

# Journal of the Senate

FIFTY-FOURTH DAY

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SENATE CHAMBER, TOPEKA, KANSAS  
Monday, March 26, 2001—2:00 p.m.

The Senate was called to order by President Dave Kerr.  
The roll was called with thirty-nine senators present.  
Senator Pugh was excused.  
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

We are closing in on the final days of the session, but we are not there yet, and there is much to be done.

This means that. . . .

The days will be longer and the nights shorter.

The pressure will increase and our patience decrease.

Our frustration will rise and our expectations will fall.

So give us, O God,

Some stamina for the long days and some sound sleep for the short nights.

A release valve for the pressure and an unprecedented abundance of patience.

A limit on our frustration and a realistic view of our expectations.

And help us to temper. . . .

Our zeal with restraint.

Our anger with humor.

Our disappointments with pleasant surprises.

Our fatigue with unexpected bursts of energy.

And help us put both success and failure in perspective.

In Christ's Name I pray,

AMEN

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**SB 359.** An act concerning the Kansas life and health insurance guaranty association; amending K.S.A. 40-3006, 40-3008, as amended by section 3 of 2001 House Bill No. 2115, 40-3011, 40-3016 and 40-3017 and repealing the existing sections, by Committee on Ways and Means.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Agriculture: **Sub HB 2468.**

Assessment and Taxation: **HB 2091, HB 2128.**

Education: **Sub HB 2546.**

Judiciary: **HB 2508.**

Public Health and Welfare: **HB 2229.**

Ways and Means: **HB 2550, HB 2551.**

#### **CHANGE OF REFERENCE**

The President withdrew **S Sub for HB 2034** from the Committee on Ways and Means, and rereferred the bill to the Committee on Commerce.

The President withdrew **HB 2051, HB 2094, HB 2155**, from the Committee on Ways and Means, and rereferred the bills to the Committee on Education.

The President withdrew **HB 2143** from the Committee on Ways and Means, and rereferred the bill to the Committee on Transportation.

The President withdrew **S Sub for HB 2161; HB 2178, HB 2480** from the Committee on Ways and Means, and returned the bills to the calendar under the heading of General Orders.

The President withdrew **Sub HB 2077, HB 2296, HB 2328** from the Committee on Ways and Means, and rereferred the bills to the Committee on Judiciary.

The President withdrew **HB 2102** from the Committee on Ways and Means, and rereferred the bill to the Committee on Agriculture.

#### **MESSAGE FROM THE HOUSE**

Announcing, the House concurs in Senate amendments to **HB 2169**.

The House nonconcurrs in Senate amendments to **HB 2007**, requests a conference and has appointed Representatives Edmonds, Huff and Larkin as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **Senate Substitute for HB 2017**, requests a conference and has appointed Representatives Wilk, Neufeld and Shriver as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2047**, requests a conference and has appointed Representatives Freeborn, Light and Flora as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2055**, requests a conference and has appointed Representatives Mason, Aday and Kuether as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2083**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2084**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2098**, requests a conference and has appointed Representatives Beggs, Palmer and E. Peterson as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2103**, requests a conference and has appointed Representatives Johnson, Dahl and Thimesch as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2119**, requests a conference and has appointed Representatives Ray, Campbell and Gilbert as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2131**, requests a conference and has appointed Representatives Freeborn, Light and Thimesch as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2134**, requests a conference and has appointed Representatives Freeborn, Light and Thimesch as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2136**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2174**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2175**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2200**, requests a conference and has appointed Representatives Freeborn, Holmes, Loyd and McClure and Flora as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2245**, requests a conference and has appointed Representatives Holmes, Sloan and McClure as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2266**, requests a conference and has appointed Representatives Holmes, Sloan and McClure as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2289**, requests a conference and has appointed Representatives Tanner, Loyd and Reardon as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2297**, requests a conference and has appointed Representatives O'Neal, Loyd and Pauls as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2313**, requests a conference and has appointed Representatives Boston, Jim Morrison and Showalter as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2343**, requests a conference and has appointed Representatives Lane, P. Long and Ruff as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2397**, requests a conference and has appointed Representatives Holmes, Sloan and McClure as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2406**, requests a conference and has appointed Representatives Ray, Campbell and Gilbert as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HB 2497**, requests a conference and has appointed Representatives Mason, Aday and Kuether as conferees on the part of the House.

