

# Journal of the House

FIFTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, March 29, 2002, 9:30 a.m.

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

The roll was called with 123 members present.

Rep. O'Brien was excused on verified illness.

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

Rep. Mayans was excused later on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Howard J. Patten, District President, The Kansas District, Lutheran Church - Missouri Synod, Topeka, and guest of Rep. Weber:

Lord God, Heavenly Father,

We begin this time together on a day which millions across our world mark as a day of holy remembrance; remembrance of deliverance, of solemn celebration, of love's sacrifice. We thank you for the spirit of self sacrifice which has marked the very best in our nation's history; in moments of high stakes and high drama and in moments of quiet deliberation and anonymous courage. We thank you for the examples of women and men who have embodied for us the truth that there is no greater wisdom, no greater courage and ultimately no greater love than that one lay down life itself for the brother or sister.

I would ask you Heavenly Father for these legislators and for this legislative body as a whole that as they experience this day the challenges, the frustrations, the burdens of tasks which may seem overwhelming that your strength for sacrifice, your spirit for wisdom and your gift for love would encourage, support and give purpose to all of their deliberations. I ask this for them, for our state and for all of those lives and causes which their decisions will shape.

I ask this Heavenly Father in the Name of Him Who is Your Sacrifice for the world, Jesus Christ. Amen.

The Pledge of Allegiance was led by Rep. P. Long.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 3032**, An act imposing a local compensating use tax upon motor vehicles; amending K.S.A. 12-198 and repealing the existing section, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Federal and State Affairs: **SB 643**.

## CHANGE OF REFERENCE

Speaker Glasscock announced the withdrawal of **SB 377**, **SB 382**, **SB 399** from Committee on Appropriations and rereferral to Committee on Judiciary.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, pursuant to House Rule 2306, **H. Sub. for SB 264** was withdrawn from the Calendar, under the heading General Orders, and referred to Committee on Appropriations.

On motion of Rep. Weber, pursuant to House Rule 2306, **SB 481** was withdrawn from the Calendar, under the heading General Orders, and referred to Committee on Appropriations.

On motion of Rep. Weber, pursuant to House Rule 2306, **SB 506** was withdrawn from the Calendar, under the heading General Orders, and referred to Committee on Appropriations.

On motion of Rep. Weber, pursuant to House Rule 2306, **SB 629** was withdrawn from the Calendar, under the heading General Orders, and referred to Select Committee on Kansas Security.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2878**, An Act concerning certain municipalities; relating to the governing bodies thereof; relating to the powers and duties thereof; amending K.S.A. 12-1926, 12-1927 and 12-1928 and K.S.A. 2001 Supp. 19-2765 and repealing the existing sections; also repealing K.S.A. 12-1935, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, 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, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Burroughs, Dillmore, Henderson, Kauffman, Nichols, Spangler, Winn.

Present but not voting: None.

Absent or not voting: McCreary, O'Brien.

The bill passed, as amended.

**HB 2947**, An act concerning municipal bonds; relating to interest thereon; amending K.S.A. 10-1009 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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

Nays: Nichols, Spangler, Wilson, Winn.

Present but not voting: None.

Absent or not voting: McCreary, O'Brien.

The bill passed, as amended.

**HB 3008.** An act making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 75-2319 and K.S.A. 2001 Supp. 55-193, 79-2959, 79-2964, 79-3425i, 79-34,147, 79-4804 and 82a-953a and repealing the existing sections; also repealing section 100 of chapter 144 of the 2001 Session Laws of Kansas, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 63; Nays 60; Present but not voting: 0; Absent or not voting: 2.

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

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

Present but not voting: None.

Absent or not voting: McCreary, O'Brien.

The bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "Yes" on **HB 3008**, despite the numerous deficiencies of the budget contained therein. This budget is not in balance, but would have been if all elements of the Mays amendment, which I supported, had been adopted. Nevertheless, the process of crafting a budget for Kansas must move forward. I vote "Yes."—JOHN T. EDMONDS

MR. SPEAKER: It's not easy to vote for **HB 3008**. This is not a 'perfect' budget bill. In many ways, this budget is good for the state of Kansas. It restores money for vital social services and increases funding for K-12 education.

But clearly, there is more work to be done. My vote for this bill is a vote for a work in progress. Today is the 75th day of the session, and we need a starting point before we can hope to glimpse the finish line.

