

Journal of the House

SEVENTY-FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Saturday, May 11, 2002, 11:00 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

Rep. Neufeld was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

God of plenty, we're running on empty. We've traveled down the road looking for just the right place to stop and now we fear that perhaps we passed the best stop a while back. As we look around and into the distance we can see that we've traveled further than we wanted. We're in a place we hadn't intended to be.

Now Lord we look down at the gauges of our energy and see the needles resting on "E." If we looked at our patience levels, our imagination pools and our goodwill reservoirs we'd discover that many of them are only fumes.

Lord, you call servants to empty themselves so that they might be filled by you—to lay aside the things that please us but do not please you. Help us to empty ourselves fully today; to see clearly the positions that are ours and the will that is yours—and then fill each member, O Lord, for the work that will bless the citizens of Kansas today and down the road. Let us leave none by the side of the road or unable to keep up, but let us arrive together as your children. Amen.

The Pledge of Allegiance was led by Rep. Novascone.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 474**.

The Senate adopts conference committee report on **SB 475**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 575, An act relating to income taxation; concerning the withholding against certain distributions and awards; amending K.S.A. 2001 Supp. 79-3295 and 79-32,100a and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 61; Nays 62; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Aday, Aurand, Ballou, Beggs, Bethell, Boston, Compton, Cook, Dahl, DeCastro, Dreher, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Light,

Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Schwartz, Shultz, Tafanelli, Tanner, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Neufeld, O'Brien.

The bill did not pass.

Sub. SB 614, An act concerning the KAN-ED network; relating to funding thereof; amending K.S.A. 2001 Supp. 66-2010 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 58; Present but not voting: 1; Absent or not voting: 2.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Crow, DiVita, Dreher, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gilbert, Glasscock, Goering, Grant, Henry, Holmes, Horst, Huff, Humerickhouse, Johnson, Krehbiel, Kuether, Lane, Larkin, Light, Lloyd, Loganbill, P. Long, Loyd, McClure, McCreary, McKinney, Jim Morrison, Newton, Nichols, Owens, Patterson, E. Peterson, J. Peterson, Phelps, Ray, Ruff, Schwartz, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tanner, Thimesch, Tomlinson, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Aurand, Ballou, Barnes, Burroughs, Cook, Dahl, DeCastro, Dillmore, Edmonds, Freeborn, Gatewood, Gordon, Hayzlett, Henderson, Hermes, Howell, Huebert, Hutchins, Huy, Kauffman, Kirk, Klein, Landwehr, Levinson, Lightner, M. Long, Mason, Mayans, Mays, Merrick, Miller, Minor, Judy Morrison, Myers, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Pauls, Pottorff, L. Powell, T. Powell, Powers, Pyle, Reardon, Rehorn, Sharp, Shultz, Spangler, Tafanelli, R. Toelkes, Toplikar, Vickrey, Weber, Wells, Wilson, Wimm.

Present but not voting: McLeland.

Absent or not voting: Neufeld, O'Brien.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **Sub. SB 614**. I am opposed to **Sub. SB 614**, because the Kansas Government should not become involved in state organized or controlled media. The United States of America will never lose its freedom because of outside forces. We will and are gradually giving up our freedom from within. Kan-Ed is a great idea, but we cannot be sure that years from now a group bent on suppressing our freedoms will not use this media as a tool to propagate a single mind-set throughout all schools and libraries in Kansas. Government should not be engaged in the media business—radio, newspapers, TV, and yes—the Internet.—FRANK MILLER

MR. SPEAKER: I support KAN-ED and the economic development and educational enhancements. However, I cannot vote for **Sub. SB 614** for the following reasons:

We are being asked to fund KAN-ED from the universal service fund, apparently because it isn't a high enough priority to be funded from the general fund.

The KUSF is currently about 50 million dollars—**Sub. SB 614** would increase that by 10 million dollars, or about 20%. Doesn't a 20% increase in these taxes seem excessive?

State wide programs like this should be funded by the state general fund, not hidden in fee charges on a selected group of Kansans. I vote NO on **Sub. SB 614**.—PATRICIA LIGHTNER, DON MYERS, DON DAHL, JUDY MORRISON, BONNIE HUY, MARY KAUFFMAN, C. FRANK MILLER, RAY MERRICK, RALPH OSTMEYER, PEGGY PALMER, TODD NOVASCONE, MARY PILCHER COOK

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 **S. Sub. for HB 2075; HB 2718, HB 2746, SB 119, HB 2030, HB 2896; Sub. SB 508**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Beggs, the House nonconcurrent in Senate amendments to **HB 2896** and asked for a conference.

