

Journal of the House

SIXTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, April 10, 2002, 9:30 a.m.

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

The roll was called with 122 members present.

Rep. O'Brien was excused on verified illness.

Reps. Cook and Tanner were excused on excused absence by the Speaker.

Rep. Lloyd was excused later in the day on verified illness.

Prayer by Chaplain Chamberlain:

They say that when the going gets tough, the tough get going. O Lord. But we know that when the going really gets tough, the wise come to you.

Our world looks so much different than it did not so long ago. Violence grips a land we call holy and it seems like there is no human way that peace can be attained. The continuing threat of terrorism hangs over our nation. Financial worries confront us at all levels of government. Shouldn't we be worried?

Remind us of the birds of the air, O God, who neither reap nor gather into barns and yet are fed. Remind us of the lilies of the field who do not toil or spin and yet are clothed in glory. Help us to remember that we are to first seek righteousness and that then all things will be added to us. Help us not be anxious about tomorrow, but let us turn our attention to the possibilities of this day and give thanks for this day's glory and your grace. It is indeed a day that you have made and we will rejoice and be glad in it. Amen.

The Pledge of Allegiance was led by Rep. Novascone.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 3040**.

Taxation: **HB 3038, HB 3039**.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6017—

By Representatives Ruff, Kuether, 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, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Brien, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Schwartz, Sharp,

Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn

A RESOLUTION memorializing the Congress of the United States to maintain needed medical services at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center in Leavenworth and the Colmery-O'Neil Department of Veterans Affairs Medical Center in Topeka.

WHEREAS, The Veterans Affairs Eastern Kansas Health Care System is comprised of the Dwight D. Eisenhower Veterans Affairs Medical Center in Leavenworth, Kansas, and the Colmery-O'Neil Veterans Affairs Medical Center in Topeka, Kansas. The Veterans Affairs Eastern Kansas Health Care System offers significant inpatient and outpatient services with a focus on primary care, psychiatric treatment and extended care supported by nursing home care units and a domiciliary. The Veterans Affairs Eastern Kansas Health Care System's primary service area consists of 49 counties in Kansas and Missouri. The veteran population in these counties totals over 104,000. In fiscal year 2000, the Veterans Affairs Eastern Kansas Health Care System provided care to approximately 34,000 unique patients. The Veterans Affairs Eastern Kansas Health Care System has a long history of service to veterans; and

WHEREAS, The city of Leavenworth provided the land and considerable financial assistance to secure the establishment of the Western Branch, National Home for Disabled Volunteer Soldiers in 1884. In its early days it served as a home for "old soldiers". The home became a part of the Veterans Administration in 1930 as its mission changed from housing to provision of medical services to veterans of military service. Since World War II, the Center has served admirably the medical needs of an aging veteran population in Eastern Kansas and Western Missouri, and with the reduction in availability of medical services at active military installations, the Center is providing increasingly medical care for active duty military personnel; and

WHEREAS, The Colmery-O'Neil Veterans Affairs Medical Center was built in 1942 as an Army hospital. At the end of World War II, it was the first Army hospital to be transferred to the Veterans Administration. On January 11, 1946, it was officially dedicated as a Veterans Administration Hospital and offered treatment to veterans with psychiatric illnesses. The hospital has a long standing affiliation with the Karl Menninger School of Psychiatry. Through the years, the medical center has evolved into a comprehensive health care facility meeting the needs of veterans who have served their country; and

WHEREAS, While Department of Veterans Affairs information on future plans are not known, there is an ongoing insidious erosion of service capabilities at these facilities. This continues even though nearly 35,000 active and retired military personnel and a substantial number of veterans have made their homes in the Leavenworth community in order to use the facilities of Fort Leavenworth and the Dwight D. Eisenhower Veterans Affairs Medical Center: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we memorialize the Congress of the United States of the need to continue to provide the fine services which have been provided previously to our veterans at the Dwight D. Eisenhower Department of Veterans Affairs Medical Center in Leavenworth and the Colmery-O'Neil Department of Veterans Affairs Medical Center in Topeka; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, the Director of the Department of Veterans Affairs and to each member of the Kansas congressional delegation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 517, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 111; Nays 11; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Campbell, Compton, 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, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Benlon, Burroughs, Klein, Loyd, Nichols, Phelps, Pottorff, Shriver, Spangler, Tomlinson, Wilson.

