

Journal of the House

SEVENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 7, 2002, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Aurand in the chair.
The roll was called with 124 members present.
Rep. O'Brien was excused on verified illness.

Prayer by guest chaplain, the Rev. Neil Weatherhogg, pastor, First Presbyterian Church,
Topeka:

Almighty God, the fountain of all wisdom, enlighten by your Spirit those who legislate and those who adjudicate, those who govern and those who seek to influence the course of government. We lift before you in prayer not only the men and women of this legislative body, but their families and friends and constituents: may you grant healing to those who seek it, inspire hope in the discouraged, dispense wisdom to the perplexed, and give faith to all of us who need desperately to believe in something greater than ourselves.

Great God: you have made the world a home for us, and surrounded us with beauty. Thank you for those who take pride in keeping the grounds, the corridors and the working spaces of this Statehouse clean and attractive. We ask your blessing upon all those who often work behind the scenes to enable the government of this state to run smoothly: the file clerks, secretaries, administrative assistants, document room workers, pages and all others who lend time and talents to support a government of the people, by the people and for the people. May this day, which you have given us, be used by all of us to promote and sustain the welfare of your people. This we ask in your holy name. Amen.

The Pledge of Allegiance was led by Rep. Vickrey.

INTRODUCTION OF GUESTS

Rep. McClure introduced Joyce Eileen Hemphill, wife of Earl Hemphill, who was Fire Chief in Russell and was killed while on duty. She also introduced other family members. Rep. Johnson presented Mrs. Hemphill with a certificate.

Rep. McClure introduced Denis Shumate, Beloit, who was the first Kansan to receive the E.R. Cass Award which is given by the American Correctional Association (ACA). He was accompanied to the House by his wife, Karen, and other family members and friends. Rep. McClure presented him with a certificate.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Appropriations: **SB 664**.

MESSAGES FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 2991** and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

Also, announcing passage of **HB 3011**, as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 652; H. Sub. for Sub. SB 422; SB 438, SB 499, SB 647, SB 297, HB 2505, HB 2690, HB 3011.**

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 3006. An act concerning regulation and licensure of detective business; amending K.S.A. 2001 Supp. 75-7b01, 75-7b03, 75-7b07, 75-7b10 and 75-7b13 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 63; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Burroughs, Cox, Crow, Dreher, Findley, Flaharty, Flora, Gilbert, Glasscock, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kuether, Lane, Levinson, Loganbill, Loyd, Mason, McClure, Minor, Judy Morrison, Myers, Newton, O'Neal, Owens, Patterson, Pauls, J. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Tanner, Thimesch, Tomlinson, Toplikar, Welshimer, J. Williams, Wilson, Winn.

Nays: Aurand, Ballou, Barnes, Campbell, Compton, Cook, Dahl, DeCastro, Dillmore, DiVita, Edmonds, Faber, Feuerborn, Freeborn, Garner, Gatewood, Goering, Gordon, Grant, Hayzlett, Howell, Huebert, Huy, Kauffman, Kirk, Klein, Krehbiel, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mayans, Mays, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Neufeld, Nichols, Novascone, Osborne, Ostmeyer, Palmer, E. Peterson, L. Powell, T. Powell, Powers, Pyle, Shultz, Spangler, Swenson, Tafanelli, R. Toelkes, Vickrey, Weber, Wells, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: O'Brien.

The bill did not pass.

SB 436. An act concerning dams, levees and other water obstructions; fees; inspections; amending K.S.A. 24-126, 82a-301, 82a-302 and 82a-303b and repealing the existing sections; also repealing K.S.A. 82a-304, was considered on final action.

On roll call, the vote was: Yeas 78; Nays 46; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Ballard, Barnes, Beggs, Benlon, Bethell, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Hermes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mayans, McClure, McKinney, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, Pauls, E. Peterson, Phelps, Pottorff, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tanner, Thimesch, Tomlinson, Toplikar, Wells, Welshimer, Wilk, J. Williams, Winn.

Nays: Aurand, Ballou, Boston, Burroughs, Cook, Dillmore, DiVita, Faber, Feuerborn, Goering, Grant, Hayzlett, Henderson, Henry, Holmes, Howell, Huebert, Huy, Kauffman, Landwehr, Larkin, Light, P. Long, Mason, Mays, McCreary, McLeland, Merrick, Miller, Neufeld, Osborne, Ostmeyer, Palmer, J. Peterson, L. Powell, T. Powell, Powers, Pyle, Schwartz, Spangler, Tafanelli, R. Toelkes, Vickrey, Weber, D. Williams, Wilson.

