

# Journal of the House

SEVENTY-FIRST DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Wednesday, May 8, 2002, 9:30 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. Novascone was excused on excused absence by the Speaker.

Present later: Rep. Novascone.

Prayer by guest chaplain, the Rev. Leon Hayen, assistant pastor, First Methodist Church, Topeka:

O Thou the One who loves us and calls us by name, hear us this day as we begin our work together.

Decisions..decisions..decisions! Some of us were likely tempted to hide under the covers of our bed this morning. Most of us wonder why we sought this task. None of us will likely be, in all ways, satisfied at sunset, or maybe even midnight. Give us courage, O God, to persevere in a task that has such wide-ranging consequences. Help us for our hearts are anxious as we begin. We pray in the name of Jesus who faced tough decisions in His life as well. Amen.

The Pledge of Allegiance was led by Rep. Pyle.

## COMMUNICATIONS FROM STATE OFFICERS

From Gary Sherrer, Lt. Governor/Secretary, Kansas Department of Commerce and Housing, State of Kansas 2001 Export Statistics, May 2002.

From Clyde D. Graeber, Secretary, Kansas Department of Health and Environment, final attachments to the Kansas Water Pollution Control Revolving Loan Fund, Annual Report for fiscal year 2001.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

## INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2772**, **SB 429**; **H. Sub. for SB 605**; **HB 2337**; **Sub. HB 2979**; **SB 489**, **HB 2315**.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Aurand announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until later in the day.

## MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2772**, An act concerning court costs; relating to a laboratory analysis fee; amending K.S.A. 28-176 and repealing the existing section.

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

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

Yeas: Aday, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, 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, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, 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: Cook, Faber, Spangler.

Present but not voting: None.

Absent or not voting: Novascone, O'Brien.

Speaker pro tem Aurand announced that in accordance with House Rule 2107, the Senate amendments to **HB 2315** do materially change its subject and **HB 2315** therefor is not subject to Motions to Concur and Nonconcur.

**HB 2315** was thereupon introduced and read by title.

Speaker pro tem Aurand thereupon referred **HB 2315** to Committee on Health and Human Services.

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

---

## AFTERNOON SESSION

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

### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **HB 3009** and has appointed Senators Morris, Jordan and Feleciano as conferees on the part of the Senate.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**SB 297**, An act enacting the Kansas uniform trust code; repealing K.S.A. 58-1201, 58-1202, 58-1203, 58-1205, 58-1206, 58-1207, 58-1208, 58-1209, 58-1210, 58-1211, 58-2404, 58-2405, 58-2409, 58-2410, 58-2411, 58-2412, 58-2413, 58-2415, 58-2417, 58-2420, 59-2295 and 59-2296 and K.S.A. 2001 Supp. 58-1204, 58-12a01, 58-12a02, 58-12a03, 58-12a04, 58-12a05 and 58-12a06, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; 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, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, 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, 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, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R.

Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: Hermes, O'Brien, Shultz, Wilson.

The bill passed, as amended.

**H. Sub. for Sub. SB 422.** An act concerning the department of social and rehabilitation services; relating to prescription drugs under the state medicaid program; providing for a state medicaid preferred drug formulary and an advisory committee therefor; medicaid drug utilization review board duties, procedures and composition; amending K.S.A. 39-7,118, 39-7,119 and 39-7,120 and K.S.A. 2001 Supp. 77-421 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, 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, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Dillmore, P. Long, Spangler.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

The substitute bill passed.

