

# Journal of the House

SIXTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, April 26, 2001, 10:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.  
The roll was called with 125 members present.

The Lord's prayer was sung by Ruth Hanke, Neodesha, daughter and guest of Rep. Miller.  
The Pledge of Allegiance was led by Rep. Ballard.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Appropriations: **HB 2593, HB 2598.**

Committee of the Whole: **HB 2590, HB 2591, HB 2592, HB 2594, HB 2595, HB 2596, HB 2597, HB 2599, HB 2600.**

## COMMUNICATIONS FROM STATE OFFICERS

From Matthew Hickam, State Long-Term Care Ombudsman, in accordance with K.S.A. 75-7306, Kansas Long-Term Ombudsman Office, Annual Report, October 31, 1999 to September 30, 2000.

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

## MESSAGE FROM THE SENATE

Announcing passage of **SB 357.**

Announcing passage of **HB 2106.**

Announcing passage of **HB 2059**, as amended; **HB 2563**, as amended.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2143** and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2283** and has appointed Senators Morris, Adkins and Feleciano as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2406** and has appointed Senators Allen, Schmidt and Gilstrap as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2508** and has appointed Senators Vratil, Pugh and Goodwin as conferees on the part of the Senate.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

**SB 357.**

## INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Jim Morrison, **HR 6021**, by Rep. Jim Morrison, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6021—

By Representative Jim Morrison

A RESOLUTION congratulating and commending Lt. j.g. Jeff Vignery.

WHEREAS, Lt. j.g. Jeff Vignery, of Goodland, was one of the 24 crew members of the EP-3E surveillance aircraft that was damaged in a collision with a Chinese F-8 fighter and spent 11 days in Chinese custody; and

WHEREAS, The Chinese aircraft struck the nose of the American aircraft and fell into the sea killing the pilot. The American plane fell 7,000 to 8,000 feet before the pilot and crew were able to regain control and make an emergency landing at a Chinese air base; and

WHEREAS, The crew was returned to its home station, NAS Whidbey Island at Oak Harbor, Washington, on April 14, 2001, to a rousing welcome by fellow squadron members of VQ1, other station members and family and friends; and

WHEREAS, Lt. j.g. Vignery was met by his wife, Julie, and his parents, Ron and Judi Vignery, of Goodland; and

WHEREAS, It is only through the brave efforts of the men and women of VQ1 and the vigilance of the valiant members of our military services that America remains strong and the leading power of our universe: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Lt. j.g. Jeff Vignery upon his safe return to his home and family and salute his gallantry in America's defense; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Lt. j.g. Vignery and to his parents Mr. and Mrs. Ron Vignery.

#### INTRODUCTION OF GUESTS

Rep. Jim Morrison welcomed Lt. j.g. Jeff Vignery, Goodland, to the House. He was accompanied by his wife, Julie; his parents, Ron and Judi Vignery; his brother, Josh; and his sister, Jessica.

Speaker Glasscock also addressed a few remarks to the members of the House, followed by remarks by Lt. j.g. Vignery. Speaker Glasscock presented him with the House resolution.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 218, SB 237; HB 2059, HB 2563; H. Sub. for SB 332; H. Sub. for SB 52; H. Sub. for SB 304; HB 2592; SB 100; HB 2596; SB 357.**

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5032**, A concurrent resolution approving the creation of the City of Pittsburg, Kansas, Port Authority, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, 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'Brien, O'Neal, Osborne, Ostmeyer, 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, 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: None.  
 The resolution was adopted.

**HR 6012**, A Resolution urging each member of the Kansas Congressional delegation to support the passage of President Bush's Agenda for Tax Relief, was considered on final action.

On roll call, the vote was: Yeas 83; Nays 36; Present but not voting: 6; Absent or not voting: 0.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kline, Krehbiel, Landwehr, Lane, Levinson, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Schwartz, Sharp, Shultz, Sloan, Stone, Swenson, Tapanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams, Wilson.

Nays: Alldritt, Ballard, Barnes, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Kuether, M. Long, McClure, McKinney, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Reardon, Rehorn, Ruff, Showalter, Shriver, Storm, Thimesch, Toelkes, Wells, Welshimer, Winn.

Present but not voting: Henry, Kirk, Klein, Larkin, Loganbill, Spangler.  
 Absent or not voting: None.  
 The resolution was adopted.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HR 6012**. When I asked for the fiscal impact of President Bush's tax cut plan on the state of Kansas, no one could answer. The taxpayers of Kansas do not expect their leaders to vote blindly on tax cuts without knowledge of the impact. We should not expect our federal counterparts to do the same.—JOE SHRIVER

MR. SPEAKER: I vote NO on **HR 6012**. In 1998, our state enjoyed budget surpluses. The will of the governor and legislature was to ignore efforts to use a portion of those surpluses to fund priorities and retire the state's debt. Today, those decisions have left our state in financial chaos.

I support reasonable efforts to return federal surpluses to taxpayers. We must first address priorities such as education, protecting Social Security and reducing debt. If we don't we'll be back asking taxpayers to bail us out of the financial mess that will surely follow. I urge our Congressional delegation to ignore this resolution and practice fiscal responsibility.—BOB GRANT, GENE O'BRIEN, ALLDRITT

**H. Sub. for SB 112**, An act concerning energy policy; establishing an energy policy division of the state corporation commission and the position of director thereof; prescribing the duties thereof; creating an energy policy advisory council; amending K.S.A. 2000 Supp. 74-616 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, 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'Brien, O'Neal, Osborne, Ostmeyer, 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, 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: None.

The substitute bill passed, as amended.

**Sub. SB 171.** An act concerning certain state officers and employees; relating to restrictions on certain political activity; relating to travel on state aircraft; amending K.S.A. 74-2105 and 74-2113 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 13; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Benlon, Dahl, Faber, Howell, Klein, Mays, Neufeld, Rehorn, Schwartz, Spangler, Tomlinson, Weber, Wilk.

Present but not voting: None.

Absent or not voting: None.