Mr. Speaker, I support getting started. I vote 'YES' on **HB 3008**.—KENNY A. WILK

MR. SPEAKER: During the "first round" I voted to reject this budget because of its many deficiencies and the lack of revenue to fund it. However, because of the need to move the process forward and with the prospect of the crafting of another budget of an even more unbalanced nature, I reluctantly vote yes on **HB 3008**.—DEENA HORST

MR. SPEAKER: At the beginning of our current numbered calendar, Anno Domini, Judas Iscariot changed the world by accepting 30 pieces of silver.

In 2002, on the same evening Judas made his betrayal, we sacrificed the honor and integrity of the Kansas House for personal political expediency. I vote no on **HB 3008**. Happy Easter.—R. J. WILSON

MR. SPEAKER: I will sum up my no vote to **HB 3008** in the words of Governor Bill Graves,

"I am disappointed, but not surprised, that 63 self-styled fiscal conservatives would spend more than they had revenue to support, and would vote for a budget that is \$128 million

out of balance. Supporters of today's bill may not take any credit for supporting education or social services because of their failure to show us the money."—EBER PHELPS

**HCR 5051**, A Concurrent Resolution urging the United States Postal Service to issue a commemorative postage stamp honoring America's coal miners, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Ballou, Wells.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The resolution was adopted.

**H. Sub. for SB 208**, An act concerning crimes, punishment and criminal procedure; relating to toxic vapors; amending K.S.A. 8-1567 and repealing the existing section,, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Burroughs, DiVita, Henderson, Spangler.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The substitute bill passed.

**SB 375**, An act concerning retirement; relating to schools and community colleges; early retirement incentive programs; amending K.S.A. 2001 Supp. 71-212 and 72-5395 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 8; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays,

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

Nays: Ballou, Cook, Huebert, Huy, Landwehr, Palmer, Powers, Spangler.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 402**, An act concerning charter schools; amending K.S.A. 2001 Supp. 72-1903, 72-1904, 72-1906 and 72-1907 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 100; Nays 22; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Barnes, Crow, DiVita, Flaharty, Gilbert, Henderson, Huy, Kauffman, Kuether, Landwehr, Miller, Minor, Osborne, Owens, Palmer, E. Peterson, Powers, Ruff, Spangler, Swenson, Wells, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 407**, An act concerning alcoholic beverages; enacting the beer and cereal malt beverage keg registration act; amending K.S.A. 41-2708 and K.S.A. 2001 Supp. 41-311 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 28; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Feuerborn, Findley, Flaharty, Freeborn, Gatewood, Glasscock, Gordon, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Landwehr, Lane, Larkin, Lightner, Lloyd, M. Long, P. Long, Loyd, Mason, Mays, McClure, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Pottorff, L. Powell, T. Powell, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Aurand, Burroughs, Edmonds, Faber, Flora, Garner, Gilbert, Goering, Grant, Hayzlett, Henderson, Humerickhouse, Klein, Kuether, Levinson, Light, Loganbill, Minor, Neufeld, Novascone, Phelps, Powers, Rehorn, Shriver, Spangler, Thimesch, Wells, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed.

**SB 409**, An act concerning school districts; relating to the powers and duties of the governing body thereof; relating to school finance; payments by school districts; providing for declining enrollment weighting; amending K.S.A. 12-105b, 72-6405, 72-6429 and 72-

8205 and K.S.A. 2001 Supp. 72-6407, 72-6410, 72-6426 and 72-8201 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 55; Nays 67; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballou, Barnes, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, DiVita, Dreher, Edmonds, Faber, Glasscock, Goering, Gordon, Hermes, Holmes, Huff, Johnson, Kauffman, Lane, Larkin, Light, Lightner, Lloyd, P. Long, Mason, Mays, McKinney, Merrick, Jim Morrison, Judy Morrison, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Patterson, J. Peterson, Pottorff, L. Powell, Pyle, Ray, Shultz, Storm, Swenson, Tafanelli, Tomlinson, Toplikar, Vickrey, Wilk, D. Williams.

Nays: Aday, Ballard, Beggs, Burroughs, Crow, Dahl, DeCastro, Dillmore, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Grant, Hayzlett, Henderson, Henry, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kirk, Klein, Krehbiel, Kuether, Landwehr, Levinson, Loganbill, M. Long, Loyd, McClure, McLeland, Miller, Minor, Myers, Neufeld, Nichols, Palmer, Pauls, E. Peterson, Phelps, T. Powell, Powers, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Tanner, Thimesch, R. Toelkes, Weber, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill did not pass.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I am simultaneously serving both as President of a School Board and member of the legislature. The kind of authority granted school boards by the Campbell amendment is a license for abuse of power. Limitations on the authority of Boards exist for good reason. This amendment allows Boards unfettered authority to enter into wasteful agreements, or ones violative of state policy, with virtually no accountability.