**SB 438.** An act concerning agriculture; relating to powers, duties and responsibilities of secretary of agriculture; fees and penalties; amending K.S.A. 2-1205, 2-2204, 2-2440, 2-2440b, 2-2441a, 2-2443a, 2-2445a, 2-2805, 2-2806, 2-2905, 2-2906, 2-3304, 2-3306, 2-3318 and 82a-727 and K.S.A. 2001 Supp. 65-771, 65-775, 65-778, 65-781, 65-782, 65-789, 82a-708a, 82a-708b, 82a-714, 83-302 and 83-402 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 54; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, DeCastro, Dreher, Edmonds, Findley, Flora, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Horst, Huff, Humerickhouse, Johnson, Klein, Krehbiel, Kuether, Lane, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mays, McClure, McCreary, McKinney, Merrick, Minor, Myers, Neufeld, Newton, O'Neal, Owens, Patterson, Phelps, Pottorff, T. Powell, Ray, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, Tomlinson, Weber, Wilk, Winn.

Nays: Barnes, Cook, Crow, Dahl, Dillmore, DiVita, Faber, Feuerborn, Flaharty, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Kirk, Landwehr, Larkin, Levinson, Light, P. Long, Mason, Mayans, McLeland, Miller, Jim Morrison, Judy Morrison, Nichols, Novascone, Osborne, Ostmeyer, Palmer, Pauls, E. Peterson, J. Peterson, L. Powell, Powers, Pyle, Reardon, Spangler, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer, D. Williams, J. Williams.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

The bill passed, as amended.

## EXPLANATIONS OF VOTE

MR. SPEAKER: This bill is a tax increase on producers. It will cost one of my constituents approximately 8000 dollars.

Here are my reasons to oppose **SB 438**.

The ag economy has been in recession for the last five years.

Ten thousand Kansans have lost their jobs in the last year.

Bankruptcies are at an all time high in Kansas

I think this problem this agency has is allocation of resources, not a money shortage. I urge your no vote on **SB 438**.—LARRY R. POWELL

MR. SPEAKER: At a time in which many involved in production agriculture are struggling to just survive, it is hard to support an adjustment in fees that will increase the cost of doing business. However, those same businesses expect the Dept. of Agriculture to deliver services as required by law.

Successful passage of **SB 438** will ensure that services will not be eliminated. I vote yes.—SHARON SCHWARTZ

**SB 499**, An act concerning the secretary of state; establishing the technology communication fee fund, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 53; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DiVita, Dreher, Edmonds, Faber, Findley, Flaharty, Freeborn, Gatewood, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Lane, Light, Lightner, Loyd, Mays, Merrick, Minor, Jim Morrison, Judy Morrison, Neufeld, Newton, Nichols, Novascone, O'Neal, Owens, Patterson, Pauls, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Ruff, Schwartz, Sharp, Showalter, Sloan, Stone, Storm, Tanner, Tomlinson, Weber, Wilk, D. Williams, J. Williams, Winn.

Nays: Barnes, Cook, DeCastro, Dillmore, Feuerborn, Flora, Garner, Gilbert, Goering, Grant, Henderson, Henry, Howell, Huebert, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Levinson, Lloyd, Loganbill, M. Long, P. Long, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Miller, Myers, Osborne, Ostmeyer, Palmer, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Shriver, Spangler, Swenson, Tafanelli, Thimesch, R. Toelkes, Toplikar, Vickrey, Wells, Welshimer.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

The bill passed, as amended.

**SB 647**, An act concerning the Kansas higher education coordination act; relating to the financing of postsecondary educational institutions, the powers, duties and functions of the state board of regents, and disclosure of information; amending K.S.A. 2001 Supp. 71-620, 72-6503, 74-3201b, 74-3202c, 74-3202d, 74-3205a, 74-3205b, 74-3205c and 74-3205d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 45; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Ballard, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Dahl, DeCastro, Dreher, Edmonds, Faber, Findley, Freeborn, Glasscock, Gordon, Hayzlett, Henderson, Henry, Hermes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Johnson, Kauffman, Klein, Krehbiel, Landwehr, Lane, Larkin, Light, Lloyd, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McKinney, McLeland, Merrick, Jim Morrison, Judy Morrison, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Phelps, Pottorff, L. Powell, T. Powell, Reardon, Rehorn, Schwartz, Sharp, Showalter, Sloan, Stone, Storm, Tafanelli, Tanner, Tomlinson, Weber, Wells, Wilk, Winn.