The substitute bill passed, as amended.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that on motion of Rep. Campbell **HR 6019** be amended on page 2, after line 3, by inserting the following:

"WHEREAS, The Mahaffie stage coach stop in Olathe is an integral part of the history of the Santa Fe Trail and is deserving also of recognition; and"; in line 4 by striking "this faculty" and inserting "the Santa Fe Trail Center near Larned"; in line 5 before the colon by inserting "and the Mahaffie stage coach stop in Olathe as the Official Santa Fe Trail Stage Coach Stop and Museum in Kansas"; in line 8 before the semicolon by inserting "and the Mahaffie stage coach stop in Olathe be designated as the Official Santa Fe Trail Stage Coach Stop and Museum in Kansas"; and in line 12 before the period by inserting "and to Mike Copeland, Mayor, City of Olathe, 100 N. Cherry, Olathe, Kansas 66061";

On page 1, in the title, in line 10 before the period by inserting "and designating the Mahaffie stage coach stop in Olathe as the Official Santa Fe Trail Stage Coach Stop and Museum in Kansas"; and the resolution be adopted as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 332** be adopted; also, on motion of Rep. Sloan be amended on page 25, after line 10, by inserting:

"New Sec. 4. (a) On and after January 1, 2002, there is hereby imposed a clean drinking water fee at the rate of \$.028 per 1,000 gallons of water sold at retail by a public water supply system and delivered through mains, lines or pipes. Such fee shall be paid, administered, enforced and collected in the manner provided for the fee imposed by subsection (a)(1) of K.S.A. 82a-954, and amendments thereto.

(b) A public water supply system may elect to opt out of the fee imposed by this section by notifying, before October 1, 2001, the Kansas water office and the department of revenue of the election to opt out. Such election shall be irrevocable. Such public water supply

system shall continue to pay all applicable sales tax on direct and indirect purchases of tangible personal property and services purchased by such system.

(c) The director of taxation shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, all moneys received or collected from the fee imposed pursuant to this section. Upon receipt thereof, the state treasurer shall deposit the entire amount in the state treasury and credit it to the state general fund.

(d) The provisions of this section shall expire on July 1, 2004.”;

By renumbering the remaining sections accordingly;

In the title, in line 11, before “amending” by inserting “imposing certain fees;”; and **H. Sub. for SB 332** be passed as amended.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Weber, **HR 6020**, by Reps. Glasscock, Aday, Alldritt, 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, 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'Brien, O'Neal, Osborne, Ostmeyer, 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, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson and Winn, as follows, was introduced and adopted:

#### HOUSE RESOLUTION No. 6020—

A RESOLUTION congratulating and commending Roger Myers.

WHEREAS, Roger Myers, statehouse reporter for the Topeka Capital-Journal, is retiring after covering 37 sessions of the Kansas Legislature; and

WHEREAS, Roger grew up in Salina and graduated from Salina High School. He graduated from Kansas State University in 1958 with a degree in journalism having been the editor of the K-State Collegian during the 1957 fall semester. After short stays with the Kansas City Star, the Hutchinson News, the Salina Journal and the U.S. Army, he joined the Topeka Daily Capital in 1960. After covering the 1963 and 1964 legislative sessions he left to work for Southwestern Bell for nine months but returned to the Daily Capital in 1964 where he has remained to this date. He was assigned full-time to the capital beat in 1966 and has continued in that capacity except for being sent to Washington, D.C. in 1973 to open the Capital's Washington bureau, an assignment which lasted for two years; and

WHEREAS, During his tenure as the Capital's statehouse reporter he has covered seven governors, Bill Avery, Robert Docking, Robert Bennett, John Carlin, Mike Hayden, Joan Finney and Bill Graves and several national political conventions including the 1968 Democratic National Convention in Chicago that nominated Hubert Humphrey and Edmund Muskie; the 1976 Republican National Convention in Kansas City, Missouri, that nominated Gerald Ford and Bob Dole; the 1980 Democratic National Convention in San Francisco that nominated Walter Mondale and Geraldine Ferraro; the 1988 Democratic National Convention in Atlanta that nominated Michael Dukakis and Lloyd Bentsen; and the 1996 Democratic National Convention in Chicago that renominated Bill Clinton and Al Gore; and

WHEREAS, Roger Myers served in the United States Army Reserve from 1959 to 1989 retiring with the rank of Colonel. He is a fraternity brother of Kansas Senator Pat Roberts and fellow newspaperman John Petterson; and

WHEREAS, Roger Myers has been a professional journalist of the highest order. He has made a career of knowing the participants in Kansas politics. But more importantly, he has been the source for Kansans, in and out of government, from which they learned of the impartial details of pending legislative action. He has been relied upon, day after day, and

year after year, as the reliable source to provide budgetary details, the governor's position and pending leadership action on pertinent issues of the day. He has not been emotional, and he has not been biased, but he has been the bedrock of capitol reporting for his newspaper and his readers have been the better because of his devotion to his job, his employer, Kansas government and the people of Kansas. His daily articles will be sorely missed: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Roger Myers upon completion of 37 years of reporting Kansas political news, and wish him well in his postretirement activities; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to John Fish, Publisher, Topeka Capital-Journal and to Roger Myers, both at 616 SE Jefferson, Topeka, Kansas 66607.

Rep. Garner and Speaker Glasscock addressed a few remarks to the members of the House in recognition of the retirement of Roger Myers, who also addressed a few remarks to the members of the House.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **SB 205**.

#### **INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 205**.

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

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

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### AFTERNOON SESSION

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

#### **INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was introduced and read by title:

**HB 2601**, An act concerning the lottery; abolishing the lottery commission; transferring the powers and duties of the lottery; amending K.S.A. 74-8702, as amended by section 5 of 2001 House Bill No. 2038, 74-8706, as amended by section 2 of 2001 House Bill No. 2038, 74-8714, 74-8716 and 74-8720 and K.S.A. 2000 Supp. 74-8705, as amended by section 4 of 2001 House Bill No. 2038, 74-8707, as amended by section 3 of 2001 House Bill No. 2038, 74-8710, as amended by section 6 of 2001 House Bill No. 2038, and 74-8723, as amended by section 1 of 2001 House Bill No. 2038 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 74-8709, by Committee on Appropriations.

#### **MESSAGE FROM THE GOVERNOR**

April 25, 2001

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Directive No. 01-308 for your information.

EXECUTIVE DIRECTIVE No. 01-308

Authorizing Certain Expenditures

Bill Graves

Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE SENATE**

Announcing passage of **HB 2155**, as amended by **S. Sub. for HB 2155**.  
The Senate adopts conference committee report on **SB 161**.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Weber, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2155**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 218**, submits the following report:

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

On page 1, by striking all in lines 14 through 42 and inserting in lieu thereof the following:  
"Section 1. K.S.A. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Candidate" means an individual who: (1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(b) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(c) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(d) "Commission" means the governmental ethics commission.

(e) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events;

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of \$50 per event.

(f) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

(g) (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office.