Present but not voting: None.

Absent or not voting: O'Brien.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 436** because I think it is a backdoor tax increase on landowners. I think it is also a significant change in policy that needs more study. I urge your no vote.—LARRY R. POWELL

SB 618, An act concerning the state institutions building fund; relating to debt service on revenue bonds for certain capital improvement projects; amending K.S.A. 2001 Supp. 76-6b05 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 18; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Burroughs, Cook, Dillmore, Goering, Henderson, Howell, Huebert, Kauffman, Miller, Palmer, Powers, Pyle, Sharp, Spangler, Tanner, Toplikar, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: O'Brien.

The bill passed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2505**, submits the following report:

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

On page 4, in line 10, by striking "(a)(6)" and inserting "(a)(5)";

On page 5, in line 12, by striking "2003" and inserting "2005"; in line 20, by striking "\$25,000,000" and inserting "\$20,000,000"; in line 21, by striking "\$2,500,000" and inserting "\$2,000,000";

On page 8, in line 40, by striking the period and inserting "; and";

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

KARIN BROWNLEE

NICK JORDAN

JIM BARONE

Conferees on part of Senate

WILLIAM G. MASON

JERRY L. ADAY

ANNIE KUETHER

Conferees on part of House

On motion of Rep. Spangler to not adopt the conference committee report on **HB 2505** and that a new conference committee be appointed, the motion did not prevail.

On motion of Rep. Mason, the conference committee report on **HB 2505** was adopted.

On roll call, the vote was: Yeas 79; Nays 45; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Dahl, DeCastro, DiVita, Dreher, Feuerborn, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Krehbiel, Kuether, Landwehr, Lane, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Owens, Patterson, Pauls, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray,

Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Tafanelli, Tanner, Thimesch, Toplikar, Weber, Wilk, J. Williams.

Nays: Aurand, Ballou, Barnes, Burroughs, Cook, Crow, Dillmore, Edmonds, Faber, Findley, Flaharty, Flora, Garner, Gilbert, Goering, Grant, Henderson, Henry, Hermes, Howell, Huy, Kirk, Klein, Larkin, Levinson, M. Long, Nichols, Ostmeyer, Palmer, E. Peterson, Reardon, Rehorn, Ruff, Sharp, Spangler, Storm, Swenson, R. Toelkes, Tomlinson, Vickrey, Wells, Welshimer, D. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: O'Brien.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **HB 2505**. In a year when critical services are being slashed and K-12 education is being hurt, I will not go back to my District and explain why we cut the essential needs of Kansas taxpayers yet gave away millions in corporate welfare.—DOUG SPANGLER

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2690**, submits the following report:

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

On page 1, in line 19, by striking "11" and inserting "12";

On page 2, in line 7, by striking all following "any"; in line 8, by striking all preceding the period and inserting "Fort Hays state university, Emporia state university, Pittsburg state university, Kansas state university of agriculture and applied science, university of Kansas, university of Kansas medical center and Wichita state university";

On page 4, in line 4, by striking "an" and inserting "the first"; in line 6, by striking "temporary chairperson" and inserting "the temporary, nonvoting chairperson at the first organizational meeting";

On page 5, in line 17, by striking "\$130,000,000" and inserting "\$120,000,000";

On page 11, in line 1, by striking "\$130,000,000" and inserting "\$120,000,000";

On page 16, following line 40, by inserting the following:

"Sec. 11. (a) Each contract entered into by a state agency for any nonfederal aid, public works project for a scientific research and development facility under the university research and development enhancement act shall be based on bid or contract specifications prescribing and requiring that employees of any contractor or subcontractor shall be paid not less than the hourly wages, including fringe benefits, paid to corresponding classes of laborers and mechanics employed on similar projects in the county where the project is to be performed. Such minimum wage shall be the wage paid to the majority of the laborers or mechanics, unless the same wages are not paid to a majority, in which case the minimum wage shall be the average wages paid, weighted by the total employed in the classification. In the alternative, the minimum wage shall be that determined under federal law which would be required to be paid on federally-funded projects at the location of the public works project.

(b) Employees employed by contractors or subcontractors in the execution of any non-federal aid, public works project contract subject to this section with any state agency shall be paid not less than the wages as determined pursuant to subsection (a).

(c) As used in this section, "state agency" means the board of regents, the subsidiary corporation of the board of regents formed pursuant to section 5, and amendments thereto, any firm performing construction management at-risk services under section 10, and amendments thereto, or any state educational institution.

