

Journal of the Senate

SIXTY-NINTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, May 4, 2001—11:00 a.m.

The Senate was called to order by Vice-President Sandy Praeger.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

As the session winds down, it is good to remind ourselves that according to the first verse of the thirteenth chapter of Romans, "The authorities that exist have been established by God." In the same chapter the apostle Paul says, "For [the one in authority] is God's servant to do you good." So, although we are elected by the people, if it wasn't for You, O God, there would be no legislature. And we are subjects of a higher authority than our constituents.

In that same chapter, Paul says that Your commandments are summed up in one rule: "Love your neighbor as yourself." According to the original language this is a godly love—love that places the welfare of our neighbor equal to our own. . . a selfless love. A love based not on emotion or even affection, but on a decision to do whatever it takes to benefit our neighbor.

It is a love that causes Senators and constituents to love each other, Democrats and Republicans to love each other, legislators and bureaucrats, conservatives and moderates, farmers and city folks, blue collars and white collars, blacks and whites, Israelis and Palestinians, Christians and Muslims, and on and on.

So help us to love our neighbors, our opponents, and even our enemies, as You have loved us.

I pray in the Name of the Christ Whom You sent because You love us,
AMEN

CHANGE OF REFERENCE

The Vice-President withdrew **HB 2120** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Federal and State Affairs.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bill: **HB 2007**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2007**, submits the following report:

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

On page 1, by striking all in lines 18 through 43;

By striking all on pages 2 through 7 and inserting the following:

"Section 1. K.S.A. 2000 Supp. 12-1694 as amended by section 50 of 2001 Senate Bill No. 15 is hereby amended to read as follows: 12-1694. (a) Any tax levied and collected pursuant to K.S.A. 12-1693, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, may, with the approval of the secretary of revenue and upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailer's sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, and the state treasurer shall credit 2% of all taxes so collected to the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county and city transient guest tax fund, which fund is hereby established. All moneys in the county and city transient guest tax fund shall be remitted at least quarterly by the state treasurer, on instruction from the secretary of revenue, to the treasurers of those cities which, by virtue of their participation in the election provided for in K.S.A. 12-1693, and amendments thereto, are qualified to receive disbursements from such transient guest tax fund for the amount collected within such city, and to the treasurer of such county for the amount collected in the unincorporated areas of such county.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax, *of any city located within any such county or of any county within which is located any such city*, monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that such information may be divulged by any such clerk or treasurer to any financial officer designated to receive such information by the governing body of any such city or county*. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) All such moneys received by the county treasurer or city treasurer from disbursements from the county and city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion, except that not more than 20% of the moneys credited to such fund shall be expended for tourism promotion.

Sec. 2. K.S.A. 2000 Supp. 12-1698 as amended by section 51 of 2001 Senate Bill No. 15 is hereby amended to read as follows: 12-1698. (a) Any tax levied and collected pursuant to K.S.A. 12-1697, and amendments thereto, shall become due and payable by the business monthly, on or before the 25th day of the month immediately succeeding the month in which it is collected, with the first payment due and payable on or before the 25th day of the month specified in the resolution of the governing body which levies the tax, but any person filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time such person pays the retailers' sales tax. Each business shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross rental receipts for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross rental receipts shall be kept separate and apart from the records of other retail sales made by a business in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a business as may be necessary to determine the accuracy of such reports.

(c) The secretary of revenue is hereby authorized to administer and collect any transient guest tax levied pursuant to this act and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any business liable to pay any transient guest tax refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto. All of the taxes collected under the provisions of this act shall be remitted by the secretary of revenue to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury, and the state treasurer shall credit 2% of all taxes so collected to the state general fund to defray the expenses of the department in administration and enforcement of the collection thereof. The remainder of such taxes shall be credited to the county or city transient guest tax fund, which fund is hereby established. All moneys in the county or city transient guest tax fund shall be remitted at least quarterly by the state treasurer to the county or city treasurer of each county or city levying a transient guest tax under the provisions of this act in the proportion, as certified by the director of taxation, that the amount collected from such tax in each such county or city bears to the total amount collected from such taxes in all counties or cities for the period covered by the distribution.

(d) The director of taxation shall provide, upon request by a city or county clerk or treasurer of any city or county levying a transient guest tax *of any city located within any such county or of any county within which is located any such city*, monthly reports identifying each person doing business in such city or county to which such tax is applicable setting forth the tax liability and the amount of such tax remitted by such business during the preceding month, and identifying each business location maintained by the person within such city or county. Such report shall be made available to the clerk or treasurer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be kept confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner, *except that such information may be divulged by any such clerk or treasurer to any financial officer designated to receive such information*

by the governing body of any such city or county. Any violation of this paragraph by a city or county officer or employee is a class B misdemeanor, and such officer or employee shall be dismissed from office.

(e) Except as otherwise provided in K.S.A. 12-1774, and amendments thereto, all such moneys received by the county or city treasurer from disbursements from the county or city transient guest tax fund shall be credited to the tourism and convention promotion fund of such county or city and shall only be expended for convention and tourism promotion.

Sec. 3. K.S.A. 2000 Supp. 12-1694, as amended by section 50 of 2001 Senate Bill No. 15 and 12-1698, as amended by section 51 of 2001 Senate Bill No. 15, are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, in line 12, by striking “sales and”; in line 14, by striking “12-189,”; in line 15, by striking “12-1694 and 12-1698” and inserting “12-1694, as amended by section 50 of 2001 Senate Bill No. 15, and 12-1698, as amended by section 51 of 2001 Senate Bill no. 15”;

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

DAVID R. CORBIN

LYNN JENKINS

JANIS K. LEE

Conferees on part of Senate

JOHN EDMONDS

DAVID C. HUFF

BRUCE LARKIN

Conferees on part of House

Senator Corbin moved the Senate adopt the Conference Committee Report on **HB 2007**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Huelskamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Absent or Not Voting: Harrington.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2283**, submits the following report:

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

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

STEPHEN R. MORRIS

DAVID ADKINS

PAUL FELECIANO, JR.

Conferees on part of Senate

KENNY A. WILK

MELVIN NEUFELD

ROCKY NICHOLS

Conferees on part of House

On motion of Senator Morris, the Senate adopted the conference committee report on **HB 2283**, and requested a new conference committee be appointed.

The Vice-President appointed Senators Morris, Adkins and Feleciano as a second Conference Committee on the part of the Senate on **HB 2283**.