Nays: Aurand, Ballou, Barnes, Cook, Crow, Dillmore, DiVita, Feuerborn, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Holmes, Howell, Huy, Kirk, Kuether, Levinson, Lightner, Loganbill, McClure, Miller, Minor, Myers, Nichols, Pauls, E. Peterson, J. Peterson, Powers, Pyle, Ray, Ruff, Shriver, Spangler, Swenson, Thimesch, R. Toelkes, Toplikar, Vickrey, Welshimer, D. Williams, J. Williams.

Present but not voting: None.  
 Absent or not voting: O'Brien, Shultz, Wilson.  
 The bill passed, as amended.

## EXPLANATION OF VOTE

MR. SPEAKER: Once again, we are ignoring the good work that presented itself in the form of **SB 345**. I believe that this legislation shreds the intent of that bill.

I will not support more power for the Board of Regents when not one of them has been in my office asking me to push for the funding for the third year of **SB 345**.

**SB 647** is not good policy for the state of Kansas. I vote no on **SB 647**.—ANNIE KUETHER, L. CANDY RUFF, NANCY KIRK, BOB GRANT, VAUGHN L. FLORA, JUDITH LOGANBILL, MARTI CROW, ETHEL PETERSON

**SB 652**, An act concerning corrections; relating to inmate status and classification; amending K.S.A. 75-5210 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 37; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aday, Aurand, Ballard, Beggs, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, Dreher, Feuerborn, Findley, Flaharty, Freeborn, Gatewood, Gilbert, Glasscock, Goering, Grant, Hayzlett, Henderson, Henry, Holmes, Horst, Huebert, Huff, Humerickhouse, Johnson, Krehbiel, Lane, Larkin, Levinson, Light, Lightner, Lloyd, M. Long, P. Long, Loyd, Mason, Mayans, McClure, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Osborne, Owens, Palmer, Patterson, Pauls, E. Peterson, Phelps, Pottorff, L. Powell, Ray, Reardon, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tanner, Thimesch, Tomlinson, Vickrey, Weber, Wells, Welshimer, Wilk, J. Williams, Winn.

Nays: Ballou, Barnes, Cook, DeCastro, Dillmore, DiVita, Edmonds, Faber, Flora, Garner, Gordon, Hermes, Howell, Hutchins, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Loganbill, Mays, McCreary, Newton, Nichols, Novascone, Ostmeyer, J. Peterson, T. Powell, Powers, Pyle, Rehorn, Spangler, Tafanelli, R. Toelkes, Toplikar, D. Williams.

Present but not voting: None.  
 Absent or not voting: O'Brien, Shultz, Wilson.  
 The bill passed.

## CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2337**, submits the following report:

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

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

BARBARA P. ALLEN  
 KAY O'CONNOR  
 MARK S. GILSTRAP  
*Conferees on part of Senate*

GERRY RAY  
 LARRY L. CAMPBELL  
*Conferees on part of House*

On motion of Rep. Campbell to adopt the conference committee report to agree to disagree on **HB 2337**, roll call was demanded.

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

Yeas: Aday, Aurand, Ballard, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huebert, Huff, Johnson, Kauffman, Krehbiel, Landwehr, Lane, Light, Lightner, Lloyd, Loyd, Mason, Mayans, Merrick, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Owens, Patterson, J. Peterson, Pottorff, L. Powell,

T. Powell, Ray, Schwartz, Sloan, Stone, Tafanelli, Tomlinson, Vickrey, Weber, Wilk, D. Williams.

Nays: Barnes, Burroughs, Compton, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Goering, Grant, Henderson, Henry, Horst, Howell, Humerickhouse, Hutchins, Huy, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, P. Long, Mays, McClure, McCreary, McKinney, McLeland, Miller, Minor, Jim Morrison, Nichols, Ostmeyer, Palmer, Pauls, E. Peterson, Phelps, Powers, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shriver, Spangler, Storm, Swenson, Tanner, Thimesch, R. Toelkes, Toplikar, Wells, Welshimer, J. Williams, Wimm.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

The motion did not prevail (see further action).

