being germane to the bill, the Chair ruled the question be divided.

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 477** be passed.

The Committee on **Education** recommends **SB 402** be amended on page 4, in line 22, after the period by inserting "The state board may deny the approval of the petition if the petition contains program goals that may be accomplished without becoming a charter school."; and the bill be passed as amended.

The Committee on **Local Government** recommends **SB 564** be amended on page 1, by striking all following line 16;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 14 and inserting:

Section 1. K.S.A. 28-115 is hereby amended to read as follows: 28-115. (a) The register of deeds of each county shall charge and collect the following fees:

For recording deeds, mortgages or other instruments of writing, for first page, not to exceed legal size page—8½" x 14".....	\$6.00
For second page and each additional page or fraction thereof	2.00
Recording town plats, for each page	20.00
Recording release or assignment of real estate mortgage	5.00
Certificate, certifying any instrument on record	1.00
Acknowledgment of a signature50
For filing notices of tax liens under the internal revenue laws of the United States	5.00 15.00
For filing releases of tax liens, certificates of discharge, under the internal revenue laws of the United States or the revenue laws of the state of Kansas filed both prior to and after the effective date of this act	5.00 15.00
For filing liens for materials and services under K.S.A. 58-201, and amendments thereto	5.00 15.00

(b) In addition to the fees required to be charged and collected pursuant to subsection (a), the register of deeds shall charge and collect an additional fee of \$2 per page for recording:

- (1) The first page of any deeds, mortgages or other instruments of writing, not to exceed legal size—8½" x 14";
- (2) the second page and each additional page or fraction of any deeds, mortgages or instruments of writing; and
- (3) a release or assignment of real estate mortgage.

Any fees collected pursuant to this subsection shall be paid by the register of deeds to the county treasurer. The county treasurer shall deposit such funds in the register of deeds technology fund as provided by section 2, and amendments thereto.

(c) For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the department of revenue as required under the provisions of the Kansas inheritance tax act, and amendments thereto. All fees enumerated in this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary. The register of deeds shall bill the United States internal revenue service on the last day of each month for the amount of fees accrued in the filing and releasing of federal tax liens.

(d) If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to the instru-

ment, the register of deeds shall charge and collect a fee of \$1 in addition to all other fees provided in this section.

(e) If sufficient space is not provided for the necessary recording information and certification on a document, such recording information shall be placed on an added sheet and such sheet shall be counted as a page. The document shall be of sufficient legibility so as to produce a clear and legible reproduction thereof. If a document is judged not to be of sufficient legibility so as to produce a clear and legible reproduction, such document shall be accompanied by an exact copy thereof which shall be of sufficient legibility so as to produce a clear and legible reproduction thereof and which shall be recorded contemporaneously with the document and shall be counted as additional pages. The register of deeds may reject any document which is not of sufficient legibility so as to produce a clear and legible reproduction thereof.

(f) Any document which was filed on or after January 1, 1989, which was of a size print or type smaller than 8-point type but which otherwise was properly filed shall be deemed to be validly filed.

(g) *All fees required to be collected pursuant to this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work. If the register of deeds fails to collect any of the fees provided in this section, the amount of the fees at the end of each quarter shall be deducted from the register's salary.*

(h) Except as otherwise provided by subsection (b), all fees ~~provided for in~~ required to be collected pursuant to this section shall be paid by the register of deeds to the county treasurer and deposited into the general fund of the county.

New Sec. 2. (a) There is hereby created in each county a special register of deeds records fund.

(b) Upon receipt thereof, the county treasurer shall credit to the special register of deeds records fund of the county all moneys attributable to the fees collected pursuant to subsection (b) of K.S.A. 28-115, and amendments thereto.

(c) Moneys in the special register of deeds records fund shall be used by the register of deeds to acquire equipment and services for the storing, recording, archiving, retrieving, maintaining and handling of data recorded or stored in the office of the register of deeds.