CONSIDERATION OF MOTIONS OF SENATE RESOLUTIONS

On emergency motion of Senator Umbarger **SR 1859**, A 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, was adopted by voice vote

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **HB 2065**, as amended by House Committee, be amended on page 1, by striking all in lines 15 through 43;

By striking all on pages 2 through 19 and inserting the following:

"Section 1. K.S.A. 40-252d is hereby amended to read as follows: 40-252d. (a) For ~~tax year 1998~~, each company required to pay a tax on premiums under subsections A, C, D or F of K.S.A. 40-252 and amendments thereto shall be allowed as a credit against such tax ~~25% of the salaries paid to Kansas employees, and for tax years 1999 2001 and thereafter~~, each company required to pay a tax on premiums under subsections A, C, D or F of K.S.A. 40-252 and amendments thereto shall be allowed as a credit against such tax ~~30% 15%~~ of the salaries paid to Kansas employees. Before taking into account any other credit or offset against the tax on premiums imposed under K.S.A. 40-252 and amendments thereto, the credit allowed under this section may not reduce such tax by more than ~~1% of premiums taxable thereunder for tax year 1998 or by more than 1.25% 1.125%~~ of premiums taxable thereunder for tax years ~~1999 2001~~ and thereafter, ~~or 1% of premiums taxable thereunder for tax years 2001 and thereafter if such credit is calculated in accordance with the provisions of subsection (c).~~

(b) As used in this section, unless the context otherwise requires:

(1) "Affiliate" means an insurance company which, directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with another insurance company. "Affiliate" also includes any company or business entity other than an insurance company which, directly or indirectly, through one or more intermediaries, controls, is controlled by or is under common control with an insurance company and which performs insurance company operations for an insurance company. For purposes of this definition, control exists if any company or business entity, directly or indirectly, owns, holds with the power to vote or holds proxies representing all the voting stock or other voting securities of any other company or business entity.

(2) "Insurance company" or "company" means any entity subject to a tax on premiums under subsections A, C, D or F of K.S.A. 40-252 and amendments thereto, including the attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer or inter-insurance exchange under powers of attorney. For the purpose of this section, a reciprocal and its attorney-in-fact will be considered a single entity.

(3) "Insurance company operations" means one or more or any combination of the following functions or services performed in connection with the development, sale and administration of products giving rise to receipts subject to a tax on premiums under subsection A, C, D or F of K.S.A. 40-252 and amendments thereto: Actuarial, medical, legal, investments, accounting, auditing, underwriting, policy issuance, information, policyholder services, premium collection, claims, advertising and publications, public relations, human resources, marketing, sales office staff, training of sales and service personnel, and clerical, managerial and other support for any such functions or services.

(4) "Kansas employees" means persons who are employed in Kansas and who are common law employees of an insurance company or its affiliate. "Kansas employees" does not include independent contractors or any person to the extent such person's compensation is based on commissions.

(5) "Salaries" means gross compensation paid to Kansas employees as reported to the State of Kansas for income tax purposes for the calendar year for which a tax on premiums is imposed under K.S.A. 40-252 and amendments thereto, but only to the extent compensation is paid for insurance company operations performed in Kansas for an insurance company or its insurance company affiliates subject to the tax on premiums under subsection

A, C, D or F of K.S.A. 40-252 and amendments thereto. "Salaries" does not include compensation based on commissions.

(c) For an insurance company having affiliates:

(1) Salaries paid by a noninsurance company affiliate shall be allocated among insurance company affiliates pursuant to the agreement between or among the insurance company and its affiliates.

(2) The gross amount of all premiums of an insurance company subject to tax under subsection A, C, D or F of K.S.A. 40-252 and amendments thereto and those of its insurance company affiliates subject to such tax may be aggregated. In addition, all salaries paid to Kansas employees may be aggregated. Subject to the limitation on the salary credit set forth in subsection (a) of this section, the total allowable salary credit may be determined as if all the aggregated premiums were received and all the aggregated salaries were paid by one insurance company. Once the total allowable salary credit is determined for all insurance company affiliates, the total credit may be allocated among the insurance company and its insurance company affiliates at the discretion of the insurance company on a per insurance company basis, subject to the limitation on the salary credit as set forth in subsection (a) of this section.

(d) The computation of salaries, the allowable salary credit and the allocation of the credit among insurance company affiliates shall be made on forms supplied by the commissioner of insurance.

(e) For purposes of calculating any tax due under K.S.A. 40-253 and amendments thereto from a taxpayer not organized under the laws of this state, the credit allowed by this section shall be treated as a tax paid under K.S.A. 40-252 and amendments thereto.

Sec. 2. K.S.A. 40-252d is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.";

In the title, in line 10, by striking all after "to"; by striking all in lines 11 and 12 and inserting "the taxation of insurance companies; amending K.S.A. 40-252d and repealing the existing section."; and the bill be passed as amended.

Committee on **Ways and Means** recommends **HB 2596** be passed.

Also **HB 2507**, as amended by House Committee of the Whole, be amended on page 1, by striking all in lines 16 through 43;

On page 2, by striking all in lines 1 through 29 and inserting the following:

"Section 1. K.S.A. 2000 Supp. 79-3492b is hereby amended to read as follows: 79-3492b. Alternatively to the methods otherwise set forth in this act, special LP-gas permit users operating motor vehicles on the public highways of this state may upon application to the director on forms prescribed by the director elect to pay taxes in advance on LP-gas for each and every motor vehicle owned or operated by them and propelled in whole or in part with LP-gas during the calendar year and thereafter to purchase LP-gas tax free in lieu of securing a bonded user's permit and filing monthly reports and tax payments and keeping the records otherwise provided for in this act. The amount of such tax for each motor vehicle shall, except as otherwise provided, be based upon the gross weight of the motor vehicle and the number of miles it was operated on the public highways of this state during the previous year pursuant to the following schedules:

In the event any additional motor vehicles equipped to use LP-gas as a fuel are placed in operation by a special LP-gas permit user after the first month of any calendar year, a tax shall become due and payable to this state and is hereby imposed at the tax rate prescribed herein prorated on the basis of the weight and mileage for the months operated in the calendar year. The director shall issue special permit decals for each motor vehicle on which taxes have been paid in advance as provided herein, which shall be affixed on each such vehicle in the manner prescribed by the director.