I do not want or need this authority. School Boards should be restrained from potentially illegal or foolhardy expenditures. Current law prevents no Board from doing anything it must do for the betterment of education. With reservations, I vote yes on **SB 409**.—ALAN GOERING

MR. SPEAKER: **SB 409** contains an amendment that grossly distorts the relationship between the legislature and local school boards in this state. With the adoption of this bill we have little basis for understanding the rules of accountability that have applied to local school boards in Kansas since the adoption of the constitution. With the adoption of this bill we shall have returned to those days in Kansas when "Populism" was at home on the range. Mr. Speaker, I will not go there. I vote "No" on **SB 409**.—RALPH M. TANNER

**SB 410**, An act relating to the division of vehicles; concerning certain records; amending K.S.A. 2001 Supp. 74-2012 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 14; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Crow, Dillmore, Garner, Gatewood, Kirk, Loganbill, McClure, McKinney, Nichols, Showalter, Spangler, Thimesch, Wells, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien, Ray.

The bill passed, as amended.

**H. Sub. for SB 434**, An act concerning crimes, punishment and criminal procedure; amending K.S.A. 21-4715 and 74-7338 and K.S.A. 2001 Supp. 21-3520, 21-3701, 21-4619, 22-3437, 22-3717 and 22-4902 and repealing the existing sections, was considered on final action.

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, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gilbert, Glasscock, Goering, Gordon, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Bethell, Faber, Gatewood, Grant, Henderson, Levinson, Powers, Spangler, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The substitute bill passed, as amended.

**SB 440**, An act concerning real estate brokers and salespersons; relating to prohibited acts; amending K.S.A. 2001 Supp. 58-3062 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; 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, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 447**, An act concerning the state board of healing arts; relating to compensation of review committee members and expert witnesses; relating to the qualifications of members; amending K.S.A. 65-2016, 65-2813 and 65-2878a and K.S.A. 2001 Supp. 65-2840c and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 62; Nays 60; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Compton, Cox, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Flaharty, Flora, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Holmes, Huff, Johnson, Kirk, Krehbiel, Kuether, Lane, Lightner, Lloyd, Loyd, Mason, McKinney, Merrick, Jim Morrison, Judy Morrison, Myers, Newton, Nichols, O'Neal, Ostmeyer, Owens, Patterson, Pauls, T. Powell, Rehorn, Showal-

ter, Shriver, Shultz, Sloan, Storm, Swenson, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Welshimer, J. Williams, Wilson.

Nays: Aurand, Burroughs, Campbell, Cook, Crow, Dahl, Feuerborn, Findley, Garner, Gilbert, Goering, Grant, Henderson, Henry, Hermes, Horst, Howell, Huebert, Humerickhouse, Hutchins, Huy, Kauffman, Klein, Landwehr, Larkin, Levinson, Light, Loganbill, M. Long, P. Long, Mays, McClure, McLeland, Miller, Minor, Neufeld, Novascone, Osborne, Palmer, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Powers, Pyle, Ray, Reardon, Ruff, Schwartz, Sharp, Spangler, Stone, Tafanelli, Thimesch, R. Toelkes, Wells, Wilk, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill did not pass.

#### EXPLANATION OF VOTE

MR. SPEAKER: **SB 447** allows compensation for expert witnesses and peer review procedures for MD's, Chiropractors, Podiatrists, and Osteopaths. It does not allow compensation for Physical Therapists, Respiratory Therapists, or Occupational Therapists who are also regulated by the Board of Healing Arts. I cannot support a bill that singles out certain professionals for payment and leaves out others who also provide a valuable medical service. I vote NO on **SB 447**.—LLOYD A. STONE, DEENA HORST

**SB 449**, An act relating to certificates of title; concerning electronic certificates of title; amending K.S.A. 8-126, 8-135, 58-4202 and 58-4204 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 101; Nays 20; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Flora, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, 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, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Barnes, Crow, Dillmore, Feuerborn, Garner, Goering, Henderson, Howell, Kirk, Klein, McClure, McKinney, Nichols, Phelps, Reardon, Spangler, Thimesch, Wells, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Freeborn, Mayans, McCreary, O'Brien.