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

On motion of Rep. Weber, the House recessed until 2:00 p.m.

AFTERNOON SESSION

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 69**, 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 1, by striking all after the enacting clause;

By striking all on page 2, and inserting the following:

“Section 1. (a) Unlawful conduct of cockfighting is: (1) Causing, for amusement or gain, any gamecock to fight with or injure another gamecock; (2) knowingly permitting such fighting or injuring on premises under one’s ownership, charge or control; (3) training any gamecock for the purpose or with the intent of having it fight with or injure another gamecock; or (4) attending the unlawful conduct of cockfighting as provided in this subsection.

(b) Unlawful conduct of cockfighting is a class A nonperson misdemeanor.

(c) As used in this section, “gamecock” means a domesticated fowl that is bred, reared or trained for the purpose of fighting with other fowl.

(d) The provisions of this section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all after “AN ACT” and inserting “concerning crimes, criminal procedure and punishment; creating the crime of unlawful conduct of cockfighting; prescribing penalties therefor.”;

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

MICHAEL R. O’NEAL
WARD LOYD
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O’Neal to adopt the conference committee report on **SB 69**, Rep. Gatewood offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. O’Neal and the conference committee report was adopted.

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

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

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

Nays: Dreher, Faber, Freeborn, Gatewood, Grant, Johnson, Powers, Swenson, Tafanelli, Wilson.

Present but not voting: None.

Absent or not voting: Gordon, Neufeld, O'Brien.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **SB 69**. The more I learned about this activity, the more this action seems necessary. I want to thank Chairman O'Neal for the hard work this year.—
PEGGY LONG

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 9**, 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 as House Substitute for Senate Bill No. 9, as follows:

On page 1, by striking all after the enacting clause;

By striking all on pages 2 through 4 and by inserting the following:

“Section 1. K.S.A. 2001 Supp. 22-3716 is hereby amended to read as follows: 22-3716.

(a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (d) for defendants who committed a crime prior to July 1, 1993, and at any time during which a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (d), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. The written statement delivered with the defendant by the arresting officer to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction. Thereupon, or upon an arrest by warrant as provided in this section, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the

defendant is financially unable to obtain counsel, an attorney will be appointed to represent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing. Except as otherwise provided, if the violation is established, the court may continue or revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and may require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence which might originally have been imposed. Except as otherwise provided, no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed, except these provisions shall not apply to offenders who violate a condition of release or assignment or a nonprison sanction by committing a new misdemeanor or felony offense. *The provisions of this subsection shall not apply to adult felony offenders as described in subsection (a)(3) of K.S.A. 75-5291, and amendments thereto.* The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program. When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(c) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(d) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(e) Notwithstanding the provisions of any other law to the contrary, an offender whose nonprison sanction is revoked and a term of imprisonment imposed pursuant to either the sentencing guidelines grid for nondrug or drug crimes shall not serve a period of postrelease supervision upon the completion of the prison portion of that sentence. The provisions of this subsection shall not apply to offenders sentenced to a nonprison sanction pursuant to a dispositional departure, whose offense falls within a border box of either the sentencing guidelines grid for nondrug or drug crimes, offenders sentenced for a "sexually violent crime" as defined by K.S.A. 22-3717, and amendments thereto, or whose nonprison sanction was revoked as a result of a conviction for a new misdemeanor or felony offense. The provisions of this subsection shall not apply to offenders who are serving or are to begin serving a sentence for any other felony offense that is not excluded from postrelease super-

vision by this subsection on the effective date of this subsection. The provisions of this subsection shall be applied retroactively. The department of corrections shall conduct a review of all persons who are in the custody of the department as a result of only a revocation of a nonprison sanction. On or before September 1, 2000, the department shall have discharged from postrelease supervision those offenders as required by this subsection.

Sec. 2. K.S.A. 2001 Supp. 75-5291 is hereby amended to read as follows: 75-5291.