Sec. 2. K.S.A. 2000 Supp. 79-34,118 is hereby amended to read as follows: 79-34,118. Upon application to the director of taxation and payment of the fee prescribed under this section any interstate motor fuel user may obtain a trip permit which will authorize one commercial motor vehicle to be operated within this state without compliance with the other provisions of the interstate motor fuel use act and in lieu of the tax imposed by K.S.A. 79-34,109 and amendments thereto. The fee for each trip permit issued under this section shall be ~~\$11 until July 1, 2001, and \$11.50 until July 1, 2003, and~~ \$12 until July 1, 2020, and \$10 thereafter. The secretary of revenue shall adopt rules and regulations specifying the conditions under which trip permits will be issued and providing for the issuance thereof. The secretary may designate agents or contract with private individuals, firms or corporations to issue such trip permits so that such permits will be obtainable at convenient locations.

Sec. 3. K.S.A. 2000 Supp. 79-34,141 is hereby amended to read as follows: 79-34,141. ~~(a) On and after July 1, 1999, until July 1, 2001, the tax imposed under this act shall be not less than:~~

- ~~(1) On motor-vehicle fuels, \$.20 per gallon, or fraction thereof;~~
- ~~(2) on special fuels, \$.22 per gallon, or fraction thereof; and~~
- ~~(3) on LP-gas, \$.19 per gallon, or fraction thereof.~~

~~(b) On and after July 1, 2001, until July 1, 2003, the tax imposed under this act shall be not less than:~~

- ~~(1) On motor-vehicle fuels, \$.21 per gallon, or fraction thereof;~~
- ~~(2) on special fuels, \$.23 per gallon, or fraction thereof; and~~
- ~~(3) on LP-gas, \$.20 per gallon, or fraction thereof.~~

~~(c) (a) On and after July 1, 2003 2001, until July 1, 2020, the tax imposed under this act shall be not less than:~~

- (1) On motor-vehicle fuels, \$.22 per gallon, or fraction thereof;
- (2) on special fuels, \$.24 per gallon, or fraction thereof; and
- (3) on LP-gas, \$.21 per gallon, or fraction thereof.

~~(d) (b) On and after July 1, 2020, the tax rates imposed under this act shall be not less than:~~

- (1) On motor-vehicle fuels, \$.18 per gallon, or fraction thereof;
- (2) on special fuels, \$.20 per gallon, or fraction thereof; and
- (3) on LP-gas, \$.17 per gallon, or fraction thereof.

Sec. 4. K.S.A. 2000 Supp. 79-34,142 is hereby amended to read as follows: 79-34,142. ~~(a) On and after July 1, 1999, until July 1, 2001, the state treasurer shall credit amounts received pursuant to K.S.A. 79-3408, 79-3408c, 79-3491a, 79-3492 and 79-34,118 and amendments thereto as follows: To the state highway fund 59.55% and to the special city and county highway fund 40.45%.~~

~~(b) On and after July 1, 2001, until July 1, 2003, the state treasurer shall credit amounts received pursuant to K.S.A. 79-3408, 79-3408c, 79-3491a, 79-3492 and 79-34,118 and amendments thereto as follows: To the state highway fund 61.55% and to the special city and county highway fund 38.45%.~~

~~(c) (a) On and after July 1, 2003 2001, until July 1, 2020, the state treasurer shall credit amounts received pursuant to K.S.A. 79-3408, 79-3408c, 79-3491a, 79-3492 and 79-34,118 and amendments thereto as follows: To the state highway fund 63.35% and to the special city and county highway fund 36.65%.~~

~~(d) (b) On and after July 1, 2020, the state treasurer shall credit amounts received pursuant to K.S.A. 79-3408, 79-3408c, 79-3491a, 79-3492 and 79-34,118 and amendments thereto as follows: To the state highway fund 55.3% and to the special city and county highway fund 44.7%.~~

Sec. 5. K.S.A. 2000 Supp. 79-3492b, 79-34,118, 79-34,141 and 79-34,142 are hereby repealed.”;

By renumbering existing section 3 as section 7;

In the title, in line 10, by striking all after “ACT”; by striking all in lines 11 through 13, and inserting “relating to the taxation of motor fuels; amending K.S.A. 2000 Supp. 79-3492b, 79-34,118, 79-34,141 and 79-34,142, and repealing the existing sections.”; and the bill be passed as amended.

On motion of Senator Oleen, the Senate recessed until 3 p.m.

AFTERNOON SESSION

The Senate met pursuant to recess with Vice-President Praeger in the chair.

MESSAGE FROM THE HOUSE

Announcing passage of **Substitute HB 2524**.

Also, passage of **SB 366**, as amended.

Rejection of **SB 31**, **SB 191**.

Announcing, the House adopts the Conference Committee report to agree to disagree on **HB 2283** and has appointed Representatives Wilk, Neufeld and Nichols as second conferees on the part of the House.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

Substitute HB 2524 was thereupon introduced and read by title.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2084**, **HB 2200**, **HB 2275**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2084**, submits the following report:

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

On page 1, by striking all in lines 15 through 43;

By striking all on pages 2 and 3;

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

“Section 1. K.S.A. 21-3610 is hereby amended to read as follows: 21-3610. (a) Furnishing alcoholic liquor *or cereal malt beverage* to a minor is directly or indirectly, selling to, buying for, giving or furnishing any alcoholic liquor *or cereal malt beverage* to any minor.

(b) *Except as provided by subsections (d) and (e)*, furnishing alcoholic liquor *or cereal malt beverage* to a minor is a class B person misdemeanor for which the minimum fine is \$200.

(c) (1) *Except as provided by paragraph (2) of this subsection*, as used in this section, terms have the meanings provided by K.S.A. 41-102, and amendments thereto.

(2) *As used in this section*, “*cereal malt beverage*,” “*retailer*” and “*legal age for consumption of cereal malt beverage*” have the meanings provided by K.S.A. 41-2701, and amendments thereto.

(d) It shall be a defense to a prosecution under this section if: (1) The defendant is a licensed retailer, club, drinking establishment or caterer or holds a temporary permit, or an employee thereof; (2) the defendant sold the alcoholic liquor *or cereal malt beverage* to the minor with reasonable cause to believe that the minor was 21 or more years of age *or of legal age for the consumption of alcoholic liquor or cereal malt beverage*; and (3) to purchase

the alcoholic liquor, ~~the minor or cereal malt beverage, the person~~ exhibited to the defendant a driver's license, Kansas nondriver's identification card or other official or apparently official document, containing a photograph of the minor and purporting to establish that such minor was 21 or more years of age ~~or of legal age for the consumption of alcoholic liquor or cereal malt beverage.~~

(e) *This section shall not apply to the furnishing of cereal malt beverage by a parent or legal guardian to such parent's child or such guardian's ward.*

Sec. 2. K.S.A. 41-204 is hereby amended to read as follows: 41-204. ~~(a) No person shall be appointed director who is not a citizen of the United States and who has not resided in the state of Kansas successively for five years immediately preceding the date of appointment.~~

~~(b) No person shall be appointed deputy director who is not a citizen of the United States and who has not resided in the state of Kansas successively for two years immediately preceding the date of appointment.~~ (a) *Any person appointed as director and all employees of the division shall be citizens of the United States and residents of the state of Kansas.*

~~(c) (b)~~ No person shall be appointed director or deputy director if such person has been convicted of a felony or of any violation of any federal or state law concerning the manufacture or sale of alcoholic liquor or cereal malt beverages, has paid a fine or penalty in settlement in any prosecution against such person in any violation of such laws or has forfeited bond to appear in court to answer charges for any such violation.