The House nonconcurrs in Senate amendments to **HCR 5008**, requests a conference and has appointed Representatives Freeborn, Myers and Flora as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 32** and has appointed Representatives Wilk, Neufeld and Nichols as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 50** and has appointed Representatives Boston, Jim Morrison and Showalter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 53** and has appointed Representatives Hayzlett, Vickrey and M. Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 58** and has appointed Representatives Cox, Humerickhouse and Burroughs as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 107** and has appointed Representatives T. Powell, Powers and Alldritt as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 115** and has appointed Representatives Hayzlett, Vickrey and M. Long as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 126** and has appointed Representatives T. Powell, Powers and Alldritt as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 127** and has appointed Representatives T. Powell, Powers and Alldritt as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 183** and has appointed Representatives Freeborn, Myers and Flora as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 186** and has appointed Representatives Boston, Jim Morrison and Showalter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 214** and has appointed Representatives Boston, Jim Morrison and Showalter as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 280** and has appointed Representatives Beggs, Palmer and E. Peterson as conferees on the part of the House.

The House accedes to the request of the Senate for a conference on **SB 321** and has appointed Representatives Wilk, Neufeld and Feuerborn as conferees on the part of the House.

Announcing, the House accedes to the request of the Senate for a conference on **SB 83** and has appointed Representatives Tomlinson, Dreher and Kirk as conferees on the part of the House.

#### **CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR**

On motion of Senator Corbin the Senate nonconcurred in the House amendments to **SB 45** and requested a conference committee be appointed.

The President appointed Senators Corbin, Jenkins and Lee as a conference committee on the part of the Senate.

On motion of Senator Donovan the Senate nonconcurred in the House amendments to **SB 56** and requested a conference committee be appointed.

The President appointed Senators Donovan, Salmans and Gooch as a conference committee on the part of the Senate.

On motion of Senator Corbin the Senate nonconcurred in the House amendments to **SB 138** and requested a conference committee be appointed.

The President appointed Senators Corbin, Jenkins and Lee as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurred in the House amendments to **SB 147** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 160** and requested a conference committee be appointed.

The President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 195** and requested a conference committee be appointed.

The President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Tyson the Senate nonconcurred in the House amendments to **SB 237** and requested a conference committee be appointed.

The President appointed Senators Huelskamp, Taddiken and Lee as a conference committee on the part of the Senate.

On motion of Senator Wagle the Senate nonconcurred in the House amendments to **SB 239** and requested a conference committee be appointed.

The President appointed Senators Wagle, Barnett and Haley as a conference committee on the part of the Senate.

On motion of Senator Morris the Senate nonconcurrent in the House amendments to **SB 294** and requested a conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a conference committee on the part of the Senate.

#### INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Praeger, Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil and Wagle introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1834—

A RESOLUTION acknowledging the 50th anniversary of the  
Kansas Rural Preceptor Program.

WHEREAS, Franklin D. Murphy, M.D., Dean of the University of Kansas School of Medicine (1948-51), recognizing the shortage of physicians following World War II and the potential health care delivery crisis it would produce, developed a visionary program. This program exposed fourth year medical students to the real life experiences of rural medicine by working alongside rural physicians in their practices, gaining first hand insight into the challenges and rewards that faced physicians in rural, often remote communities in Kansas; and

WHEREAS, To fund his plan, Dr. Murphy sought support from the Kansas legislature and on February 18, 1949, Governor Frank Carlson signed House Bill No. 9, Rural Health Program for Kansas, into law and with authorization for \$3.8 million in funding, matched students with volunteer physicians in 1951; and

WHEREAS, This landmark legislation provided for major expansion of the University of Kansas Medical Center and put into place a program that became the national model for doctors and health professionals to be trained to alleviate the serious and growing shortage of such personnel in the state; and

WHEREAS, Today, approximately 900 physicians throughout Kansas volunteer their time educating University of Kansas School of Medicine medical students. The effect has been profound with 48% of all School of Medicine graduates choosing to practice in Kansas following their residency training, the highest percentage in the Midwest; and

WHEREAS, Nurturing the long term relationships between the University of Kansas School of Medicine and the physician preceptors is critical to the School of Medicine successfully achieving its missions of education, research, patient care and service. Of even greater value is the unique opportunity to build a network of physicians, health professionals and educators committed to working together to provide optimum health care delivery for all Kansans; and

WHEREAS, These volunteer preceptors take great pride in their roles as teachers, and the University of Kansas School of Medicine enhances these roles by providing complementary continuing education and greater access to the School's services, such as online access to the medical library, online physician consultations and online discussion groups. These services help erase the large geographic boundaries that limit timely communication and information sharing between the University of Kansas Medical Center faculty, students and the physician preceptors: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Senate acknowledges the 50th Anniversary of the Kansas Rural Preceptor Program and recognizes that fifty years later the Kansas Rural Preceptor Program continues to make a profound impact on medical education and rural health care in Kansas and around the nation; and

*Be it further resolved:* That the Senate supports the Kansas Rural Preceptor Program and the University of Kansas School of Medicine's efforts to enhance and improve upon the School's relationship with the preceptors throughout the state.

