

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 28, 2002, 10:00 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. J. Peterson was excused on excused absence by the Speaker.

Present later: Rep. J. Peterson.

Prayer by guest chaplain, the Rev. Rich Miller, pastor, Friends Church, Glen Elder, and guest of Rep. McClure:

Father God, We come before you this morning to seek you and to seek your blessing. We thank you that we live in a nation founded on freedoms and trust in you. Father we continue to call for your protection and mercies upon our state and our nation, as we live in times of danger and terror, be near us Lord.

Heavenly Father, it is an honor to stand before you in these hallowed halls and amidst these elected representatives of the people of the great state of Kansas. Lord we ask your blessings upon each man and woman called here to serve, that you would fill them with wisdom, knowledge, discernment, and endurance for the many and some seemingly insurmountable tasks that lay before them.

Gracious Father, we ask your blessing upon the House of Representatives as they collectively serve the people of Kansas, Lord we pray that they together would be filled with patience and understanding as they debate, and righteousness and compassion for all as they vote.

Precious Lord, we ask in conclusion for your blessing upon the people of Kansas, that their lives would be prosperous, and filled with your love, and that this Land that we inhabit would be fruitful in crops, productive in business, and touched by your hand.

In Jesus' Name, Amen.

The Pledge of Allegiance was led by Rep. Gordon.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 622**.

Health and Human Services: **Sub. SB 584**.

COMMUNICATIONS FROM STATE OFFICERS

From Janet Schalansky, Secretary, Social and Rehabilitation Services, and Albert Murray, Commissioner, Juvenile Justice Authority, Joint Committee on Corrections and Juvenile Justice, as required by **SCR 1610**, Residential Rate Adjustments report, March 2002.

From Mark S. Beck, Director, Department of Revenue, Division of Property Valuation, Statistical Report of Property Assessment and Taxation, March 2002.

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

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 392**, requests a conference and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 439**, requests a conference and has appointed Senators Harrington, O'Connor and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2642** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 392**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 439**.

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2647, An act relating to income tax; concerning credits for wildlife habitat and management activities; certain income tax credits; amending K.S.A. 79-32,203 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 40; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Bethell, Boston, Compton, Cox, Crow, DeCastro, Dillmore, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gamer, Gatewood, Gilbert, Glasscock, Gordon, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Lloyd, M. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Minor, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Pyle, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, J. Williams, Wilson.

Nays: Ballou, Benlon, Burroughs, Campbell, Cook, Dahl, DiVita, Faber, Goering, Grant, Hayzlett, Henderson, Howell, Huy, Kauffman, Krehbiel, Lane, Light, Lightner, Loganbill, P. Long, Loyd, Miller, Jim Morrison, Neufeld, Osborne, Ostmeyer, Owens, Palmer, Patterson, L. Powell, Powers, Ray, Sharp, Spangler, Stone, Storm, Vickrey, D. Williams, Winn.

Present but not voting: None.

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

The bill passed, as amended.

Sub. HB 2653, An act relating to antique vehicles; concerning certificates of title; inspections; amending K.S.A. 8-116a and 8-170 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, 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, Stone, Storm, Swenson, Tafanelli, Tan-

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

Nays: Spangler.

Present but not voting: Benlon.

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

The substitute bill passed.

HB 2795. An act concerning the sale or transfer of property for delinquent property taxes; relating to the procedure therefor; amending K.S.A. 79-2803a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, 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, 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: Dillmore, Henderson, Neufeld, Spangler, Winn.

Present but not voting: None.

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

The bill passed, as amended.

HB 2933. An act concerning state officers and employees; relating to the drug screening program for certain state officers and employees and certain applicants for state employment; amending K.S.A. 2001 Supp. 75-4362 and repealing the existing section; also repealing K.S.A. 75-4363, was considered on final action.

On roll call, the vote was: Yeas 70; Nays 52; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Beggs, Benlon, Boston, Compton, Cook, Cox, Dahl, DiVita, Dreher, Edmonds, Feuerborn, Findley, Freeborn, Glasscock, Gordon, Hayzlett, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Light, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McLeland, Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Palmer, Patterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Ruff, Schwartz, Sharp, Shriver, Sloan, Stone, Tafanelli, Tanner, Tomlinson, Toplikar, Weber, Wells, Wilk, D. Williams, J. Williams, Winn.

Nays: Aurand, Ballou, Barnes, Burroughs, Campbell, Crow, DeCastro, Dillmore, Faber, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Hermes, Huy, Johnson, Kirk, Klein, Kuether, Levinson, Lightner, Loganbill, M. Long, McClure, McCreary, McKinney, Merrick, Jim Morrison, Nichols, Ostmeyer, Owens, Pauls, E. Peterson, Phelps, Powers, Reardon, Rehorn, Showalter, Shultz, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Vickrey, Welshimer, Wilson.

Present but not voting: None.

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

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2933**. In the future, you will need to be a thumb-printed, pass card carrying, background checked, urine tested state employee to use our guarded, spend 10 million to save 3 million tunnel system.

I ask the members to review the people now to be drug tested and tell me what in the world is safety sensitive about these positions.

In January I warned that in these difficult times it is important for us to protect civil liberties in Kansas. I ask again, when is the House of the people going to once again act like it, and protect the rights of Kansans.—RICK REHORN

MR. SPEAKER: I vote no on **HB 2933**. I support the underlying statute of drug testing for the positions listed in the bill. However, the wording in the bill of “based on reasonable suspicion” is too broad and not well defined.—CINDY HERMES

HB 2982, An act concerning the affixing of cigarette tax stamps and meter impressions and payment of tax on roll-your-own tobacco, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 23; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.

Absent or not voting: O’Brien, J. Peterson.

The bill passed, as amended.

Sub. HCR 5037, A Concurrent Resolution urging the federal government to aggressively respond to the spread of karnal bunt in this country and related trade issues and urging the United States Congress to allow interstate marketing of state inspected meat and urging the United States Congress to enact country of origin labeling requirements, was considered on final action.

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

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, 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, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aurand, Burroughs, Henderson, Shriver, Spangler, Tomlinson.

Present but not voting: None.

Absent or not voting: O’Brien, J. Peterson.

The substitute resolution was adopted, as amended.

HR 6007, A resolution supporting the designation of United States Highway 50 as a multistate trade corridor, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert,

Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, 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, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Howell, Hutchins, Spangler, Tomlinson, Toplikar.

Present but not voting: None.

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

The resolution was adopted.

SB 391, An act regulating traffic; concerning failure to comply with traffic citation; amending K.S.A. 8-2110 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Spangler.

Present but not voting: None.

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

The bill passed.

SB 395, An act concerning agriculture; relating to plant and animal diseases; state of disaster emergency; unlawful acts and punishment therefor; poultry production contracts; amending K.S.A. 21-3419 and 21-3436 and K.S.A. 2001 Supp. 48-924 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 47-623, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, 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, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Dillmore, Shriver, Spangler, Tomlinson.

Present but not voting: None.

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

The bill passed, as amended.

SB 400. An act concerning the Kansas probate code; relating to residence of administrator; resident agent, written acceptance; relating to the elective share of surviving spouse; concerning homestead rights; amending K.S.A. 59-6a213, 59-706 and 59-1706 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, 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, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Spangler.