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 429**, 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, in line 42, before the period, by inserting "except as provided in subsections (f) and (g)";

On page 2, by striking all in lines 34 through 43;

On page 3, by striking all in lines 1 through 10 and inserting in lieu thereof the following:  
 "(f) (1) (A) Each state agency shall establish a state employee suggestion program through which state employees may submit suggestions for cost reductions in that agency through increased efficiencies or other economies or savings in the operations of the state agency.

(B) The employee making the suggestion shall be paid a one time employee suggestion bonus of 10% of the documented cost reduction, up to a maximum of \$37,500. The bonus shall be paid solely upon documented cost reductions in the first 12 months following the implementation of the suggestion as documented to the division of the budget.

(C) The agency shall retain 10% of the documented cost reduction. Savings achieved through this cost reduction shall be placed in the Kansas savings incentive account or fund for that agency. The remaining balance of the savings achieved through this cost reduction shall revert to the state general fund.

(2) Each state agency shall submit each suggestion it receives, together with the state agency's estimated cost reduction, if any, and dispensation of the suggestion to the division of the budget. The director of the budget shall file copies with the director of the legislative research department, who shall report annually on the information to members of the legislative budget committee.

(g) (1) Salary bonus payments under the Kansas savings incentive program shall be made only for the following conditions:

(A) Suggestions made under subsection (f) for which a 10% suggestion bonus had not been awarded, or

(B) for awards and recognition provided pursuant to subsection (a).

(2) The director of personnel services shall establish guidelines and limitations for bonus payments under the Kansas savings incentive program.

(h) Awards and incentives and other recognition pursuant to this section shall not be deemed in violation of K.S.A. 46-237a, and any amendments thereto.";

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  
 NICK JORDAN  
 PAUL FELECIANO, JR.  
*Conferees on part of Senate*

On motion of Rep. Wilk, the conference committee report on **SB 429** was adopted.

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, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 605**, 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 2, in line 15, after "amendments" by inserting "thereto"; in line 32, before the period by inserting "and the legislative research department";

On page 7, in line 21, before "Kansas", by inserting "securities commissioner of Kansas, attorney general,";

On page 8, before line 1, by inserting the following sections:

"Sec. 9. K.S.A. 46-925 is hereby amended to read as follows: 46-925. Any payment made pursuant to this act shall be reported to the director of accounts and reports along with appropriate documentation ~~thereof~~ of the payment as may be required by such director. Upon request of any legislator, legislative committee or the legislative research department or other legislative staff agency, the director of accounts and reports shall compile and maintain a report of all such payments and shall submit the same to the committee on ways and means of the senate and the committee on appropriations of the house of representatives and to the joint committee on special claims against the state at least 10 days prior to the convening of the regular session of the legislature provide to such legislator, committee or agency a report concerning all payments made pursuant to this act.

Sec. 10. K.S.A. 75-2566 is hereby amended to read as follows: 75-2566. (a) The state librarian is hereby authorized and directed to establish, operate and maintain a publication collection and depository system as provided in this act.

(b) Each state agency shall deposit with the Kansas state library ~~copies and the state historical society one printed copy~~ of any publication issued by such state agency ~~in such~~. If more copies are needed, the state librarian shall request the specified quantity ~~as shall be specified by the state librarian~~.