The bill passed.

**SB 463**, An act concerning alcoholic liquor; relating to common carriers; amending K.S.A. 41-408 and repealing the existing section; also repealing K.S.A. 41-801, was considered on final action.

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

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



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

Nays: Spangler, Tanner.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed.

**Sub. SB 467.** An act concerning consumer protection; relating to disasters; concerning information technology; providing protection from deceptive and unwanted electronic mail messages; establishing certain acts a violation of the Kansas consumer protection act; allowing for either a cause of action or civil penalty for a violation, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Ballou, Barnes, Benlon, Cox, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henderson, Henry, Hermes, Holmes, Horst, Huff, Kirk, Klein, Kuether, Lane, Larkin, Levinson, Lloyd, Loganbill, Loyd, McClure, McKinney, Minor, Newton, Nichols, O'Neal, Owens, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Ray, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Sloan, Storm, Swenson, Thimesch, R. Toelkes, Tomlinson, Toplikar, Wells, Wilk, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Beggs, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Gordon, Hayzlett, Howell, Huebert, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Landwehr, Light, Lightner, M. Long, P. Long, Mason, Mays, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Novascone, Osborne, Ostmeyer, Palmer, Pottorff, L. Powell, T. Powell, Powers, Pyle, Schwartz, Shultz, Spangler, Stone, Tafanelli, Tanner, Vickrey, Weber, Welshimer, D. Williams.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The substitute bill passed, as amended.

**SB 477.** An act concerning protection from abuse; relating to funding for programs; amending K.S.A. 2001 Supp. 20-367, 60-2001 and 74-7325 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; 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, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, 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, P. Long, Loyd, Mason, Mays, McClure, 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, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Howell, Powers, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed.

**SB 482.** An act concerning the pharmacy act of the state of Kansas; licensure and fees relating thereto; civil fines; amending K.S.A. 2001 Supp. 65-1631, 65-1632, 65-1645 and 65-1658 and repealing the existing sections, was considered on final action.

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

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

Nays: Landwehr, Spangler.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 531.** An act concerning school finance; relating to the definition of enrollment, was considered on final action.

On roll call, the vote was: Yeas 63; Nays 59; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Burroughs, Cox, Crow, DeCastro, Dillmore, Edmonds, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Grant, Henry, Hermes, Holmes, Horst, Johnson, Klein, Krehbiel, Lane, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Neufeld, Newton, Novascone, O'Neal, Pauls, E. Peterson, J. Peterson, Phelps, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Spangler, Stone, Storm, Swenson, Tanner, R. Toelkes, Tomlinson, Toplikar, Welshimer, Wilk, J. Williams, Wilson.

Nays: Aday, Ballou, Boston, Campbell, Compton, Cook, Dahl, DiVita, Dreher, Faber, Feuerborn, Freeborn, Gordon, Hayzlett, Henderson, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Kauffman, Kirk, Kuether, Landwehr, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mays, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Nichols, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Shriver, Shultz, Sloan, Tafanelli, Thimesch, Vickrey, Weber, Wells, D. Williams, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: As we vote on many subjects there are many reasons to vote "for" or "against" the bills before us. Today we have an opportunity to lay aside the political reasons we may assume to be real and come to the aid of those who by no act of their own are in need.

I urge your support for **SB 531** for all the right reasons. I vote yes on **SB 531**.—BOB BETHELL

**SB 543.** An Act, concerning certain fire districts, fire departments and fire companies; relating to volunteer members thereof; amending K.S.A. 12-3915, 19-3601a, 19-3612e, 19-3616, 19-3620, 80-1501, 80-1514a, 80-1531, 80-1544, 80-1904, 80-1913, and 80-1917 and K.S.A. 2001 Supp. 80-1921 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 5; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Ballard, Ballou, Barnes, 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, Howell, Huebert, Huff,

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

Nays: Crow, Henderson, Spangler, Wells, Winn.

Present but not voting: None.

Absent or not voting: Aurand, Mayans, McCreary, Minor, O'Brien.

The bill passed, as amended.

**SB 564**, An act concerning counties; relating to fees charged and collected by the registers of deeds; relating to the use thereof; amending K.S.A. 28-115 and repealing the existing section, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humrickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Mason, Mays, McClure, McKinney, McLeland, Merrick, 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, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Garner, Henderson, Howell, Klein, Loyd, Miller, Minor, Powers, Shriver, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 565**, An act concerning the impact act; expanding the availability thereof; concerning Kansas investments in major projects; amending K.S.A. 2001 Supp. 74-50.106 and 74-50.107 and repealing the existing sections, was considered on final action.