(a) (1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services including, but not limited to, restitution programs, victim services programs, preventive or diversionary correctional programs, community corrections centers and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) *Except as otherwise provided*, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) any offender who is determined to be "high risk or needs, or both" by the use of a statewide, mandatory, standardized risk assessment tool or instrument validated for community correctional placements; or

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program.

(3) *Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, 2004, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this section shall expire on July 1, 2004.*

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

~~(5)~~ (5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of

the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections association region, one member from the northeast community corrections association region, one member from the central community corrections association region and one member from the western community corrections association region. The deputy secretary of community corrections and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years, except of the initial appointments, such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community corrections and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
- (B) effectiveness and enhancement of existing interventions; and
- (C) identification of new interventions.

(5) The committee's report concerning enhanced or new interventions shall address:

- (A) measurable goals and objectives;
- (B) projected costs;
- (C) the impact on public safety; and
- (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.

New Sec. 3. The department of corrections shall establish a day reporting center in Wyandotte county. The center shall have a capacity not to exceed 60 placements. The center shall provide supervision, counseling, and monitoring services to those offenders on parole or postrelease supervision who are referred to the center pursuant to policies of the department of corrections. Notwithstanding any law to the contrary, the day reporting center shall not be subject to local zoning, permit, licensure, or other local operating requirements or conditions. The department of corrections may contract with a qualified entity for the operation of the day reporting center.

Sec. 4. K.S.A. 2001 Supp. 22-3716 and 75-5291 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, by striking all after “AN ACT” and inserting “concerning crimes, criminal procedure and punishment; relating to placement under court services or community corrections of certain offenders; establishment of a day reporting center; amending K.S.A. 2001 Supp. 22-3716 and 75-5291 and repealing the existing sections.”;

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

MICHAEL R. O'NEAL
 WARD LOYD
 JANICE L. PAULS
Conferees on part of House
 JOHN VRATIL
 EDWARD W. PUGH
 GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal to adopt the conference committee report on **H. Sub. for SB 9**, Rep. Reardon offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Aurand thereupon appointed Reps. O'Neal, Loyd and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 436**, 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 4, in line 7, by striking all after the period; by striking all in lines 8 through 18 and inserting "The chief engineer shall maintain a list of licensed professional engineers who may conduct the review of any application for the consent or permit required by K.S.A. 82a-301, and amendments thereto. Such list may include licensed professional engineers employed by a local unit of government. Notwithstanding any law to the contrary, an applicant for the consent or permit required by K.S.A. 82a-301, and amendments thereto, may have the application reviewed by a licensed professional engineer approved by the chief engineer pursuant to this subsection provided such engineer is not an employee of the applicant. If such licensed professional engineer finds that such dam or other water obstruction meets established standards for the construction, modification, operation and maintenance of dams and other water obstructions, such findings shall be submitted in complete form to the chief engineer. Upon such submittance, the chief engineer shall grant such consent or permit within 45 days unless the chief engineer finds to the contrary that such dam or other water obstruction does not meet established standards for the construction, modification, operation and maintenance of dams and other water obstructions. If the chief engineer declines to grant such consent or permit based upon a contrary finding, the chief engineer shall provide to the applicant within 15 days a written explanation setting forth the basis for the chief engineer's contrary finding. The chief engineer's action in declining to grant such consent or permit and any hearing related thereto shall be conducted in accordance with the provisions of the Kansas administrative procedure act. Any person aggrieved by any order or decision of the chief engineer shall be entitled to appellate review in accordance with the provisions of the act for judicial review and civil enforcement of agency actions. Such applicant shall pay all costs associated with the review by the licensed professional engineer.";

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 436** was adopted.

On roll call, the vote was: Yeas 95; Nays 27; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Findley, Flaherty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Grant, Henry, Hermes, Horst, Huebert, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Levinson, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, Mays, McClure, McKinney, Minor, Jim Morrison, Judy Morrison, Myers, Newton, Novascone, O'Neal, Osborne, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, T. Powell,

Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Burroughs, Cook, Faber, Feuerborn, Garner, Hayzlett, Henderson, Holmes, Howell, Hutchins, Huy, Kauffman, Larkin, Light, P. Long, McCreary, McLeland, Merrick, Miller, Nichols, Ostmeyer, J. Peterson, L. Powell, Powers, Pyle, Spangler, Vickrey.