(d) The provisions of this section shall apply only to contracts for the following projects under the university research and development enhancement act: (1) The project for the KUMC bio-medical research facility, and (2) the project for the WSU engineering complex expansion and research laboratory.";

And by renumbering sections accordingly;

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

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

KENNY A. WILK
MELVIN J. NEUFELD
ROCKY NICHOLS
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **HB 2690** was adopted.

On roll call, the vote was: Yeas 101; Nays 23; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Aurand, Ballou, Crow, Edmonds, Faber, Feuerborn, Gatewood, Henry, Hermes, Holmes, Howell, Hutchins, Kuether, Lightner, Mays, McClure, Miller, Jim Morrison, Ostmeyer, Palmer, Pauls, Pyle, Vickrey.

Present but not voting: None.

Absent or not voting: O'Brien.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2812**, submits the following report:

The Senate recedes from all of its amendments to the bill made in committee of the whole;

And the House accedes to all of the Senate committee amendments to the bill;

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

SANDY PRAEGER
RUTH TEICHMAN
Conferees on part of Senate

RAY L. COX
JOE HUMERICKHOUSE
Conferees on part of House

On motion of Rep. Cox, the conference committee report on **HB 2812** was adopted.

On roll call, the vote was: Yeas 98; Nays 25; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dreher, Edmonds, Faber, Feuerborn, Flora, Freeborn, Gatewood, Glasscock, Gordon, Grant, Hayzlett, Henry, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Rehorn, Ruff, Schwartz,

Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Burroughs, Dillmore, DiVita, Findley, Flaharty, Garner, Gilbert, Goering, Henderson, Kirk, Klein, Kuether, Levinson, Loganbill, McClure, McKinney, Nichols, Pauls, E. Peterson, Reardon, Spangler, Thimesch, Wells, Welshimer, Winn.

Present but not voting: Hermes.

Absent or not voting: O'Brien.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 551**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

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

RALPH M. TANNER
KATHE LLOYD
BILL REARDON
Conferees on part of House

DWAYNE UMBARGER
JOHN VRATIL
CHRISTINE DOWNEY
Conferees on part of Senate

On motion of Rep. Tanner, the conference committee report on **SB 551** was adopted.

Speaker pro tem Aurand thereupon appointed Reps. Tanner, Lloyd and Reardon as second conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 3011** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Hayzlett, Vickrey and M. Long as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 652** be passed.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 422** be adopted; and the substitute bill be passed.

Pursuant to House Rule 1903, **SB 438** be passed over and retain a place on the calendar (see further action, Afternoon Session).

Committee report to **SB 499** be adopted; also, roll call was demanded on motion of Rep. Novascone to amend on page 1, in line 21, by striking "New"; by striking all after line 38;

By striking all on pages 2 through 16;

On page 17, by striking all before line 23;

By renumbering the remaining section accordingly;

In the title, in line 12, by striking all after the semicolon; by striking line 13; in line 14, by striking all before "establishing"; in line 15, by striking all after "fund"; by striking all in lines 16 and 17; in line 18, by striking all before the period;

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst,

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

Nays: None.

Present but not voting: None.

Absent or not voting: Lane, O'Brien.

The motion of Rep. Novascone prevailed and **SB 499** be passed as amended.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 364**.

The Senate adopts conference committee report on **SB 400**.

The Senate adopts conference committee report on **H. Sub. for SB 430**.

The Senate adopts conference committee report on **S. Sub. for HB 2094**.

The Senate adopts conference committee report on **HB 2247**.

The Senate adopts conference committee report on **HB 2563**.

The Senate adopts conference committee report on **HB 2709**.

On motion of Rep. Weber, the House recessed until 3:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 436**, requests a conference and has appointed Senators Schmidt, Huelskamp and Downey as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 3011** and has appointed Senators Corbin, Donovan and Lee as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 436**.

Speaker pro tem Aurand thereupon appointed Reps. Johnson, Dahl and Thimesch as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report to **SB 438** be adopted; also, on motion of Rep. Thimesch be amended on page 16, by striking all in lines 6 through 43;

By striking all on pages 17 through 22;

On page 23, by striking all in lines 1 through 12;

And by renumbering sections accordingly;

On page 42, in line 41, by striking the last comma; in line 42, by striking "65-6a34"; in line 43, by striking "65-6a18,";

On page 1, in the title, in line 15, by striking ", 65-6a34"; in line 16, by striking " "65-6a18,";

Also, on motion of Rep. McClure to amend **SB 438**, the motion did not prevail and the bill be passed as amended.