Present but not voting: None.

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

The bill passed, as amended.

SB 416. An act relating to driving under the influence; concerning the driving under the influence equipment fund; amending K.S.A. 75-5660 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, 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, 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: Henderson, Spangler, Winn.

Present but not voting: None.

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

The bill passed.

H. Sub. for SB 430. An act concerning groundwater management districts; amending K.S.A. 82a-1028 and K.S.A. 2001 Supp. 82a-1903 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 23; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason, Mays, McClure, McCreary, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson,

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

Nays: Ballou, Barnes, Boston, Burroughs, Dillmore, Flaharty, Garner, Goering, Henderson, Klein, Levinson, Loganbill, Loyd, Mayans, McKinney, McLeland, Novascone, E. Peterson, Spangler, Swenson, Thimesch, Vickrey, Winn.

Present but not voting: None.

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

The substitute bill passed, as amended.

SB 437, An act concerning agriculture; relating to plants and plant products, plant pests and plant dealers; certain agriculture commodities; amending K.S.A. 2-2112, 2-2113, 2-2114, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and K.S.A. 2001 Supp. 65-688 and repealing the existing sections; also repealing K.S.A. 2-411, 2-412, 2-413, 2-414, 2-415, 2-417, 2-418, 2-422, 2-422a, 2-424, 2-426, 2-427, 2-428, 2-2119 and 2-2121, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Judy Morrison, Myers, Neufeld, Newton, 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, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Burroughs, Cook, Dillmore, Garner, Goering, Henderson, Huebert, Klein, Kuether, Loganbill, Jim Morrison, Nichols, Powers, Shriver, Spangler, Wells, Winn.

Present but not voting: None.

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

The bill passed, as amended.

SB 490, An act amending the Kansas underground utility damage prevention act; concerning certain regulations thereof; amending K.S.A. 2001 Supp. 66-1802, 66-1804, 66-1805, 66-1806, 66-1807, 66-1809, 66-1810, 66-1811 and 66-1812 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 5; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, 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, 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, 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, Tanner, Thimesch, R. Toelkes, Tomlinson, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Faber, Osborne, Powers, Spangler, Toplikar.

Present but not voting: Krehbiel.

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

The bill passed.

Sub. SB 545, An act relating to public utilities; concerning public right-of-way and certain fees and costs; providing for recovery of certain costs of security measures of certain public utilities, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 45; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DiVita, Dreher, Faber, Feuerborn, Findley, Flora, Freeborn, Gatewood, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, P. Long, Mason, Mays, Merrick, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Phelps, L. Powell, Pyle, Ray, Reardon, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, R. Toelkes, Tomlinson, Vickrey, Weber, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Barnes, Bethell, Cook, DeCastro, Dillmore, Edmonds, Flaharty, Garner, Gilbert, Glasscock, Goering, Henderson, Howell, Huebert, Huy, Kauffman, Klein, Landwehr, Loganbill, M. Long, Loyd, Mayans, McClure, McCreary, McKinney, McLeland, Miller, Myers, Novascone, Owens, Pauls, E. Peterson, Pottorff, T. Powell, Powers, Rehorn, Sharp, Spangler, Swenson, Thimesch, Toplikar, Wells, Welshimer, Wilk.

Present but not voting: None.

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

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: It is unfortunate we are voting on **Sub. SB 545** today. The purpose of **Sub. SB 545** is to force the utilities and cities to sit down and resolve their differences. They should do this without legislation. We vote no on **Sub. SB 545**.—JOE MCLELAND, TONY POWELL, BONNIE HUY, STEVE HUEBERT, DON MYERS, TED POWERS, BRENDA K. LANDWEHR

MR. SPEAKER: Current law permits a tariff to be filed to add a surcharge for unanticipated or excess expenses resulting from municipal ordinances; current law just does not require that KCC grant the tariff and access the cost. Nothing in current law prohibits the surcharge from being accessed just within the jurisdiction of the municipality adopting the ordinance. In actual practice the KCC does just that. This bill guts KCC discretionary authority, and mandates it shall grant the tariff, or tell the utility more it must provide until the tariff is granted. I vote no on **Sub. SB 545**.—WARD LOYD

SB 551, An act concerning certain school districts; relating to the computation of state financial aid; amending K.S.A. 2001 Supp. 72-6445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 20; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, 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, Schwartz, Showalter, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballou, Burroughs, Crow, Dillmore, Feuerborn, Henderson, Howell, Klein, Loganbill, M. Long, Reardon, Rehorn, Ruff, Sharp, Shriver, Spangler, Storm, Tomlinson, Vickrey, Winn.

Present but not voting: None.

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

The bill passed, as amended.

SB 586, An act concerning long-term care insurance; relating to restrictions on elimination periods; amending K.S.A. 40-2228 and repealing the existing section, was considered on final action.

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

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

Nays: Spangler.

Present but not voting: Landwehr.

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

The bill passed, as amended.

H. Sub. for SB 605, An act concerning certain reports by state agencies; amending K.S.A. 44-1408, 46-1212c, 66-117b and 75-3048 and K.S.A. 2001 Supp. 74-5049, 74-50,151, 74-50,152, 74-8004 and 74-8204 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, 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, 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, Winn.

Nays: Crow, Findley, Garner, Phelps, Spangler.

Present but not voting: None.

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

The substitute bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Benlon, the House concurred in Senate amendments to **HB 2821**, An act concerning vocational education; relating to tuition rates for postsecondary students; amending K.S.A. 72-4433 and repealing the existing section.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, 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, Winn.

Nays: Hermes, Spangler.

Present but not voting: None.

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

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2078** and asked for a conference.

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

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2621** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Wilk, Neufeld and Shriver as conferees on the part of the House.

On motion of Rep. Freeborn, the House nonconcurred in Senate amendments to **HB 2624** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Freeborn, Sloan and Flora as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2772** and asked for a conference.

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

On motion of Rep. Ray, the House nonconcurred in Senate amendments to **HB 2781** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Ray, Campbell and Gilbert as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that pursuant to House Rule 1903, **HB 2714, H. Sub. for SB 434** be passed over and retain a place on the calendar.

Committee report to **SB 543** be adopted; also, on motion of Rep. Campbell be amended on page 8, following line 17, by inserting:

Sec. 12. K.S.A. 19-3620 is hereby amended to read as follows: 19-3620. The governing body shall have full direction and control over the operation of such district fire department ~~and may~~. *The governing body shall have the power to:*

(1) Select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable, ~~and may also~~;

(2) provide for the organization of volunteer members of such department ~~to be compensated at a specified rate when attending fires and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~

(3) provide special clothing and equipment for such employees and volunteers; ~~and may~~;

(4) insure such employees and volunteers against accidental death and injury in the performance of their duties; ~~and may~~; and

(5) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district.

Sec. 13. K.S.A. 80-1531 is hereby amended to read as follows: 80-1531. The salaries for each class of ~~firemen~~ *firefighters*, supervisor, pension, vacation pay and other benefits in any special fire protection district shall correspond with and equal the payments made

for like services in the conduct of other fire departments of such township, including hours of employment. If volunteer fire fighters are deemed advisable by the township board of such township in any special district, such board shall arrange training, drills, ~~part-time pay compensation to such volunteers for fighting fires, responding to emergencies or attending meetings,~~ insurance and accept full responsibility therefor and charge applicable portion thereof to the special district herein authorized."

