

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, April 12, 2002, 9:30 a.m.

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

The roll was called with 119 members present.

Rep. O'Brien was excused on verified illness.

Reps. Barnes, Henderson, P. Long, E. Peterson and Tanner were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Lord, we are flooded with "news," "reports," "opinions." We're faced with more information than we know what to do with—and these days, much of it is bad. How shall we prioritize it? What should rise to the top of our list and what should sink to the bottom? Are the only things on top the things that affect us? Have we allowed the things that affect only others to drop from our sight? Are our priorities your priorities, O God? Even if we've prayed today that your will be done on earth, are we working to make that happen?

Help us to remember the best news, O Lord—the news of your love for us and your desire that we regard ourselves as your children. Let your good news overshadow all that would distract us from your will. Let your word of peace crowd out the voices of conflict. Let the decisions we make this day contribute to your kingdom in our world. Amen.

The Pledge of Allegiance was led by Rep. Lightner.

INTRODUCTION OF GUESTS

Rep. Tafanelli introduced Commander George M. Boyd who is with the Kansas Civil Air Patrol.

Rep. Dreher introduced Scott Toland, Iola, who is the All Kansas State Spelling Bee Champion for the second year. He will compete in the National Spelling Bee in Washington D.C. He was accompanied to the House by his mother, Karen Toland.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Judiciary: **SB 652**.

MESSAGE FROM THE SENATE

Announcing passage of **SB 457, SB 640, SB 653, SB 658, SB 663**.

Announcing passage of **Sub. HB 2754**, as amended; **HB 3031**, as amended.

Announcing adoption of **HCR 5051**.

The Senate adopts conference committee report on **SB 402**.

The Senate adopts conference committee report to agree to disagree on **HB 2812**, and has appointed Senators Praeger, Teichman and Feleciano as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2653** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2949** and has appointed Senators Donovan, Salmans and Gooch as conferees on the part of the Senate.

The President announced the appointment of Senator Jordan as a member of the conference committee on **SB 517** to replace Senator Adkins.

The President announced the appointment of Senator Oleen as a member of the conference committee on **S. Sub. for HB 2831** to replace Senator Vratil.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 457, SB 640, SB 653, SB 658, SB 663.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

Speaker Glasscock announced the referral of **SB 663** to Committee of the Whole.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Stone, **HR 6015**, A resolution congratulating and commending the William Allen White Children's Book Award on its 50th Anniversary, was adopted.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2948, An act relating to income taxation; concerning the historic structure rehabilitation expenditure credit therefrom; amending K.S.A. 2001 Supp. 79-32,211 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, 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, 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, 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: Spangler.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

HB 3003, An act concerning financing of certain postsecondary educational institutions; relating to out-district tuition; amending K.S.A. 13-13a25, 13-13a26, 13-13a27, 13-13a29, 13-13a31, 13-13a32, 13-13a33 and 13-13a34 and K.S.A. 2001 Supp. 19-101a, 71-301a, 71-304, 71-305, 71-306, 71-308, 71-401, 71-402, 71-403, 71-610 and 71-1705 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 4; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. 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, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone,

Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Crow, Howell, T. Powell, Welshimer.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed.

HB 3009, An act concerning state officers and employees; relating to certain payroll deductions; retirement annuities; amending K.S.A. 75-5521, 75-5523, 75-5530 and 75-5531 and K.S.A. 2001 Supp. 74-4925 and 75-5525 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 1; Present but not voting: 1; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballou, 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, 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, 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: Spangler.

Present but not voting: Ballard.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

Sub. HB 3017, An act concerning electric public utilities; relating to revenues from certain sales of electricity generated from renewable resources and technologies and renewable attributes, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, 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, 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, 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: Spangler.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The substitute bill passed, as amended.

HB 3023, An act relating to property taxation; concerning the determination of fair market value; amending K.S.A. 79-503a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 53; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Bethell, Boston, Compton, Cook, Dahl, DeCastro, Dillmore, Dreher, Freeborn, Glasscock, Gordon, Hayzlett, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Land-

wehr, Light, Lightner, Lloyd, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Novascone, O'Neal, Osborne, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Rehorn, Ruff, Schwartz, Shultz, Sloan, Stone, Swenson, Tafanelli, Toplikar, Vickrey, Weber, Wilk.

Nays: Benlon, Burroughs, Campbell, Cox, Crow, DiVita, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henry, Hermes, Huff, Kirk, Kuether, Lane, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Jim Morrison, Newton, Nichols, Ostmeyer, Owens, Pauls, Phelps, Ray, Reardon, Sharp, Showalter, Shriver, Spangler, Storm, Thimesch, R. Toelkes, Tomlinson, Wells, Welshimer, D. Williams, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

HB 3032, An act imposing a local compensating use tax upon the intrastate sale of motor vehicles, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 31; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Ballard, Beggs, Bethell, Boston, Burroughs, Campbell, Compton, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Larkin, Levinson, Light, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Miller, Jim Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Owens, Pauls, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Swenson, Tafanelli, Thimesch, R. Toelkes, Wells, Welshimer, Wilk, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Benlon, Cook, Cox, DiVita, Faber, Hayzlett, Hermes, Lane, Lightner, Mays, Merrick, Minor, Judy Morrison, Neufeld, Newton, Ostmeyer, Palmer, Patterson, L. Powell, Pyle, Ray, Schwartz, Spangler, Storm, Tomlinson, Toplikar, Vickrey, Weber, D. Williams.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

SB 396, An act concerning the director of accounts and reports; authorizing the processing and payment of certain vouchers from state agencies, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, 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, 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, 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.

Nays: Spangler, Winn.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

SB 472, An act relating to sales taxation; amending K.S.A. 2001 Supp. 79-3603 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 79-3603b, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 19; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Hutchins, Johnson, Kirk, Klein, Krehbiel, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Neal, Osborne, Owens, Patterson, Pauls, 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, Vickrey, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Cook, Dillmore, Edmonds, Faber, Howell, Humerickhouse, Huy, Kauffman, Kuether, Mays, McCreary, Neufeld, Nichols, Ostmeyer, Palmer, Spangler, Toplikar, Weber.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

SB 501. An act relating to taxation; concerning the apportionment of business income of certain investment funds service companies; concerning property tax exemptions for and income tax credits for property tax paid upon certain machinery and equipment; allowing credits for property tax paid by certain individuals; amending K.S.A. 79-301, 79-3271, 79-3279 and 79-32,109 and K.S.A. 2001 Supp. 79-201w and 79-32,206 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 26; Present but not voting: 1; Absent or not voting: 6.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Feuerborn, Findley, Flora, Freeborn, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Mason, Mayans, Mays, McClure, McKinney, McLeland, Merrick, Miller, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, Pauls, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Rehorn, Ruff, Sharp, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Ballou, Burroughs, Edmonds, Faber, Flaharty, Garner, Gatewood, Goering, Howell, Huy, Loyd, McCreary, Minor, Jim Morrison, Osborne, Ostmeyer, Palmer, J. Peterson, Reardon, Schwartz, Showalter, Spangler, Vickrey, Weber, Winn.