On motion of Rep. Miller to rerefer **SB 647** to Committee on Higher Education, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Wilson to amend **SB 647** on page 13, in line 1, after "after" by inserting "(a) July 1, 2003, (b)"; in line 2, before the period, by inserting the following: "; and (c) the publication in the Kansas register of the certification by the director of the budget that moneys have been appropriated and enacted into law for the fiscal years ending June 30, 2003, and June 30, 2004, for the state board of regents or the state educational institutions under the control and supervision of the state board of regents providing (1) full funding (A) for postsecondary educational institutions for operating grants (including moneys appropriated for the municipal university operating grant, postsecondary aid for vocational education and community college operating grants), and (B) for regents faculty salary enhancements and quality performance grants in accordance with the requirements of the Kansas higher education coordination act, chapter 147 of the 1999 Session Laws of Kansas (1999 Senate Bill No. 345), and amendments thereto, and (2) for operating expenditures from the state general fund (A) for fiscal year 2003 for each state educational institution under the control and supervision of the state board of regents in an amount equal to or greater than the amount appropriated for operating expenditures from the state general fund for such state educational institution for fiscal year 2002, and (B) for fiscal year 2004, the amount appropriated for operating expenditures from the state general fund for each such state educational institution in an amount equal to or greater than the amount appropriated for operating expenditures from the state general fund for fiscal year 2002 plus all amounts allocated to such educational institution for fiscal year 2003 for faculty salary enhancements or for any quality performance grant awarded for fiscal year 2002, after, in each case, the director of the budget has consulted with the director of the legislative research department on each such matter and the director of the budget has determined that moneys have been appropriated and enacted into law for the state board of regents or such state educational institutions providing full funding for such purposes in accordance with the Kansas higher education coordination act and as prescribed in this section";

On roll call, the vote was: Yeas 52; Nays 71; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Gamer, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Holmes, Howell, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Miller, Minor, Nichols, Pauls, E. Peterson, Phelps, Pottorff, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Swenson, Thimesch, R. Toelkes, Toplikar, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, J. Peterson, L. Powell, T. Powell, Ray, Schwartz, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Tomlinson, Vickrey, Weber, Wilk.

Present but not voting: None.

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

The motion of Rep. Wilson did not prevail.

Also, on motion of Rep. McKinney to amend **SB 647**, Rep. Johnson requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. McKinney and the bill be amended on page 12, after line 39, by inserting the following:

"New Sec. 10. (a) On and after January 1, 2003: (1) No faculty member or other employee of a state educational institution in the unclassified service under the Kansas civil services act, and amendments thereto; or (2) no faculty member or other employee of a postsecondary educational institution shall serve as a consultant or perform consulting serv-

ices, either individually or as part of a business, unless such person has filed a disclosure statement as required by this section. The disclosure statement shall contain the following information:

- (1) The names of the contracting parties;
- (2) whether or not the faculty member has a substantial interest in the consulting business;
- (3) the date that the contract was approved by the institution as determined by the board of regents;
- (4) the amount of the consideration of the contract;
- (5) a summary of the basic terms of the contract; and
- (6) any other information required by rules and regulations promulgated by the board of regents.

The information required by paragraphs (1) through (5) shall be disclosed pursuant to any request therefor made under the open records act.

(b) The disclosure statement required by this section, and amendments thereto, shall be filed with the secretary of state and the local information officer of the state educational institution or post-secondary educational institution and such other locations as designated by the board of regents by rule and regulation no later than 10 business days after the contract has been signed by both parties. Each disclosure statement, and amendments thereto, required by this section shall be available for public inspection, under the provisions of the open records act, during the normal business hours of any office in which it is filed. Disclosure statements required under this section shall be maintained for a period of five years after the faculty member or unclassified employee of a state educational institution or faculty member or employee of a postsecondary educational institution ceases to be employed by such state educational institution or postsecondary educational institution.

(c) A separate disclosure statement, or amendment of an existing disclosure statement, shall be filed for each consulting business owned, operated or maintained by such faculty member or other unclassified employee in the unclassified service under the Kansas civil service act, and amendments thereto, of a state educational institution or such faculty member or other employee of a postsecondary educational institution.

(d) No contract may be divided for the purpose of evading the requirements of this section. All contracts between the same parties during a calendar year shall be treated cumulatively as one contract for the purposes of this section.