By renumbering sections accordingly;

Also on page 8, in line 18, following "19-3616," by inserting "19-3620,;" in line 19, following "80-1514a," by inserting "80-1531,;"

In the title, in line 16, following "19-3616," by inserting "19-3620,;" in line 17, following "1514a," by inserting "80-1531,;"

Also, on motion of Rep. Burroughs to rerefer the bill to Committee on Local Government, the motion did not prevail, and **SB 543** be passed as amended.

Committee report to **SB 409** be adopted; also, roll call was demanded on motion of Rep. Ballou to amend on page 15, after line 30, by inserting the following:

"Sec. 5. K.S.A. 2001 Supp. 72-6410 is hereby amended to read as follows: 72-6410. (a) "State financial aid" means an amount equal to the product obtained by multiplying base state aid per pupil by the adjusted enrollment of a district.

(b) "Base state aid per pupil" means an amount of state financial aid per pupil. Subject to the other provisions of this subsection, the amount of base state aid per pupil is \$3,870. The amount of base state aid per pupil is subject to reduction commensurate with any reduction under K.S.A. 75-6704, and amendments thereto, in the amount of the appropriation from the state general fund for general state aid. If the amount of appropriations for general state aid is insufficient to pay in full the amount each district is entitled to receive for any school year, the amount of base state aid per pupil for such school year is subject to reduction commensurate with the amount of the insufficiency.

(c) "Local effort" means the sum of an amount equal to the proceeds from the tax levied under authority of K.S.A. 72-6431, and amendments thereto, ~~and an amount equal to any unexpended and unencumbered balance remaining in the general fund of the district, except amounts received by the district and authorized to be expended for the purposes specified in K.S.A. 72-6430, and amendments thereto, and an amount equal to any unexpended and unencumbered balances remaining in the program weighted funds of the district, except any amount in the vocational education fund of the district if the district is operating an area vocational school, and an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to the repeal of such statutory sections, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district under the provisions of subsection (a) of K.S.A. 72-1046a, and amendments thereto, and an amount equal to the amount deposited in the general fund in the current school year from amounts received in such year by the district pursuant to contracts made and entered into under authority of K.S.A. 72-6757, and amendments thereto, and an amount equal to the amount credited to the general fund in the current school year from amounts distributed in such year to the district under the provisions of articles 17 and 34 of chapter 12 of Kansas Statutes Annotated and under the provisions of articles 42 and 51 of chapter 79 of Kansas Statutes Annotated, and an amount equal to the amount of payments received by the district under the provisions of K.S.A. 72-979, and amendments thereto, and an amount equal to the amount of a grant, if any, received by the district under the provisions of K.S.A. 2001 Supp. 72-983, and amendments thereto; and an amount equal to 75% of the federal impact aid of the district.~~

(d) "Federal impact aid" means an amount equal to the federally qualified percentage of the amount of moneys a district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid defined herein as an amount equal to the federally qualified percentage of the amount of moneys provided for the district under title I of public law 874 shall be determined by the state board in accordance with terms

and conditions imposed under the provisions of the public law and rules and regulations thereunder.

Sec. 6. K.S.A. 72-6429 is hereby amended to read as follows: 72-6429. ~~(a)~~ *Notwithstanding any other provision of law, in each school year, any board may transfer to its general fund from any fund to which transfers from the general fund are authorized an amount not to exceed an amount equal to the amount transferred from the general fund to any such fund in the same school year the supplemental general fund, adult supplemental education fund, driver training fund, extraordinary school program fund, inservice education fund, parent education program fund, summer school fund, special education fund, technology education fund, area vocational school fund, student material revolving fund, textbook rental fund and coop special education fund any unexpended and unencumbered balances which are moneys received from the state. Nothing in this section shall be construed to effect federal funds received for special education.*

~~(b) The provisions of this section shall take effect and be in force from and after July 1, 1992.~~;

By renumbering the remaining sections accordingly;

Also on page 15, in line 31, by striking "and" where it appears for the first time and inserting ","; also in line 31, after "72-6405" by inserting "and 72-6429"; in line 32, before "72-6426" by inserting "72-6410."

In the title, on page 1, in line 13, by striking "and" and inserting ","; also in line 13, after "72-6405" by inserting "and 72-6429"; in line 14, after "Supp." by inserting "72-6410,";

On roll call, the vote was: Yeas 73; Nays 49; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Landwehr, Lane, Lightner, Lloyd, M. Long, P. Long, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Pyle, Ray, Schwartz, Sharp, Spangler, Tafanelli, Tanner, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams.

Nays: Ballard, Barnes, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Kirk, Krehbiel, Kuether, Larkin, Levinson, Light, Loganbill, Loyd, Mayans, McClure, McKinney, Minor, Pauls, E. Peterson, Phelps, Pottorff, Powers, Reardon, Ruff, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Thimesch, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Klein, O'Brien, Rehorn.

The motion of Rep. Ballou prevailed.

Also, roll call was demanded on motion of Rep. Campbell to amend **SB 409** on page 15, following line 30, by inserting:

Sec. 5. K.S.A. 72-8205 is hereby amended to read as follows: 72-8205. (a) The board of education shall meet at least once each month. At some time during the month of July of each year, the board shall adopt a resolution specifying a regular meeting time of the board and such resolution shall specify the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution shall also provide that if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board, such regular meeting shall be held on the day following commencing at the same hour. Such resolution shall also specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. Special meetings may be called at any time by the president of the board or by joint action of any three members thereof. Written notice, stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall

be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided in the unification acts, the board of education shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class; and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board of education shall have authority to prescribe courses of study for each year of the school program and provide rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations formulated and recommended by the state board of education.

(d) The board of education may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed as any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) *The board of education shall have the power to transact business for the efficient and effective use of district resources in a manner and upon such terms and conditions as the board deems to be in the best interest of the school district.*

(2) *The power and authority conferred on school districts by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities which are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities which are required of another unit of government.*

(3) *School districts shall exercise the powers of local control conferred by this subsection by resolution of the board of education.*

(4) *The powers and authorities granted pursuant to this subsection shall be construed liberally.”;*

And by renumbering the remaining sections accordingly;

Also on page 15, in line 31, by striking “and 72-6405” and inserting “, 72-6405 and 72-8205”;

In the title, in line 12, following the first semicolon, by inserting “relating to the powers and duties of the governing body thereof;”; in line 13, by striking “and 72-6405” and inserting “, 72-6405 and 72-8205”;

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Campbell, Cook, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Flora, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hermes, Holmes, Huff, Hutchins, Huy, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Newton, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Pottorff, L. Powell, Ray, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, R. Toelkes, Tomlinson, Toplikar, Vickrey, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Boston, Burroughs, Compton, Dahl, Findley, Freeborn, Garner, Goring, Hayzlett, Henderson, Henry, Horst, Howell, Huebert, Humerickhouse, Johnson, Kauffman, Larkin, M. Long, Mason, Mayans, Neufeld, Nichols, Palmer, Phelps, T. Powell, Powers, Pyle, Reardon, Rehorn, Schwartz, Tanner, Thimesch, Weber, Wells, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Landwehr, Myers, O’Brien.