(B) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of \$50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of \$50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

(h) "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication which uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

(i) "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, *and amendments thereto*;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, *and amendments thereto*;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the senate; ~~or~~

(5) not more than one political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; *or*



(6) *not more than one political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.*

(j) "Person" means any individual, committee, corporation, partnership, trust, organization or association.

(k) (1) "Political committee" means any combination of two or more individuals or any person other than an individual, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or make contributions to or expenditures for the nomination, election or defeat of a clearly identified candidate for state or local office.

(2) "Political committee" shall not include a candidate committee or a party committee.

(l) "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

(m) "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

(n) "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. Testimonial events include but are not limited to dinners, luncheons, rallies, barbecues and picnics.

(o) "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual which is subject to paragraph (2) of subsection (a) of K.S.A. 25-4172, and amendments thereto.

(p) "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 2. K.S.A. 25-4143 is hereby repealed.";

In the title, in line 10, by striking "elections; relating to provisional ballots" and inserting: "campaign finance; relating to district party committees"; in line 11, by striking "25-409" and inserting "25-4143";

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

TONY POWELL  
TED POWERS  
*Conferees on part of House*

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

On motion of Rep. T. Powell, the conference committee report on **SB 218** was adopted.  
Call of the House was demanded.

On roll call, the vote was: Yeas 74; Nays 51; Present but not voting: 0; Absent or not voting: 0.

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

Nays: Alldritt, Ballard, Barnes, Benlon, Burroughs, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Howell, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, McClure, McKinney, Minor, Nichols, O'Brien, Pauls, E. Peterson, Phelps, Pottorff, Reardon, Rehorn, Ruff, Sharp, Showalter,

Shriver, Spangler, Storm, Swenson, Thimesch, Toelkes, Toplikar, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 237**, submits the following report:

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

On page 1, in line 23, before "Sections" by inserting "(a)"; after line 24, by inserting:

"(b) Implementation of the provisions of the water banking act shall be subject to the availability of appropriations for that purpose.";

On page 2, in line 19, by striking "is authorized to provide" and inserting "provides";

On page 3, in line 12, by striking "may" and inserting "shall"; in line 42, by striking "and";

On page 4, in line 2, after "engineer" by inserting "; and

(9) the operation of safe deposit accounts by the bank shall not result in an increase in the amount of net consumptive use of water in any hydrologic unit, computed on a long-term rolling average compared to a representative past period";

On page 5, in line 27, after the semicolon, by inserting "and"; by striking all in lines 30 through 43;

On page 6, by striking all in lines 1 and 2; in line 7, before the period, by inserting "; and

(11) the charter provides a procedure for the dissolution of the bank, specifically stating how the remaining deposits and safe deposit accounts will be distributed";

Also on page 6, in line 11, by striking "shall" and inserting "may";

On page 7, in line 12, by striking "geological survey" and inserting "water office"; in line 15, by striking "geological survey" and inserting "water office"; after line 16, by inserting:

"(2) the director of the Kansas geological survey, or the director's designee";

Also on page 7, in line 17, by striking "(2)" and inserting "(3)"; in line 19, by striking "and"; in line 20, by striking "(3)" and inserting "(4)"; in line 26, before "(D)", by inserting "and"; in line 28, by striking "(E)", beginning a new paragraph and inserting "(5)"; in line 30, by striking "; and (F)" and inserting "selected by the board of directors of such district; and

(6)";

Also on page 7, in line 32, before the period, by inserting "selected by the board of directors of such district"; in line 33, by striking "geological survey" and inserting "water office"; in line 39, by striking "energy and";

On page 8, in line 10, after the semicolon, by inserting:

"(5) the bank's impact on the entire area of all hydrologic units any parts of which are encompassed in the bank's boundary";

Also on page 8, in line 12, by striking "(5)" and inserting "(6)";

On page 9, in line 2, by striking "geological survey" and inserting "water office"; in line 8, after "treasurer", by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,"; in line 28, by striking "geological survey" and inserting "water office"; in lines 28 and 29, by striking "geological survey" and inserting "water office"; in line 29, after "treasurer", by inserting "in accordance with the provisions of K.S.A. 75-4215, and amendments thereto,"; in line 30 by striking "geological survey" and inserting "water office"; in line 33, by striking "geological survey" and inserting "water office"; in line 34, by striking "geological survey" and inserting "water office"; in line 35, by striking "geological survey's" and inserting "water office's"; in line 39, by striking "geological survey" and inserting "water office"; in lines 40 and 41, by striking "geological survey" and inserting "water office";

On page 10, in line 1, by striking "geological survey" and inserting "water office"; in line 4, by striking "geological survey" and inserting "water office";

On page 11, in line 21, by striking "beneficial" and inserting "designated";

On page 17, in line 37, by striking "the" and inserting ": (A) The"; in line 40, before the period, by inserting "; or (B) if the holder of a groundwater water right shows to the satisfaction of the chief engineer that the holder has implemented significant water conservation measures during calendar years 1996 through 2000, the average amount of water actually used for a beneficial use under such right during the five calendar years immediately before the calendar year when such measures were implemented, excluding any amount used in any such year in excess of the amount authorized by such water right"; in line 43, by striking all after "right";

On page 18, in line 1, by striking "boundaries of" and inserting "which has not been deposited or placed in a safe deposit account in"; by striking all in lines 24 through 43 and inserting:

"(1) A separate term permit shall be required for each point of diversion.

(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (b)(4).

(3) The authorized place of use for the term permit shall not be greater than that authorized by the existing groundwater right.

(4) The chief engineer may establish, by rules and regulations, criteria for such term permits when the water right authorizes multiple points of diversion or multiple water rights authorize a single point of diversion or overlapping places of use."

On page 19, in line 1, by striking "(6)" and inserting "(5)";

On page 20, in line 11, by striking "1" and inserting "16"; in line 22, after "power" by inserting "or dewatering"; after line 28, by inserting:

"Sec. 18. K.S.A. 82a-1030 is hereby amended to read as follows: 82a-1030. (a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person's use pursuant to ~~his or her~~ *such person's* water right. Such charge shall not exceed ~~sixty cents (60) \$ .60~~ *\$ .65* for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, *except that the annual user charge for the fiscal year of the district beginning on or after July 1, 2001, and before July 1, 2002, may be in an amount not exceeding \$ .65.* Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that ~~his or her~~ *such person's* actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed ~~five cents (5) \$ .05~~ *\$ .05* for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one ~~(1)~~ *(1)* publication in a newspaper or newspapers of general circulation within the district at least ~~twenty-eight (28)~~ *28* days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of ~~twenty percent (20%)~~ 20% of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than ~~ten percent (10%)~~ 10% of the eligible voters of such district and in no case by less than ~~twenty (20)~~ 20 of the eligible voters of such district, is filed with the county clerk of each of the counties in such district within ~~ten (10)~~ 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, *and amendments thereto*.

Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three ~~(3)~~ years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, *and amendments thereto*, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, *and amendments thereto*.”;

Also on page 20, by renumbering the remaining sections accordingly; in line 29, before “and” by inserting “and 82a-1030”;

In the title, in line 19, after the semicolon, by inserting “relating to certain fees and charges;”; also in line 19, before “and” by inserting “and 82a-1030”;

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

JOANN LEE FREEBORN  
BECKY HUTCHINS  
VAUGHN L. FLORA  
*Conferees on part of House*

TIM HUELSKAMP  
MARK TADDIKEN  
JANIS K. LEE  
*Conferees on part of Senate*

On motion of Rep. Freeborn, the conference committee report on **SB 237** was adopted.

On roll call, the vote was: Yeas 124; Nays 1; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Alldritt, 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, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, 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'Brien, O'Neal, Osborne, Ostmeyer, 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, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: Howell.

Present but not voting: None.

Absent or not voting: None.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Boston, the House nonconcurred in Senate amendments to **HB 2059** and asked for a conference.

Speaker pro tem Aurand thereupon appointed Reps. Boston, Jim Morrison and Showalter as conferees on the part of the House.

#### **CHANGE OF REFERENCE**

Speaker pro tem Aurand announced the withdrawal of **HB 2598** from Committee on Appropriations and referral to Committee of the Whole.

The House stood at ease until the sound of the gavel.

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Speaker pro tem Aurand called the House to order.

#### **REPORTS OF STANDING COMMITTEES**

The Committee on **Appropriations** recommends **HB 2504** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2504," as follows:

"Substitute for HOUSE BILL No. 2504

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2001, 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; amending K.S.A. 2000 Supp. 2-223, 55- 193, 79-2959, as amended by section 167 of 2001 Senate Bill No. 57, 79-2964, as amended by section 168 of 2001 Senate Bill No. 57, 79-3425i, as amended by section 169 of 2001 Senate Bill No. 57, 79-34,147, as amended by section 170 of 2001 Senate Bill No. 57, and 82a-953a and repealing the existing sections."; and the substitute bill be passed.

**(Sub. HB 2504** was thereupon introduced and read by title.)

#### **INTRODUCTION OF ORIGINAL MOTIONS**

In accordance with subsection (a) of House Rule 1503, Rep. Weber moved that the order on General Orders of **Sub. HB 2504** be changed to the first measure to be considered on General Orders. The motion prevailed.

Also, in accordance with House Rule 2311, Rep. Weber moved that House Rule 3905 be suspended for the purpose of considering **Sub. HB 2504**. The motion prevailed.

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

#### **COMMITTEE OF THE WHOLE**

On motion of Rep. O'Neal, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **Sub. HB 2504** be adopted; also, on motion of Rep. Wilk be amended on page 38 of the typed version of the bill, by striking all in lines 28 through 33;

On page 39 of the typed version of the bill, by striking all in lines 1 through 3;

And by relettering subsections accordingly;

Also, on motion of Rep. Nichols **Sub. HB 2504** be amended on page 32 of the typed version of the bill, after line 35, by inserting the following:

“(f) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Special education services aid

For the fiscal year ending June 30, 2002..... \$1,612,828”;

Also, on motion of Rep. J. Williams to amend **Sub. HB 2504**, the motion did not prevail. Also, on motion of Rep. Miller to amend, the motion did not prevail.

Also, on motion of Rep. Tanner **Sub. HB 2504** be amended on page 32 of the typed version of the bill, after line 35, by inserting the following:

“(f) No expenditures shall be made by the department of education from the state general fund general state aid account to any school district that, by October 1, has not published in a newspaper of general circulation in the county a listing of all revenue sources for the school year 2001-2002 school district budget, the amount of cash balances in each fund, and estimated interest earnings.”;

Also, on motion of Rep. Klein **Sub. HB 2504** be amended on page 43 of the typed version of the bill, after line 7, by inserting the following:

“(x) The department of corrections and the secretary of corrections shall consult, cooperate and coordinate activities relating to placement of any day reporting center which takes placements of or which provides services for any person sentenced to the custody of the secretary with such municipalities and members of the public that have an interest in such placement and may be affected by the secretary’s decision on such placement to ensure that the municipality and the comments and concerns of the public are considered by the department prior to making such placement: *Provided*, That, in making a final determination of such placement of any such facility by the secretary, the secretary shall make such determination only after, (1) providing appropriate updates and relevant information on the department’s progress toward a final placement decision, (2) giving due consideration to whether such placement is supported by such municipalities and the public and whether such placement is conducive to the location chosen, the community and the purpose behind the placement of such facility, (3) providing timely notice of a final decision, and (4) receiving approval from the governing body of the city in which the facility will be located.”;

Also, on motion of Rep. T. Powell **Sub. HB 2504** be amended on page 43 of the typed version of the bill, after line 7, by inserting the following:

“(x) During the fiscal year ending June 30, 2001, and June 30, 2002, no moneys appropriated for the department of corrections from the state general fund or any special revenue fund for fiscal years 2001 and 2002 shall be expended for the purpose of providing offender substance abuse treatment services by Mirror Inc., for any offender incarcerated for a conviction of a sexual offense or for any individual who has been committed as a sexually violent predator pursuant to K.S.A. 59- 29a01 *et seq.*, and amendments thereto, at the treatment facility located at 3820 North Toben, Wichita, Kansas: *Provided*, That the secretary of corrections from the state general fund or any special revenue fund for fiscal years 2001 and 2002 to renegotiate the contract for services with Mirror Inc., which renegotiation is hereby authorized and directed to be undertaken, if required, to amend the current contract to the effect that no individuals who have been committed for a sexual offense or who are participants in the sexually violent predator program receive treatment at 3820 North Toben, Wichita, Kansas, but are provided such offender substance abuse treatment services at another, suitable location in Wichita, Kansas, or in the proximity of Wichita within Sedgwick county.”;

Also, roll call was demanded on motion of Rep. Feuerborn to amend **Sub. HB 2504** on page 54 of the typed version of the bill, after line 28, by inserting the following:

“(c) In addition to the other purposes for which expenditures may be made by the department of transportation from the moneys appropriated from the state highway fund or from any other special revenue fund for fiscal year 2002 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of transportation from the moneys appropriated from the state highway fund and from other special revenue funds for fiscal year 2002, for the purchase of bulk diesel fuels for use in state-owned motor vehicles which are diesel fuel blends containing at least 2% biodiesel, so that at least 49% of all bulk diesel fuels purchased by the department of transportation during fiscal year 2002 for use in state-owned motor vehicles are diesel

fuel blends containing at least 2% biodiesel: *Provided*, That the department of transportation shall not purchase bulk diesel fuels purchased for use in state-owned motor vehicles shall be diesel fuel blends containing at least 2% biodiesel if the cost of such blended diesel fuel exceeds the cost of regular bulk diesel fuel by \$.10 per gallon: *Provided further*, That, as used in this section, "biodiesel" means mono-alkyl esters derived from vegetable oil or animal fat, as defined by the American society of testing and materials (ASTM) provisional specification 121 (PS 121).";

On roll call, the vote was: Yeas 55; Nays 69; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Compton, Crow, Dillmore, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Horst, Howell, Huebert, Kirk, Klein, Kuether, Larkin, Levinson, M. Long, Mays, McClure, McKinney, Minor, Nichols, O'Brien, Osborne, Pauls, E. Peterson, J. Peterson, Phelps, T. Powell, Pyle, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Spangler, Storm, Thimesch, Toelkes, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes, Holmes, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kline, Krehbiel, Lane, Light, Lightner, Lloyd, Loganbill, P. Long, Loyd, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Ostmeyer, Palmer, Patterson, Pottorff, L. Powell, Powers, Ray, Shultz, Sloan, Stone, Swenson, Tafanelli, Tanner, Tomlinson, Toplikar, Vickrey, Weber, Wilk, D. Williams.

Present but not voting: None.

Absent or not voting: Landwehr.

The motion of Rep. Feuerborn did not prevail.

Also, on motion of Rep. Showalter **Sub. HB 2504** be amended on page 43 of the typed version of the bill, following line 7, by inserting the following:

"(x) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any special revenue funds or any account of the state general fund for the above agency for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57 or other appropriation act of the 2001 regular session of the legislature, expenditures may be made by the above agency from any such special revenue fund or account of the state general fund for fiscal year 2002 for an additional amount of compensation for nonuniformed employees who have daily contact with incarcerated persons, including but not limited to unit team managers and correctional counselors, as determined by the secretary of corrections: *Provided*, That such additional amount of compensation shall be an amount equal to 2.5% of the annual salary of each such eligible employee that is payable to such eligible employee for fiscal year 2001: *And provided further*, That expenditures for such additional compensation for each such eligible employee shall be at the same times and in the same manner that compensation is payable to each such eligible employee for each payroll period chargeable to fiscal year 2001.";

Also, on motion of Rep. McKinney **Sub. HB 2504** be amended on page 19 of the typed version of the bill, in line 19, by subtracting \$300,000 from the dollar amount and by adjusting the dollar amount in line 19 accordingly;

On page 21 of the typed version of the bill, after line 1, by inserting the following:

"(h) In addition to the other purposes for which expenditures may be made by the department of commerce and housing from the publication and other sales fund for fiscal year 2002 as authorized by section 123(b) of 2001 Senate Bill No. 57, expenditures shall be made by the above agency from the publication and other sales fund for fiscal year 2002 for division of travel and tourism operations: *Provided*, That expenditures for such purpose from the publication and other sales fund for fiscal year 2002 shall not exceed \$300,000.";

On page 54 of the typed version of the bill, after line 16, by inserting the following:

"(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year or years specified, the following:

## Park operations

For the fiscal year ending June 30, 2002..... \$300,000”;

Also on page 54 of the typed version of the bill, in line 18, by striking “(f)” and inserting “(g)”;

Also, on motion of Rep. Larkin to amend **Sub. HB 2504**, the motion was withdrawn.

Also, on motion of Rep. Schwartz **Sub. HB 2504** be amended on page 52 of the typed version of the bill, after line 24, by inserting the following:

“(q) On July 1, 2001, the position limitation established for the fiscal year ending June 30, 2002, by section 165(a) of 2001 Senate Bill No. 57 for the state conservation commission is hereby increased from 13.5 to 14.5.”; and **Sub. HB 2504** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 52** be adopted; also, on motion of Rep. Wilk be amended on page 7, in line 19, by striking “July 1, 2001” and inserting “April 1, 2000”;

Also, roll call was demanded on motion of Rep. Nichols to amend **H. Sub. for SB 52** on page 1, after line 15, by inserting the following:

“Section 1. K.S.A. 2000 Supp. 20-2605 is hereby amended to read as follows: 20-2605.

(a) The board shall select and employ or retain a qualified actuary who shall serve at its pleasure as its technical advisor on matters regarding operation of the retirement system for judges. The actuary shall:

(1) As soon after the effective date as practicable and once every three years thereafter, make a general investigation of the actuarial experience under the retirement system for judges including mortality, retirement, employment turnover and interest, and recommend actuarial tables for use in valuations and in calculating actuarial equivalent values based on such investigation; make a valuation of the liabilities and reserves of the retirement system for judges, and a determination of the contributions required by the retirement system for judges to discharge its liabilities and recommend to the board rates of employer contributions required to establish and maintain the retirement system for judges on an actuarial reserve basis.

(2) Perform such other duties as may be assigned by the board.

(b) Upon the basis of the actuarial valuation and appraisal and upon the recommendation of the actuary, the board shall certify, on or before July 15 of each year, to the division of budget an actuarially determined estimate of the rate of contribution which will be required, together with all judges' contributions and other assets of the retirement system for judges to pay all liabilities which shall exist or accrue under the retirement system for judges, including amortization of the unfunded accrued liability over a period of 40 years commencing on July 1, 1993. The rate of contribution for the state determined under this section shall not include the costs of administration of the system.

(c) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under the retirement system for judges as certified by the board and shall present the same to the legislature for allowance and appropriation.