~~(d) (c)~~ No person appointed director, ~~deputy director or agent or employee of the director may or any employee of the division may have~~, directly or indirectly, individually or as a member of a partnership, or as a shareholder of a corporation, ~~have~~ any interest whatsoever in the manufacture, sale or distribution of alcoholic liquor, nor receive any compensation or profit therefrom, nor have any interest whatsoever in the purchases or sales made by the persons authorized by this act, or to purchase or to sell alcoholic liquor. ~~None of the provisions of~~ *Nothing in this subsection shall prevent a person subject to this subsection from purchasing and keeping in the person's possession for the use of the person or the person's family or guests any alcoholic liquor which may be purchased or kept by any person by virtue of this act.*

Sec. 3. K.S.A. 41-311, as amended by section 1 of 2001 Senate Bill No. 178 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of this act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least $\frac{3}{4}$ of the period for which the license is to be issued; ~~or~~

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license; ~~or~~

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

~~(13)~~ (14) who does not provide any data or information required by section 2 of 2001 Senate Bill No. 178, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages;

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; or

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative

to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license; or

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery;

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), ~~(d)(4)~~; (f)(1) ~~and (f)(2)~~, (f)(2) and section 2 of 2001 Senate Bill No. 178, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. K.S.A. 41-2623 is hereby amended to read as follows: 41-2623. (a) No license shall be issued under the provisions of this act to:

(1) Any person described in subsection (a)(1), (2), (4), (5), (6), (7), (8), (9) ~~or (12)~~, (12) or (13) of K.S.A. 41-311, and amendments thereto, except that the provisions of subsection (a)(7) of such section shall not apply to nor prohibit the issuance of a license for a class A club to an officer of a post home of a congressionally chartered service or fraternal organization, or a benevolent association or society thereof.

(2) A person who has had the person's license revoked for cause under the provisions of this act.

(3) A person who has not been a resident of this state for a period of at least one year immediately preceding the date of application.

(4) A person who has a beneficial interest in the manufacture, preparation or wholesaling or the retail sale of alcoholic liquors or a beneficial interest in any other club, drinking establishment or caterer licensed hereunder, except that:

(A) A license for premises located in a hotel may be granted to a person who has a beneficial interest in one or more other clubs or drinking establishments licensed hereunder if such other clubs or establishments are located in hotels.

(B) A license for a club or drinking establishment which is a restaurant may be issued to a person who has a beneficial interest in other clubs or drinking establishments which are restaurants.

(C) A caterer's license may be issued to a person who has a beneficial interest in a club or drinking establishment and a license for a club or drinking establishment may be issued to a person who has a beneficial interest in a caterer.

(D) A license for a class A club may be granted to an organization of which an officer, director or board member is a distributor or retailer licensed under the liquor control act if such distributor or retailer sells no alcoholic liquor to such club.

(E) On and after January 1, 1988, a license for a class B club or drinking establishment may be granted to a person who has a beneficial interest in a microbrewery or farm winery licensed pursuant to the Kansas liquor control act.

(5) A copartnership, unless all of the copartners are qualified to obtain a license.

(6) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation would be ineligible to receive a license hereunder for any reason other than citizenship and residence requirements.

(7) A corporation, if any officer, manager or director thereof, or any stockholder owning in the aggregate more than 5% of the common or preferred stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 5% of the common or preferred stock, of a corporation which:

(A) Has had a license revoked under the provisions of the club and drinking establishment act; or

(B) has been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(8) A corporation organized under the laws of any state other than this state.

(9) A trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) of K.S.A. 41-311, and amendments thereto shall not apply in determining whether a beneficiary would be eligible for a license.

(b) No club or drinking establishment license shall be issued under the provisions of the club and drinking establishment act to:

(1) A person described in subsection (a)(11) of K.S.A. 41-311, and amendments thereto.

(2) A person who is not a resident of the county in which the premises sought to be licensed are located.

Sec. 5. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703. (a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of the county in which the place of business covered by the license is located, has not been a resident of such county for at least six months or has not been a resident in good faith of the state of Kansas.

(2) A person who has not been a resident of this state for at least one year immediately preceding application for a retailer's license.

(3) A person who is not of good character and reputation in the community in which the person resides.

(4) A person who is not a citizen of the United States.

(5) A person who, within two years immediately preceding the date of application, has been convicted of a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States.

(6) A partnership, unless all the members of the partnership are otherwise qualified to obtain a license.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship and residency requirements.

(8) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager or director, or a stockholder owning in the aggregate more than 25% of the stock, of a corporation which: (A) Has had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or (B) has been convicted of a violation of the drinking establishment act or the cereal malt beverage laws of this state.

(9) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee.

(10) A person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship, residence requirements or age, except that this subsection (b)(10) shall not apply in determining eligibility for a renewal license.

(11) *A person whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.*

(c) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

Sec. 6. K.S.A. 21-3610, 21-3610a, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 are hereby repealed.”;

Re-number Section 5 as Section 7;

Also on page 4, in line 39, by striking “statute book” and inserting “Kansas register”;

On page 1, in the title, by striking all in lines 10 through 12 and inserting the following: “AN ACT concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 21-3610, 41-204, 41-311, as amended by Section 1 of 2001 Senate Bill No. 178, 41-2623 and 41-2703 and repealing the existing sections; also repealing K.S.A. 21-3610a.”;

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

JOHN VRATIL
EDWARD W. PUGH
GRETA GOODWIN

Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2084**.
 On roll call, the vote was: Yeas 36, Nays 4, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorff, Steineger, Taddiken, Tyson, Umbarger, Vratil, Wagle.