The motion of Rep. Campbell prevailed.

Also, rose and reported progress (see further action, Afternoon Session).

REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **HB 3009** be passed.

The Committee on **Appropriations** recommends **HR 6012** be adopted.

The Committee on **Judiciary** recommends **SB 474** be amended on page 1, in line 16, before "protection", by inserting "privacy"; also in line 16, by striking "from stalking"; in line 18, after "protect", by inserting "the privacy of"; also in line 18, by striking "of stalking"; in line 19, by striking "for stalking victims"; in line 21, before "protection", by inserting "privacy"; also in line 21, by striking "from stalking"; in line 22, by striking "harassment of another person" and inserting "course of conduct"; in line 23, by striking "other person" and inserting "victim"; also in line 23, by striking "person's" and inserting "victim's"; in line 32, by striking all after "(c)"; in line 33, by striking "consisting" and inserting "Pattern of conduct" consists"; in line 35, by striking "substantial"; also in line 35, by striking all after the period; by striking all of lines 36 and 37; following line 37, by inserting the following:

"(d) "Violation of privacy" means stalking, harassment or pattern of conduct.";

Also on page 1, in line 39, before "protection", by inserting "privacy"; also in line 39, by striking "from stalking"; in line 40, before "protection", by inserting "privacy"; also in line 40, by striking "from"; in line 41, by striking "stalking"; in line 42, by striking "stalking" and inserting "violation of privacy";

On page 2, in line 1, by striking "stalking"; in line 4, by striking "stalking behavior" and inserting "violation of privacy"; in line 6, by striking "stalking" and inserting "a violation of privacy"; in line 8, before "protection", by inserting "privacy"; also in line 8, by striking "from stalking"; in line 10, by striking "stalking" and inserting "violation of privacy"; in line 14, before "pro-", by inserting "privacy"; in line 15, by striking "from stalking"; in line 19, after "the" where it appears for the second time, by inserting "privacy"; in line 20, by striking "from stalking"; in line 21, by striking "stalking" and inserting "a violation of privacy"; in line 30, by striking "victim from being stalked" and inserting "victim's privacy"; in line 32, by striking all after "of"; in line 33, by striking all before the period and inserting "a violation of the privacy protection act"; in line 37, by striking "be empowered to"; also in line 37, before "protection", by inserting "privacy"; in line 38, by striking "from stalking"; also in line 38, after "of" where it appears for the first time, by striking "stalking" and inserting "a violation of the privacy"; in line 39, before "grant", by inserting "may"; in line 43, by striking "stalking" and inserting "criminal trespass";

On page 3, in line 1, by striking "21-3438" and inserting "21-3721"; in line 7, by striking all after "constitute"; in line 8, by striking all before "assault"; in line 19, by striking "either party" and inserting "the plaintiff"; in line 22, before "protection", by inserting "privacy"; also in line 22, by striking "from stalking"; in line 26, before "protection", by inserting "privacy"; also in line 26, by striking "from stalking"; in line 27, before "protection", by inserting "privacy"; also in line 27, by striking all after "protection"; in line 28, by striking "ing"; in line 29, by striking "stalking" and inserting "a violation of privacy"; by striking all in lines 32 through 42; in line 43, by striking all before "IF";

On page 4, in line 5, before "protection", by inserting "privacy"; also in line 5, by striking "from stalking"; in line 11, before "protection", by inserting "privacy"; also in line 11, by striking "from"; in line 12, by striking "stalking"; in line 16, before "protection", by inserting "privacy"; also in line 16, by striking "from stalking"; by striking all in lines 18 through 43;

On page 5, by striking all in lines 1 through 9;

And by renumbering sections accordingly;

Also on page 5, in line 25, before "section", by inserting "the protection from privacy act pursuant to";

On page 6, in line 28, before "protection", by inserting "privacy"; also in line 28, by striking "from stalking"; in line 35, by striking "21-3438,";

In the title, in line 10, before "protection", by inserting "privacy"; also in line 10, by striking "from stalking"; in line 11, by striking "21-3438,;" and the bill be passed as amended.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 377**, **SB 382**, **SB 399** from Committee on Judiciary and referral to Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 643**.

Announcing passage of **HB 2372, HB 2639, HB 2708, HB 2723, HB 2900**.

Announcing passage of **HB 2230**, as amended by **S. Sub. for HB 2230; HB 2831**, as amended by **S. Sub. for HB 2831**.

Announcing passage of **Sub. HB 2686**, as amended; **HB 2697**, as amended; **HB 2709**, as amended; **HB 2719**, as amended; **HB 2727**, as amended; **HB 2771**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 643.

On motion of Rep. Weber, the House recessed until 1:30 p.m.

AFTERNOON SESSION

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

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 541** from Committee on Appropriations and referral to Select Committee on Kansas Security.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **SB 409** (see Committee of the Whole, Morning Session); also, roll call was demanded on motion of Rep. Faber to amend on page 15, after line 30, by inserting the following:

“Sec. 5. K.S.A. 2001 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) “Pupil” means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil’s attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil’s postsecondary education enrollment and attendance together with the pupil’s attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil’s vocational education enrollment and attendance together with the pupil’s attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil’s vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education and related services, except special education and related services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for

by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs. The state board shall select not more than ~~3,756 preschool-aged at-risk pupils to be counted in the 2001-02 school year and not more than~~ 5,500 preschool-aged at-risk pupils to be counted in any school year thereafter.

(e) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (1) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (2) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (A) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (B) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (C) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled.

(f) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, correlation weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, special education and related services weighting, *declining enrollment weighting, if any*, and transportation weighting to enrollment.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,725 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,725 or over enrollment.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Correlation weighting" means an addend component assigned to enrollment of districts having 1,725 or over enrollment on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts having under 1,725 enrollment.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2001 Supp. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 2001 Supp. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" means any community juvenile corrections center or facility, the Forbes Juvenile Attention Facility, the Sappa Valley Youth Ranch of Oberlin, Salvation Army/Koch Center Youth Services, the Clarence M. Kelley Youth Center, the Clarence M. Kelley Transitional Living Center, Trego County Secure Care Center, St. Francis Academy at Atchison, St. Francis Academy at Ellsworth, St. Francis Academy at Salina, St. Francis Center at Salina, King's Achievement Center, and Liberty Juvenile Services and Treatment.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "*Declining enrollment weighting*" means an addend component assigned to enrollment of districts that are experiencing a decline in enrollment on the basis of costs attributable to a reduction in state financial aid as a result of such decline in enrollment.

New Sec. 6. The declining enrollment weighting of each district entitled thereto shall be computed by the state board as follows:

- (a) Determine enrollment of the district in the 1994-95 school year;
- (b) determine enrollment of the district in the current school year;
- (c) subtract enrollment determined under (b) from enrollment determined under (a);
- (d) multiply the remainder obtained under (c) by 0.2. The product is the declining enrollment weighting of the district.";

And by renumbering the remaining sections accordingly;

Also on page 15, in line 32, before "72-6426" by inserting "72-6407,";

In the title, on page 1, in line 13, after the semicolon by inserting "providing for declining enrollment weighting;"; in line 14, after "Supp." by inserting "72-6407,";

On roll call, the vote was: Yeas 82; Nays 36; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Goering, Gordon, Grant, Henderson, Henry, Hermes, Holmes, Howell, Huff, Kauffman, Kirk, Klein, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Mays, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Osborne, Ostmeyer, Owens, Palmer, Patterson, E. Peterson, Phelps, Pottorff, L. Powell, Pyle, Ray, Rehorn, Schwartz, Sharp, Showalter, Shriver, Spangler, Storm, Tafaneli, R. Toelkes, Toplikar, Weber, Wells, D. Williams, J. Williams, Wilson.