Present but not voting: None.

Absent or not voting: Gordon, Neufeld, O'Brien.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 508**, 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 1, by striking all in lines 42 and 43;

By striking all on pages 2 through 34;

On page 35, by striking all in lines 1 through 40;

And by renumbering the remaining sections accordingly;

On page 36, in line 21, after "subsection" by inserting "(b)"; in line 33, by striking "25%" and inserting "20%";

On page 37, by striking all in lines 7 through 43;

By striking all on pages 38 through 42;

And by renumbering the remaining sections accordingly;

On page 43, by striking all in lines 1 and 2 and inserting new material to read as follows: "Sec. 4. K.S.A. 75-1508 and K.S.A. 2001 Supp. 75-1514 are hereby repealed.";

On page 1, in the title, by striking all of lines 14 through 26; in line 27, by striking all before "and", the second time it appears, and inserting "the emergency medical services board; relating to financial support therefor; amending K.S.A. 75-1508 and K.S.A. 2001 Supp. 75-1514";

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

KENNY A. WILK

MELVIN J. NEUFELD

ROCKY NICHOLS

Conferees on part of House

STEPHEN R. MORRIS

DAVID ADKINS

PAUL FELECIANO, JR.

Conferees on part of Senate

On motion of Rep. Wilk, the conference committee report on **Sub. SB 508** was adopted. On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, Cook, Faber, Garner, Spangler, Tomlinson.

Present but not voting: None.

Absent or not voting: Gordon, Neufeld, O'Brien.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **Sub. SB 508**. For years firefighters have tried to use a portion of the fire insurance premium fee funds to improve training and other services. I have always supported these efforts. But they were always rejected. Now, apparently, it is ok to use some of these funds for other purposes. If it wasn't acceptable for firefighters to use, then it shouldn't be acceptable to use the funds now.—JIM GARNER

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Mason moved that the House reconsider its adverse action in not adopting the conference committee report on **SB 39** (see previous action, HJ, pp. 2512-2520). The motion prevailed.

The question then reverted back to the original motion of Rep. Edmonds to adopt the conference committee report on **SB 39**. Rep. Wilk offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The motion prevailed.

Speaker pro tem Aurand thereupon appointed Rep. Edmonds, Huff and Larkin as third conferees on the part of the House.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **S. Sub. for HB 2154**.

The Senate adopts conference committee report on **Sub. HB 2653**.

The Senate accedes to the request of the House for a conference on **HB 2896** and has appointed Senators Morris, Jackson and Downey as conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

The Committee on **Federal and State Affairs** recommends **SB 74** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 74," as follows:

"HOUSE Substitute for SENATE BILL No. 74

By Committee on Federal and State Affairs

"AN ACT concerning elections; relating to filing deadlines for certain candidates; amending K.S.A. 2001 Supp. 25-205 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 74** was thereupon introduced and read by title.)

The Committee on **Federal and State Affairs** recommends **SB 152** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 152," as follows:

"HOUSE Substitute for SENATE BILL No. 152

By Committee on Federal and State Affairs

"AN ACT concerning congressional districts; providing for the redistricting thereof; repealing K.S.A. 4-128, 4-133 and 4-135."; and the substitute bill be passed.

(**H. Sub. for SB 152** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was thereupon introduced and read by title:

HB 3041, An act creating the Kansas council for interstate adult offender supervision; membership; duties, by Committee on Federal and State Affairs.

CHANGE OF REFERENCE

Speaker pro tem Aurand announced the withdrawal of **SB 664** from Committee on Appropriations and referral to Committee of the Whole.

CHANGE OF CONFEREES

Speaker pro tem Aurand announced the appointment of Rep. Pottorff as a member of the conference committee on **H. Sub. for SB 363** to replace Rep. Neufeld.

Also, the appointment of Rep. Feuerborn as a member of the conference committee on **HB 2896** to replace Rep. Nichols.

REPORT ON ENGROSSED BILLS

HB 2247; Sub. HB 2285; Sub. HB 2872; HB 2996 reported correctly engrossed May 11, 2002.

HB 2642, HB 2752 reported correctly re-engrossed May 11, 2002.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 2498, under Conference Committee Reports, Rep. Dillmore was the third conferee appointed on the part of the House rather than Rep. McClure.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Monday, May 13, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