Present but not voting: Landwehr.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The bill passed, as amended.

H. Sub. for SB 643. An act concerning regulation of certain professions; relating to cosmetology, permanent color technology, tattooing and body piercing; amending K.S.A. 65-1927 and K.S.A. 2001 Supp. 65-1901, 65-1902, 65-1903, 65-1904, 65-1904a, 65-1904b, 65-1905, 65-1908, 65-1909, 65-1912, 65-1940, 65-1941, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954, 65-1955 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1940, as amended by section 6 of chapter 193 of the 2001 Session Laws of Kansas, 65-1941, as amended by section 7 of chapter 193 of the 2001 Session Laws of Kansas, 65-1943, as amended by section 8 of chapter 193 of the 2001 Session Laws of Kansas, 65-1944, as amended by section 9 of chapter 193 of the 2001 Session Laws of Kansas, 65-1945, as amended by section 10 of chapter 193 of the 2001 Session Laws of Kansas, 65-1946, as amended by section 11 of chapter 193 of the 2001 Session Laws of Kansas, 65-1947, as amended by section 12 of chapter 193 of the 2001 Session Laws of Kansas, 65-1948, as amended by section 13 of chapter 193 of the 2001 Session Laws of Kansas, 65-1949, as amended by section 14 of chapter 193 of the 2001

Session Laws of Kansas, 65-1950, as amended by section 15 of chapter 193 of the 2001 Session Laws of Kansas, 65-1951, as amended by section 16 of chapter 193 of the 2001 Session Laws of Kansas, 65-1954, as amended by section 17 of chapter 193 of the 2001 Session Laws of Kansas, 74-2701, as amended by section 19 of chapter 193 of the 2001 Session Laws of Kansas and section 21 of chapter 193 of the 2001 Session Laws of Kansas, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 14; Present but not voting: 0; Absent or not voting: 6.

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

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner.

The substitute bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2818**, submits the following report:

The Senate recedes from all of its amendments to the bill;

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

DEREK SCHMIDT
TIM HUELSKAMP
CHRISTINE DOWNEY
Conferees on part of Senate

DAN JOHNSON
DONALD L. DAHL
DANIEL J. THIMSECH
Conferees on part of House

On motion of Rep. Johnson, the conference committee report on **HB 2818** was adopted.

On roll call, the vote was: Yeas 113; Nays 5; Present but not voting: 0; Absent or not voting: 7.

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

Nays: Aurand, Ballou, Cook, Powers, Spangler.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Tanner, J. Williams.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 437**, submits the following report:

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

On page 10, in line 12, after "machines" by inserting "; or any plant which is registered by the department of agriculture under article 7 of chapter 65 of the Kansas Statutes Annotated or which is licensed by the department of agriculture under article 6a of chapter 65 of the Kansas Statutes Annotated"; in line 16, by striking "commercial honey"; in line 17, after "operation" by inserting "or individual beekeeper that produces or stores honey who does not process or offer the honey for sale at retail, or any plant which is registered by the department of agriculture under article 7 of chapter 65 of the Kansas Statutes Annotated or which is licensed by the department of agriculture under article 6a of chapter 65 of the Kansas Statutes Annotated";

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

DAN JOHNSON
DONALD L. DAHL
DANIEL J. THIMESCH
Conferees on part of House

DEREK SCHMIDT
TIM HUELSKAMP
CHRISTINE DOWNEY
Conferees on part of Senate

On motion of Rep. Johnson, the conference committee report on **SB 437** was adopted.

On roll call, the vote was: Yeas 115; Nays 3; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, 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, 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, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafaelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Wimm.

Nays: Dillmore, Garner, Klein.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Spangler, Tanner.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 504**, 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 8, after line 37, by inserting:

"New Sec. 6. (a) There is hereby created the Kansas natural resource legacy alliance.

(b) The alliance shall consist of the following appointed members all of whom shall be residents of the state of Kansas:

(1) The president of the senate or the president of the senate's designee, and two additional members appointed by the president of the senate, two of whom shall be landowners who own at least 160 acres of Kansas farm or ranch land and are principally engaged in production agriculture;

(2) the minority leader of the senate or the minority leader of the senate's designee and one additional member appointed by the minority leader of the senate who shall be a landowner who owns at least 160 acres and is principally engaged in production agriculture;

(3) the chairman of the senate committee on natural resources or the chairman of the senate committee on natural resources' designee provided that such designee is a member of the legislature of the state of Kansas;

(4) the speaker of the house of representatives or the speaker of the house of representative's designee, and two additional members appointed by the speaker of the house of representatives, two of whom shall be landowners who own at least 160 acres of Kansas farm or ranch land and are principally engaged in production agriculture;

(5) the minority leader of the house of representatives or the minority leader of the house of representative's designee and one additional member appointed by the minority leader of the house of representatives who shall be a landowner who owns at least 160 acres and is principally engaged in production agriculture;

(6) the chairman of the house committee on environment or the chairman of the house committee on environment's designee provided that such designee is a member of the legislature of the state of Kansas; and

(7) three members appointed by the governor, at least two of which shall be landowners who own at least 160 acres of Kansas farm or ranch land and are principally engaged in production agriculture.

(c) The following shall be nonvoting advisors to the members of the alliance:

(1) The secretary of wildlife and parks or the secretary's designee;

(2) the secretary of agriculture or the secretary's designee;

(3) the executive director of the state conservation commission or the executive director's designee;

(4) the secretary of health and environment or the secretary's designee;

(5) the director of the Kansas water office or the director's designee;

(6) the state forester or the state forester's designee;

(7) the secretary of commerce and housing or the secretary of commerce and housing's designee;

(8) the president of the Kansas farm bureau or the president's designee; and

(9) the president of the Kansas livestock association or the president's designee.

(d) Officers making appointments pursuant to subsection (b) shall consult and coordinate among themselves in making the appointments in order to achieve a membership that represents a balance of knowledge and experience among interests in natural resources, environmental interests and related economic interests, including parks and recreation, soil and water conservation, travel and tourism, economic development, agriculture, outdoor recreation, landowners and homeowners, fish and wildlife, forest resources, prairie and grassland resources and municipalities. At least two such members shall represent environmental interests. In making the appointments, the officers shall solicit and allow an opportunity for recommendations by interested groups and individual citizens.