New Sec. 11. The statement required by section 10, and amendments thereto, shall be signed and dated by the individual making the statement and shall contain substantially the following:

STATEMENT OF CONSULTING INTERESTS

(name) _____
 (office or position of employment for which this statement is filed) _____
 (address) (body of statement, including the information prescribed by section 10, and amendments thereto, in form prescribed by Kansas board of regents)

“I declare that this statement of substantial interests (including any accompanying schedules and statements) has been examined by me and to the best of my knowledge and belief is a true, correct and complete statement of all of my consulting interests and other matters required by law. I understand that intentional failure to file this statement as required by law or intentionally filing a false statement is a class B misdemeanor.”

 (date of filing)

 (signature of person making the statement)

New Sec. 12. As used in sections 10 through 16, and amendments thereto: (a) “Board of regents” shall have the meaning ascribed to it in K.S.A. 76-711, and amendments thereto.

(b) “Business” shall have the meaning ascribed to it in K.S.A. 46-230 and amendments thereto.

(c) “Consultant” shall have the meaning ascribed to it in K.S.A. 46-284 and amendments thereto. Consultant also includes any corporation, partnership or other business entity in which the individual has a substantial interest.

(d) “Contract” shall have the meaning ascribed to it in K.S.A. 46-231 and amendments thereto.

(e) "Person" shall have the meaning ascribed to it in K.S.A. 46-223 and amendments thereto.

(f) "Postsecondary educational institution" shall have the meaning ascribed to it in K.S.A. 2001 Supp. 74-3201b, and amendments thereto, except that it shall not include public universities as defined in K.S.A. 2001 Supp. 74-3201b, and amendments thereto.

(g) "State educational institution" shall have the meaning ascribed to it in K.S.A. 76-711, and amendments thereto.

(h) "Substantial interest" shall have the meaning ascribed to it in K.S.A. 46-229 and amendments thereto.

New Sec. 13. Sections 10 through 16, and amendments thereto, shall not apply to any faculty member or other employee of a state educational institution in the unclassified service under the Kansas civil service act, and amendments thereto or any faculty member or other employee of a postsecondary educational institution:

(a) Who serves in an adjunct faculty position which is a part-time position which is equivalent to 25% or less of a full-time position;

(b) whose consulting contract has an annual value of \$500 or less;

(c) who is a lawyer if disclosure would require revealing the identity of a client or otherwise violate the lawyer-client privilege set forth in K.S.A. 60-426, and amendments thereto; or

(d) who is a physician if disclosure would require revealing the identity of a patient or otherwise violate the physician-patient privilege set forth in K.S.A. 60-427, and amendments thereto.

New Sec. 14. (a) Failure to file any statement as required by this act or intentionally filing a false statement is a class B misdemeanor.

(b) Failure to provide access to or a copy of a disclosure statement as required by this act shall be deemed to be a violation of the open records act and shall be subject to the provisions of K.S.A. 45-222 and 45-223 and amendments thereto.

New Sec. 15. The Kansas board of regents shall adopt rules and regulations necessary to implement sections 10 through 16, and amendments thereto, on or before January 1, 2003.

New Sec. 16. Sections 10 through 16, and amendments thereto, shall be known and may be cited as the university consulting contract sunshine act.;

And by renumbering the remaining sections accordingly;

In the title, on page 1, in line 11, by striking "and" and inserting a comma; in line 12, after "regents" by inserting ", and disclosure of information";

Also, on motion of Rep. Toplikar to amend **SB 647**, Rep. Storm requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Toplikar to amend on page 12, preceding line 40, by inserting the following:

"Sec. 10. K.S.A. 2001 Supp. 71-301 is hereby amended to read as follows: 71-301. (a) The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled which shall be established by the board of trustees *subject to the provisions of subsection (b)*. In addition to tuition, the board of trustees may charge to and collect from each student fees at rates which shall be established by the board of trustees.

(b) *The rates of student tuition established by the board of trustees shall not be increased for any academic year at an aggregate rate of increase which is greater than the percentage rate equal to three times the rate of increase of inflation as measured by the percentage increase in the consumer price index for the calendar year preceding the calendar year during which the academic year commences. As used in this subsection, "consumer price index" means the twelve-month average of the consumer price index for all urban consumers United States city average which is published by the United States department of labor; and "academic year" means any academic year commencing after December 31, 2001.*

Sec. 11. K.S.A. 76-719 is hereby amended to read as follows: 76-719. (a) Subject to the provisions of subsection (b) and K.S.A. 76-742, and amendments thereto, the board of regents shall fix tuition, fees and charges to be collected by each state educational institution. If a state educational institution collects a student-activity fee, the funds so collected shall be set apart and used for the purpose of supporting appropriate student activities.