(d) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature *during the year 2000*, except the actuarial cost of K.S.A. 2000 Supp. 74-49,114a, shall be reflected in the employer contribution rate in the fiscal year immediately following such enactment. *The provisions of this subsection shall not be applicable to any legislation enacted by the Kansas legislature after the year 2000.*

Sec. 2. K.S.A. 2000 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1)

(a) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the actuarial accrued liability over a period of 40 years commencing on July 1, 1993, and the actuarial accrued liability for members of the faculty and other persons who are employed by the state board of regents or by educational institutions under its management assisted by the state board



of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto, as provided in this section. The actuarial accrued liability for all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, shall be amortized by annual payments that increase 4% for each year remaining in the amortization period. For all participating employers other than the state board of regents relating to members of the faculty and other persons described in this section, the projected unit credit actuarial cost method shall be used in annual actuarial valuations, commencing with the 1993 valuation, to determine the employer contribution rates that shall be certified by the board. The actuarial accrued liability for members of the faculty and other persons described in this subsection assisted by the state board of regents in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto shall be amortized by annual level payments over a period of 11 years commencing July 1, 1993. Such certified rate of contribution shall be based on the standards set forth in subsection (3)(a) of K.S.A. 74-4908 and amendments thereto and shall not be based on any other purpose outside of the needs of the system.

(b) (i) For employers affiliating on and after January 1, 1999, upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each such employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be termed the employer's participating service contribution and shall be uniform for all participating employers. Such additional liability shall be amortized over a period of 34 years commencing on July 1, 1999, by annual payments that increase 4% for each year remaining in the amortization period. For all participating employers described in this section, the projected unit credit actuarial cost method shall be used in annual actuarial valuations to determine the employer contribution rates that shall be certified by the board.

(ii) The board shall determine for each such employer separately an amount sufficient to amortize over a period of not to exceed 34 years commencing July 1, 1999, all liabilities for prior service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each such employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that employer to pay all of the liabilities for such prior service costs. Such rate shall be termed the employer's prior service contribution.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774 and amendments thereto by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all

other taxes authorized by law. Such governing body to which the budget is submitted for approval, may levy a tax sufficient to allow the participating employer to make its contributions under this act, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) The rate of contribution certified to a participating employer as provided in this section shall apply during the fiscal year of the participating employer which begins in the second calendar year following the year of the actuarial valuation. For the fiscal year commencing in calendar year 1993, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.1% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for the state of Kansas and for participating employers under K.S.A. 74-4931 and amendments thereto shall be 3.2% of the amount of compensation upon which members contribute during the period. For the fiscal year commencing in calendar year 1994, the employer rate of contribution for participating employers other than the state of Kansas shall be 2.2% of the amount of compensation upon which members contribute during the period. Except as specifically provided in this section, for the fiscal year commencing in calendar year 1995, the rate of contribution certified to a participating employer shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.1% of the amount of compensation upon which members contribute during the period. Except as specifically provided in this section, for fiscal years commencing in calendar year 1996 and in each subsequent calendar year, the rate of contribution certified to the state of Kansas shall in no event exceed the state's contribution rate for the immediately preceding fiscal year by more than 0.2% of the amount of compensation upon which members contribute during the period. Except as specifically provided in this section, for fiscal years commencing in calendar year 1997 and in each subsequent calendar year, the rate of contribution certified to participating employers other than the state of Kansas shall in no event exceed such participating employer's contribution rate for the immediately preceding fiscal year by more than 0.15% of the amount of compensation upon which members contribute during the period. There shall be an employer rate of contribution certified to the state of Kansas and participating employers under K.S.A. 74-4931 and amendments thereto. There shall be a separate employer rate of contribution certified to all other participating employers other than the state of Kansas.

(6) The actuarial cost of any legislation enacted in the 1994 session of the Kansas legislature will be included in the June 30, 1994, actuarial valuation in determining contribution rates for participating employers.

(7) The actuarial cost of the provisions of K.S.A. 1998 Supp. 74-4950i will be included in the June 30, 1998, actuarial valuation in determining contribution rates for participating employers. The actuarial accrued liability incurred for the provisions of K.S.A. 1998 Supp. 74-4950i shall be amortized over 15 years.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature *during the year 2000*, except the actuarial cost of K.S.A. 2000 Supp. 74-49,114a, shall be in addition to the employer contribution rates certified for the employer contribution rate in the fiscal year immediately following such enactment. *The provisions of this subsection shall not be applicable to any legislation enacted by the Kansas legislature after the year 2000.*

(9) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912 and amendments thereto at rates different from the rate fixed for employers joining within one year of the first entry date.

(10) For employers affiliating on and after January 1, 1999, the rates of contribution certified to the participating employer as provided in this section shall apply during the fiscal year immediately following such certification, but the rate of contribution during the first year following the employer's entry date shall be equal to 7% of the amount of compensation on which members contribute during the year. Any amount of such first year's contribution

which may be in excess of the necessary current service contribution shall be credited by the board to the respective employer's prior service liability.

(11) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(12) Notwithstanding any provision of law to the contrary, each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for credit to the Kansas public employees retirement fund within three days after the end of the period covered by the remittance by electronic funds transfer. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.”;

And by renumbering sections accordingly;

On page 8, after line 31, by inserting the following:

“Sec. 6. K.S.A. 2000 Supp. 74-4967 is hereby amended to read as follows: 74-4967. (1)

Upon the basis of an annual actuarial valuation and appraisal of the system conducted in the manner provided for in K.S.A. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year to each participating employer an actuarially determined estimate of the rate of contribution which shall be required to be paid by each such participating employer to pay all of the liabilities which shall accrue under the system from and after the entry date as determined by the board, upon recommendation of the actuary. Such rate shall be uniform for all participating employers, and shall be comprised of a rate for benefits accruing after June 30, 1993, and a rate for amortization of the additional liability for benefits provided by this act which is attributable to service rendered before July 1, 1993. Such additional liability shall be amortized over a period of 40 years commencing on July 1, 1993, by annual payments that increase 4% for each year remaining in the amortization period. The employer's rate of contribution determined under this section shall not include the costs of administration of the system.

(2) The board shall determine for each employer separately an amount sufficient to amortize over a period of not to exceed 40 years all liabilities for past service costs which shall have accrued at the time of entry into the system. On the basis of such determination the board shall annually certify to each participating employer separately an actuarially determined estimate of the rate of contribution which shall be required to be paid by that participating employer to pay all of the liabilities for such past service costs. Such rate shall be termed the employer's prior service contribution. The board may enter into agreements with any participating employer which has employees or retirants under the special pension systems established under K.S.A. 13-14a01 to 13-14a14, inclusive, and amendments thereto or K.S.A. 14-10a01 to 14-10a15, inclusive, and amendments thereto, for the purpose of scheduling the payment of such past service costs in an orderly manner which will tend to stabilize the annual total financial burden on such employers in meeting their present and future obligations under this system and such special systems, but in no event shall the annual prior service contribution be less than the interest cost on the total of such past service liability.

(3) Each participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligations under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each employer may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized by law for the purpose of making its contributions under this act, and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located in such county which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from

any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto.