Nays: Allen, Huelskamp, Pugh, Teichman.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2200**, submits the following report:

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

On page 6, in line 29, by striking the comma and inserting "or"; also in line 29, by striking "underground natural gas storage fa-"; in line 30, by striking "cility" and inserting "for underground porosity storage of natural gas";

On page 10, in line 11, following "or" by inserting "underground porosity storage of"; in line 12, by striking all preceding "is"; in line 16, by striking "natural gas storage facility" and inserting "underground porosity storage"; in line 19, by striking "natural gas storage facility" and inserting "underground porosity storage of natural gas"; in line 21, following the period, by inserting "Upon completion of activities on such land, such agent shall restore the premises to the original contour and condition as nearly as practicable."; in line 29, following "(a)" by inserting "As used in this section, K.S.A. 65-171d and sections 10 through 14, and amendments thereto:

(1) "Secretary" means the secretary of health and environment.

(2) "Underground porosity storage" means the storage of hydrocarbons in underground, porous and permeable geological strata which have been converted to hydrocarbon storage. (b)";

Also on page 10, in line 30, by striking "the soil and waters of"; in line 31, by striking all before the comma and inserting "preventing surface and subsurface water pollution and soil pollution detrimental to public health or to the plant, animal and aquatic life of the state"; in line 36, by striking all following "hydrocarbons"; by striking all in line 37 and inserting "other than natural gas in underground porosity storage; and"; in line 39, by striking "and"; by striking all in line 40; in line 41, by striking all before the period; in line 42, by striking "(b)" and inserting "(c)";

On page 11, in line 8, by striking "(d)" and inserting "(f)"; in line 10, by striking "(c)" and inserting "(d)"; also in line 10, by striking "of health and environment"; in line 15, by striking the semicolon and inserting "other than natural gas in underground porosity storage; and"; in line 17, by striking the semicolon; by striking all in line 18; in line 19, by striking all preceding the period; in line 20, by striking "of"; in line 21, by striking all preceding "shall"; in line 26, by striking "(d)" and inserting the following:

"(e) The secretary or the secretary's duly authorized representative may impose on any holder of a permit issued pursuant to this section such requirements relating to inspecting, monitoring, investigating, recording and reporting as the secretary or representative deems necessary to administer the provisions of this section and rules and regulations adopted hereunder.

(f)";

Also on page 11, in line 31, by striking "(e)" and inserting "(g)"; also in line 31, by striking "of health and environment"; in line 33, by striking "such"; also in line 33, preceding the

period, by inserting "pursuant to this section"; in line 34, by striking "(f)" and inserting "(h)"; in line 42, by striking the comma;

On page 12, by striking all in lines 2 through 4 and inserting:

"(3) Rules and regulations adopted under paragraph (3) of subsection (a) shall be adopted on or before July 1, 2003.

(i) No hydrocarbon storage shall be allowed in any underground formation if water within the formation contains less than 5,000 milligrams per liter chlorides.";

Also on page 12, by striking all in line 7; in line 8, by striking all preceding the period and inserting "provisions of sections 9 through 11, and amendments thereto"; also in line 8, by striking "of"; in line 9, by striking all preceding "in"; in line 10, following the period, by beginning a new paragraph and inserting "(2)"; also in line 10, by striking all following "secretary"; in line 11, by striking all preceding "as"; also in line 11, following "appropriations" by inserting "for the purposes of sections 9 through 11, and amendments thereto,"; in line 16, following the period, by inserting "The secretary is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of sections 9 through 11, and amendments thereto.

(3)";

Also on page 12, by striking all in lines 20 through 26;

On page 13, in line 3, by striking all following "the"; in line 4, by striking all preceding the semicolon and inserting "provisions of sections 9 through 11, and amendments thereto"; in line 13, by striking all following "secretary"; in line 14, by striking all preceding "or"; in line 34, following "(c)" by inserting "Whenever the secretary or the secretary's duly authorized agents find that the soil or waters of the state are not being protected from pollution resulting from underground storage of liquid petroleum gas and hydrocarbons, other than natural gas in underground porosity storage, the secretary or the secretary's duly authorized agents shall issue an order prohibiting such underground storage. Any person aggrieved by such order may request in writing, within 15 days after service of the order, a hearing on the order. Upon receipt of a timely request, a hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d)";

Also on page 13, following line 36, by inserting the following:

"New Sec. 12. (a) For the purposes of this section:

(1) "Person legally responsible" includes, but is not limited to: (A) Any current or former operator of the well, or successor, who has: (i) Knowingly abandoned the well; (ii) caused the pollution or hazard, or threat of pollution or hazard, by intentionally altering or tampering with the well; or (iii) assumed legal responsibility by written agreement or contract; and (B) any current or former owner of the well who is or was in the business of producing salt.

(2) "Salt solution mining well" means a well which has been drilled into subsurface saline or salt bearing deposits for the recovery of either existing brines or brines which are formed by the injection of water to dissolve such deposits.

(3) A salt solution mining well shall be deemed abandoned if no person is legally responsible for causing the pollution or hazard, or threat of pollution or hazard, or if the person legally responsible is dead, is no longer in existence, is adjudicated to be insolvent or cannot be found.

(b) If the secretary finds that the location or construction, or both, of an abandoned salt solution mining well causes or threatens to cause pollution of the land, air or waters of the state or is or threatens to become a hazard to persons, property or public health or safety, the secretary may, in addition to any other remedy provided by law:

(1) After completion of an investigation: (A) Order any person who is legally responsible for causing the pollution or hazard, or threat of pollution or hazard, to take such remedial action as will remove the pollution or hazard, or threat of pollution or hazard, including, but not limited to, plugging such well; or (B) as funds are available, provide for the plugging of the well and order assessment of the costs to the legally responsible person; or

(2) after completion of an investigation and as funds are available, provide for the plugging of the well, if abandoned, in a manner that remediates the pollution or hazard, whether threatened or actual.

New Sec. 13. (a) There is hereby created in the state treasury the salt solution mining well plugging fund. Such fund shall be administered by the secretary in accordance with the provisions of this section and section 12, and amendments thereto.

(b) All moneys received by the secretary as grants, gifts, bequests or state or federal appropriations for the purposes of section 12, and amendments thereto, shall be remitted by the secretary to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the salt solution mining well plugging fund. The secretary is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of section 12, and amendments thereto.