New Sec. 7. (a) The alliance shall develop a vision for utilizing the state's natural resources to assure economic development, a healthy environment, proper protection of natural resources, opportunities for natural resource and environmental education and quality of life for Kansas families and individual citizens. In developing the vision, the alliance shall:

(1) Conduct public hearings across the state to seek citizen input and provide information to the public;

(2) seek input from state and local governmental agencies;

(3) examine the state's current natural resource programs;

(4) consider the impact of the state's natural resources and programs on economic development and the environment;

(5) examine the state's current and future resource needs, recognizing the basic American freedom of private ownership of land and the landowner's right to private property protection pursuant to K.S.A. 77-701 et seq., and amendments thereto;

(6) expand voluntary public or private partnerships that support and implement the vision; and

(7) develop goals and establish priorities for attaining the vision, including, but not limited to, goals and priorities for outdoor recreation, tourism, economic development, natural resource and environmental education, quality of life, water quality, water supplies, fish and wildlife resources, prairie and grassland resources, forest resources, parks and lakes, wetlands and riparian areas, soil and water conservation and air quality.

(b) The alliance shall submit a preliminary report of its activities and recommendations to the governor and the legislature on or before May 1, 2003, and shall submit a final report and recommendations to the governor and legislature on or before December 1, 2003.

New Sec. 8. (a) The alliance shall meet at least once each calendar quarter. The first meeting shall be called by the governor, at which time the alliance shall elect a chairperson and vice-chairperson. Thereafter, the alliance shall meet on call of the chairperson or on written request of a majority of the members. The alliance may hold its meetings at such times and at such places within the state as the members determine appropriate.

(b) The alliance shall be attached to the state conservation commission as a part thereof. All budgeting, purchasing and related management functions of the alliance shall be administered by the executive director of the state conservation commission. The executive director of the state conservation commission shall provide office and meeting space and such clerical and other staff assistance as may be necessary to assist the alliance in carrying out its powers, duties and functions under this act.

(c) Members of the alliance specified in subsection (b) of section 6, and amendments thereto, shall receive compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.”;

And by renumbering the sections accordingly;

On page 1, in the title, in line 16, prior to “wildlife”, by inserting “natural resources; creating the Kansas natural resource legacy alliance; concerning”;

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

JOANN LEE FREEBORN
DON MYERS
VAUGHN L. FLORA
Conferees on part of House

ROBERT TYSON
MARK TADDIKEN
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Freeborn, the conference committee report on **SB 504** was adopted.

On roll call, the vote was: Yeas 116; Nays 2; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Aurand, Ballard, Ballou, 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, Glascock, Goering, Gordon, Grant, Hayzlett, 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, 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, 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, Winn.

Nays: Klein, Wilson.

Present but not voting: None.

Absent or not voting: Barnes, Henderson, P. Long, O'Brien, E. Peterson, Spangler, Tanner.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Ray, the House nonconcurred in Senate amendments to **HB 2337** 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. Lane, the House nonconcurred in Senate amendments to **HB 2933** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Humerickhouse, Novascone and Ruff as conferees on the part of the House.

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **Sub. HB 2754** and asked for a conference.

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

On motion of Rep. Holmes, the House nonconcurred in Senate amendments to **HB 3031** and asked for a conference.

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

CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Rep. Humerickhouse as a member of the conference committee on **HB 2676** to replace Rep. P. Long.

Also, the appointment of Rep. Humerickhouse as a member of the conference committee on **HB 2729** to replace Rep. P. Long.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 627** be passed.

SCR 1620 be adopted.

On motion of Rep. Landwehr to amend **SB 654**, Rep. Crow requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Landwehr challenged the ruling, the question being "Shall the Rules Chair be sustained?" Rep. Landwehr subsequently withdrew the challenge of the ruling, and the bill be passed.

Committee report to **SCR 1624** be adopted; also, on motion of Rep. Henry to amend, the motion was withdrawn.

Also, on motion of Rep. Rehorn **SCR 1624** be amended in the title, in line 12, by striking "a" and inserting "the"; also in line 12, by striking "the" and inserting "a"; and the **SCR 1624** be adopted as amended.

Committee report to **HB 2945** be adopted; also, rose and reported progress (see Committee of the Whole, Afternoon Session).

REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 436** be amended on page 3, in line 12, by striking "4" and inserting "5";

On page 5, in line 20, by striking "4" and inserting "5";

On page 6, in line 43, by striking "4" and inserting "5";

On page 7, after line 21, by inserting the following:

"New Sec. 7. On or before January 1, 2003, the secretary of agriculture and the chief engineer shall evaluate the department's current policies and present a report outlining the strengths and weaknesses of a watershed approach to the permitting of proposed dams and

other stream obstructions. Such report shall include a review of its permittance procedure in this area to evaluate both upstream and downstream impacts of the proposed stream obstruction. The chief engineer shall consult with counties, cities and other stakeholders and shall hold at least two public hearings as a component of the report development. The secretary and chief engineer shall make recommendations to the legislature with regard to clarifying the program's obligations to upstream and downstream landowners.”;

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

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 161, by Representative Shultz, welcoming Ingemar and Carin Eliasson, Governor and First Lady of Varmland, Sweden, on their visit to Lindsborg, Kansas;

Request No. 162, by Representative Glasscock, commending Captain Mark D. Nutsch and Major General Geoffrey C. Lambert for their service to our country;

Request No. 163, by Representative Dahl, honoring LeRoy and Marcella Woelk on their 50th wedding anniversary;

Request No. 164, by Representative Hermes, congratulating Lewis Stookey on his retirement;

Request No. 165, by Representative Wells, congratulating members of the Little Latinos 2002 Soccer Team on being named the Sports Zone Indoor Champions;

Request No. 166, by Representative Hayzlett, congratulating Ted and Dorothy Morgan on their 50th anniversary;

Request No. 167, by Representative Goering, congratulating Medicine Lodge High School Forensics Team on their sixth consecutive year as Central Plains League Champions;

Request No. 168, by Representatives Glasscock, Lloyd, Peterson, Osborne and Schwartz congratulating the Kansas State Women's Basketball team on reaching the Sweet Sixteen;

Request No. 169, by Representative Nichols, honoring the Martin Luther King, Jr. Memorial Highway on its 20th anniversary;

Request No. 170, by Representative Gordon, congratulating Ethan Fincham and Andrew Wise on achieving the rank of Eagle Scout;

Request No. 171, by Representative Hermes, congratulating Stephen Grosdidier and Dustin Hanna on achieving the rank of Eagle Scout;

Request No. 172, by Representative Loyd, congratulating members of the Kenneth Henderson Middle School Quiz Bowl Team on winning first place in the 2002 Dodge City Quiz Bowl Tournament;

Request No. 173, by Representative Loyd, commending Audrey Law on fifteen years of service to the office of the Clerk of the District Court of Finney County;

Request No. 174, by Representative Loyd, congratulating Sgt. Tracy Romero on being selected as a representative for public safety workers;