On emergency motion of Senator Praeger **SR 1834** was adopted unanimously.

Those present for the resolution were: Chancellor Robert Hemenway-University of Kansas, Lawrence; Charles Allred, M.D.-KAFP, President, Salina; Ann Polich-Director SW Kansas Network, Garden City; Kim Cuda-KUMC Alumni Association;

From Wichita: Joseph Meek, M.D.-Dean KUSM; Terry Klein, M.D.-KMS President; Kay Brada-KMS Alliance President; Bryan Wohlwend-Medical Student; Thomas Lewis-Medical Student, Sean Perkins-Medical Student.

From Kansas City: Deborah Powell, M.D.-Dean KUSM, Jennifer Miller-Medical Student,

Peder Horner-Medical Student, Mary Beth Gentry-Assistant Dean for External Affairs,

Paula Baum-Sr. Coordinator, External Affairs.

Senator Barnett introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1835—

A RESOLUTION congratulating and commending the Lebo High School girls basketball team and Coach Bill Nienstedt for winning the 2001 Class 1A State Basketball Championship.

WHEREAS, The Lebo High School girls basketball team won the 2001 Kansas State High School Activities Association Class 1A State Basketball Championship with a thrilling 48-35 victory over Jetmore High School in the state championship game; and

WHEREAS, The Lebo High School "Lady Wolves" basketball team finished the season with a perfect 27-0 record duplicating their 1994 season of a 26-0 record and the Class 2A championship; and

WHEREAS, Coach Nienstedt, the Topeka Capital-Journal's Coach of the Year, now has a record of 196-47 at Lebo, and the seniors on the team leave with a record of 91-12; and

WHEREAS, The team coaches and members are as follows:

Head Coach, Bill Nienstedt,

Assistant Coach, Tammy Windle,

Karen DeDonder,

Linsy Krause,

Ashley Gourley,

Amy Gillespie,

Abby Thorne,

Melanie Lane,

Nicholle Combes,

Megan Laflin,

Megan Gourley,

Tiffany Tastove,

Angela Sullivan,

Leasa Novotny,

Nikki McDaniel,

Jessica Taul,

Casey Strawder; and

WHEREAS, The members of this outstanding basketball team have received statewide recognition for their fine sportsmanship and athletic abilities; and

WHEREAS, The success of this team is due to its excellent teamwork, strong competitive spirit and determination to win plus the enthusiastic support of the school's administrators, the faculty, the students, the players' parents and many area citizens: Now, therefore,

*Be it resolved by the Senate of the State of Kansas:* That the Lebo High School girls basketball team and Coach Bill Nienstedt be congratulated and commended for winning the 2001 Kansas State High School Activities Association Class 1A State Basketball Championship; and

*Be it further resolved:* That the Secretary of the Senate be directed to send two enrolled copies of this resolution to Todd Barker, Principal, Lebo High School, P.O. Box 45, Lebo, Kansas 66856.

On emergency motion of Senator Barnett **SR 1835** was adopted unanimously.

Senator Barnett congratulated the team, coaches and supporters for winning the 2001 Class 1A State Basketball Championship.

**REPORTS OF STANDING COMMITTEES**

Committee on **Ways and Means** recommends **SB 342** be amended on page 2, in line 1, after "fund" by inserting the following: ", as adjusted by the division of accounts and reports pursuant to K.S.A. 2000 Supp. 75-1318, and amendments thereto,";

On page 3, in line 16, by striking "\$6,753,323" and inserting in lieu thereof "\$6,782,199"; preceding line 17, by inserting the following material to read as follows:

"(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 10(a) of chapter 130 of the 2000 Session Laws of Kansas on expenditures for official hospitality from the insurance department service regulation fund is hereby increased from \$1,000 to \$2,000.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 10(a) of chapter 130 of the 2000 Session Laws of Kansas on expenditures for official hospitality from the senior health insurance counseling for Kansans fund is hereby increased from \$1,000 to \$2,000.";

On page 5, in line 23, by striking "\$590,000" and inserting in lieu thereof "\$581,421"; preceding line 34, by inserting the following:

"(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2001, by section 69(a) of chapter 130 of the 2000 Session Laws of Kansas for the Kansas commission on veterans affairs is hereby increased from 454.8 to 457.8.";

On page 7, after line 28, by inserting the following:

"(b) On the effective date of this act, of the \$3,440,000 appropriated for the above agency for the fiscal year ending June 30, 2000, by section 21(a) of chapter 183 of the 2000 Session Laws of Kansas from the state general fund in the long-term care account, the sum of \$900,000 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2001, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

HCBS programs fund—department on aging ..... \$150,000

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by the state finance council on the state medicaid match fund—department on aging is hereby increased from \$9,700,000 to \$10,450,000.