(c) Moneys in the salt solution mining well plugging fund shall be expended only for the purpose of investigating and plugging wells, identifying responsible parties and otherwise administering the provisions of section 12, and amendments thereto.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the salt solution mining well plugging fund interest earnings based on:

(1) The average daily balance of moneys in the salt solution mining well plugging fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(e) All expenditures from the salt solution mining well plugging fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or a person designated by the secretary for the purposes set forth in this section.”;

By renumbering sections accordingly;

Also on page 13, in line 39, by striking all following “secretary”; in line 40, by striking all preceding “or”; in line 42, by striking all preceding “section”; also in line 42, following “9” by inserting “or 12”;

On page 14, in line 5, by striking all following “pollution”; by striking all in line 6; in line 7, by striking all preceding the period, and inserting “, over which the secretary has jurisdiction pursuant to sections 9 through 11, and amendments thereto, or to plug any well as authorized by section 12, and amendments thereto”; in line 9, by striking “. Any agent” and inserting “or to investigate and plug such well. Any representative”; also in line 9, by striking all following “conduct”; in line 10, by striking all preceding “shall” and inserting “such clean-up or well-plugging”; in line 12, following the period, by inserting “Upon completion of activities on such land, such representative shall restore the premises to the original contour and condition as nearly as practicable.”; by striking all in lines 13 through 19; in line 31, by striking “Control” and inserting “Protect the soil and waters of the state from pollution resulting from underground storage of liquid petroleum gas and hydrocarbons, other than underground porosity storage of natural gas; (2) control”; in line 35, by striking “(2)” and inserting “(3)”;

On page 16, in line 28, by striking all following “find”; by striking all in lines 29 and 30; in line 31, by striking all preceding “that”; in line 32, following “pond” by inserting “not regulated by the state corporation commission”; in line 35, by striking all following “such”; in line 36, by striking all preceding the period and inserting “storage or disposal of salt water or refuse”;

On page 20, in line 38, by striking all following “underground” and inserting “porosity storage of natural gas, as defined in section 17, and amendments thereto”;

On page 21, in line 35, preceding “On” by inserting “(a)”; in line 36, by striking “the”; in line 37, preceding “storage” by inserting “porosity”; also in line 37, by striking all following “gas”; in line 38, by striking all preceding the period; in line 40, following “underground” by inserting “porosity storage of”; also in line 40, by striking all following “gas”; in line 41,

by striking "operations"; also in line 41, following "such" by inserting "underground porosity storage of"; in line 42, by striking all preceding the period;

On page 22, in line 1, by striking all following "abandoning"; in line 2, by striking all preceding the period and inserting "underground porosity storage of natural gas"; in line 3, by striking all preceding the comma and inserting the following:

"(b) No hydrocarbon storage shall be allowed in any underground formation if water within the formation contains less than 5,000 milligrams per liter chlorides.

(c) The provisions of K.S.A. 55-162 and 55-164";

Also on page 22, in line 5, by striking all following "to" and inserting "this section.

(d) As used in this section and K.S.A. 55-150, 55-155, 55-182 and 74-623, and amendments thereto, "underground porosity storage" means the storage of hydrocarbons in underground, porous and permeable geological strata which have been converted to hydrocarbon storage.";

By renumbering sections accordingly;

Also on page 22, in line 7, by striking "All deposits" and inserting:

"(b) All moneys received by the state corporation commission as grants, gifts, bequests or state or federal appropriations for the purposes of section 17, and amendments thereto, shall be remitted by the commission to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance the state treasurer shall deposit the entire amount in the state treasury to the credit of the natural gas underground storage fee fund. The commission is authorized to receive from the federal government or any of its agencies or from any private or governmental source any funds made available for the purposes of section 17, and amendments thereto.

(c) All moneys";

Also on page 22, in line 10, by striking "sections 15 and 16" and inserting "section 17"; in line 20, by striking "(b)" and inserting "(d)"; in line 28, by striking "(c)" and inserting "(e)"; after line 41, by inserting:

"Sec. 19. K.S.A. 2000 Supp. 55-150 is hereby amended to read as follows: 55-150. As used in this act unless the context requires a different meaning:

(a) "Commission" means the state corporation commission.

(b) "Contractor" means any person who acts as agent for an operator as a drilling, plugging, service rig or seismograph contractor in such operator's oil and gas, cathodic protection, gas gathering or underground natural gas storage operations.

(c) "Fresh water" means water containing not more than 1,000 milligrams per liter, total dissolved solids.

(d) "Gas gathering system" means a natural gas pipeline system used primarily for transporting natural gas from a wellhead, or a metering point for natural gas produced by one or more wells, to a point of entry into a main transmission line, but shall not mean or include: (1) Lead lines from the wellhead to the connection with the gathering system which are owned by the producing person; and (2) gathering systems under the jurisdiction of the federal energy regulatory commission.

(e) "Operator" means a person who is responsible for the physical operation and control of a well, gas gathering system or underground ~~porosity storage of natural gas storage facility~~.

(f) "Person" means any natural person, partnership, governmental or political subdivision, firm, association, corporation or other legal entity.

(g) "Rig" means any crane machine used for drilling or plugging wells.

(h) "*Underground porosity storage*" has the meaning provided by section 17, and amendments thereto.

(i) "Usable water" means water containing not more than 10,000 milligrams per liter, total dissolved solids.

(j) "Well" means a hole drilled or recompleted for the purpose of:

(1) Producing oil or gas;

(2) injecting fluid, air or gas in the ground in connection with the exploration for or production of oil or gas;

(3) obtaining geological information in connection with the exploration for or production of oil or gas by taking cores or through seismic operations;

(4) disposing of fluids produced in connection with the exploration for or production of oil or gas;

(5) providing cathodic protection to prevent corrosion to lines; or

(6) injecting or withdrawing natural gas.”;

By renumbering sections accordingly;

Also on page 22, in line 42, after “Supp.” by inserting “55-150.”;

In the title, in line 15, by striking “oil and gas” and inserting “hydrocarbons; providing for regulation of underground storage thereof; prohibiting certain acts and providing penalties for violations; relating to disposition of certain fees”; also in line 15, after “Supp.” by inserting “55-150.”;

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

STAN CLARK
DAVE KERR
JAY SCOTT EMLER
BOB LYON
JIM BARONE

Conferees on part of Senate

JOANN LEE FREEBORN
CARL DEAN HOLMES
WARD LOYD
LAURA MCCLURE
VAUGHN L. FLORA

Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2200**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2275**, submits the following report:

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

On page 1, by striking all after line 28;

By striking all of pages 2 through 35 and inserting in lieu thereof the following:

“Section 1. K.S.A. 2000 Supp. 65-1904 is hereby amended to read as follows: 65-1904.