Present but not voting: None.

Absent or not voting: Cook, O'Brien, Tanner.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Johnson, the House concurred in Senate amendments to **HB 2602**, An act concerning agriculture; relating to noxious weeds; county discount program; amending K.S.A. 2-1333 and repealing the existing section.

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

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, 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, 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, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Spangler.

Present but not voting: None.

Absent or not voting: Cook, O'Brien, Tanner.

On motion of Rep. Johnson, the House concurred in Senate amendments to **HB 2768**, An act concerning farm and pastureland tenancies; relating to termination thereof; amending K.S.A. 58-2506 and repealing the existing section.

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

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, 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, 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, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Mayans, Spangler.

Present but not voting: None.

Absent or not voting: Cook, O'Brien, Tanner.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 541** be adopted; and the bill be passed as amended.

On motion of Rep. Mayans to amend **SB 629**, the motion did not prevail and the bill be passed.

Pursuant to House Rule 1903, **SB 429** be passed over and retain a place on the calendar (see further action, Committee of the Whole, Afternoon Session).

Committee report to **SB 489** be adopted; also, on motion of Rep. Newton be amended on page 1, in line 43, after the stricken material by inserting "Owners are immune from suit by a tamperer or any third party suit based on the tamperer's actions.";

On page 2, in line 3, before "relating" by inserting "or any third party"; in line 4, after the period by inserting "The provisions of this subsection shall expire on July 1, 2006."

Also, rose and reported progress (see Committee of the Whole, Afternoon Session).

CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Rep. McClure as a member of the conference committee on **HB 2703** to replace Rep. Rep. Flora.

On motion of Rep. Weber, the House recessed until 3:00 p.m.

AFTERNOON SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Freeborn, the House concurred in Senate amendments to **HB 2704**, An act concerning solid waste management planning; amending K.S.A. 2001 Supp. 65-3405 and repealing the existing section.

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

On roll call, the vote was: Yeas 116; Nays 1; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, 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, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter,

Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: Cook, Lloyd, Loyd, Neufeld, O'Brien, Osborne, Tanner, Tomlinson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 402**, submits the following report:

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

On page 4, in line 26, by striking all after the period; by striking all in lines 27 and 28;

On page 6, in line 10, before "72-1906" by inserting "72-1905,";

In the title, in line 16, following "sections" by inserting "; also repealing K.S.A. 2001 Supp. 72-1905";

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

RALPH M. TANNER

KATHE LLOYD

BILL REARDON

Conferees on part of House

DWAYNE UMBARGER

JOHN VRATIL

CHRISTINE DOWNEY

Conferees on part of Senate

On motion of Rep. Reardon, the conference committee report on **SB 402** was adopted.

On roll call, the vote was: Yeas 101; Nays 17; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Crow, DiVita, Feuerborn, Flaharty, Henderson, Huebert, Huy, Kauffman, Miller, Minor, Owens, Palmer, Powers, Spangler, Swenson, Wells, Winn.

Present but not voting: None.

Absent or not voting: Cook, Garner, Lloyd, Neufeld, O'Brien, Tanner, Tomlinson.