(5) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(6) The rate of contribution certified to each participating employer as provided in this section shall apply during the fiscal year of such participating employer which begins in the second calendar year following the year of the actuarial valuation, but the rate of contribution during the first year following the employer's entry date shall be equal to 16% of the amount of compensation on which members contribute during the year.

(7) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for credit to the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection (7) shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

(8) Except as otherwise provided by law, the actuarial cost of any legislation enacted by the Kansas legislature *during the year 2000*, except the actuarial cost of K.S.A. 2000 Supp. 74-49,114a, shall be reflected in the employer contribution rate in the fiscal year immediately following such enactment. *The provisions of this subsection shall not be applicable to any legislation enacted by the Kansas legislature after the year 2000.*;

Also on page 8, in line 32, after "Supp." by inserting "20-2605, 74-4920,"; also in line 32, by striking "and" the second time it appears and inserting a comma; in line 33, after "74-4927f" by inserting "and 74-4967";

On page 1, in the title, in line 12, after "Supp." by inserting "20-2605, 74-4920,"; also in line 12, by striking "and" the second time it appears and inserting a comma, also in line 12, after "74-4927f" by inserting "and 74-4967";

On roll call, the vote was: Yeas 60; Nays 63; Present but not voting: 1; Absent or not voting: 1.

Yeas: Alldritt, Ballard, Barnes, Burroughs, Campbell, Crow, Dillmore, Faber, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Gordon, Grant, Henderson, Henry, Hermes, Howell, Humerickhouse, Hutchins, Kirk, Klein, Kuether, Larkin, Levinson, Loganbill, M. Long, Mays, McClure, McKinney, Minor, Nichols, O'Brien, Osborne, Pauls, E. Peterson, Phelps, Pyle, Reardon, Rehorn, Ruff, Sharp, Showalter, Shultz, Spangler, Storm, Swenson, Tafanelli, Thimesch, Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Nays: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Compton, Cook, Cox, Dahl, DeCastro, DiVita, Dreher, Edmonds, Freeborn, Glasscock, Hayzlett, Holmes, Horst, Huebert, Huff, Huy, Johnson, Kauffman, Kline, Krehbiel, Lane, Light, Lightner, Lloyd, P. Long, Loyd, Mason, Mayans, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Novascone, O'Neal, Ostmeyer, Palmer, Patterson, J. Peterson, Pottorff, L. Powell, T. Powell, Ray, Schwartz, Shriver, Sloan, Stone, Tanner, Tomlinson, Weber, Wilk, D. Williams.

Present but not voting: Powers.

Absent or not voting: Landwehr.

The motion of Rep. Nichols did not prevail, and **H. Sub. for SB 52** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 304** be adopted; and the substitute bill be passed.

Roll call was demanded on motion to recommend **HB 2592** favorably for passage.

On roll call, the vote was: Yeas 63; Nays 62; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aday, Aurand, Ballou, Beggs, Benlon, Bethell, Boston, Campbell, Compton, Cook, Cox, Dahl, Dreher, Edmonds, Faber, Freeborn, Glasscock, Gordon, Hayzlett, Hermes,

Horst, Humerickhouse, Hutchins, Johnson, Kauffman, Klein, Kline, Krehbiel, Lane, Light, Lightner, Lloyd, Loyd, Mason, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, Nichols, O'Neal, Osborne, Ostmeyer, Patterson, J. Peterson, L. Powell, Ray, Ruff, Schwartz, Sharp, Shultz, Spangler, Stone, Tafanelli, Tanner, Tomlinson, Weber, Wilk, D. Williams.

Nays: Alldritt, Ballard, Barnes, Burroughs, Crow, DeCastro, Dillmore, DiVita, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Grant, Henderson, Henry, Holmes, Howell, Huebert, Huff, Huy, Kirk, Kuether, Landwehr, Larkin, Levinson, Loganbill, M. Long, P. Long, Mayans, McClure, McKinney, Minor, Newton, Novascone, O'Brien, Palmer, Pauls, E. Peterson, Phelps, Pottorff, T. Powell, Powers, Pyle, Reardon, Rehorn, Showalter, Shriver, Sloan, Storm, Swenson, Thimesch, Toelkes, Toplikar, Vickrey, Wells, Welshimer, J. Williams, Wilson, Winn.

Present but not voting: None.

Absent or not voting: None.

The motion prevailed and **HB 2592** be passed.

Committee report to **SB 100** be adopted; and the bill be passed as amended.

On motion of Rep. Aurand **HB 2596** be amended on page 6, following line 33, by inserting:

"Sec. 2. K.S.A. 2000 Supp. 8-1560c is hereby amended to read as follows: 8-1560c. ~~(a)~~ Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of *55 miles per hour or more but not exceeding 70 miles per hour* on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

~~(b) Any conviction or forfeiture of bail or bond for violating any maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 65 miles per hour on any highway, by not more than five miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.~~

Sec. 3. K.S.A. 2000 Supp. 8-1560d is hereby amended to read as follows: 8-1560d. (a) Convictions for violating a maximum posted speed limit of *55 miles per hour or more but not exceeding 70 miles per hour*, by not more than 10 miles per hour in excess of such maximum speed limit, shall not be a part of the public record and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.

~~(b) Convictions for violating any maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 65 miles per hour, by not more than five miles per hour in excess of such maximum speed limit, shall not be a part of the public record and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.~~

By renumbering sections accordingly;

On page 7, in line 1, following "Supp." by inserting "8-1560c, 8-1560d,";

In the title, in line 9, following "ACT" by inserting "regulating traffic,;" in line 10, following "Supp." by inserting "8-1560c, 8-1560d,;" and **HB 2596** be passed as amended.

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

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following concurrent resolution was thereupon introduced and read by title:

HOUSE CONCURRENT RESOLUTION No. 5033—

By Committee on Education

A CONCURRENT RESOLUTION urging the President and the Congress of the United States to increase funding for special education from an average federal share of 15% nationwide to the 40% level authorized by the Individuals with Disabilities Education Act.