(c) The state librarian shall forward two ~~(2)~~ copies of all such publications to the library of congress, ~~one copy to the state historical society~~; one copy to the center for research libraries and one ~~copy~~ or more copies shall be retained permanently in the Kansas state

library. Additional copies, as may be prescribed by rule and regulation, may be required for the depository system.”;

And by renumbering remaining sections;

Also on page 8, in line 18, before the period, by inserting “or by electronic mail”; after line 19, by inserting a new subsection to read as follows:

“(b) Notwithstanding what the provisions of subsection (a) may provide or the provisions of any other statute, each state agency which produces a report, pamphlet, book or material available to the public on the internet shall notify and provide a printed copy to the Kansas state library and the state historical society.”;

And by relettering the remaining subsection;

Also on page 8, in line 20, by striking the comma where it appears for the second time; in line 21, by striking “, such copies” and inserting “at least one shall be a printed copy of each publication and it”; in line 22, by striking the comma and inserting “and”; also in line 22, by striking “and”; by striking all of line 23; in line 24, by striking all before the period; also in line 24, after the period by inserting the following: “Printed copies or copies on CD-ROM of such publication shall be submitted to the legislature or the members thereof in accordance with K.S.A. 46-1212c, and amendments thereto.”; in line 31, preceding “46-1212c”, by inserting “46-925”; also in line 31, after “66-117b” by inserting “, 75-2566”;

In the title, in line 11, preceding “46-1212c”, by inserting “46-925”; also in line 11, after “66-117b” by inserting “, 75-2566”;

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

DEENA L. HORST  
JOHN M. FABER  
TOM BURROUGHS  
*Conferees on part of House*

KARIN S. BROWNLEE  
NICK JORDAN  
JIM BARONE  
*Conferees on part of Senate*

On motion of Rep. Horst, the conference committee report on **H. Sub. for SB 605** was adopted.

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, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flaharty, Flora, Freeborn, 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, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Sloan, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Crow, Garner, Shriver, Spangler.

Present but not voting: None.

Absent or not voting: O’Brien, Shultz, Wilson.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 489**, 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, in line 41, by striking "or any third"; in line 42, by striking "party"; by striking all in line 43;

On page 2, by striking all in line 1; in line 3, by striking "or any third-party suit"; in line 7, by striking "a tamperer"; also in line 7, by striking "or" the second time it appears; in line 8, by striking "relating to the act of tampering" and inserting "based on the tamperer's actions";

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, the conference committee report on **SB 489** was adopted.

On roll call, the vote was: Yeas 86; Nays 35; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, Dreher, Edmonds, Faber, Feuerborn, Freeborn, Gatewood, Glascock, Gordon, Grant, Hayzlett, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Krehbiel, Lane, Larkin, Light, Lloyd, P. Long, Loyd, Mason, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Pauls, J. Peterson, Phelps, L. Powell, Pyle, Ray, Ruff, Schwartz, Showalter, Shriver, Sloan, Stone, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Wilk, D. Williams, J. Williams.

Nays: Ballard, Barnes, Burroughs, Crow, Dillmore, DiVita, Findley, Flaharty, Flora, Garner, Gilbert, Goering, Henderson, Kirk, Klein, Kuether, Landwehr, Levinson, Lightner, Loganbill, M. Long, Mayans, Nichols, Patterson, Pottorff, T. Powell, Powers, Reardon, Rehorn, Sharp, Spangler, Storm, Swenson, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: O'Brien, E. Peterson, Shultz, Wilson.

#### INTRODUCTION OF GUESTS

Reps. Ballard, Findley and Sloan welcomed the University of Kansas Men's Basketball Team to the House. Rep. Ballard introduced Coach Roy Williams and noted that the team had participated in the Final Four of the NCAA Basketball Tournament in March. The team was undefeated in winning the Big 12 Conference title and ended the season with a 33-4 record. Coach Williams introduced the team, coaches and other staff members and they were presented certificates by Rep. Ballard.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SCR 1623**, submits the following report:

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

On page 1, in line 41, by striking "14" and inserting "15";

On page 2, in line 9, before "appointed" by inserting "and one person representing a foreign property and casualty insurance company"; in line 11, by striking "foreign"; in line 12, by striking all before "appointed" and inserting "a property and casualty insurance com-

pany”; in line 14, by striking “foreign mutual insurance companies” and inserting “a property and casualty insurance company”;

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

ROBERT TOMLINSON  
NANCY A. KIRK  
STANLEY DREHER  
*Conferees on part of House*

SANDY PRAEGER  
RUTH TEICHMAN  
PAUL FELECiano, JR.  
*Conferees on part of Senate*

On motion of Rep. Tomlinson, the conference committee report on **SCR 1623** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; 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, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O’Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Spangler, Stone, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: None.