EXPLANATION OF VOTE

MR. SPEAKER: **SB 402** fails to create the innovative independent schools for which federal funding has been appropriated. The intent of Federal Charter School legislation is to provide school choice to constituents within a public school district. Such schools are not intended to be alternative schools within a public school district as **SB 402** requires. This bill also fails to define any mechanism for funding these charter schools after the 3-year federal funding grants expire. I vote no on **SB 402**.—KAREN DIVITA-JOHNSON

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **SB 489** (see Committee of the Whole, Morning Session). On motion of Rep. Patterson to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 429** be adopted; also, on motion of Rep. Ballard be amended on page 2, in line 4, by striking "is authorized to" and inserting "shall"; in line 5, by striking all following "regulations"; in line 6, by striking all preceding the period, and inserting "that provide oversight and administrative review of agency award and recognition programs"; in line 9, by striking the comma and inserting "and"; in line 11, by striking ", and to"; by striking all in lines 12 through 14; in line 15, by striking all preceding the period;

Also, on motion of Rep. Nichols **SB 429** be amended on page 2, following line 15, by inserting the following:

"(f) The secretary of administration shall adopt rules and regulations to establish a state employee suggestion program through which all state employees may submit suggestions for saving state moneys or for increased efficiencies or other economies in the operations of one or more state agencies. The secretary of administration shall consult with the legislative budget committee, the legislative post audit committee and other appropriate legislative committees in the development of the procedures and guidelines for the state employee suggestion program and prior to the adoption of rules and regulations for the state employee suggestion program. At least annually, the secretary of administration shall prepare a report setting forth all suggestions received from state employees under the state employee suggestion program and shall submit such report to the division of post audit and the legislative research department.

(g) Salary bonus payments under the Kansas savings incentive program shall be made only to state employees who submit workable suggestions under the state employee suggestion program for saving state moneys or for increased efficiencies or other economies in the operations of one or more state agencies.";

On page 1, in the title, in line 11, preceding "amending" by inserting "state employee suggestion program:"

Also, on motion of Rep. Novascone **SB 429** be amended on page 1, following line 15, by inserting the following:

"New Section 1. (a) Notwithstanding any other provision of law, no state officer or employee shall be reimbursed for actual and necessary expenses incurred in the performance of such officer's or employee's duties from a governmental entity if such officer or employee is receiving a per diem subsistence allowance or any other type of reimbursement from another governmental entity for the reimbursement of expenses incurred in the performance of such officer's or employee's duties.

(b) As used in this section, "governmental entity" means an executive, legislative or judicial agency, department, board, commission, authority, institution or instrumentality of the federal government or of a state or of a county, municipality or other political subdivision of a state.";

Renumber the remaining sections accordingly;

In the title, on page 1, in line 11, after the semicolon by inserting "prohibiting certain reimbursement:"; and **SB 429** be passed as amended.

SB 372 be passed.

Committee report to **SB 559** be adopted; also, on motion of Rep. Crow to amend, the motion did not prevail. Also, on motion of Rep. Nichols to amend, the motion did not prevail.

Also, on motion of Rep. Loyd **SB 559** be amended on page 8, in line 13, by striking "only for" and inserting "to implement the provisions of subsection (g) including, but not limited to,";

Also, on motion to recommend **SB 559** favorably for passage, the motion did not prevail.

Committee report to **HB 3034** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 364** be adopted; also, on motion of Rep. Campbell be amended on page 14, following line 2, by inserting the following:

“Sec. 8. K.S.A. 8-1556 is hereby amended to read as follows: 8-1556. (a) The driver of a vehicle meeting or overtaking from either direction any school bus stopped on the highway shall stop before reaching such school bus when there is in operation on the school bus the flashing red lights specified in subsection (a) of K.S.A. 8-1730, and amendments thereto, and the driver shall not proceed until such school bus resumes motion or the flashing red lights and the stop signal arm are no longer actuated.

(b) Every school bus shall be equipped with red visual signals meeting the requirements of subsection (a) of K.S.A. 8-1730, and amendments thereto, which may be actuated by the driver of the school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children. A school bus driver shall not actuate the special visual signals:

(1) At intersections or other places where traffic is controlled by traffic-control signals or police officers; or

(2) in designated school bus loading areas where the bus is entirely off the roadway.