Request No. 175, by Representative Loyd, commending Ronald Clay Isham on his broadcasting service to the people of Garden City;

Request No. 176, by Representatives Wilson and E. Peterson, honoring the Kansas Association of Retired School personnel on their 50th anniversary;

Request No. 177, by Representative Hermes, congratulating Clinton Medovich on achieving the rank of Eagle Scout;

Request No. 178, by Representative Hayzlett, congratulating Bill Wilson on 40 years of dedicated teaching;

Request No. 179, by Representative Feuerborn, congratulating Lexee McDonnell on being the Anderson County High School all-time basketball career scorer;

Request No. 180, by Representative Henderson, commending Lillian Sharp on her retirement;

Request No. 181, by Representatives Toplikar, Faber, and Howell, commending Christine Pelton on her academic integrity;

Request No. 182, by Representative Schwartz, congratulating George and Irene Stohs on their 60th anniversary;

Request No. 183, by Representative Pottorff, congratulating Charles and Elizabeth Koch, Murfin, Inc., and J. P. Weigand & Sons, Inc on being recipients of the Wichita Chambers award;

Request No. 184, by Representative Huff, congratulating James Albert Stevens on his 60th birthday;

Request No. 185, by Representative McKinney, commending Don Patton for 44 years of service to the State of Kansas;

Request No. 186, by Representative Henderson, congratulating Linda A. Cofield on 30 years of music ministry and leadership;

Request No. 187, by Representative T. Powell, commending Shirley Weideman on her service to Representative Tony Powell and the Kansas legislature;

Request No. 188, by Representative Dreher, congratulating Scott Toland as the 2001-2002 All-Kansas State Spelling Bee Champion;

Request No. 189, by Representative Howell, congratulating Dola Cress for years of community service;

Request No. 190, by Representative Howell, congratulating Larry and Kathleen Gilliland on being named Kansas Master Farmer and Master Farm Homemaker;

Request No. 191, by Representative Howell, congratulating Rick and Karen Kellenberger and Randy and Karen Kellenberger on receiving the International Dairy Queen National Quality/Purity Award for their service and cleanliness;

Request No. 192, by Representative Howell, congratulating couples on their anniversaries;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and drafting of said resolutions.

On motion of Rep. Weber, the committee report was adopted.

CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **HB 2904** from Committee on Education and rereferral to Committee on Appropriations.

CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Rep. Reardon as a member of the conference committee on **HB 2337** to replace Rep. Gilbert.

On motion of Rep. Weber, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 429**, requests a conference and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 489**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 509**, requests a conference and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 541**, requests a conference and has appointed Senators Brungardt, Barnett and Gooch as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SCR 1623**, requests a conference and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The President announced the appointment of Senator Haley as a member of the conference committee on **SB 403** to replace Senator Downey.

The President announced the appointment of Senator Oleen as a member of the conference committee on **SB 403** to replace Senator Vratil.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **HB 2945** (see Committee of the Whole, Morning Session). Also, on motion of Rep. Crow be amended on page 1, by striking all in lines 25 through 43:

By striking all on pages 2 through 41;

On page 42, by striking all in lines 1 through 3 and inserting:

“Section 1. This act shall be known and cited as the children’s advocate act.

Sec. 2. As used in this act:

(a) “Administrative act” means an action, omission, decision, recommendation, practice or other procedure of the department of social and rehabilitation services related to foster care services and services provided by the Kansas payment center as established by subsection (m) of section 20 of chapter 183 of the 2000 Session Laws of Kansas.

(b) “Advocate” means the children’s advocate or any individual designated as an advocate who has received the training required under subsection (f) of section 6, and amendments thereto, and who has been designated by the children’s advocate to carry out the powers, duties and functions of the office of the children’s advocate.

(c) “Child” means a person who is less than 19 years of age.

(d) “Conflict of interest” means (1) having a pecuniary or other interest in a child placement agency, child care resource and referral agency or child care facility; and (2) being actively employed or otherwise having active involvement in representation of or advocacy for any child placement agency, child care resource and referral agency or child care facility, whether or not such representation or advocacy is individual or through an association or other entity.

(e) “Family foster home” means a private home in which care is given for 24 hours a day for a small number of children away from their parent or guardian and which is licensed under K.A.R. 28-4-311 *et seq.* and shall not include a family day care home as defined in K.S.A. 65-517, and amendments thereto.

(f) “Foster child” means a child under 16 years of age who is living away from such child’s parent or guardian with persons who are neither such child’s relative nor legal guardian.

(g) “Kansas payment center” means the central unit for the collection and disbursement of support payments established in subsection (m) of section 20 of chapter 183 of the 2000 Session Laws of Kansas.

(h) “Office” means the office of the children’s advocate.

(i) “Person” means any individual, association, partnership, corporation, government, governmental subdivision or other entity.

(j) “Volunteer advocate” means an individual who has satisfactorily completed the training prescribed by the children’s advocate under section 6, and amendments thereto, who is a volunteer assisting in providing advocate services and who receives no payment for such service other than reimbursement for expenses incurred in accordance with guidelines adopted therefor by the children’s advocate.

Sec. 3. (a) There is hereby established the office of children’s advocate within the legislative branch of government. The advocate shall be elected by a $\frac{2}{3}$ vote in each house of the legislature. The office of children’s advocate shall be under the direct supervision of the legislative coordinating council.

(b) The children’s advocate shall serve for a term of two years and until such advocate’s successor is appointed and qualified. Such advocate may be reappointed for additional terms. The initial children’s advocate shall be appointed to serve until the January 2003 session

during which the first two-year term children's advocate shall be appointed with subsequent appointments being made every two years.

(c) The legislature by a 2/3 vote in each house may remove the children's advocate from office but only for mental or physical incapacity to perform the duties of the office or other grounds sufficient for removal of a judge from state court. If the position of children's advocate becomes vacant for some reason, the deputy children's advocate shall serve as acting children's advocate until a children's advocate is appointed and qualified.

Sec. 4. (a) No person shall be eligible to be appointed to or to hold, the office of children's advocate if such person is subject to a conflict of interest. No person shall be eligible for appointment as children's advocate unless such person has:

- (1) A baccalaureate or higher degree from an accredited college or university;
- (2) demonstrated abilities to analyze problems of law, administration and public policy; and
- (3) experience in investigation and conflict resolution procedures.

(b) The children's advocate shall administer the office of the children's advocate in accordance with the provisions of this act.

(c) Upon appointment as children's advocate, such advocate shall select and appoint a person as deputy children's advocate.

(d) The children's advocate may delegate to staff members any authority, power or duty except this power of delegation and such children's advocate's duty to make any report to the legislature or governor under this act. However, the children's advocate may authorize the deputy children's advocate to act in the children's advocate's stead in the event of illness, absence, leave or disability or when, in the children's advocate's sole discretion, an appearance of impropriety or partiality or a conflict of interest prevents such advocate from discharging such advocate's duty in a particular matter.