Nays: Aurand, Compton, Crow, Freeborn, Gilbert, Glasscock, Horst, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Krehbiel, Lloyd, Loyd, Mayans, McLeland, Myers, Nichols, Novascone, Pauls, J. Peterson, T. Powell, Reardon, Ruff, Shultz, Sloan, Stone, Swenson, Tanner, Thimesch, Tomlinson, Vickrey, Welshimer, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Hayzlett, Landwehr, Lightner, Mason, O'Brien, O'Neal, Powers.

The motion of Rep. Faber prevailed.

Also, on motion of Rep. Howell to amend **SB 409**, the motion was withdrawn.

Also, roll call was demanded on further motion of Rep. Howell to amend **SB 409** on page 15, after line 30, by inserting the following:

“New Sec. 5. On and after January 1, 2003, all school districts shall prepare a uniform budget document showing all moneys received and all moneys expended. The state board shall establish uniform rules and regulations to promulgate.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 53; Nays 60; Present but not voting: 0; Absent or not voting: 12.

Yeas: Ballou, Beggs, Compton, Cook, Dahl, DeCastro, DiVita, Edmonds, Faber, Freeborn, Grant, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Lane, Lightner, Lloyd, P. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, Osborne, Ostmeyer, Palmer, Patterson, Pauls, J. Peterson, L. Powell, T. Powell, Powers, Pyle, Rehorn, Schwartz, Sloan, Tafanelli, Tanner, Toplikar, Weber, D. Williams, Wilson.

Nays: Aday, Aurand, Ballard, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Cox, Crow, Dillmore, Dreher, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Hayzlett, Henderson, Henry, Horst, Huff, Johnson, Klein, Krehbiel, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, Loyd, Mayans, Minor, Newton, Owens, E. Peterson, Phelps, Pottorff, Ray, Reardon, Ruff, Sharp, Showalter, Shriver, Stone, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Vickrey, Wells, Welshimer, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Glasscock, Gordon, Hermes, Kirk, Landwehr, Neufeld, Nichols, O'Brien, O'Neal, Shultz, Spangler, Wilk.

The motion of Rep. Howell did not prevail.

Also, roll call was demanded on motion to recommend **SB 409** favorably for passage.

On roll call, the vote was: Yeas 84; Nays 34; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Flaharty, Gatewood, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Huy, Kauffman, Kirk, Klein, Lane, Larkin, Light, Lightner, Lloyd, Loganbill, P. Long, Mason, Mays, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, Osborne, Ostmeyer, Owens, Palmer, E. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Ruff, Schwartz, Showalter, Shultz, Spangler, Storm, Swenson, Tafanelli, R. Toelkes, Tomlinson, Vickrey, Weber, Wells, Welshimer, D. Williams, J. Williams, Wilson.

Nays: Aurand, Burroughs, Crow, Findley, Flora, Freeborn, Garner, Gilbert, Henderson, Howell, Humerickhouse, Hutchins, Johnson, Krehbiel, Kuether, Levinson, M. Long, Loyd, Mayans, McClure, Pauls, J. Peterson, Phelps, Powers, Reardon, Rehorn, Shriver, Sloan, Stone, Tanner, Thimesch, Toplikar, Wilk, Winn.

Present but not voting: None.

Absent or not voting: Landwehr, Neufeld, Nichols, O'Brien, O'Neal, Patterson, Sharp.

The motion prevailed and **SB 409** be passed as amended:

Committee report recommending a substitute bill to **H. Sub. for SB 434** be adopted; also, on motion of Rep. Grant to amend, the motion did not prevail.

Also, on motion of Rep. Feuerborn **H. Sub. for SB 434** be amended on page 1, in line 25, after “(d)” by inserting “As used in this section, “gamecock” means a domesticated fowl that is bred or reared for the purpose of fighting with other fowl and such fowl has a sharp implement attached to such fowl’s leg.

(e)";

Also, on motion of Rep. Kirk **H. Sub. for SB 434** be amended on page 22, following line 17, by inserting the following:

"Sec. 9. K.S.A. 2001 Supp. 21-3701 is hereby amended to read as follows: 21-3701. (a) Theft is any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of the owner's property:

- (1) Obtaining or exerting unauthorized control over property;
- (2) obtaining by deception control over property;
- (3) obtaining by threat control over property; or
- (4) obtaining control over stolen property knowing the property to have been stolen by another.

(b) (1) Theft of property of the value of \$25,000 or more is a severity level 7, nonperson felony.

(2) Theft of property of the value of at least \$500 but less than \$25,000 is a severity level 9, nonperson felony.

(3) Theft of property regardless of the value from three separate mercantile establishments within a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct is a severity level 9, nonperson felony.

(4) Theft of property of the value of less than \$500 is a class A nonperson misdemeanor.

(5) Theft of property of the value of less than \$500 is a severity level 9, nonperson felony if committed by a person who has, within five years immediately preceding commission of the crime, been convicted of theft two or more times.

(c) *Conviction of a violation of a municipal ordinance prohibiting acts which constitute theft as defined by this section shall be considered a conviction of theft for the purpose of determining the number of prior convictions and the classification of the crime under this section.*";

And by renumbering the remaining sections accordingly;

Also on page 22, in line 19, prior to "21-4619" by inserting "21-3701,";

In the title, in line 11, prior to "21-4619" by inserting "21-3701,";

Also, on motion of Rep. L. Powell to amend **H. Sub. for SB 434**, the motion was withdrawn, and the substitute bill be passed as amended.

HCR 5051 be adopted.

SB 642, SB 630, SB 477, SB 447, SB 407, SB 463 be passed.

Committee report to **SB 388** be adopted; also, roll call was demanded on motion of Rep. McCreary to rerefer the bill to Committee on Insurance.

On roll call, the vote was: Yeas 64; Nays 55; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aday, Ballard, Barnes, Burroughs, Cook, Crow, Dahl, Faber, Feuerborn, Findley, Flaharty, Garner, Gatewood, Gilbert, Goering, Grant, Henry, Howell, Humerickhouse, Hutchins, Kauffman, Kirk, Klein, Kuether, Lane, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Mason, McClure, McCreary, McKinney, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Nichols, Osborne, Ostmeyer, Pauls, E. Peterson, Phelps, Rardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, DeCastro, Dillmore, Dreher, Edmonds, Flora, Gordon, Hayzlett, Henderson, Hermes, Holmes, Horst, Huebert, Huff, Huy, Johnson, Krehbiel, Landwehr, Lightner, Lloyd, Loyd, Mayans, Mays, McLeland, Newton, Novascone, O'Neal, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Sharp, Sloan, Stone, Storm, Swenson, Tafanelli, Tomlinson, Weber, Wilk, D. Williams.