(e) On and after the effective date of this act during fiscal year ending June 30, 2001, at the point during fiscal year 2001 that an aggregate amount of \$15,300,000 has been transferred from the intergovernmental transfer fund to the state medicaid match fund—SRS pursuant to subsection (f)(1) of K.S.A. 2000 Supp. 75-4265 and amendments thereto, then the director of accounts and reports shall not transfer any more moneys from the intergovernmental transfer fund to the state medicaid match fund—SRS of the department of social and rehabilitation services during fiscal year 2001 and all additional moneys that otherwise would have been transferred from the intergovernmental transfer fund to the state medicaid match fund—SRS during fiscal year 2001 shall be transferred from the intergovernmental transfer fund to the state medicaid match fund—department on aging.

(f) On and after the effective date of this act during fiscal year ending June 30, 2001, at the point during fiscal year 2001 that an aggregate amount of \$5,000,000 has been transferred from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services pursuant to subsection (f)(1) of K.S.A. 2000 Supp. 75-4265 and amendments thereto, then the director of accounts and reports shall not transfer any more moneys from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services during fiscal year 2001 and all additional moneys that otherwise would have been transferred from the intergovernmental transfer fund to the HCBS programs fund of the department of social and rehabilitation services during fiscal year 2001 shall be transferred from the intergovernmental transfer fund to the HCBS programs fund—department on aging, which is hereby created in the state treasury.";

On page 9, in line 8, by striking "\$2,180" and inserting in lieu thereof "\$2,030"; after line 33, by inserting the following material to read as follows:

“(t) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the alcohol and drug abuse block grant federal fund is hereby increased from \$10,978,786 to \$11,186,173.

(u) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the child welfare services block grant federal fund is hereby decreased from \$6,496,560 to \$6,313,397.

(v) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the social services block grant—federal fund is hereby decreased from \$28,351,705 to \$26,745,582.

(w) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 33(b) of chapter 130 of the 2000 Session Laws of Kansas on the mental health block grant federal fund is hereby increased from \$2,370,291 to \$2,762,568.

(x) During the fiscal year ending June 30, 2001, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund and the amounts budgeted for the regular medical program but not expended from the social welfare fund, an aggregate of \$870,000 from such account and such fund shall not be expended for other programs or purposes during fiscal year 2001 and shall be expended by the above agency during fiscal year 2002 for implementation of the Medicaid buy-in program for individuals with disabilities.”;

Also on page 9, after line 39, by inserting the following material to read as follows: “Grant to Kansas cultural heritage and arts center, Dodge City,

Kansas ..... \$30,000

(b) The director of accounts and reports shall not make the transfer of \$100,000 from the state highway fund of the department of transportation to the grant for the Kansas cultural heritage and arts center, Dodge City, Kansas, fund of the department of education for the purpose of developing the Dodge City train depot as a historical transportation site which was authorized to be made on July 1, 2000, or as soon thereafter as moneys were available, by section 60(l) of chapter 183 of the 2000 Session Laws of Kansas.”;

On page 12, after line 16, by inserting the following material to read as follows:

“(c) On the effective date of this act, of the \$190,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 13(a) of chapter 182 of the 2000 Session Laws of Kansas from the state general fund in the day reporting center state match account, the sum of \$94,691 is hereby lapsed.”;

Also on page 12, after line 25, by inserting the following material to read as follows:

“(c) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2001, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2001 for juvenile intake and assessment: *Provided*, That expenditures from the juvenile detention facilities fund for fiscal year 2001 for juvenile intake and assessment shall not exceed \$1,000,000: *Provided further*, That all expenditures for such purpose shall be in addition to any expenditure limitation imposed on the juvenile detention facilities fund for fiscal year 2001.

(d) On the effective date of this act, of the \$34,385,360 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 52(a) of chapter 130 of the 2000 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$1,300 is hereby lapsed.

(e) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

“Atchison juvenile correctional facility operations..... \$1,300”;

Also on page 12, after line 36, by inserting the following material to read as follows:

“(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2001, all moneys now or hereafter lawfully



credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sentencing commission forfeiture fund..... No limit”;

On page 13, after line 13, by inserting the following material to read as follows:

“(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 61(b) of chapter 130 of the 2000 Session Laws of Kansas on the feeding stuffs fee fund is hereby increased from \$491,867 to \$541,867.”;

Also on page 13, in line 26, by striking “\$3,000” and inserting in lieu thereof “No limit”;

after line 42, by inserting the following material to read as follows:

“(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 66(b) of chapter 130 of the 2000 Session Laws of Kansas on the state water plan fund is hereby increased from \$2,826,474 to \$2,843,214.”;

On page 14, in line 6, by striking “400.5” and inserting in lieu thereof “397.5”; after line 10, by inserting the following material to read as follows:

Sec. 38.

#### ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Additional operating expenditures ..... \$25,000

*Provided*, That expenditures may be made from the additional operating expenditures account only upon approval by the state finance council acting after receiving certification from the adjutant general that moneys have been received from the federal government to match such expenditures and acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

Sec. 39.

#### BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 74(a) of chapter 130 of the 2000 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$425,141 to \$434,509.

Sec. 40.

#### CITIZENS' UTILITY RATEPAYER BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 28(a) of chapter 183 of the 2000 Session Laws of Kansas on the utility regulatory fee fund is hereby increased from \$471,003 to \$546,469.

Sec. 41.

#### DEPARTMENT OF COMMERCE AND HOUSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 12(a) of chapter 183 of the 2000 Session Laws of Kansas on the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$16,578,179 to \$16,552,337.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 12(d) of chapter 183 of the 2000 Session Laws of Kansas on the state operations (including official hospitality) subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$9,184,779 to \$9,158,937.

Sec. 42.

#### JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2001, the following:

Operating expenditures ..... \$5,000

Sec. 43.

#### KANSAS LOTTERY

(a) The executive director of the Kansas lottery is hereby directed to provide written notification to the chairpersons of the house appropriations committee and senate ways and

means committee, the president of the senate, the speaker of the house of representatives, the minority leaders of the house of representatives and the senate and to the director of the Kansas legislative research department whenever there is a change in the state or corporate staff of the vendor with which the lottery contracts for online games and services.;"

And by renumbering sections accordingly;

On page 1, in the title, in line 26, by striking "and" where it appears for the first time and inserting in lieu thereof a comma; also in line 26, before the semicolon, by inserting the following: "adjutant general, behavioral sciences regulatory board, citizens' utility rate-payers board, department of commerce and housing, judicial council and Kansas lottery"; and the bill be passed as amended.

Also **SB 348** be amended on page 2, in line 20, by striking "\$5,143,973" and inserting in lieu thereof "\$5,380,469"; in line 24, by striking "\$5,274,104" and inserting in lieu thereof "\$5,499,938";

On page 3, in line 29, by striking "\$1,978,604" and inserting in lieu thereof "\$1,954,895";

On page 8, after line 11, by inserting the following material to read as follows:

"Special litigation reserve fund

For the fiscal year ending June 30, 2002..... No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund except upon the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

For the fiscal year ending June 30, 2003..... No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund except upon the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.

(b) On July 1, 2001, the director of accounts and reports shall transfer \$300,000 from the technical professions fee fund of the state board of technical professions to the special litigation reserve fund of the state board of technical professions.;"

Also on page 8, in line 31, by striking "2002" and inserting in lieu thereof "2003";

On page 9, in line 13, by striking "81.0" and inserting in lieu thereof "85.0"; in line 14, by striking "81.0" and inserting in lieu thereof "85.0";

On page 12, by striking all in lines 24 and 25;

On page 14, in line 31, by striking "\$1,786,732" and inserting in lieu thereof "\$1,738,732";

On page 16, in line 29, by striking "\$4,075,642" and inserting in lieu thereof "\$3,693,100"; in line 39, by striking "\$870,000" and inserting in lieu thereof "\$970,000";

On page 17, in line 2, by striking "\$715,000" and inserting in lieu thereof "\$1,115,000";

On page 18, in line 39, by striking "\$1,802,923" and inserting in lieu thereof "\$1,802,863";

On page 19, in line 34, by striking "\$998,463" and inserting in lieu thereof "\$1,050,600";

On page 21, in line 12, by striking "\$7,385,804" and inserting in lieu thereof "\$7,416,497"; in line 14, by striking "\$1,200" and inserting in lieu thereof "\$2,000"; in line 43, by striking "\$1,200" and inserting in lieu thereof "\$2,000";

On page 23, in line 7, by striking "\$201,638" and inserting in lieu thereof "\$230,718";

On page 24, in line 27, by striking "\$286,005" and inserting in lieu thereof "\$497,218";

On page 25, in line 9, by striking "\$79,623,104" and inserting in lieu thereof "\$79,743,339";

On page 26, after line 22, by inserting the following material to read as follows:

"Senior services trust fund ..... No limit";

Also on page 26, after line 24, by inserting the following material to read as follows:

"Non-retirement administration fund..... No limit

*Provided*, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account—family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 2000 Supp. 74-4909b, and amendments thereto.;"

Also on page 26, in line 25, after "the" by inserting "expense reserve of the"; in line 27, by striking all after the colon; by striking all in lines 28 through 30; in line 31, by striking "\$6,585,480" and inserting in lieu thereof "No limit"; in line 32, after "account" by inserting "may be made"; in line 33, by striking all after "hospitality"; by striking all in lines 34 through 38; in line 39, by striking all before the colon; also in line 39, by striking "And provided" and inserting in lieu thereof "Provided"; in line 43, by striking all after "system";