(e) The office of the children's advocate shall oversee and investigate complaints regarding foster care of children in the custody of the state and complaints regarding the Kansas payment center, as defined in section 2, and amendments thereto, and shall perform such other duties as may be provided.

Sec. 5. (a) Employees in the office of children's advocate shall be in the unclassified service, shall receive such compensation as is provided under this act and shall be covered by the state group health plan and Kansas public employees retirement system to the same extent as other state employees. Employees of the office of children's advocate shall receive travel expenses and subsistence expenses and allowances as provided for other state employees.

(b) Employees in the office of children's advocate shall be employed by and be responsible to the children's advocate who shall fix the compensation of each employee subject to the approval of the legislative coordinating council and within budget and appropriations therefor. The annual budget request of the office shall be prepared by the children's advocate and presented to the legislative coordinating council. Such council shall make any changes it desires in the budget request and upon approval of the budget request by the council, the children's advocate shall submit such budget to the director of the budget as other budget requests are submitted.

(c) All officers and employees of the office of children's advocate shall serve at the pleasure of the children's advocate.

Sec. 6. The children's advocate shall:

(a) Establish procedures for receiving and processing complaints from complainants, conducting investigations, holding hearings and reporting findings resulting from investigation;

(b) investigate and resolve complaints made by or on behalf of a foster child relating to action, inaction or decisions of the foster home or an administrative act of an agency, without regard to the finality of the act;

(c) develop continuing programs to inform children, their family members or other persons of the rights and responsibilities of the child, family members or other persons regarding such foster children and the Kansas payment center;

(d) provide the legislature and the governor with an annual report containing data, findings and outcomes regarding the types of problems experienced and complaints received by or on behalf of foster children, person's sending or receiving support checks through the

Kansas payment center and containing policy, regulatory and legislative recommendations to solve such problems, resolve such complaints and improve the quality of care and life of a foster child when placed under the state's care and shall present such report and other appropriate information and recommendations to the senate committee on public health and welfare, the senate committee on ways and means, the house of representatives committee on health and human services and the house of representatives committee on appropriations during each regular session of the legislature;

(e) analyze and monitor the development and implementation of federal, state and local government laws, rules and regulations, resolutions, ordinances and policies with respect to foster children in the care of the state, payments processed through the Kansas payment center and services provided in this state, and recommend any changes in such laws, rules and regulations, resolutions, ordinances and policies deemed by the office to be appropriate;

(f) prescribe and provide for the training of each children's advocate and any individual designated as an avocate under subsection (h) of this section, and any individual who is an advocate volunteer in (1) federal, state and local laws, rules and regulations, resolutions, ordinances and policies with respect to foster children and the Kansas payment center in Kansas, (2) investigative techniques, and (3) such other matters as the state children's advocate deems appropriate;

(g) authorize an individual, who is an employee of the office and who has satisfactorily completed the training prescribed by the children's advocate under subsection (g), to be an advocate or a volunteer advocate and to be a representative of the office and such an authorized individual shall be deemed to be a representative of the office for the purposes of and subject to the provisions of the children's advocate act;

(h) establish and maintain a system to recruit and train individuals to become volunteer advocates;

(i) develop and implement procedures for authorizing and for withdrawing the authorization of individuals to be advocates or volunteer advocates to represent the office in providing advocate services;

(j) provide services to foster children in the care of the state and persons seeking services regarding the Kansas payment center throughout the state directly or through service providers to meet needs for advocate services;

(k) collaborate with the department of health and environment and the department of social and rehabilitation services to establish a statewide system to collect and analyze information on complaints about the state foster care system or the Kansas payment center;

(l) undertake, participate in or cooperate with persons and agencies in such conferences, inquiries, meetings or studies which might improve the functioning of agencies regarding state foster care and the Kansas payment center or lessen the risks that objectionable administrative acts will occur;

(m) have access to and examine and copy, without payment of a fee, any agency records, including records that are confidential by state law;

(n) enter and inspect the premises of any agency, including the Kansas payment center, and foster care home or facility;

(o) subpoena any person to appear, to give sworn testimony or to produce documentary or other evidence that is reasonably relevant to the matters under investigation;

(p) maintain confidentiality regarding any matter related to complaints and investigations, including the identities of the complaints and witnesses, except as the children's advocate deems necessary to fulfill the duties of such advocate's office;

(q) adopt, promulgate, amend and rescind rules and regulations required for the discharge of the office of children's advocate's duties; and

(r) perform such other duties and functions as may be provided.

Sec. 7. For the purposes of carrying out the powers and duties of the office of the children's advocate, such advocate may request and accept a grant or donation from any person, firm, association or corporation or from any federal, state or local governmental agency and may enter into contracts or other transactions with any such person or entity in connection with the grant or donation.

Sec. 8. Upon receipt of a complaint or on its own initiative, the advocate may:

(a) Investigate an administrative act that is alleged to be contrary to law, rules and regulations, policy of a foster care home or Kansas payment center, imposed without an adequate statement of reason or based on irrelevant, immaterial or erroneous grounds;

(b) decide, in its discretion, whether to investigate a complaint;

(c) conduct a preliminary investigation to determine whether the foster care home or the Kansas payment center may have committed an act that is alleged to be contrary to law; and

(d) hold informal hearings and request that persons appear before the advocate and give testimony or produce documentary or other evidence the advocate considers relevant to the matter under investigation.

Sec. 9. (a) Upon rendering a decision to investigate a complaint the advocate shall notify the complainant of the decision to investigate and shall notify the state foster care home or the Kansas payment center and any other pertinent state entity referred to in the complaint and the decision to investigate the matter. If the advocate declines to investigate a complaint or continue an investigation, the advocate shall notify the complainant and the other person involved in the decision and the reasons for the decision.

(b) The advocate may advise a complainant to pursue all administrative remedies or channels of complaint open to the complainant before pursuing a complaint with the advocate's office. Subsequent to the administrative processing of a complaint, the advocate may conduct further investigations of any complaint upon the request of the complainant or on the advocate's own initiative.

(c) If the advocate finds in the course of an investigation that a person's action is in violation of state or federal criminal law, the advocate shall report that fact to the county prosecutor or the attorney general. If the complaint is against a state foster care home, the advocate shall refer the matter to the department of social and rehabilitation services for further action with respect to licensing.

Sec. 10. (a) The department of social and rehabilitation services and a foster care home shall:

(1) Upon the advocate's request, grant the advocate or advocate's designee access to all relevant information, records, including the child's medical records, and documents in the possession of such entities that the advocate considers necessary in an investigation;

(2) assist the advocate upon request with progress reports concerning the administrative processing of a complaint; and

(3) provide the advocate upon request with progress reports concerning the administrative processing of a complaint.