(d) Moneys in such fund shall not be subject to the provisions of K.S.A. 79-2925 through 79-2937, and amendments thereto. In making the budget of the county, the amounts credited to, and the amount on hand in, such special fund and the amount expended from such fund shall be shown on the budget for the information of the taxpayers of the county. Any action taken by the register of deeds under this subsection shall be in accordance with K.S.A. 19-1202, and amendments thereto.

(e) Moneys in such fund may be invested in accordance with the provisions of K.S.A. 10-131, and amendments thereto, with interest thereon credited to such fund.

(f) The fund shall be administered by the county treasurer who shall pay out moneys from the fund upon orders signed by the register of deeds.”;

In the title, in line 12, following “to” by inserting “fees charged and collected by the”; also in line 12, by striking “in certain”; in line 13, by striking all before “amending” and inserting “; relating to the use thereof.”;

By renumbering sections accordingly; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6012—

By Representative Lightner

WHEREAS, There are about 600,000 children in foster care in the United States, and there are more than 134,000 children in our country waiting to be adopted. Since 1993 November has been proclaimed by the President as National Adoption Month to focus attention on the increasing number of children in the child welfare system waiting for permanent families. In 2001, the United States Department of Health and Human Services gave 14 awards as part of its Adoption Excellence Awards to various states, businesses and

organizations which have helped abandoned, neglected or abused children find permanent homes. But as President Bush stated in his 2001 proclamation for National Adoption Month, the quiet heroes in this process are the adoptive parents who answer a special calling to share a loving home with children and to offer the children hope for a brighter future; and

WHEREAS, On November 16, 2001, lawyers and judges in 16 cities across the nation recently volunteered their time to complete more than 1,500 adoptions on the second annual National Adoption Day. This event is sponsored by the Alliance for Children's Rights, an organization located in Los Angeles, California. Their action is spurred in part by statistics revealing that about 1/6 of foster children are removed from their homes because of abuse, nearly 50 percent will never finish high school and nearly 1/3 will spend time in jail: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the judges of our various courts and the members of the Kansas Bar Association to participate in the events of National Adoption Day as it transpires in their respective communities; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the Chief Justice of the Kansas Supreme Court and to the President of the Kansas Bar Association.

HOUSE RESOLUTION No. 6013—

By Committee on Federal and State Affairs

A RESOLUTION urging the Congress of the United States to provide ultrasound equipment for crisis pregnancy centers.

WHEREAS, Technology plays a prominent role in our daily lives, and the use of all available technology should be applied to the provision of medical care to our citizens; and

WHEREAS, Through the use of ultrasound technology it is possible to observe the developing fetus within the womb of a pregnant woman; and

WHEREAS, Crisis pregnancy centers throughout the nation provide assistance and counseling to concerned, pregnant women; and

WHEREAS, The use of ultrasound equipment by crisis pregnancy centers would assist these organizations in providing information and advice to their clients; and

WHEREAS, The provision of assistance to pregnant women extends to all the states and territories of our nation: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the Kansas legislature urges the Congress of the United States to pass legislation to provide federal funding for the placement of ultrasound equipment in the crisis pregnancy centers of our nation; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide enrolled copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives and to each member of the Kansas Congressional delegation.

On motion of Rep. Weber, the House recessed until 5:00 p.m.

EVENING SESSION

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

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **SB 610** from Committee on Health and Human Services and referral to Committee on Appropriations.

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

COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that discussion resume on **HB 3008** on Part A of the motion of Rep. Mays to amend on page 171, in line 13, by subtracting \$3,388,652 from the dollar amount in line 13 and by adjusting the dollar amount in line 13 accordingly;

On page 172, in line 2, by subtracting \$2,161,342 from the dollar amount in line 2 and by adjusting the dollar amount in line 2 accordingly;

Roll call was demanded.

On roll call, the vote was: Yeas 20; Nays 102; Present but not voting: 0; Absent or not voting: 3.

Yeas: Cook, DeCastro, Edmonds, Huebert, Huy, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McLeland, Miller, Myers, Novascone, Palmer, T. Powell, Spangler, Weber.