Present but not voting: DiVita.

Absent or not voting: Freeborn, Glasscock, Neufeld, O'Brien, Spangler.

The motion of Rep. McCreary prevailed, and **SB 388** be rereferred to Committee on Insurance.

Committee report to **SB 565** be adopted; and the bill be passed as amended.

Pursuant to House Rule 1903, **SB 629** be passed over and retain a place on the calendar.

Committee report to **SB 482** be adopted; and the bill be passed as amended.

On motion of Rep. McKinney to amend **SB 449**, the motion did not prevail and the bill be passed.

Committee report to **SB 375** be adopted; and the bill be passed as amended.

Committee report to **SB 410** be adopted; also, on motion of Rep. Kirk to amend, Rep. Hayzlett requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Kirk challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained, and the bill be passed as amended.

Committee report to **HB 2947** be adopted; and the bill be passed as amended.

Committee report to **SB 564** be adopted; also, on motion of Rep. Campbell be amended on page 5, in line 3, by striking "register of deeds technology" and inserting "special register of deeds records"; and **SB 564** be passed as amended.

Committee report to **SB 402** be adopted; also, on motion of Rep. DeCastro be amended on page 4, in line 27, by striking all after "(g)"; by striking all in lines 28 through 32; in line 33, by striking "(h)"; in line 37, by striking "(i)" and inserting "(h)";

Also, on further motion of Rep. DeCastro to amend **SB 402**, the motion was withdrawn, and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 208** be adopted; and the substitute bill be passed.

Committee report to **HB 2878** be adopted; also, on motion of Rep. Ray be amended on page 7, following line 31, by inserting:

"Sec. 4. K.S.A. 2001 Supp. 19-2765 is hereby amended to read as follows: 19-2765. (a) Every improvement district incorporated under the terms of this act K.S.A. 19-2753 *et seq.*, and amendments thereto, shall have the power to:

- (1) Adopt a seal.
- (2) Be sued and to sue by its corporate name.
- (3) Adopt resolutions prescribing the manner in which the powers of the district shall be carried out, and generally regulating the affairs of the district.

- (4) Plan and construct or to purchase public works and improvements necessary for public health, recreation, convenience or welfare within the limits of the improvement district. Also to construct or purchase works outside the limits of the district which may be necessary to secure outlets, disposal, etc., and permit satisfactory performance of the works within the district.

- (5) Purchase, hold, sell and convey real estate and other property.

- (6) Take private property for public use by exercise of the right of eminent domain as provided by law.

- (7) (i) Annually levy and collect a general tax not exceeding five mills on all taxable tangible property within the district, to create a general fund. Unless consented to in writing by the owners of at least 90% of the total area of land in the improvement district, no such levy shall be made by any improvement district where the density of population thereof, as determined by the county clerk of the county in which the district is located, on the basis of the assessment rolls for the last assessment made for the county, does not exceed one resident for each five acres of land, including platted land and unplatted land, located within the district. (ii) In addition to the levy authorized pursuant to (i), any improvement district located in McPherson county may levy and collect annually a tax not exceeding 20 mills on all taxable tangible property within the district to create a fund to provide street lights in the district. (iii) In lieu of the levy authorized under (i), any improvement district located in a county having a population of more than 150,000 and less than 180,000 and having an assessed taxable tangible valuation in such district of more than \$300,000, may levy and collect annually a tax not exceeding 15 mills on all taxable tangible property within the district to provide moneys for the general fund and, in addition, may annually levy and collect a tax of not to exceed seven mills on all taxable tangible property within the district to provide moneys for law enforcement and fire protection for all property located within the district, if, in either case, 51% of the qualified electors of the improvement district, as determined and verified by the board of directors of the district, shall petition the directors requesting that such levies be made. (iv) Any improvement district may annually levy and

collect a general tax not exceeding six mills on all taxable tangible property within the district to create a general fund, but no levy in excess of five mills may be made unless the board of directors of such improvement district has published a resolution authorizing a levy in excess of five mills once each week for three consecutive weeks in a newspaper of general circulation within the district. If within 30 days after the last publication of such resolution, a petition protesting such levy, signed by qualified electors of the improvement district equal in number to not less than 10% of the electors voting at the last improvement district election for directors, is filed with the county clerk of the county in which such improvement district is located, no levy in excess of five mills may be made. If no petition protesting the levy in excess of five mills is filed within the prescribed time, the improvement district may, annually thereafter, levy such general tax not exceeding six mills.

(8) Levy assessments and special taxes, if deemed expedient by the directors, upon all of the real estate in the district that may be benefited by special works and improvements including the improvement and maintenance of roads in the district, which will be conducive to the public health, convenience or welfare.

(9) Authorize the issuance of bonds to pay the cost of constructing public works and improvements that will benefit all property located within the district and be conducive to the public health, convenience, or welfare and be beneficial to all of the inhabitants of the district. No such bonds shall be issued unless consented to in writing by the owners of all of the land in the improvement district or until authorized by a vote of the taxpayers as hereinafter provided. The total amount of such bonds outstanding shall not, unless consented to in writing by the owners of all of the land in the improvement district, exceed 25% of the assessed valuation of the district as shown by latest assessment rolls. Unless consented to in writing by the owners of at least 90% of the total area of land in the improvement district, no such bonds shall be issued for the payment of the cost of any improvement within any improvement district where the density of population thereof, as determined by the county clerk of the county in which the district is located, on the basis of the assessment rolls for the last assessment made for the county does not exceed one resident for each five acres of land, including platted land and unplatted land, located within the district. Any improvement district having a population of more than 2,000 and an assessed taxable tangible valuation of more than \$2,000,000 and located within a county having a population of more than 300,000 is hereby authorized to issue revenue bonds the proceeds of which shall be used only to purchase, construct, reconstruct, equip, maintain or repair buildings and to acquire sites therefor, and to enlarge or remodel such buildings and equip the same for the purposes set out in and pursuant to the provisions of K.S.A. 12-1740 *et seq.*, and amendments thereto.

(10) Contract with other improvement districts or with other public corporations for cooperation or joint action in the construction of public works or improvements. Also to contract for and receive aid, contributions and loans from the United States government or any agency thereof.

(11) Establish by resolution of the board of directors reasonable rates on charges for the use of the sewage disposal system of the district and provide for the manner of the making and collection of the same. "Sewage disposal system" for the purposes of this act shall include the system of sewers and the sewage disposal plant of the district.

(12) Make all contracts and do all other acts in relation to the affairs of the district necessary to the proper exercise of its corporate legislative or administrative powers and to the accomplishment of the purpose of its organization.

(13) Purchase or acquire outdoor emergency warning sirens.

(14) Employ any person necessary to carry out the provisions of this act.