(b) The department of social and rehabilitation services, foster care home or Kansas payment center shall provide information to a biological parent, child support payor or payee, prospective adoptive parent or foster parent regarding the provisions of this act.

Sec. 11. (a) The advocate shall prepare a report of the findings of an investigation and make recommendations to the department of social and rehabilitation services, Kansas payment center or foster care home if the advocate finds one or more of the following:

(1) A matter should be further considered by the department, foster care home or Kansas payment center;

(2) an administrative act should be modified or canceled;

(3) reasons should be given for an administrative act; or

(4) other actions should be taken by the department, foster care home or Kansas payment center.

(b) Before announcing a finding or recommendation that expressly or by implication criticizes a person as defined in section 2 and amendments thereto, the advocate shall consult with that person. When publishing an opinion adverse to the department, foster care home or the Kansas payment center, the advocate shall include in the opinion any statement made to the advocate by the department, foster care home, Kansas payment center or other state entity in defense or mitigation of the action. The advocate may request to be notified by the department, foster care home, Kansas payment center or other state entity, within a specified time, of any action taken on any recommendation presented.

(c) The advocate shall notify the complainant of the actions taken by the advocate and the department, foster care home, Kansas payment center or other state entity.

(d) The advocate shall provide the complainant with a copy of the advocate's recommendations on a complaint.

Sec. 12. (a) No person shall willfully interfere with any lawful action or activity of an advocate or a volunteer advocate, including the request for immediate entry into a foster care home, Kansas payment center or other state entity.

(b) No person shall take any discriminatory, disciplinary or retaliatory action against any foster parent, person, officer, employee of a foster care home or the Kansas payment center or against any child or any guardian or family member thereof for any communication by any such individual with an advocate or a volunteer advocate or for any information given or disclosed by such individual in good faith to aid the office in carrying out its duties and responsibilities.

(c) Any person that violates the provisions of subsection (a) or (b) shall be guilty of a class C misdemeanor.

Sec. 13. The following persons may make a complaint to the advocate concerning a child alleging that an administrative act is contrary to law, rules and regulations, policy, imposed without an adequate statement of reason or based on irrelevant, immaterial or erroneous grounds:

(a) The foster child or child for whom child support is processed by the Kansas payment center if such child is able to articulate a complaint;

(b) a biological or adoptive parent of the foster child or child for whom child support is processed by the Kansas payment center;

(c) a foster parent of the foster child;

(d) a person having residential custody of a child for whom child support is processed by the Kansas payment center;

(e) a prospective adoptive parent of the foster child or child for whom child support is processed by the Kansas payment center;

(f) a legally appointed guardian or conservator of the foster child or child for whom child support is processed by the Kansas payment center;

(g) a guardian ad litem of the foster child or child for whom child support is processed by the Kansas payment center;

(h) an adult who is related to the foster child or child to the fifth degree by marriage, blood or adoption;

(i) a payee, payor or such person's attorney in child support matters whose support moneys are processed through the Kansas payment center;

(j) a Kansas legislator;

(k) an attorney for any person described in subsection (a) through (i); or

(l) the advocate upon the advocate's own initiative.

Sec. 14. No individual shall investigate any complaint filed with the office of the children's advocate unless the individual has received the training required and designated by the children's advocate as an advocate or a voluntary advocate qualified to investigate such complaints.

Sec. 15. A volunteer advocate shall have access to the plan of care and other records or documents kept for or concerning the resident to the same extent and under the same circumstances as an advocate under this section, except that a volunteer advocate shall not have access to any such other records and documents that are privileged medical records.

Sec. 16. (a) An advocate or a volunteer advocate is hereby authorized to enter any foster care home and any area within such home at any time with or without prior notice and shall have access to the child of a foster care home at all times.

(b) An advocate or a volunteer advocate shall notify immediately the person in charge of a foster care home upon arrival and shall present appropriate identification.

(c) A foster child shall have the right to request, deny or terminate visits with an advocate or a volunteer advocate.

Sec. 17. All information, records and reports received by or developed by an advocate or a volunteer advocate which relate to a foster child in a foster care home or other state entity, including written material identifying a foster child or other complainant, are confidential and not subject to the provisions of K.S.A. 45-216 to 45-220, inclusive, and amendments thereto, and shall not be disclosed or released by an advocate or a volunteer advocate,

either by name of the foster child or other complainant or of facts which allow the identity of the foster child or other complainant to be inferred, except upon the order of a court or unless the foster child's legal representative or other complainant consents in writing to such disclosure or release by an advocate or a volunteer advocate, except the children's advocate shall forward to the secretary of health and environment and the secretary of social and rehabilitation services copies of reports received by the children's advocate relating to the health and safety of a foster child. A summary report and findings shall be forwarded to the appropriate person, exclusive of information or material that identifies a foster child or any other individuals.

Sec. 18. An advocate shall have access to all records and documents kept by the department of health and environment, the department of social and rehabilitation services and foster care home concerning the following matters: (a) Licensure of foster care homes dealing with foster children in state care; (b) certification of such homes dealing with foster children in state care; (c) public funding reimbursement for the care of foster children of such homes dealing with foster children; (d) utilization and medical review records; and (e) complaints regarding care of foster children of such foster care homes. The provisions of this section shall not apply to a volunteer advocate.

Sec. 19. An advocate shall have access to all records and documents of the Kansas payment center concerning complaints involving such center.

Sec. 20. The authority granted the advocate under this act is in addition to the authority granted under the provisions of any rule and regulation or other act or rule and regulation under which the remedy or right of appeal or objection is provided for a person, or any procedure provided for the inquiry into or investigation of any matter. The authority granted the advocate does not limit or affect the remedy or right of appeal or objection and is not an exclusive remedy or procedure.

Sec. 21. (a) On the effective date of this act, all of the powers, duties, functions, records and property of the office of the secretary of social and rehabilitation services, which are prescribed for the office of the children's advocate by this act, are hereby transferred to and conferred and imposed upon the office of the children's advocate, including the power to expend funds now or hereafter made available in accordance with appropriation acts, are hereby transferred to and conferred and imposed upon the office of the children's advocate established by this act, except as is otherwise specifically provided by this act.

(b) The office of the children's advocate established by this section shall be the successor in every way to the powers, duties and functions of the office of the secretary of social and rehabilitation services in which such powers, duties and functions were vested prior to the effective date of this act, except as otherwise specifically provided by this act. Every act performed under the authority of the office of the children's advocate established by this act shall be deemed to have the same force and effect as if performed by the office of the secretary of social and rehabilitation services in which such powers, duties and functions were vested prior to the effective date of this act.