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

Yeas: Aday, Aurand, Ballard, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humrickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Ballou, Faber, Henderson, Powers, Sharp, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed, as amended.

**SB 630**, An act concerning the Kansas dental board; amending K.S.A. 65-1426 and K.S.A. 2001 Supp. 65-1428, 65-1431, 65-1432, 65-1434, 74-1405 and 74-1407 and repealing the existing sections, was considered on final action.

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

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

Nays: Henderson, Nichols, Spangler.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed.

**SB 642**, An act concerning the university of Kansas hospital authority act; amending K.S.A. 2001 Supp. 76-3303, 76-3304, 76-3321 and 76-3322 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Barnes, Dillmore, Flaharty, Garner, Hermes, Howell, Larkin, Lightner, McKinney, Nichols, Shriver, Spangler, Wilson.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, O'Brien.

The bill passed.

#### INTRODUCTION OF GUESTS

Rep Hermes introduced the Silver Lake Girls' Basketball Team and recognized Loren Ziegler, head coach, and Tami Holthus and Brad Womack, assistant coaches. The team won the Class 3A Girls' State Championship. Coach Ziegler was also named Coach of the Year for the second time.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Johnson, the House concurred in Senate amendments to **HCR 5014**, A Concurrent Resolution urging the United States Congress to allow interstate marketing of state inspected meat.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

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

Present but not voting: None.

Absent or not voting: Lightner, Mayans, McCreary, Neufeld, O'Brien.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **S. Sub. for HB 2230** and asked for a conference.

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

On motion of Rep. Lane, the House nonconcurred in Senate amendments to **HB 2676** and asked for a conference.

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

On motion of Rep. Ray, the House nonconcurred in Senate amendments to **HB 2709** 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. Horst, the House nonconcurred in Senate amendments to **HB 2719** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Horst, Faber and Gatewood as conferees on the part of the House.

On motion of Rep. Ray, the House nonconcurred in Senate amendments to **HB 2727** 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. O'Neal, the House nonconcurred in Senate amendments to **HB 2771** and asked for a conference.

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

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **Sub. SB 339; SB 433, SB 491** be passed.

Committee report to **SB 459** be adopted; and the bill be passed as amended.

Pursuant to House Rule 1903, **SB 443; Sub. HB 3002** be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 486** be adopted; and the substitute bill be passed.

Committee report to **SB 474** be adopted; and the bill be passed as amended.

Committee report to **SB 458** be adopted; also, on motion of Rep. Humerickhouse be amended on page 2, by striking all of line 38; in line 39, by striking all before "Any"; and **SB 458** be passed as amended.

Committee report to **SB 475** be adopted; and the bill be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Weber, pursuant to House Rule 2311, **SB 459**; **Sub. SB 339**; **SB 433**, **SB 491**; **H. Sub. for SB 486**; **SB 474**, **SB 458**, **SB 475** were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 459**, An act concerning health related discount cards; amending K.S.A. 2001 Supp. 50-1,100, 50-1,101, 50-1,103 and 50-1,105 and repealing the existing sections; also repealing K.S.A. 2001 Supp. 50-1,102, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mays, McClure, 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: None.

Present but not voting: None.

Absent or not voting: Mason, Mayans, McCreary, Neufeld, O'Brien, Spangler, Tomlinson.  
The bill passed, as amended.

**Sub. SB 339**, An act concerning crimes, criminal procedure and punishment; relating to persons in the custody of the secretary of corrections; early release of the functionally incapacitated, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The substitute bill passed.

**SB 433**, An act concerning crimes, criminal procedure and punishment; relating to driving under the influence of alcohol or drugs; requiring certain notice be sent to the secretary of corrections; mandatory participation and conditions imposed; offenders sentenced to department of corrections, notification by court; amending K.S.A. 8-1567 and 75-5218 and repealing the existing sections, was considered on final action.

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

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, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson.

Nays: Klein, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The bill passed.

**SB 491.** An act concerning the Kansas tort claims act; relating to definitions; amending K.S.A. 2001 Supp. 75-6102 and repealing the existing section; also repealing K.S.A. 2001 Supp. 75-6102a, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The bill passed.