On page 27, by striking all in lines 1 through 4; in line 5, by striking all before the period; in line 6, by striking "\$29,900,066" and inserting in lieu thereof "No limit"; by striking all in lines 7 through 29 and inserting in lieu thereof the following:

"KPERs technology project..... No limit

(c) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2002, for the following specified purposes:

Agency operations..... No limit

Investment-related expenses ..... No limit";

On page 30, after line 41, by inserting the following material to read as follows:

"(b) On July 1, 2001, October 1, 2001, January 1, 2002, and April 1, 2002, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.";

On page 31, in line 5, by striking "\$16,546,132" and inserting in lieu thereof "\$16,658,674";

On page 44, in line 10, after "software" by inserting "and VIPS software";

On page 46, after line 31, by inserting the following material to read as follows:

"(e) The executive director of the Kansas lottery is hereby directed to provide written notification to the chairpersons of the house appropriations committee and senate ways and means committee, the president of the senate, the speaker of the house of representatives, the minority leaders of the house of representatives and the senate and to the director of the Kansas legislative research department whenever there is a change in the state or corporate management staff of the vendor with which the lottery contracts for online games and services.";

On page 48, in line 33, by striking "\$400,000" and inserting in lieu thereof "\$200,000"; in line 41, after "expenditures" by inserting "shall be"; in line 42, preceding "to" by inserting "in the amount of \$200,000";

On page 58, in line 36, by striking "\$8,553,152" and inserting in lieu thereof "\$8,655,252";

On page 62, in line 15, by striking "\$3,722,000" and inserting in lieu thereof "No limit"; in line 34, by striking "\$20,925,027" and inserting in lieu thereof "\$21,021,027";

On page 69, by striking all in lines 21 through 25;

And by relettering subsections accordingly;

On page 71, in line 20, by striking "\$4,467,645" and inserting in lieu thereof "\$4,482,645"; in line 39, before the period, by inserting ": And provided further, That the agency shall provide \$30,000 from this fund for the senior legal hotline for fiscal year 2002";

On page 74, by striking all in lines 6 through 8; by striking all in lines 10 and 11; by striking all in lines 13 and 14;

On page 75, in line 2, by striking "\$87,876,981" and inserting in lieu thereof "\$88,076,981";

On page 77, in line 40, before the period, by inserting ": And provided further, That expenditures shall be made from the youth services aid and assistance account in the amount of \$90,000 from the community funding program subaccount for a pilot project for 100 child welfare mediation cases in Wichita pursuant to a contract, which is hereby authorized and directed to be entered into by the secretary of social and rehabilitation services with a private contractor which shall provide \$30,000 of foundation funding for such project";

On page 78, in line 41, by striking "Kkansas" and inserting in lieu thereof "Kansas";

On page 80, in line 19, by striking "2001" and inserting in lieu thereof "2002"; in line 21, by striking "\$278,641,495" and inserting in lieu thereof "\$275,675,005"; also in line 21, by striking "2001" and inserting in lieu thereof "2002"; in line 26, by striking "2001" and inserting in lieu thereof "2002";

On page 81, after line 32, by inserting the following material to read as follows:

"Child support enforcement administration fund ..... No limit";

Also on page 81, by striking all in lines 39 through 43;

On page 82, by striking all in lines 1 through 4; by striking all in lines 6 through 14;

On page 83, by striking all in lines 30 through 43;

On page 84, by striking all in lines 1 through 27 and inserting in lieu thereof the following:

"(j) During the fiscal year ending June 30, 2002, of the amounts budgeted but not expended for the regular medical program from the other medical assistance account of the state general fund and the amounts budgeted for the regular medical program but not expended from the social welfare fund, an aggregate of \$870,000 from such account and such fund shall not be expended for other programs or purposes during fiscal year 2002 and shall be expended by the above agency during fiscal year 2003 for implementation of the medicaid buy-in program for individuals with disabilities.";

Also on page 84, in line 42, by striking "\$9,183,881" and inserting in lieu thereof "\$9,408,881";