(c) Subject to the provisions of this act, whenever the office of the secretary of social and rehabilitation services or words of like effect, is referred to or designated by a statute, contract or other document, and such reference or designation relates to a power, duty or function which is transferred to and conferred and imposed upon the office of the children's advocate that is established by this act, such reference or designation shall be deemed to apply to the office of the children's advocate established by this act.

(d) All policies, orders or directives of the office of the secretary of social and rehabilitation services transferred to and conferred and imposed upon the children's advocate which are in existence on the effective date of this act shall continue to be effective and shall be deemed to be the policies, orders or directives of the children's advocate established by this act, until revised, amended or revoked or nullified pursuant to law. The office of the children's advocate established by this act shall be deemed to be a continuation of the secretary of social and rehabilitation services concerning children which are transferred, conferred and imposed upon the children's advocate.

(e) (1) The children's advocate and the secretary of administration shall provide that all officers and employees of the secretary of social and rehabilitation services, who are engaged in the exercise and performance of the powers, duties and functions of the programs

of the office of the children's advocate that are transferred by this act, are transferred to the office of the children's advocate established by this section.

(2) Officers and employees of the department of social and rehabilitation services transferred under this act shall retain all retirement benefits and leave rights which had accrued or vested prior to each date of transfer. The service of each officer or employee so transferred shall be deemed to be continuous. All transfers, layoffs and abolition of classified service positions under the Kansas civil service act which may result from program transfers under this act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any person transferred to the office of the children's advocate prior to the date of transfer.

(3) If the children's advocate and the secretary of social and rehabilitation services cannot agree as to how any transfer of an officer or employee is to take place under this section, the children's advocate and the secretary of administration shall be responsible for administering any layoff that is part of the transfer in accordance with this act.

(4) Notwithstanding the effective date of this act, the provisions of this act prescribing the transfer of officers and employees between the office of the children's advocate established by this section and the department of social and rehabilitation services, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 22. (a) The children's advocate shall ensure that:

(1) No individual involved in the authorization of any individual to represent the office as an advocate or a volunteer advocate is subject to a conflict of interest;

(2) no officer, employee or other representative of the office is subject to a conflict of interest;

(3) policies and procedures are in place to identify and remedy all conflicts of interest specified under paragraphs (1) and (2);

(4) legal counsel is available to the office for advice and consultation and that legal representation is provided to any advocate against whom suit or other legal action is brought in connection with the performance of the advocate's official duties; and

(5) the office has the ability to pursue administrative, legal and other appropriate remedies on behalf of a child or such child's parent who receives support payments through the Kansas payment center or whose child is in the custody of the state and subject to the processes of a foster care facility or home, or other programs, office or process involving children whose welfare has been placed under the state's jurisdiction.

(b) The children's advocate may enter into contracts with service providers to provide investigative, legal, public education, training or other services as may be required to assist the children's advocate in providing advocate services to foster children whose welfare has been assumed by the state or as otherwise required to carry out the powers, duties and functions of the office. Contracts entered into under this subsection shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto. No contract may be entered into by the children's advocate to privatize the office or to otherwise provide that all or substantially all of the advocate services or functions of the office are to be performed by one or more service providers.

Sec. 23. (a) Records of the office of children's advocate included under the provisions of this act shall not be disclosed directly or indirectly to any person except as authorized by the children's advocate or such person's designee.

(b) No documents relating to complaints, investigations or studies in the possession of the children's advocate or any employee of the children's advocate shall be read, copied or taken by any officer or employee of the state of Kansas except as authorized by the children's advocate or such person's designee.”;

By renumbering section 33 accordingly;

In the title, in line 17, by striking all after “ACT”; by striking all in lines 18 through 22 and inserting “concerning children; establishing a children's advocate; providing for powers, duties and functions thereof.”; and **HB 2945** be passed as amended

Committee report to **HB 2907** be adopted; also, on motion of Rep. Sharp be amended on page 1, in line 33, by striking “shall remain in”; by striking all in line 34; in line 35, by striking “and”; also in line 35, by striking “not”; also in line 35, by striking all after “terminate”; by striking all in lines 36 and 37; in line 38, by striking all before the period and

inserting “only upon written findings by the court of just cause for such termination”; after line 38, by inserting the following:

“Sec. 2. K.S.A. 38-1552 is hereby amended to read as follows: 38-1552. The court may exclude from any hearing all persons except the guardian *ad litem*, interested parties and their attorneys, officers of the court ~~and~~, the witness testifying *and up to two people designated by the parent of the child*. Upon agreement of all interested parties, the court shall allow other persons to attend the proceedings, unless the court finds the presence of the persons would be disruptive to the proceedings. *The court shall not remove the parent’s designee or designees from any proceeding unless such designee becomes disruptive in such proceeding.*”

Sec. 3. K.S.A. 38-1567 is hereby amended to read as follows: 38-1567. (a) (1) When an emergency exists requiring immediate action to assure the safety and protection of the child, or (2) the secretary is notified that the *parent, relative, foster parents or shelter facility* refuse to allow the child to remain, the secretary may transfer the child to another foster home or shelter facility without prior court approval, but the secretary shall notify the court of the action at the earliest practical time. When the child is removed from the home of a parent after having been placed in the home ~~or facility~~ for a period of six months or longer, the secretary shall present to the court in writing the specific nature of the emergency and request a finding by the court whether remaining in the home was contrary to the welfare or not in the best interests of the child. In making the finding, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such a finding, the court shall provide the secretary with a written copy of the finding by the court not more than 45 days from the date of the request.

(b) *When a child in the custody of the secretary is removed from the home of a parent or relative or from a foster home after having lived in the home for six months or longer based on a determination by the secretary that an emergency exists which required immediate action to assure the safety and protection of the child: (1) The parent, relative or foster parent may request a hearing within 24 hours excluding Saturdays, Sundays and legal holidays. (2) Upon receipt of a request for hearing, the court shall schedule a hearing to be held within 72 hours excluding Saturdays, Sundays and legal holidays. The court shall give notice of the hearing to each parent whose address is available, the relative or foster parent who requested the hearing, any interested party, the child, if 12 or more years of age, and the child’s guardian ad litem. (3) At the hearing the court shall determine whether an emergency existed which threatened the safety of the child and required immediate removal for the child’s protection, and the court shall determine whether it is in the child’s best interest to be immediately returned.”;*

And by renumbering sections accordingly;

Also on page 1, in line 39, by striking “is” and inserting “, 38-1552 and 38-1567 are”;

Also on page 1, in the title, in line 11, before “amending” by inserting “emergency change of placement;”; also in line 11, after “38-1541” by inserting “, 38-1552 and 38-1567”; in line 12, by striking “section” and inserting “sections”;

Also, on motion of Rep. DiVita **HB 2907** be amended on page 1, after line 38, by inserting the following:

“New Sec. 2. (a) In any proceeding concerning the amount of child support to be ordered in any action in this state including, but not limited to K.S.A. 38-1121, 39-755 and 60-1610, and amendments thereto, or under guidelines for determining the amount of child support as determined by child support guidelines established pursuant to K.S.A. 20-165, and amendments thereto, the income of parties to such proceeding will not be subject to a cost of living adjustment if the parties are residing in the same metropolitan statistical area (MSA) for the purpose of determining child support.