(a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the

applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. ~~The board shall report to the 1999 session of the legislature the progress made by the board in developing an information booklet and a written renewal examination.~~

(b) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to renew practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section. Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist ~~has expired for more than six months may obtain a license in the same manner and on payment of the same nonrefundable fees as provided for an applicant for an original license expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.~~

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

| | |
|--|------|
| Cosmetologist license application fee, for two years—not more than..... | \$60 |
| Cosmetologist license renewal fee | 60 |
| Delinquent cosmetologist renewal fee | 25 |
| Cosmetology technician license renewal fee, for two years—not more than | 35 |
| Delinquent cosmetology technician renewal fee | 25 |
| Electrologist license application fee, for two years—not more than | 35 |
| Electrologist license renewal fee | 35 |
| Delinquent electrologist renewal fee | 25 |
| Manicurist license application fee, for two years—not more than | 30 |
| Manicurist license renewal fee | 30 |
| Delinquent manicurist renewal fee | 25 |
| Esthetician license application fee, for two years—not more than | 30 |
| Esthetician license renewal fee | 30 |
| Delinquent esthetician renewal fee | 25 |
| Any apprentice license application fee—not more than | 15 |
| New school license application fee | 150 |
| School license renewal fee—not more than | 75 |
| Delinquent school license fee—not more than..... | 50 |
| New cosmetology services salon or electrology clinic license application fee—not more than | 50 |
| Cosmetology services salon or electrology clinic license renewal fee—not more than | 30 |
| Delinquent cosmetology services salon or electrology clinic renewal fee | 30 |

Cosmetologist’s examination—not more than 50
 Electrologist’s examination—not more than 50
 Manicurist’s examination—not more than 50
 Esthetician examination—not more than 50
 Instructor’s examination—not more than 75
 Reciprocity application fee—not more than 50
 Verification of licensure 20
 Any duplicate of license 25
 Instructor’s license application fee, for two years—not more than 75
 Renewal of instructor’s license fee 50
 Delinquent instructor’s renewal fee—not more than 75
 Temporary permit fee 15
 Statutes and regulations book 5

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application and paying the nonrefundable renewal fee for the current year during which the person has been discharged on and after July 1, 1996[.]

~~(g) Any person who was formerly licensed as a cosmetologist, a cosmetology technician, an esthetician, an electrologist or a manicurist and whose license expired on or after July 1, 1996, and was not renewed may obtain reinstatement of the license until July 1, 1999, upon application to the board and upon payment of the applicable delinquent renewal fee.~~

~~(h)~~ (g) Any person who is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist on inactive status shall be deemed licensed on active status. Upon application for renewal of the license as provided in rules and regulations, the person shall be issued a license which does not indicate inactive status. Prior to application for renewal of the license and upon request to the board, such person may obtain a license which does not indicate inactive status.

~~(i)~~ (h) From and after the effective date of this act, there shall be no continuing education requirement imposed by the board upon any person who was formerly or is currently licensed as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist as a condition of reinstatement or renewal of the person’s license to practice.

Sec. 2. K.S.A. 2000 Supp. 65-1940 is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- (a) “Board” means the Kansas state board of cosmetology.
- (b) “Director” means the executive director of the board.
- (c) “Department” means the department of health and environment.
- (d) “Secretary” means the secretary of health and environment.
- (e) “Licensed permanent color technician and tattoo artist” means a person licensed under this act to practice tattooing or permanent color technology, or both.
- (f) “Permanent color technician and tattoo artist” means a person who practices tattooing or permanent color technology, or both pursuant to this act.
- (g) “Body piercing” means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting *removable* jewelry or other objects ~~in or~~ through the human body, except puncturing the external part of the human ~~ear~~ *earlobe* shall not be included in this definition. *This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.*

(h) "Physician" means a person licensed to practice medicine and surgery by the state board of healing arts.

(i) "Tattoo" means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.

(j) "Tattooing" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

(k) "Tattoo facility" means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.

(l) "Body piercing facility" means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.

(m) "Permanent color technology" means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 3. K.S.A. 2000 Supp. 65-1941 is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the board. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the board. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a physician, a person under the control and supervision of a physician, a *licensed* dentist, a person under the control and supervision of a *licensed* dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual's body or any other person specifically permitted to use electrolysis or tattooing by law.

(b) *Violation of subsection (a) is a class A nonperson misdemeanor.*

(c) *The board may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The board may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.*

(d) *The board may order the remedying of any violations of rules and regulations of the board or any provision of this act and the board may issue a cease and desist order upon board determination that the holder of a license has violated any order of the board, any rules and regulations of the board or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.*

Sec. 4. K.S.A. 2000 Supp. 65-1942 is hereby amended to read as follows: 65-1942. (a) No person shall:

- ~~(a)~~ (1) Sell, barter or offer to sell or barter a license;
- ~~(b)~~ (2) purchase or procure by barter a license with intent to use it as evidence of the person's qualification to practice tattooing or body piercing;
- ~~(c)~~ (3) alter materially a license with fraudulent intent;
- ~~(d)~~ (4) use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered; or
- ~~(e)~~ (5) willfully make a false, material statement in an application for licensure or for renewal of a license.

(b) *A violation of subsection (a) is a class A nonperson misdemeanor.*

Sec. 5. K.S.A. 2000 Supp. 65-1953 is hereby amended to read as follows: 65-1953. No person shall perform body piercing or tattooing on or to any person under 18 years of age without the prior written and notarized consent of the parent or court appointed guardian of such person and the person giving such consent must be present during the body piercing or tattooing procedure. The written permission and a copy of the letters of guardianship when such permission is given is granted by a guardian, shall be retained by the person

administering such body piercing or tattooing for a period of five years. Violation of this section is a class ϵ A misdemeanor.

Sec. 6. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, is hereby amended to read as follows: 65-1940. As used in this act, unless the context otherwise requires:

- (a) ~~“Board” means the Kansas state board of cosmetology.~~
- (b) ~~“Director” means the executive director of the board.~~
- (c) “Department” means the department of health and environment.
- (d) (b) “Secretary” means the secretary of health and environment.
- (e) (c) “Licensed permanent color technician and tattoo artist” means a person licensed under this act to practice tattooing or permanent color technology, or both.
- (f) (d) “Permanent color technician and tattoo artist” means a person who practices tattooing or permanent color technology, or both pursuant to this act.
- (g) (e) “Body piercing” means puncturing the skin of a person by aid of needles or other instruments designed or used to puncture the skin for the purpose of inserting removable jewelry or other objects through the human body, except puncturing the external part of the human earlobe shall not be included in this definition. This act shall not be construed to authorize a licensed body piercer to implant or embed foreign objects into the human body or otherwise to engage in the practice of medicine and surgery.
- (h) (f) “Physician” means a person licensed to practice medicine and surgery by the state board of healing arts.
- (i) (g) “Tattoo” means the indelible mark, figure or decorative design introduced by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin upon the body of a live human being.
- (j) (h) “Tattooing” means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.
- (k) (i) “Tattoo facility” means any room or space or any part thereof where tattooing is practiced or where the business of tattooing is conducted.
- (l) (j) “Body piercing facility” means any room space, or any part thereof, where body piercing is practiced or where the business of body piercing is conducted.
- (m) (k) “Permanent color technology” means the process by which the skin is marked or colored by insertion of nontoxic dyes or pigments into or under the subcutaneous portion of the skin so as to form indelible marks for cosmetic or figurative purposes.