Nays: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McCreary, McKinney, Merrick, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, E. 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, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

Part A of the motion of Rep. Mays did not prevail.

Also, on Part B of the motion of Rep. Mays to amend **HB 3008**, the motion was withdrawn.

Also, roll call was demanded on Part C of the motion of Rep. Mays to amend **HB 3008** on page 190, following line 10, by inserting the following material to read as follows:

(s) During the fiscal year ending June 30, 2003, no moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 for any state agency and allocated within the approved budget for such state agency for salaries and wages for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, shall be transferred, reallocated or expended for any other purpose: *Provided*, That, during fiscal year 2003, the director of the budget shall monitor all such moneys appropriated for fiscal year 2003 for each state agency and the director of the budget shall determine the amount of such moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2003 for such state agency for salaries and wages for state officers and employees, including associated employer contributions, that will not be expended for fiscal year 2003 for such purpose and are to be adjusted in such budget and are to be lapsed from such appropriations pursuant to this subsection, based on shrinkage data and other appropriate factors: *Provided further*, That the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2003 of such state agency and to certify each such amount to the director of accounts and reports on or before June 30, 2003: *And provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That, on June 30, 2003, the amount certified by the director of the budget to the director of accounts and reports under this subsection in each account of the state general fund of each state agency that is appropriated for fiscal year 2003, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2003 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency. ”;

On roll call, the vote was: Yeas 93; Nays 28; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Bethell, Boston, Burroughs, Compton, Cook, Crow, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Findley, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Landwehr, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, Toplikar, Vickrey, Weber, Wells, Wilson.

Nays: Beggs, Benlon, Campbell, Cox, Dreher, Feuerborn, Flaharty, Flora, Freeborn, Henry, Hermes, Klein, Kuether, Lane, Minor, Newton, Nichols, O'Neal, Phelps, Ray, Rehorn, Shriver, Stone, R. Toelkes, Tomlinson, Welshimer, Wilk, J. Williams.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, D. Williams, Winn.

Part C of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part D of the motion of Rep. Mays to amend **HB 3008** on page 190, following line 10, by inserting the following material to read as follows:

“(q) On July 1, 2002, the expenditure limitation established by subsection (b) of K.S.A. 75-6702, and amendments thereto, on the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2002 regular session of the legislature for fiscal year 2003, so that there will be an ending balance in the state general fund for fiscal year 2004 that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in fiscal year 2003, is hereby increased so that there will be an ending balance in the state general fund for fiscal year 2004 that is equal to 5.0% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in fiscal year 2003;

On roll call, the vote was: Yeas 65; Nays 56; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballou, Boston, Burroughs, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Flora, Goering, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Levinson, Lightner, Lloyd, Loganbill, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Owens, Palmer, Patterson, E. Peterson, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Schwartz, Shultz, Spangler, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, D. Williams, Wilson.

Nays: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Campbell, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Grant, Henderson, Henry, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Light, M. Long, Loyd, McClure, McKinney, Minor, Newton, Nichols, O'Neal, Pauls, Phelps, Pottorff, Ray, Ruff, Sharp, Showalter, Shriver, Sloan, Stone, Tomlinson, Wells, Welshimer, Wilk, J. Williams.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Winn.

Part D of the motion of Rep. Mays prevailed.

Also, roll call was demanded on Part E of the motion of Rep. Mays to amend **HB 3008** on page 66, in line 21, by adding \$11,362,751 to the dollar amount by adjusting the dollar amount in line 21 accordingly;

On page 75, in line 5, by adding \$71,577,037 to the dollar amount by adjusting the dollar amount in line 5 accordingly;

On roll call, the vote was: Yeas 52; Nays 68; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballou, Bethell, Boston, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Gordon, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman,

Klein, Landwehr, Levinson, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Palmer, Patterson, L. Powell, T. Powell, Powers, Pyle, Schwartz, Shultz, Tafanelli, Tanner, Toplikar, Vickrey, Weber, D. Williams.