(c) Every school bus shall bear upon the front and rear thereof plainly visible: ~~(1) signs containing the words "school bus" in letters not less than eight inches in height; and (2) decals stating "Warning, \$100 Fine for Passing Stopped School Bus with Red Lights Flashing and Stop Sign Activated."~~

When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school or to or from interschool or intraschool functions or activities, or for maintenance, repair or storage purposes all markings thereon indicating "school bus" shall be covered or concealed.

(d) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

(e) The provisions of this section shall be subject to the provisions contained in K.S.A. 8-2009a, and amendments thereto.”;

By renumbering sections accordingly;

Also on page 14, in line 10, by striking “and 8-198” and inserting “, 8-198 and 8-1556”;

In the title, in line 9, following “ACT” by inserting “relating to motor vehicles.”; in line 10, by striking “and 8-198” and inserting “, 8-198 and 8-1556”; and **H. Sub. for SB 364** be passed as amended

Committee report to **SB 509** be adopted; also, roll call was demanded on motion of Rep. Kuether to amend on page 1, by striking all in lines 21 through 43;

On page 2, by striking all in lines 1 through 43;

On page 3, by striking all in lines 1 through 43;

On page 4, by striking all in lines 1 through 43;

On page 5, by striking all in lines 1 through 8; in line 9, by striking “Sec. 2.” and inserting “Section 1.”;

On page 6, by striking all in lines 2 and 3;

By renumbering sections accordingly;

On page 1, in the title, in line 12, by striking “concerning civil”; by striking all in lines 13, 14 and 15; in line 18, by striking all preceding “repealing”; also in line 18 by striking “sections” and inserting “section”;

On roll call, the vote was: Yeas 90; Nays 26; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aday, Ballard, Barnes, Beggs, Burroughs, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Henderson, Henry, Hermes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Larkin, Levinson, Lightner, Loganbill, M. Long, P. Long, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Miller, Minor, Judy Morrison, Myers, Newton, Nichols, Novascone, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams, Wilson, Wimm.

Nays: Aurand, Ballou, Benlon, Bethell, Boston, Compton, Cox, Dahl, Freeborn, Hayzlett, Holmes, Johnson, Krehbiel, Lane, Light, Mason, Merrick, Jim Morrison, O'Neal, Owens, J. Peterson, L. Powell, Ray, Schwartz, Shultz, Weber.

Present but not voting: None.

Absent or not voting: Campbell, Cook, Landwehr, Lloyd, Loyd, Neufeld, O'Brien, Tanner, Wilk.

The motion of Rep. Kuether prevailed, and **SB 509** be passed as amended.

Committee report to **SCR 1623** be adopted; and the resolution be adopted as amended.

Roll call was demanded on motion of Rep. T. Powell to amend **HR 6013** on page 1, in line 24, after "nation" by inserting "; and

WHEREAS, Cancer is a leading cause of morbidity and mortality in the State of Kansas and throughout the nation; and

WHEREAS, Cancer is disproportionately a disease of the elderly, with more than half of all cancer diagnoses occurring in persons age 65 or older, many of whom are dependent on the federal Medicare program for provision of cancer care; and

WHEREAS, Since treatment with drugs is the cornerstone of modern cancer care, elderly cancer patients must have access to potentially life-extending drug therapy, but the Medicare program's coverage of drugs is limited to injectable drugs or oral drugs that have an injectable version; and

WHEREAS, The nation's investment in biomedical research has begun to bear fruit with a compelling array of new oral cancer drugs that are less toxic, more effective and more cost-effective than existing therapies, but because such drugs do not have an injectable equivalent, they are not covered by Medicare; and

WHEREAS, Noncoverage of these important new products leaves many Medicare beneficiaries confronting the choice of either substantial out-of-pocket personal costs or selection of more toxic, less effective treatments that are covered by the program; and