(15) ~~Do all other acts that may be necessary to carry out and execute the general powers hereinbefore or hereinafter granted, although not hereinbefore specifically enumerated.~~

~~(b) The board of directors of any improvement district the boundaries of which are located more than five miles from the boundaries of any incorporated city and Lake Wabauunsee improvement district located in Wabauunsee county also shall have the power to:~~

(+) Secure the general health of the district by the adoption of resolutions to prevent, abate and remove nuisances. The secretary of the board of directors shall send a notice to the owner of the property to remove or abate such nuisance within a period of time not to

exceed 10 days. If the owner fails to remove or abate the nuisance within the time specified the board may provide for the removal or abatement of the nuisance and provide for the assessment of the cost of abating or removing such nuisance against the property upon which the same is located or maintained. Such assessments shall be certified by the secretary of the board of directors of the district to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection at the same time and in the same manner as ad valorem property tax levies are collected and shall be subject to the same penalties and the same procedure for collection as is prescribed by law for the collection of such ad valorem property taxes. Any unpaid costs assessed pursuant to this subsection shall become a lien upon the property from the date of assessment thereof.

~~(16)~~ (16) Secure the health of the district by the adoption of resolutions requiring the removal or destruction of grass, weeds or other vegetation from any lot or parcel of land located within the district. The secretary of the board of directors shall send notice to the owner of the property to remove the grass, weeds or vegetation within a period of time not to exceed 10 days. If the owner fails to remove the grass, weeds or vegetation within the time specified, the board may provide for the removal thereof and assess the cost of removal against the property on which the same was located. Such assessments shall be certified by the secretary of the board of directors of the district to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection at the same time and in the same manner as ad valorem property tax levies are collected and shall be subject to the same penalties and the same procedure for collection as is prescribed by law for the collection of such ad valorem property taxes. Any unpaid costs assessed pursuant to this subsection shall become a lien upon the property from the date of assessment thereof.

~~(17)~~ (17) Adopt resolutions regulating and prohibiting the running at large of domestic animals.

~~(18)~~ (18) Adopt resolutions for the preservation of the peace and order of the district and to prevent injury, destruction or interference with public or private property.

~~(19)~~ (19) Adopt resolutions providing for the assessment of unpaid bills or charges for utility services provided by the district against the property receiving the service. Such assessments shall be certified by the secretary of the board of directors of the district to the county clerk of the county in which the property is located, to be placed upon the tax roll for collection at the same time and in the same manner as ad valorem property tax levies are collected and shall be subject to the same penalties and the same procedure for collection as is prescribed by law for the collection of such ad valorem property taxes. Any unpaid costs assessed pursuant to this subsection shall become a lien upon the property from the date of assessment thereof.

(20) *Take any other action necessary to carry out and execute the general powers granted by this section.*;

By renumbering sections accordingly;

Also on page 7, in line 32, following "12-1935" by inserting "and K.S.A. 2001 Supp. 19-2765";

In the title, by striking all in lines 10 through 13 and inserting:

"AN ACT concerning certain municipalities; relating to the governing bodies thereof; relating to the powers and duties thereof; amending K.S.A. 12-1926, 12-1927 and 12-1928 and K.S.A. 2001 Supp. 19-2765 and repealing the existing sections; also repealing K.S.A. 12-1935."; and **HB 2878** be passed as amended.

Committee report to **Sub. SB 467** be adopted; also, on motion of Rep. Newton be amended on page 4, in line 28, by striking all after "(k)"; by striking all of lines 29 and 30; in line 31, by striking "(l)"; in line 37, by striking "(m)" and inserting "(l)";

Also, on motion of Rep. Ruff to amend **Sub. SB 467**, Rep. Toplikar requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Loganbill **Sub. SB 467** be amended on page 4, after line 38, by inserting the following:

"Sec. 2. (a) It shall be an unconscionable act within the meaning of K.S.A. 50-627, and amendments thereto, for any supplier to profiteer from a disaster.

(b) As used in this section:

(1) "Profiteer from a disaster" means unjustifiably increasing during a time of disaster the price at which any necessary property or service is offered for sale to consumers. Actual sales at the increased price shall not be required for the increase to be considered unconscionable. In determining whether the price increase described in this subsection is unjustified, the court shall consider all relevant circumstances including, but not limited to, the following: (A) Whether the price charged by the supplier during the time of disaster grossly exceeded the price charged by the supplier for similar property or services immediately prior to the disaster, and an increase of more than 25% shall be *prima facie* evidence of gross excess;

(B) whether the amount charged by the supplier during the time of disaster grossly exceeded the price at which the same or similar property or services were readily obtainable by other consumers in the trade area, and a price difference of more than 25% shall be *prima facie* evidence of gross excess; and

(C) whether the increase in the amount charged by the supplier during the time of disaster was attributable to additional costs incurred by the supplier in connection with the sale of the product or service, and proof the supplier incurred such additional costs shall be *prima facie* evidence that the price increase was justified when such additional costs were actually incurred by the supplier during the period in which the substantially increased price was being charged;

(2) "time of disaster" means the period of time when a declaration of a state of emergency by the president of the United States, the governor or any local official authorized to declare a state of local disaster emergency pursuant to K.S.A. 48-932, and amendments thereto, is in effect; or 30 days after the occurrence of the event that constitutes the disaster, whichever is longer;

(3) "disaster" means natural or man-made events including, but not limited to, tornado or other severe storm, earthquake, flood, fire, riot, act of war, terrorism, civil disorder or other extraordinary adverse circumstance. The court shall find that an event constitutes a disaster if the event results in the declaration of a state of emergency by the president of the United States, the governor or any local official authorized to declare a state of local disaster emergency pursuant to K.S.A. 48-932, and amendments thereto. The court may find that an event constitutes a disaster in the absence of a declared state of emergency; and

(4) "necessary property or service" means any necessary property or service for which consumer demand does, or is likely to, increase as a consequence of the disaster and includes, but is not limited to, consumer food items or property, property or services for emergency cleanup, emergency supplies, communication supplies and services, medical supplies and services, home heating fuel, building materials and services, freight, storage services, housing, lodging, transportation and motor fuels.

(c) The provisions of this section shall be part of and supplemental to the consumer protection act.;

And by renumbering the remaining section accordingly;

In the title, on page 1, in line 10, after "concerning" by inserting "consumer protection; relating to disasters; concerning"; and **Sub. SB 467** be passed as amended.

On motion of Rep. Reardon **SB 531** be amended on page 1, in line 40, by striking "2000 or" and inserting "2002 plus 50% of the difference of"; in line 41, by striking "2002, whichever is the greater number" and inserting "2000 minus the number of pupils regularly enrolled in the district on September 20, 2001"; and **SB 531** be passed as amended.

Committee report to **SB 440** be adopted; and the bill be passed as amended.

Having voted on the prevailing side, Rep. Wilk moved that the House reconsider its action in the adoption of the Committee of the Whole report not recommending **HB 3008** favorably for passage, and the bill be returned to General Orders for reconsideration as the first order of business.

Roll call was demanded.

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

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hermes,

Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Stone, Tafanelli, Tanner, Vickrey, Weber, Wilk, D. Williams.

Nays: Ballard, Barnes, Burroughs, Campbell, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Howell, Kirk, Klein, Kuether, Lane, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Newton, Nichols, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Toplikar, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Hayzlett, O'Brien.

The motion of Rep. Wilk prevailed.

The question then reverted back to the previous motion of Rep. Wilk to recommend **HB 3008** favorably for passage.

Roll call was demanded.

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

Yeas: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hermes, Holmes, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Landwehr, Light, Lightner, Lloyd, P. Long, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Shultz, Stone, Tafanelli, Tanner, Vickrey, Weber, Wilk, D. Williams.