Nays: Aday, Ballard, Barnes, Beggs, Benlon, Burroughs, Campbell, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Hermes, Horst, Huff, Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Newton, Nichols, O'Neal, Owens, Pauls, E. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Wells, Welshimer, Wilk, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Spangler, Winn.

Part E of the motion of Rep. Mays did not prevail.

Also, roll call was demanded on Part F of the motion of Rep. Mays to amend **HB 3008** on page 190, following (q) by inserting:

(r) On June 1, 2003, or as soon thereafter during fiscal year 2003 as moneys are available, the director of accounts and reports shall transfer \$20,000,000 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the state general fund;

On roll call, the vote was: Yeas 46; Nays 72; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballou, Boston, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Landwehr, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Palmer, Patterson, L. Powell, T. Powell, Powers, Pyle, Tafanelli, Tanner, Vickrey, Weber, D. Williams.

Nays: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Burroughs, Campbell, Compton, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Hermes, Holmes, Horst, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Newton, Nichols, O'Neal, Owens, Pauls, E. Peterson, Phelps, Pottorff, Ray, Reardon, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Wells, Welshimer, Wilk, J. Williams, Wilson.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien, J. Peterson, Rehorn, Ruff, Toplikar, Winn.

Part F of the motion of Rep. Mays did not prevail.

Also, on Part G of the motion of Rep. Mays **HB 3008** be amended on page 81, in line 8, by adding \$176,544,000 to the dollar amount by adjusting the dollar amount in line 8 accordingly;

Also, roll call was demanded on Part H of the motion of Rep. Mays to amend **HB 3008** on page 67, in line 22, by adding \$4,720,608 to the dollar amount by adjusting the dollar amount in line 22 accordingly;

On page 70, in line 16, by adding \$5,996,556 to the dollar amount by adjusting the dollar amount in line 16 accordingly; in line 38, by adding \$5,309,492 to the dollar amount by adjusting the dollar amount in line 38 accordingly;

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

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, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Pe-

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

Nays: None.

Present but not voting: None.

Absent or not voting: O'Brien, J. Peterson, Winn.

Part H of the motion of Rep. Mays prevailed.

Also, rose and reported progress.

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **SB 375** be amended on page 3, in line 37, by striking "Kansas register" and inserting "statute book"; and the bill be passed as amended.

The Committee on **Environment** recommends **HB 3002** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 3002," as follows:

"Substitute for HOUSE BILL No. 3002

By Committee on Environment

"AN ACT concerning municipalities; relating to provision of certain solid waste services."; and the substitute bill be passed.

(Sub. **HB 3002** was thereupon introduced and read by title.)

The Committee on **Federal and State Affairs** recommends **SB 629** be passed.

The Committee on **Health and Human Services** recommends **SB 447, SB 630, SB 642** be passed.

The Committee on **Health and Human Services** recommends **SB 482** be amended on page 1, in line 25, by striking "administered" and inserting "approved"; and the bill be passed as amended.

The Committee on **Local Government** recommends **HB 2760** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2760," as follows:

"Substitute for HOUSE BILL No. 2760

By Committee on Local Government

"AN ACT concerning political subdivisions of the state; relating to the powers and duties of the governing body thereof; amending K.S.A. 72-8205 and repealing the existing section."; and the substitute bill be passed.

(Sub. **HB 2760** was thereupon introduced and read by title.)

The Committee on **Local Government** recommends **HB 2947** be amended on page 1, in line 27, by striking "thirty-year" and inserting "ten-year"; and the bill be passed as amended.

The Committee on **Transportation** recommends **SB 410** be amended on page 2, in line 29, by striking "this state's governmental agencies and federal" and inserting "any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2658, HB 2743 reported correctly engrossed March 26, 2002.

HB 2794 reported correctly re-engrossed March 26, 2002.

REPORT ON ENROLLED BILLS

HB 2663, HB 2698 reported correctly enrolled, properly signed and presented to the governor on March 25, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Wednesday, March 27, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