WHEREAS, Medicare's failure to cover oral cancer drugs leaves at risk many beneficiaries suffering from blood-related cancers like leukemia, lymphoma and myeloma, as well as cancers of the breast, lung and prostate; and

WHEREAS, Certain members of the United States Congress have recognized the necessity of medicare coverage for all oral cancer drugs and introduced legislation in the 107th Congress to achieve that result (H.R. 1624; S. 913);

Also on page 1, after line 28, by inserting:

"Be it further resolved: That the House of Representatives respectfully urges the Congress of the United States to adopt legislation requiring the Medicare program to cover all oral cancer drugs; and";

Also on page 1, in line 32, before "and" by inserting ", the United States Secretary of Health and Human Services";

In the title, in line 10, after "centers" by inserting "and to adopt legislation requiring the Medicare program to pay for all oral cancer drugs";

On roll call, the vote was: Yeas 113; Nays 0; Present but not voting: 0; Absent or not voting: 12.

Yeas: Aday, Aurand, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, 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, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Campbell, Cook, Henderson, Landwehr, Lloyd, Neufeld, Nichols, O'Brien, Spangler, Tanner, Wilk.

The motion of Rep. T. Powell prevailed.

Also, roll call was demanded on motion of Rep. Showalter to amend **HR 6013** on page 1, in line 15, after "technology" by inserting ", properly applied by qualified technicians."; in line 18, after "centers" by inserting "and not-for-profit health care centers"; in line 21, after "centers" by inserting "and not-for-profit health care centers"; in line 28, by striking "the crisis pregnancy centers of our nation" and inserting "crisis pregnancy centers and not-for-profit health care centers providing services to pregnant women and to require operation of such equipment by qualified persons who possess any required certification or licensure to operate such equipment";

In the title, in line 10, by striking "for crisis pregnancy centers" and inserting ", operated by qualified personnel, for crisis pregnancy centers and not-for-profit health centers providing services to pregnant women";

On roll call, the vote was: Yeas 64; Nays 50; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Ballard, Barnes, Beggs, Benlon, Burroughs, Cox, Crow, Dillmore, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Gordon, Grant, Henderson, Henry, Hermes, Horst, Huff, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Loganbill, M. Long, Loyd, McKinney, Minor, Newton, Osborne, Owens, E. Peterson, J. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, R. Toelkes, Tomlinson, Wells, Welshimer, Wilson, Winn.

Nays: Ballou, Bethell, Boston, Compton, Dahl, DeCastro, DiVita, Edmonds, Freeborn, Gatewood, Hayzlett, Holmes, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Light, Lightner, P. Long, Mason, Mayans, Mays, McClure, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, O'Neal, Ostmeyer, Palmer, Patterson, Pauls, L. Powell, T. Powell, Powers, Pyle, Swenson, Tafanelli, Thimesch, Vickrey, Weber, Wilk, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: Aday, Campbell, Cook, Landwehr, Lloyd, Neufeld, Nichols, O'Brien, Spangler, Tanner, Toplikar.

The motion of Rep. Showalter prevailed, and **HR 6013** be adopted as amended.

Committee report to **HB 2782** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 74; Nays 42; Present but not voting: 0; Absent or not voting: 9.

Yeas: Ballard, Ballou, Bethell, Boston, Crow, Dahl, DeCastro, DiVita, Edmonds, Faber, Feuerborn, Findley, Freeborn, Garner, Gatewood, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Hutchins, Huy, Johnson, Kauffman, Landwehr, Larkin, Levinson, Lightner, Loganbill, M. Long, P. Long, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Pauls, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Shriver, Shultz, Sloan, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Beggs, Benlon, Burroughs, Cox, Dillmore, Dreher, Flaharty, Flora, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Huff, Humerickhouse, Kirk, Klein, Krehbiel, Kuether, Lane, Light, Loyd, Minor, Newton, Patterson, E. Peterson, J. Peterson, Phelps, Ray, Rehorn, Ruff, Schwartz, Sharp, Showalter, Spangler, Stone, R. Toelkes, Tomlinson, Welshimer.