(b) For the purposes of this section, metropolitan statistical area shall have the same meaning as defined by the United States department of commerce or its successor agency.”;

And by renumbering the remaining sections accordingly;

In the title, in line 10, after “concerning” by inserting “the support and care of children; relating to”; and **HB 2907** be passed as amended

SB 663 be passed.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber pursuant to House Rule 2311, **SB 654**; **SCR 1620**; **SCR 1624**; **SB 627**, **HB 2945**, **HB 2907** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 654. An act concerning municipal funded insurance pools; amending K.S.A. 12-2621 and K.S.A. 2001 Supp. 44-585 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 1; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, 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, 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, J. Peterson, Phelps, Pottorff, 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, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The bill passed.

SCR 1620. A concurrent resolution memorializing the Congress of the United States to designate a national holiday in honor of Cesar Chavez, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 29; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Ballard, Beggs, Boston, Burroughs, Campbell, Cox, Crow, DeCastro, Dillmore, DiVita, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, Loyd, Mason, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, Ostmeyer, Patterson, Pauls, J. Peterson, Phelps, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Benlon, Bethell, Compton, Cook, Dahl, Dreher, Edmonds, Faber, Freeborn, Johnson, Kauffman, Krehbiel, Lane, Light, Lightner, Lloyd, McCreary, Neufeld, O'Neal, Osborne, Owens, Palmer, Pottorff, Ray, Schwartz, Weber, D. Williams.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The resolution was adopted.

SCR 1624. A concurrent resolution designating the former Union Pacific Railroad station in Topeka, which is being transformed into the Great Overland Station, as a state railroad museum of Kansas, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 24; Present but not voting: 0; Absent or not voting: 10.

Yeas: Ballard, Beggs, Bethell, Burroughs, Campbell, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Glasscock, Goering, Gordon, Grant, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Hu-

merickhouse, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Lane, Larkin, Levinson, Light, Lightner, Loganbill, M. Long, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aday, Aurand, Ballou, Benlon, Boston, Compton, Edmonds, Freeborn, Gatewood, Henry, Johnson, Krehbiel, Landwehr, Lloyd, Loyd, Minor, Neufeld, J. Peterson, Schwartz, Shriver, Tafanelli, Tomlinson, Weber, Winn.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The resolution was adopted, as amended.

SB 627. An act concerning the Kansas national guard; relating to pay and allowances; amending K.S.A. 2001 Supp. 48-225 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 0; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, 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, 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, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The bill passed.

HB 2945. An act concerning children; establishing a children's advocate; providing for powers, duties and functions thereof, was considered on final action.

On roll call, the vote was: Yeas 45; Nays 70; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Ballard, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Goering, Grant, Henry, Holmes, Horst, Humerickhouse, Kirk, Kuether, Larkin, Levinson, Lloyd, Loganbill, M. Long, McClure, McKinney, Minor, Patterson, Phelps, Reardon, Rehorn, Ruff, Showalter, Shriver, Shultz, Storm, Thimesch, R. Toelkes, Toplikar, Weber, Wells, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Glasscock, Gordon, Hayzlett, Hermes, Howell, Huebert, Huff, Hutchins, Huy, Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Light, Lightner, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Pauls, J. Peterson, Pottorff, T. Powell, Powers, Pyle, Ray, Schwartz, Sharp, Sloan, Spangler, Stone, Swenson, Tafanelli, Tomlinson, Vickrey, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The bill did not pass.

EXPLANATION OF VOTE

MR. SPEAKER: Regrettably we vote no on **HB 2945**. While we agree with its sentiment and are concerned about the failures of the system to serve families with an emphasis on reducing this out of home placement of children, we are concerned that this bill creates more questions and unintended consequences that will overburden an already stressed court system. In addition it may levy requirements on SRS that it currently lacks the capacity to absorb. Rather than pass the bill out prematurely and have it fail, we prefer to work it in an interim capacity and develop one that meets the proponents' goals.—BOB BETHELL, ROBERT TOMLINSON, DEAN NEWTON, DAVID HUFF, DAN JOHNSON, RAY COX, GARRY BOSTON, GARY HAYZLETT, TIM OWENS, AL LANE, TOM SLOAN, LISA BENLON, WARD LOYD

HB 2907, An act concerning the support and care of children; relating to children in need of care; relating to the definition of an interested party; emergency change of placement; amending K.S.A. 38-1541, 38-1552 and 38-1567 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 1; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, 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, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Neufeld.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The bill passed, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber pursuant to House Rule 2311, **SB 663**, having received the required two-thirds constitutional majority vote, was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 663, An act providing for redistricting of state board of education member districts; repealing K.S.A. 4-502 through 4-513, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 7; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, J. Peterson, Phelps, Pottorff, 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, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Faber, Horst, Loyd, Mason, Neufeld, Spangler, Tomlinson.

Present but not voting: None.

Absent or not voting: Barnes, Gilbert, Henderson, P. Long, Mayans, O'Brien, E. Peterson, L. Powell, Tanner, Welshimer.

The bill passed.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 395**.

The Senate adopts conference committee report on **SB 437**.

The Senate adopts conference committee report on **SB 504**.

The Senate adopts conference committee report on **SB 564**.

The Senate adopts conference committee report on **Sub. HB 2686**.

The Senate adopts conference committee report on **S. Sub. for HB 2831**.

The Senate adopts conference committee report on **HB 2880**.

The Senate concurs in House amendments to **SB 470**, and requests return of the bill.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 429**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 489**.

Speaker pro tem Aurand 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 509**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 541**.

Speaker pro tem Aurand thereupon appointed Reps. Krehbiel, Tafanelli and Shriver 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 **SCR 1623**.

Speaker pro tem Aurand thereupon appointed Reps. Tomlinson, Dreher and Kirk as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Benlon, the House nonconcurred in Senate amendments to **Sub. HB 2872** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Benlon, Krehbiel and Storm as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 2704 reported correctly re-engrossed April 10, 2002.

Also, **S. Sub. for HB 2123** reported correctly engrossed April 11, 2002.

Also, **HB 2948**, **HB 3023** reported correctly engrossed April 12, 2002.

REPORT ON ENROLLED BILLS

HB 2602, **HB 2704**, **HB 2947**, **HB 2982** reported correctly enrolled, properly signed and presented to the governor on April 12, 2002.

REPORT ON ENROLLED RESOLUTIONS

HR 6013 reported correctly enrolled and properly signed on April 12, 2002.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Saturday, April 13, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