(b) *The rates of student tuition at any state educational institution shall not be increased by the board of regents for any academic year at an aggregate rate of increase which is greater than the percentage rate equal to three times the rate of increase of inflation as measured by the percentage increase in the consumer price index for the calendar year preceding the calendar year during which the academic year commences. As used in this subsection, "consumer price index" means the twelve-month average of the consumer price index for all urban consumers United States city average which is published by the United States department of labor; and "academic year" means any academic year commencing after December 31, 2001.*;

Also on page 12, in line 40, after the stricken material by inserting "K.S.A. 76-719,"; also in line 40, after "Supp." by inserting "71-301,";

By renumbering the remaining section accordingly;

In the title, in line 11, after "institutions" by inserting "rates of tuition"; in line 13, after the stricken material by inserting "K.S.A. 76-719 and"; also in line 13, after "Supp." by inserting "71-301,";

Roll call was demanded.

On roll call, the vote was: Yeas 54; Nays 63; Present but not voting: 0; Absent or not voting: 8.

Yeas: Barnes, Burroughs, Cook, Crow, DeCastro, Dillmore, DiVita, Faber, Flaharty, Flora, Garner, Grant, Henderson, Henry, Horst, Howell, Huebert, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Loganbill, M. Long, P. Long, Mayans, Mays, McClure, McCreary, McKinney, Merrick, Miller, Jim Morrison, Nichols, Novascone, Ostmeyer, Palmer, Pauls, T. Powell, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Spangler, Toplikar, Vickrey, Wells, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Comp-ton, Cox, Dahl, Dreher, Edmonds, Feuerborn, Findley, Freeborn, Gatewood, Gilbert, Glas-cock, Goering, Gordon, Hayzlett, Holmes, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Lane, Levinson, Lightner, Lloyd, Loyd, McLeland, Minor, Judy Morrison, Myers, Newton, O'Neal, Osborne, Owens, Patterson, E. Peterson, Phelps, Pottorff, L. Powell, Ray, Schwartz, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Weber, Welshimer, Wilk.

Present but not voting: None.

Absent or not voting: Hermes, Light, Mason, Neufeld, O'Brien, J. Peterson, Shultz, D. Williams.

The motion of Rep. Toplikar did not prevail and **SB 647** be passed as amended.

On motion of Rep. Loyd **SB 297** be amended on page 2, in line 15, by striking ", possesses a vested income"; in line 16, by striking all before the period and inserting the following: "is determined:

(A) Is a distributee of trust income or principal; or

(B) would be a distributee of trust income or principal if the trust terminated on that date";

Also on page 2, in line 32, by striking "both" and inserting "either"; also in line 32, by striking "and" and inserting "or";

On page 6, in line 25, by striking "include" and inserting "are limited to";

On page 14, after line 16, by inserting the following:

"(e) This section does not apply to any trust if its assets are distributable to the trustee or anyone the trustee is obligated to support.";

On page 16, after line 14, by inserting the following:

"(d) Whether or not a trust contains a spendthrift provision, a creditor of a beneficiary may not compel a distribution that is subject to the trustee's discretion."; and **SB 297** be passed as amended.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2315**, as amended; **HB 2996**, as amended; **HB 3009**, as amended.

The Senate adopts conference committee report on **SB 444**.

The Senate adopts conference committee report on **HB 2630**.

The Senate adopts conference committee report on **HB 2752**.

The Senate adopts conference committee report on **HB 2802**.

The Senate adopts the conference committee report to agree to disagree on **SB 551** and has appointed Senators Umbarger, Vratil and Downey as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 3009**, **HB 2996**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **HB 3009** and asked for a conference.

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

On motion of Rep. T. Powell, the House nonconcurred in Senate amendments to **HB 2996** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. T. Powell, Powers and Wilson as conferees on the part of the House.

REPORT ON ENGROSSED BILLS

HB 3006 reported correctly engrossed May 7, 2002.

HB 2505, **HB 2690** reported correctly re-engrossed May 7, 2002.

REPORT ON ENROLLED BILLS

HB 2586; **Sub. HB 2686**; **HB 2729**, **HB 3031** reported correctly enrolled, properly signed and presented to the governor on May 7, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Wednesday, May 8, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