**H. Sub. for SB 486.** An act concerning marriage; relating to common-law marriages; amending K.S.A. 2001 Supp. 23-101 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The substitute bill passed.

**SB 474.** An act enacting the privacy protection act; amending K.S.A. 2001 Supp. 21-3721 and 21-3843 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The bill passed, as amended.

**SB 458.** An act amending the vehicle dealers and manufacturers licensing act; relating to fees; disposition thereof; providing for a trade show license; amending K.S.A. 8-2404, 8-2418 and 8-2435 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 103; Nays 17; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Burroughs, Campbell, Cook, Feuerborn, Goering, Henderson, Howell, Klein, McKinney, Minor, Nichols, Showalter, Shriver, Wells, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The bill passed, as amended.

**SB 475.** An act concerning protection from abuse; relating to intimate partners or household members; amending K.S.A. 2001 Supp. 60-3102, 60-3104, 60-3107 and 60-3112 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

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



Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mays, McClure, 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, Shultz, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Shriver.

Present but not voting: None.

Absent or not voting: Mayans, McCreary, Neufeld, O'Brien, Spangler.

The bill passed, as amended.

## REPORTS OF STANDING COMMITTEES

The Committee on **Taxation** recommends **SB 372, SB 472** be passed.

The Committee on **Taxation** recommends **SB 129** be amended on page 1, by striking all in lines 19 through 43;

By striking all on pages 2 and 3;

On page 4, by striking all in lines 1 through 37 and inserting the following:

“Section 1. K.S.A. 2001 Supp. 74-8017 is hereby amended to read as follows: 74-8017.

~~(a)~~ On and after January 1, 2003, it shall be the duty of Kansas, Inc. to prepare an annual report evaluating the cost effectiveness of the various income tax credits and sales tax exemptions enacted to encourage economic development within this state and submit the same to the standing committees on taxation and economic development of the house and assessment and taxation and commerce of the senate at the beginning of each regular session of the legislature. The secretary of revenue, *in consultation with the president of Kansas, Inc.*, shall develop a questionnaire on the utilization of state income tax credits and sales tax exemptions that shall be completed by all corporate taxpayers subject to state income tax that shall be submitted to the department of revenue concurrently with the filing of an annual corporate income tax return. *The secretary shall provide the completed questionnaires to Kansas, Inc. for use in the preparation of such annual report.* The questionnaire shall require respondents to indicate utilization of the following credits and exemptions:

~~(1)~~ (a) Income tax credits authorized under the provisions of the job expansion and investment credit act of 1976 and acts amendatory thereof and supplemental thereto;

~~(2)~~ (b) income tax credits for expenditures in research and development activities authorized by K.S.A. 79-32,182, and amendments thereto;

~~(3)~~ (c) income and financial institutions privilege tax credits for cash investment in stock of Kansas Venture Capital, Inc. authorized by K.S.A. 74-8205 and 74-8206, and amendments thereto;

~~(4)~~ (d) income tax credits for cash investment in certified Kansas venture capital companies authorized by K.S.A. 74-8304, and amendments thereto;

~~(5)~~ (e) income tax credits for cash investment in certified local seed capital pools authorized by K.S.A. 74-8401, and amendments thereto;

~~(6)~~ (f) income tax credits for investment in the training and education of qualified firms' employees authorized by K.S.A. 2001 Supp. 74-50,132, and amendments thereto;

~~(7)~~ (g) sales tax exemptions for property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business, or retail business meeting the requirements of K.S.A. 74-50,115, and amendments thereto, and machinery and equipment for installation at such business or retail business authorized by subsection (cc) of K.S.A. 79-3606, and amendments thereto; and

~~(8)~~ (h) sales tax exemptions for machinery and equipment used directly and primarily for the purposes of manufacturing, assembling, processing, finishing, storing, warehousing or distributing articles of tangible personal property in this state intended for resale by a manufacturing or processing plant or facility or a storage, warehousing or distribution facility. The secretary of revenue shall provide the completed questionnaires and copies of sales tax exemption certificates to Kansas, Inc. for the preparation of such report.