WHEREAS, In *Brown v. Board of Education*, a unanimous Supreme Court of the United States recognized that education is perhaps the most important function of state and local governments; in *Wisconsin v. Yoder*, the Supreme Court recognized that the provision of public schools ranks at the very apex of the function of a state; in *San Antonio Independent School District v. Rodriguez*, the Supreme Court refused to invalidate the Texas system of financing its public schools opining that education is one of the most important services performed by the state and declining to intrude in an area which traditionally has been reserved for state legislatures; and

WHEREAS, The architects of America's Constitution and Bill of Rights constructed a unique form of federalism under which the people delegated to the national government certain limited powers while reserving all other authority to the states and the people; the powers of the two government levels were carefully balanced and each had distinct roles with most day-to-day functions being left at the level closest to the people; the founders expected state power to rival national power; and

WHEREAS, America's unique form of federalism worked for a while, but has been severely eroded over the years; the states have become enfeebled while the federal government has consolidated power and now involves itself in every conceivable area of governance, including the most local of concerns; nowhere is encroachment by the federal government on state rights more apparent than in the area of education, specifically special education; and

WHEREAS, The states were and are well aware of the constitutional obligation to provide public education for children with disabilities; many of the states enacted constitutionally sound special education laws prior to enactment in 1975 by Congress of Public Law 94-142, the Education for All Handicapped Children Act, known since 1990 as the Individuals with Disabilities Education Act or IDEA; nearly six million American children receive special education services provided by the states at a cost of almost \$40 billion, only about \$6.3 billion of which is federal money; and

WHEREAS, Enactment of the IDEA transferred decisions about the ways in which special education services would be provided from state capitals to Washington, D.C.; in an effort to alleviate the intrusion that transfer of control over special education had upon an area traditionally reserved to the states, the Act authorized appropriation of a sum equal to 40% of the average per pupil expenditure for general education pupils; Congressional appropriations have never come near the authorization level; and

WHEREAS, A recent report by the Kansas State Department of Education provided the Kansas Legislature with the estimated special education expenditures in Kansas for fiscal year 2002; the report estimated expenditures for special education in the amount of \$515,362,780, and was broken down by anticipated state, local, and federal aid percentages; the report revealed that federal aid, including medicaid reimbursement of approximately \$17 million, would comprise only 14% of the total expenditures for special education; if increased to the authorized 40% level, federal aid would increase from \$55,300,000 to \$158,000,000; and

WHEREAS, The National Council on Disability recently reported that many children with disabilities are receiving substandard schooling because the states are not complying with federal rules on special education; the response of officials at the U.S. Department of Education, the federal agency responsible for overseeing compliance with the IDEA, was predictable, not an assertion that the agency would make an intense effort to get Congress to provide assistance to the states in the form of increased dollars, at least to a level more nearly approaching the 40% level of expenditures authorized for special education, but with a threat to be more aggressive in monitoring and enforcing compliance; and

WHEREAS, In 1998 and in 2000, the Kansas Legislature adopted concurrent resolutions memorializing the Congress to assume its fair share of the costs of special education services by increasing funding to a level more nearly approaching the level authorized by the Individuals with Disabilities Education Act; and

WHEREAS, The Kansas Legislature devotes considerable effort and a great amount of time during each session in an attempt to address concerns regarding delivery of special education services and to find some solution to the rapidly escalating costs of providing such services; in the course of its study of the matter during the 2000 session, the Legislature

received reports from the Kansas State Department of Education and from embattled providers of special education services in the field; the reports were overwhelmingly disturbing and revealed that from 1990 through 1998, Kansas realized a 29% increase in the number of pupils with disabilities, a 32% increase in the number of professionals, and a 150% increase in the number of paraprofessionals; one special education cooperative reported a 48% increase in expenditures for special education from the 1990-91 school year through the 1999-2000 school year; school districts are experiencing continuing growth in the population of children with severe disabilities, in the number of behavior disordered pupils and in other high need populations of children, such as children with autism or traumatic brain injury, who require high cost programs; the 1997 IDEA amendments added several new specific disabling conditions; the quality and quantity of special education teachers is a major concern as the growth in numbers of pupils and severity of disabilities increase and the pool of trained teachers decreases; special education professionals face stress, burnout and increased paperwork even though the 1997 amendments to the IDEA were supposed to reduce paperwork; one director of special education services stated that he had been a special education professional since 1972 and was more worried than in his whole career about the increasing demands on the system to serve more pupils, with more severe disabilities, to higher standards than ever before, with fewer trained, skilled teachers and decreasing financial resources; and

WHEREAS, President Bush has sent Congress a budget proposal containing an education reform plan that offers federal support for several new programs; while many of the centerpieces of the budget proposal may be praiseworthy, legislators and school officials in Kansas would rather the Congress, in drafting its own spending proposals, honor the commitment to fully fund the federal share of special education costs before adopting any spending proposal that is dedicated to new programs: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature, in recognition that children with disabilities have a fundamental right to be provided with a free and appropriate public education and that the Congress of the United States has enacted a federal law for the purpose of assisting the states in honoring that fundamental right and in the belief that projected federal budget surpluses present the federal government with the tremendous opportunity to assume its fair share of the costs of providing special education services, hereby strongly urges the President and the Congress of the United States to put a new twist on the old joke about federal officials appearing in a state and saying "we're here to help" by increasing funding for the provision of special education services for children with disabilities from the average federal share of 15% nationwide to the 40% level authorized by the Individuals with Disabilities Education Act; and

*Be it further resolved:* That the Secretary of State is hereby directed to send enrolled copies of this resolution to The Hon. George W. Bush at 1600 Pennsylvania Ave., Washington, D.C. 20500; The Hon. Pat Roberts at 302 Hart Senate O.B., Washington, D.C. 20510; The Hon. Sam Brownback at 303 Hart Senate O.B., Washington, D.C. 20510; The Hon. Jerry Moran at 1519 Longworth House O.B., Washington, D.C. 20515; The Hon. Jim Ryun at 330 Cannon House O.B., Washington D.C. 20515; The Hon. Dennis Moore at 431 Cannon House O.B., Washington, D.C. 20515; The Hon. Todd Tiahrt at 428 Cannon House O.B., Washington, D.C. 20515; National Conference of State Legislatures at 444 North Capitol Street, N.W., Suite 515, Washington, D.C. 20001, and at 1560 Broadway, Suite 700, Denver, CO 80202; American Legislative Exchange Council at 910 17th Street N.W., Fifth Floor, Washington, D.C. 20006; Council of State Governments at Hall of the States, Suite 401, Washington, D.C. 20001; National Governors' Association at Hall of States, 444 North Capitol Street, Washington, D.C. 20001.

#### **REPORT ON ENGROSSED RESOLUTIONS**

**HR 6019** reported correctly engrossed April 26, 2001.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6020, HR 6021** reported correctly enrolled and properly signed on April 26, 2001.

On motion of Rep. Weber, the House adjourned until 9:30 a.m., Friday, April 27, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