On page 85, in line 3, after "excellence" by inserting "awards and"; also in line 3, by striking "\$56,000" and inserting in lieu thereof "\$120,000"; in line 4, after "excellence" by inserting "awards and"; in line 5, after "account" by inserting "for teaching excellence scholarships"; in line 17, by striking "made under the" and inserting in lieu thereof "for"; also in line 17, by striking "pro-"; in line 18, by striking "gram"; by striking all in line 20; in line 21, by striking "\$2,060,403,000" and inserting in lieu thereof "\$1,804,013,000"; in line 23, by striking all after "count"; by striking all in lines 24 and 25; in line 26, by striking all before "Provided" and inserting in lieu thereof the following: "in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That any unencumbered balance in the general state aid account in excess of \$10,262,000 shall be transferred to the inservice education aid account of the state general fund of the department of education to be used to fund approved inservice education programs as authorized by K.S.A. 72-9601 *et seq.*, and amendments thereto"; in line 28, by striking all after "That"; by striking all in lines 29 and 30; in line 31, by striking all before the period and inserting in lieu thereof the following: "except as otherwise specified in this proviso, of the amount a district receives from the at-risk pupil weighting, an amount produced by a pupil weighting of .01 shall be used by the district for achieving mastery of basic reading skills by completion of the third grade in accordance with standards established by the state board of education under K.S.A. 72-7534 and amendments thereto: *And provided further*, That a district shall include such information in its at-risk pupil assistance plan as the state board of education may require regarding the district's remediation strategies and the results thereof in achieving the third grade reading mastery standards specified by the state board. The reporting requirements shall include information documenting remediation strategies and improvement made by pupils who performed below the expected standard on the second grade diagnostic reading test prescribed by the state board: *And provided further*, That a school district whose second grade pupils substantially meet the state board of education standards for mastery of second grade reading skills, upon request, may be released by the state board from the requirements of this proviso"; in line 36, by striking "\$450,000" and inserting in lieu thereof "\$225,000";

On page 86, after line 9, by inserting the following material to read as follows:

"Special education services aid ..... \$256,390,000

*Provided*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 2000 Supp. 72-983 and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the

foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978 and amendments thereto: *And provided further*, That for expenditures from the special education services aid account of the above agency, fully-trained reading recovery teacher leaders, selected by the agency in accordance with established criteria, shall be considered to be special teachers as defined in subsection (j)(1) of K.S.A. 2000 Supp. 72-962 and amendments thereto for the purpose of determining amounts of payments to be made to school districts in accordance with the provisions of K.S.A. 2000 Supp. 72-978 and amendments thereto from the amount remaining in the special education services aid account after deduction of expenditures made in accordance with the provisions of K.S.A. 2000 Supp. 72-893 and amendments thereto: *Provided, however*, That expenditures for fully-trained reading recovery teacher leaders considered to be special teachers shall not exceed \$180,000.”;

Also on page 86, in line 10, by striking “\$35,000” and inserting in lieu thereof “\$30,000”; after line 17, by inserting the following material to read as follows:

“Grant to the Kansas optometric association for vision study ..... \$110,000”;

Also on page 86, after line 25, by inserting the following material to read as follows:

“Grant to Emporia state university..... \$155,000

*Provided*, That expenditures from this account shall be made for grants to Emporia state university for the national board certification program and for the future teacher academy: *Provided, however*, That expenditures from this account shall not exceed \$90,000 for the national board certification program and \$65,000 for the future teacher academy.”;

Also on page 86, in line 35, by striking “\$35,000” and inserting in lieu thereof “\$30,000”; by striking all in lines 36 and 37; in line 38, by striking “\$500,000” and inserting in lieu thereof “\$345,000”; in line 41, preceding the period, by inserting the following: “. *Provided*, That, notwithstanding the provisions of K.S.A. 2000 Supp. 72-1412 *et seq.*, expenditures shall be made from the mentor teacher program grants account for grants to beginning teachers in their first year of teaching”;

On page 89, by striking all in lines 25 through 40;

And by relettering subsections accordingly;

On page 90, by striking all in lines 39 through 42; in line 43, by striking “(d)” and inserting in lieu thereof “(c)”;

On page 114, in line 26, by striking all after “(c)”;

On page 122, in line 1, by striking “\$37,195” and inserting in lieu thereof “\$137,195”; in line 8, by striking “\$422,000” and inserting in lieu thereof “\$345,380”; in line 9, before “That” by inserting the following: “That any unencumbered balance in the day reporting center state match account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$69,378, except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislation delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto: *Provided further*,”; in line 11, by striking “*Provided*” and inserting “*And provided*”; in line 22, by striking “\$29,151,155” and inserting in lieu thereof “\$30,332,153”;

On page 123, in line 41, by striking “\$11,421,213” and inserting in lieu thereof “\$11,187,213”;

On page 124, in line 36, before the period, by inserting the following: “. *Provided further*, That, in addition to any other expenditures authorized from the state of Kansas—department of corrections inmate benefit fund, the sum of \$579,002 shall be expended for fiscal year 2002 to fund a portion of treatment and programs”;

On page 128, in line 26, by striking “\$4,519,540” and inserting in lieu thereof “\$4,555,511”;

On page 129, in line 1, by striking “endowment for youth” and inserting “juvenile delinquency prevention”; by striking all in lines 27 through 40;

And by relettering subsections accordingly;