Nays: Ballard, Barnes, Benlon, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Loganbill, M. Long, Loyd, McClure, McKinney, Minor, Newton, Nichols, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Toplikar, Wells, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Campbell, Hayzlett, O'Brien, Welshimer.

The motion prevailed and **HB 3008** be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Higher Education** recommends **HB 2956** be amended on page 1, in line 20, preceding the comma, by inserting "and except as otherwise provided by this section"; in line 23, following the period, by inserting "No Kansas educational institution shall be required by this section to provide for the enrollment of more than three new applicants in any academic year."; in line 25, by striking "on or before one"; in line 26, by striking "year" and inserting "within two years"; also in line 26, by striking "reaches 18 years of age" and inserting "graduated from a high school or fulfilled the requirements for a general educational development (GED) certificate"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **SB 475** be amended on page 1, in line 39, by striking "Factors that a court may" and inserting "In addition to any other factors the court deems relevant, the court shall"; in line 40, after "sider", by inserting "the following factors";

On page 2, in line 16, by striking "supreme court" and inserting "judicial council"; in line 26, by striking "shall be empowered to" and inserting "may";

On page 3, in line 27, by striking "A" and inserting "No"; also in line 27, before "entered", by inserting "shall be"; also in line 27, by striking "both"; by striking all of line 28; in line 29, by striking "the plaintiff"; also in line 29, by striking the semicolon and inserting a colon; in line 31, after the semicolon, by inserting "and"; in line 34, by striking all after "thereto"; by striking all in lines 35 and 36; in line 37, by striking all before the period;

On page 5, in line 1, by striking "emergency"; in line 15, before "A", by inserting a new sentence as follows: "All emergency protection from abuse orders issued pursuant to articles 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and such emergency orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, may be entered into the national criminal information center protection order file."; and the bill be passed as amended.

The Committee on **Transportation** recommends **SB 458** be amended on page 8, following line 1, by inserting the following:

"Sec. 3. K.S.A. 8-2435 is hereby amended to read as follows: 8-2435. (a) Upon proper application, on a form approved by the division of vehicles, the director of vehicles may authorize the display of new motor vehicles at a location other than the established or supplemental place of business of a motor vehicle dealer provided that the requirements of subsections (i) and (n) of K.S.A. 8-2404, and amendments thereto, and K.S.A. 8-2405, and amendments thereto, are satisfied by the motor vehicle dealer. A fee in the amount of \$15 shall be paid by an applicant for each application. No sales transactions may occur at such display locations.

(b) Authorization granted by the director under this section shall be granted only to motor vehicle dealers licensed by the director and to no other person, natural or otherwise. The authorization shall be for a period not to exceed 15 consecutive days unless otherwise authorized by the director of vehicles.

(c) *Authorization to display under this section shall not be granted for events for which a temporary trade show license under section 4, and amendments thereto, would be required.*

(d) *The director may deny an application for a license under this section if the director:*

(1) *Has probable cause to believe that the applicant's request for a license should be made under the provisions of section 4, and amendments thereto; or*

(2) *the request for a license under this section is being made to avoid compliance with the provisions of section 4, and amendments thereto.*

~~(e)~~ (e) The provisions of this section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

New Sec. 4. (a) Upon proper application on a form approved by the division of vehicles, the director of vehicles may issue a license known as a temporary trade show license to any person who is licensed in this or another state as a vehicle dealer under the laws of this or another jurisdiction and who will be participating with vehicle dealers licensed in this state and whose principle places of business are located in the state. A fee in the amount of \$50 shall be paid by an applicant for each trade show license. Such license shall only allow the display of new trucks, truck tractors or semitrailers as defined by K.S.A. 8-126, and amendments thereto, or new recreational motor vehicles, at a location other than the established or supplemental place of business of the dealer. If trucks or truck tractors are displayed at such trade show, only trucks or truck tractors with a gross weight rating of 26,000 or more shall be displayed at such trade shows. No sales transactions may occur under such temporary trade show license or at any such authorized display location.

(b) The following shall apply to the issuance of a temporary trade show license:

(1) New vehicle dealers in each particular same line-make of truck, truck tractor, semitrailer or recreational motor vehicle whose relevant market area, as defined by K.S.A. 8-2430, and amendments thereto, includes the proposed site of the trade show display, shall be invited to attend and to participate in the trade show display;

(2) the trade show shall not exceed four consecutive days;

(3) each dealer has received the prior approval of the first stage manufacturer, second stage manufacturer, first stage converter or second stage converter for each line-make of truck, truck tractor, semitrailer or recreational vehicle to be displayed and the fact the event will be a trade show has been disclosed at the time of seeking such approval;

(4) if the applicant is not a Kansas licensee, then such applicant must be licensed in a state which permits vehicle dealers licensed in Kansas who sell trucks, truck tractors, semitrailers and recreational vehicles to participate in vehicle shows in such state pursuant to conditions substantially equivalent or less than the conditions which are imposed on dealers from such state who participate in vehicle shows in Kansas;

(5) if less than 50 vehicle dealers participate as exhibitors at such trade shows, then at least 50% of the participating vehicle dealers shall be as licensed motor vehicle dealers in this state;

(6) no more than two trade show licenses shall be issued per participant per county per year;

(7) the requirements of subsections (i) and (n) of K.S.A. 8-2404, and amendments thereto, and K.S.A. 8-2405, and amendments thereto, shall be satisfied by each motor vehicle dealer;

(8) a disclaimer that the trucks, truck tractors, semitrailers or recreational motor vehicles are for display purposes only and not for sale shall be placed on such vehicles in a clear and conspicuous manner to be prescribed by the director; and

(9) such other provisions of the dealers and manufacturers licensing act, K.S.A. 8-2401 *et seq.*, and amendments thereto, designated applicable by the director of vehicles.

(c) Each dealer displaying at any such trade show shall pay a fee of \$35.

(d) The provisions of this section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.”;

By renumbering sections accordingly;

Also on page 8, in line 2, by striking “and 8-2418” and inserting “, 8-2418 and 8-2435”;

In the title, in line 11, preceding “amending” by inserting “providing for a trade show license;”; also in line 11, by striking “and” and inserting a comma; in line 12, following “2418” by inserting “and 8-2435”; and the bill be passed as amended.

The Committee on **Utilities** recommends **SB 547** be passed.

The Committee on **Utilities** recommends **Sub. SB 296** be amended by substituting a new bill to be designated as “HOUSE Substitute for Substitute for SENATE BILL No. 296,” as follows:

“HOUSE Substitute for Substitute for SENATE BILL No. 296

By Committee on Utilities

“AN ACT concerning certain unsolicited telephone calls; prohibiting certain acts and providing penalties for violations; amending K.S.A. 2001 Supp. 50-670 and repealing the existing section.”; and the substitute bill be passed.

(H. Sub. for Sub. SB 296 was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2624** and has appointed Senators Tyson, Taddiken and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2772** and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2781** and has appointed Senators Allen, Schmidt and Gilstrap as conferees on the part of the Senate.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced Rep. O’Neal is appointed to replace Rep. Loyd as a conferee on **HB 2175**; Rep. Loyd is appointed a conferee on **HB 2175** to replace Rep. Patterson.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Friday, March 29, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