Present but not voting: None.

Absent or not voting: Barnes, Campbell, Compton, Cook, Lloyd, Neufeld, O'Brien, Storm, Tanner.

The motion prevailed, and **HB 2782** be passed as amended.

Committee report to **HB 2396** be adopted; also, roll call was demanded on motion of Rep. Larkin to amend as further amended by House Committee, on page 1, in line 33, by striking all after "by"; by striking all in lines 34 through 39 and inserting the following:

“the average of the percentage increase or decrease of the appraised valuation of such property established for such purposes for the next preceding five taxable years, except that, with respect to property the valuation for which has been established for less than the next preceding five taxable years, such valuation shall be multiplied by such average calculated over all of such preceding years.”;

On roll call, the vote was: Yeas 82; Nays 37; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Compton, Crow, Dahl, Dillmore, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Holmes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Loyd, McClure, McKinney, Minor, Jim Morrison, Judy Morrison, Neufeld, Nichols, Ostmeyer, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, L. Powell, Powers, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Thimesch, R. Toelkes, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Ballou, Cox, DeCastro, DiVita, Edmonds, Gordon, Hayzlett, Hermes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Lane, Lightner, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Myers, Newton, O’Neal, Osborne, Palmer, Pottorff, T. Powell, Pyle, Tafanelli, Tomlinson, Toplikar, Vickrey, Weber, D. Williams.

Present but not voting: None.

Absent or not voting: Campbell, Cook, Lloyd, Novascone, O’Brien, Tanner.

The motion of Rep. Larkin prevailed.

Also, on motion of Rep. McCreary to rerefer **HB 2396** to Committee on Taxation, Rep. McCreary requested the motion be withdrawn. There was objection. Roll call was demanded on the motion to rerefer the bill to Committee on Taxation.

On roll call, the vote was: Yeas 12; Nays 106; Present but not voting: 0; Absent or not voting: 7.

Yeas: Benlon, Cox, Henderson, Johnson, Krehbiel, Lane, Nichols, Owens, Ray, Sloan, Spangler, Stone.

Nays: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Bethell, Boston, Burroughs, Compton, 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, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, O’Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Campbell, Cook, Lloyd, Novascone, O’Brien, Sharp, Tanner.

The motion to rerefer **HB 2396** to Committee on Taxation did not prevail, and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **SCR 1620** be adopted.

The Committee on **Federal and State Affairs** recommends **SCR 1624** be amended on page 2, in line 10, by striking “the” and inserting “a”;

In the title, in line 10, by striking “the” and inserting “a”; and the concurrent resolution be adopted as amended.

The Committee on **Tourism** recommends **HB 2183** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2183,” as follows:

“Substitute for HOUSE BILL No. 2183

By Committee on Tourism

“AN ACT concerning lotteries; authorizing electronic gaming machines at certain locations; amending K.S.A. 2001 Supp. 19-101a, 74-8702, 74-8710, 74-8711 and 79-4805 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub.HB 2183** was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

Announcing passage of **SB 641**.

Announcing passage of **HB 2947, HB 2982, HB 3021**.

Announcing passage of **Sub. HB 2653**, as amended; **HB 2949**, as amended.

The Senate concurs in House amendments to **SB 129**.

The Senate adopts conference committee report on **SB 439**.

The Senate adopts conference committee report on **S. Sub. for HB 2123**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 641.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Lloyd to replace Rep. Tanner on the conference committee on **SB 531**; also, Rep. Mason is appointed to replace Rep. Lloyd.

Also, Speaker pro tem Aurand announced the appointment of Rep. Lloyd to replace Rep. Tanner on the conference committee on **SB 551**; also, Rep. Mason is appointed to replace Rep. Lloyd.

REPORT ON ENGROSSED BILLS

HB 2602, HB 2768 reported correctly engrossed April 10, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Thursday, April 11, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