~~(b) Prior to the commencement of the 2002 legislative session, Kansas, Inc. and the Kansas department of revenue shall agree upon procedures for the purpose of disclosure of corporate and individual taxpayer information to fulfill the purposes of this section and protect sensitive taxpayer information to the extent possible consistent with this section. Such procedures shall be submitted to an appropriate committee at the commencement of such session in the form of a proposed bill.~~

Sec. 2. K.S.A. 2001 Supp. 74-8017 is hereby repealed.”;

In the title, in line 14, by striking all after “ACT”; by striking all in lines 15 and 16 and inserting “relating to annual reports concerning certain tax incentive effectiveness; amending K.S.A. 2001 Supp. 74-8017 and repealing the existing section.” and the bill be passed as amended.

The Committee on **Taxation** recommends **SB 553** be amended after line 31, by inserting the following:

“Sec. 2. K.S.A. 2001 Supp. 79-1476 is hereby amended to read as follows: 79-1476. The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, and amendments thereto, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Commencing in 2000, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years. Any county or district appraiser shall be deemed to be in compliance with the foregoing requirement in any year if 17% or more of the parcels in such county or district are actually viewed and inspected.

Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in K.S.A. 79-1477, and amendments thereto, shall be completed not later than January 1, 1989. Whenever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.

Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 79-503a, and amendments thereto.

In addition thereto valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of property valuation using criteria established by the United States department of agriculture soil conservation service. For all taxable years commencing after December 31, 1989, all land devoted to agricultural use which is subject to the federal conservation reserve program shall be classified as cultivated dry land for the purpose of valuation for property tax purposes pursuant to this section. For all taxable years commencing after December 31, 1999, all land devoted to agricultural use which is subject to the federal wetlands reserve program shall be classified as native grassland for the purpose of valuation for property tax purposes pursuant to this section. Productivity of land devoted to agricultural use shall be determined for all land classes within each county or homogeneous region based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation, at a degree of management reflecting median production levels. The director of property valuation shall determine median production levels based on information available from state and federal crop and livestock reporting services, the soil conservation service, and any other sources of data that the director considers appropriate.

The share of net income from land in the various land classes within each county or homogeneous region which is normally received by the landlord shall be used as the basis for determining agricultural income for all land devoted to agricultural use except pasture or rangeland. The net income normally received by the landlord from such land shall be

determined by deducting expenses normally incurred by the landlord from the share of the gross income normally received by the landlord. The net rental income normally received by the landlord from pasture or rangeland within each county or homogeneous region shall be used as the basis for determining agricultural income from such land. The net rental income from pasture and rangeland which is normally received by the landlord shall be determined by deducting expenses normally incurred from the gross income normally received by the landlord. Commodity prices, crop yields and pasture and rangeland rental rates and expenses shall be based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation. Net income for every land class within each county or homogeneous region shall be capitalized at a rate determined to be the sum of the contract rate of interest on new federal land bank loans in Kansas on July 1 of each year averaged over a five-year period which includes the five years immediately preceding the calendar year which immediately precedes the year of valuation, plus a percentage not less than .75% nor more than 2.75%, as determined by the director of property valuation, *except that the capitalization rate calculated for property tax year 2003, and all such years thereafter, shall not be less than 11% nor more than 12%.*

Based on the foregoing procedures the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

It is the intent of the legislature that appraisal judgment and appraisal standards be followed and incorporated throughout the process of data collection and analysis and establishment of values pursuant to this section.

For the purpose of the foregoing provisions of this section the phrase "land devoted to agricultural use" shall mean and include land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, other than that land established as a controlled shooting area pursuant to K.S.A. 32-943, and amendments thereto, which shall be deemed to be land devoted to agricultural use, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

The term "expenses" shall mean those expenses typically incurred in producing the plants, animals and horticultural products described above including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate taxes, but the term shall not include those expenses incurred in providing temporary or permanent buildings used in the production of such plants, animals and horticultural products.

The provisions of this act shall not be construed to conflict with any other provisions of law relating to the appraisal of tangible property for taxation purposes including the equalization processes of the county and state board of tax appeals.

Sec. 3. K.S.A. 2001 Supp. 79-1476 is hereby repealed.”;

By renumbering existing section 2 as 4;

In the title, in line 13, before the period by inserting “; concerning the valuation of land devoted to agriculture use; amending K.S.A. 2001 Supp. 79-1476 and repealing the existing section”; and the bill be passed as amended.

The Committee on **Tourism** recommends **HB 2890** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2890,” as follows:

“Substitute for HOUSE BILL No. 2890

By Committee on Tourism

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

(Sub. HB 2890 was thereupon introduced and read by title.)