Present but not voting: None.

Absent or not voting: O’Brien, Shultz, Wilson.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2703**, submits the following report:

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

On page 3, in lines 28 and 29, by striking “, appliances” and inserting “and appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act”;

On page 5, by striking all in lines 7 through 16;

By renumbering sections accordingly;

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

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

JOANN LEE FREEBORN  
DON MYERS  
LAURA MCCLURE  
*Conferees on part of House*

On motion of Rep. Freeborn, the conference committee report on **HB 2703** was adopted.

On roll call, the vote was: Yeas 101; Nays 21; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Barnes, Benlon, Cook, Flaharty, Flora, Gatewood, Gilbert, Goering, Henderson, Klein, M. Long, Merrick, E. Peterson, J. Peterson, Rehorn, Sharp, Spangler, Storm, Swenson, Thimesch, Welshimer.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2979**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Substitute for House Bill No. 2979, as amended by Senate Committee of the Whole, as follows:

On page 1, in line 34, by striking "or" the second time it appears; in line 35, by striking "otherwise"; by striking all in lines 39 through 43;

On page 2, by striking all in lines 1 through 18;

And by renumbering sections accordingly;

On page 1, in the title, in line 15, by striking all after "lienholders"; in line 16, by striking "counties";

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

JOHN VRATIL  
EDWARD W. PUGH  
GRETA GOODWIN  
*Conferees on part of Senate*

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

On motion of Rep. O'Neal, the conference committee report on **Sub. HB 2979** was adopted.

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, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Sloan, Stone, Storm, Swenson, Tafanelli,

Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Winn.

Nays: Spangler.

Present but not voting: None.

Absent or not voting: O'Brien, Shultz, Wilson.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Mays moved, pursuant to House Rule 2303, that the House reconsider its action in not adopting the conference committee report to agree to disagree on **HB 2337**. The motion prevailed.

The question then reverted back to the motion to adopt the conference committee report to agree to disagree on **HB 2337** (see previous action). The motion prevailed and the conference committee report was adopted.

Speaker Glasscock thereupon appointed Reps. Ray, Campbell and Reardon as second conferees on the part of the House.

#### CHANGE OF CONFEREES

Speaker Glasscock announced the appointment of Reps. O'Neal, Loyd and Pauls as members of the conference committee on **HB 2817** to replace Reps. Johnson, O'Neal and Minor.

Also, the appointment of Reps. O'Neal, Loyd and Pauls as members of the conference committee on **SB 396** to replace Reps. Wilk, Neufeld and Nichols.

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

#### COMMITTEE OF THE WHOLE

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

Recommended committee report to **HR 6018** be adopted; and the resolution be adopted as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Appropriations** recommends **Substitute for SB 363** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 363," as follows:

"HOUSE Substitute for SENATE BILL No. 363

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2002, and June 30, 2003; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; and the substitute bill be passed.

(**H. Sub. for SB 363** was thereupon introduced and read by title.)

#### INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 2311, Rep. Wilk moved that House Rule 3905, relating to printing and distribution of appropriations bills, be suspended for the purpose of considering **H. Sub. for SB 363**. The motion prevailed.

#### REPORT ON ENGROSSED BILLS

**HB 2772**, **HB 2812** reported correctly re-engrossed May 8, 2002.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6019**, **HR 6020** reported correctly enrolled and properly signed on May 8, 2002.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Thursday, May 9, 2002.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