On page 131, after line 5, by inserting the following material to read as follows:

“Debt service payment—rehabilitation and repair of statewide armories ..... \$195,000”;

Also on page 131, by striking all in line 34;

On page 138, in line 40, by striking "\$736,997" and inserting in lieu thereof "\$752,732";

On page 139, in line 3, by striking "\$77,500" and inserting in lieu thereof "\$79,008"; in line 24, by striking "\$359,097" and inserting in lieu thereof "\$403,380"; in line 27, before the period, by inserting the following: " : *Provided further*, That the Kansas sentencing commission shall hold hearings, receive information and otherwise analyze the issues and interests related to risk/needs assessment tools and process of the following agencies or entities during the 2001 interim: Office of judicial administration, representatives of the community corrections programs, the Kansas department of corrections and the Kansas parole board. The Kansas sentencing commission should review the best practices for risk/needs assessment instruments and hear testimony and reports from each of the specified entities or agencies during the 2001 interim. The Kansas sentencing commission shall periodically report to the joint committee on corrections and juvenile justice oversight and issue a final report to the legislature by February 1, 2002, on a plan for the adoption of a dynamic and uniform risk and needs assessment tool. The final report shall include an assessment of the costs and potential funding sources to validate and implement the risk/needs assessment tool identified in the plan";

On page 141, in line 25, by striking "\$495,943" and inserting in lieu thereof "\$526,943";

On page 142, after line 25, by inserting the following material to read as follows:

"Civil litigation fee fund ..... No limit  
*Provided*, That the above agency is authorized to make expenditures from the civil litigation fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury to the credit of this fund by the attorney general.";

On page 145, in line 29, before the period where it appears for the last time, by inserting the following: " : *And provided further*, That an amount not to exceed \$850,000 be allocated for fiscal year 2002 to conservation districts for cost-sharing grants to reduce water use and improve irrigation water use efficiency, with 50% of the total amount provided to projects capable of achieving a water use efficiency level of 92% or greater";

On page 146, in line 9, by striking "\$30,000" and inserting in lieu thereof "\$50,000"; in line 10, by striking "\$200,000" and inserting in lieu thereof "\$250,000"; after line 18, by inserting the following material to read as follows:

"(e) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2002, in the land treatment cost share account the amount equal to the unencumbered balance as of June 30, 2001, in the land treatment cost-share programs account of the state water plan fund.

(f) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2002, in the nonpoint source pollution assistance account the amount equal to the unencumbered balance as of June 30, 2001, in the non-point source pollution account of the state water plan fund.";

Also on page 146, in line 23, by striking "\$1,422,360" and inserting in lieu thereof "\$1,477,589"; after line 34, by inserting the following material to read as follows:

"Local water project match fund ..... No limit  
*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury to the credit of the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.";

On page 147, after line 33, by inserting the following material to read as follows:

"Ogallala aquifer institute ..... \$45,000";

Also on page 147, after line 37, by inserting the following material to read as follows:

"Water planning process ..... \$55,552";

On page 148, in line 25, after the period, by inserting "A copy of the terms of the loan shall be submitted to the director of the legislative research department"; in line 29, after the period, by inserting the following: "Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making

of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification by the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.”; after line 32, by inserting the following material to read as follows:

“(h) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$55,229 from the water marketing fund to the state general fund.”;

On page 155, in line 28, by striking “96.0” and inserting in lieu thereof “95.0”; by striking all in line 40;

On page 156, in line 1, by striking “879.4” and inserting in lieu thereof “880.4”; in line 9, by striking “136.0” and inserting in lieu thereof “149.0”; in line 12, by striking “552.8” and inserting in lieu thereof “555.8”; in line 23, by striking “92.5” and inserting in lieu thereof “93.5”; in line 30, by striking “44.0” and inserting in lieu thereof “46.0”; in line 35, by striking “9.0” and inserting in lieu thereof “10.0”; in line 37, by striking “303.5” and inserting in lieu thereof “301.5”;

On page 160, in line 30, by striking “\$28,951,485.50” and inserting in lieu thereof “equal to 102.0% of the amount transferred on the same date during state fiscal year 2001”;

On page 161, in line 18, by striking “\$18,465,844” and inserting in lieu thereof “equal to 102.0% of the amount transferred on the same date during state fiscal year 2001”;

and the bill be passed as amended.

#### REPORT ON ENGROSSED BILLS

**Sub SB 123; SB 344** reported correctly engrossed March 26, 2001.

Also, **SB 55, SB 125, SB 139** correctly re-engrossed March 26, 2001.

On motion of Senator Oleen the Senate adjourned until 9:30 a.m., Tuesday, March 27, 2001.

HELEN A. MORELAND, *Journal Clerk.*

PAT SAVILLE, *Secretary of Senate.*