#### REPORT OF STANDING COMMITTEE

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

**Request No. 124**, by Representative Wilson, honoring Larry Garman as head football coach at Pittsburg High School;

**Request No. 125**, by Representative Wilson, congratulating St. Marys-Colgan High School Football Team for being Class 2A football champions in 2001;

**Request No. 126**, by Representative Wilson, congratulating Scott Gorman on receiving the Central District of the American Alliance for Health, Physical Education, Recreation, and Dance “Honor” award;

**Request No. 127**, by Representative Wilson, congratulating Chuck Killingsworth on receiving the Central District of the American Alliance for Health, Physical Education, Recreation, and Dance “Professional of the Year” award;

**Request No. 128**, by Representative Wilson, congratulating St. Marys-Colgan Boys Basketball Team for being the 2002 Class 2A State Basketball Champions;

**Request No. 129**, by Representative Wilson, congratulating Jack Barnett for receiving the Friend of Pittsburg Community Schools Award;

**Request No. 130**, by Representative Wilson, congratulating Nancy Seybold for representing Kansas and Pittsburg High School in the Olympic torch relay;

**Request No. 131**, by Representative Wilson, congratulating Julie Mehghini for receiving the Friend of Pittsburg Community Schools Award;

**Request No. 132**, by Representative Dahl, honoring Richard and Evelyn Bredemeier on their 50th wedding anniversary;

**Request No. 133**, by Representative Hutchins, congratulating Mark C. Wilson on winning the John W. Vaughn Excellence in Education Award for 2002;

**Request No. 134**, by Representative Dreher, honoring Frank and Mildred Slead on their 60th wedding anniversary;

**Request No. 135**, by Representative Johnson, congratulating Christopher Fogle on being named the Kansas American Legion Scout of the Year;

**Request No. 136**, by Representative Spangler, congratulating Dan Watson for outstanding contributions to hunters visiting Kansas;

**Request No. 137**, by Representative Spangler, congratulating Keith and Debra Houghton and Ringneck Ranch for their outstanding contribution and service to hunters and tourism in Kansas;

**Request No. 138**, by Representative Reardon, congratulating Bishop Meige Girls Basketball Team for winning the 5A State Championship;

**Request No. 139**, by Representative Stone, congratulating Barbara Fowler on being named the Kansas Master Teacher for 2002;

**Request No. 140**, by Representative Miller, congratulating Kayla McConnell on receiving the Girl Scout Gold Award;

**Request No. 141**, by Representative Glasscock, honoring Dustin Walton, Katie Hackett and Erin Blocher for their contributions as 2002 Legislative Interns;

**Request No. 142**, by Representative Welshimer, honoring the Founders of Great Plains Comprehensive Agriculture and Medical Institute;

**Request No. 143**, by Representative Feuerborn, congratulating Michael William Symes for attaining the rank of Eagle Scout;

**Request No. 144**, by Representative Holmes, congratulating members of the Seward County Community College Lady Saints Basketball Team for winning the 2002 National Junior College Athletic Association Women’s Division 1;

**Request No. 145**, by Representative Wilson, congratulating Andy Wachter on being named to the First Team 2A All-State Basketball Team;

**Request No. 146**, by Representative Hermes, congratulating Attorney General Carla Stovall for being elected as Vice Chair for the National Center for Missing and Exploited children;

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.

#### MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 614; Sub. SB 634; SB 650**.

Announcing passage of **HB 2399, HB 2741, HB 2763, HB 2799, HB 2808, HB 2879, HB 2901**.

Announcing passage of **HB 2075**, as amended by **S. Sub. for HB 2075**.

Announcing passage of **HB 2662**, as amended; **HB 2680**, as amended; **HB 2733**, as amended; **HB 2746**, as amended; **HB 2802**, as amended; **HB 2810**, as amended; **HB 2817**, as amended; **HB 2880**, as amended.

Announcing adoption of **SCR 1615, SCR 1623**.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**Sub. SB 614; Sub. SB 634; SB 650; SCR 1615, SCR 1623**.

#### REPORT ON ENGROSSED BILLS

**HB 2647, HB 2821, HB 2933, HB 2982** reported correctly engrossed March 28, 2002.

#### REPORT ON ENGROSSED RESOLUTIONS

**HCR 5037** reported correctly engrossed March 28, 2002.

#### REPORT ON ENROLLED BILLS

**HB 2658; Sub. HB 2673; HB 2794, HB 2813, HB 2820** reported correctly enrolled, properly signed and presented to the governor on March 29, 2002.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Monday, April 1, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