Sec. 7. On July 1, 2002, K.S.A. 2000 Supp. 65-1941, as amended by section 2 of this act, is hereby amended to read as follows: 65-1941. (a) No person, including a permanent color technician and tattoo artist, shall perform tattooing, display a sign or in any other way advertise or purport to be a permanent color technician and tattoo artist unless that person holds a valid license issued by the ~~board~~ secretary. No person shall perform body piercing, display a sign or in any other way advertise or purport to be in the business of body piercing unless that person holds a valid license issued by the ~~board~~ secretary. This act does not prevent or affect the use of tattooing, permanent color technology or body piercing by a physician, a person under the control and supervision of a physician, a licensed dentist, a person under the control and supervision of a licensed dentist, an individual performing tattooing, permanent color technology or body piercing solely on such individual’s body or any other person specifically permitted to use electrolysis or tattooing by law.

- (b) Violation of subsection (a) is a class A nonperson misdemeanor.
- (c) The ~~board~~ secretary may bring an action to enjoin any person required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto from practicing body piercing, tattooing or permanent color technology if such person does not hold a currently valid license authorizing the person to engage in such practice. The ~~board~~ secretary may bring an action to enjoin any person from operating a facility required to be licensed under K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto if such person does not hold a currently valid facility license.
- (d) The ~~board~~ secretary may order the remedying of any violations of rules and regulations of the ~~board~~ secretary or any provision of this act and the ~~board~~ secretary may issue a cease and desist order upon ~~board~~ determination that the holder of a license has violated

any order of the **board secretary**, any rules and regulations of the **board secretary** or any provision of K.S.A. 2000 Supp. 65-1940 to 65-1954, inclusive, and amendments thereto.

Sec. 8. On July 1, 2002, K.S.A. 2000 Supp. 65-1943 is hereby amended to read as follows: 65-1943. An applicant for licensure shall pay a fee established by rules and regulations adopted by the **board secretary** and shall show to the satisfaction of the **board secretary** that the applicant:

(a) Has complied with the provisions of this act and the applicable rules and regulations of the secretary;

(b) is not less than 18 years of age;

(c) has a high school diploma or equivalent education;

(d) has submitted evidence of completion of education or training prescribed and approved by the **board secretary** as follows:

(1) (A) A training program under the direct supervision of a licensed permanent color technician and tattoo artist in a state approved by the **board secretary**, or a person or school in this state designated by the **board secretary**, if the application is for a permanent color technician and tattoo artist license; or

(B) a training program under the direct supervision of a person licensed in a state approved by the **board secretary** or a person or school in this state designated by the **board secretary** if the application is for a license to perform body piercing; and

(2) if the license is applied for under either subpart (A) or (B), has passed an examination approved, administered or recognized by the **board secretary**.

Sec. 9. On July 1, 2002, K.S.A. 2000 Supp. 65-1944 is hereby amended to read as follows: 65-1944. (a) A person who holds a license shall notify the **board secretary** in writing of the regular address of the place or places where the person performs or intends to perform tattooing or body piercing and shall keep the license conspicuously posted in the place of business at all times.

(b) The **board secretary** shall keep a record of the place or places of business of each person who holds a license.

(c) Any notice required to be given by the **board secretary** to a person who holds a license may be given by mailing the notice to the address of the last place of business of which the person has notified the **board secretary**.

(d) The **board secretary** shall issue to each qualified applicant a license to operate a tattoo facility or a body piercing facility and to advertise permanent tattooing or body piercing services for which the facility is licensed.

Sec. 10. On July 1, 2002, K.S.A. 2000 Supp. 65-1945 is hereby amended to read as follows: 65-1945. (a) Except as otherwise provided in this section, a license issued under K.S.A. 2000 Supp. 65-1950 expires one year after the date of issue unless renewed by payment of the required renewal fee. The **board secretary** may vary the date of license renewal by giving to the applicant written notice of the renewal date being assigned and by making prorated adjustments in the renewal fee. If payment is transmitted by postal service, the envelope must be postmarked on or before the expiration of the license. If the license expires, the license may be renewed on payment of a renewal fee and late penalty fee established by the **board secretary** under this act.

(b) The **board secretary** may suspend the license of any person who fails to renew. A suspended license may be reactivated upon the payment of a reactivation fee established by the **board secretary** under this act and all past unpaid renewal fees.

(c) A person applying for reactivation shall not be required to take an examination as a condition of reactivation if the reactivation occurs within three years after the date the license expired.

(d) All permanent color technicians, tattoo artists and persons who are licensed to perform body piercing must participate in continuing education, with guidelines and effective date to be established by rules and regulations of the **board secretary**.

Sec. 11. On July 1, 2002, K.S.A. 2000 Supp. 65-1946 is hereby amended to read as follows: 65-1946. Licensed practicing permanent color technicians and tattoo artists and persons who are licensed to perform body piercing shall meet the following standards and any others the **board secretary** may adopt by rules and regulations:

(a) Tattooing and body piercing instruments shall be sterilized in accordance with methods approved by rules and regulations of the ~~board and such rules and regulations shall be approved by the secretary before adoption or amendment~~ *secretary*;

(b) practicing permanent color technicians and tattoo artists and persons licensed to perform body piercing shall be equipped with appropriate sterilizing equipment, with availability of hot and cold running water and a covered waste receptacle; and

(c) case history cards shall be kept for each client for a period of five years.

Sec. 12. On July 1, 2002, K.S.A. 2000 Supp. 65-1947 is hereby amended to read as follows: 65-1947. The ~~board~~ *secretary* may revoke, suspend, refuse to issue a license or renewal or place on probation any licensee upon proof that a person or licensee:

(a) Has been convicted of a violation under K.S.A. 2000 Supp. 65-1942;

(b) has been convicted in this or any other state of a crime related to the practice of tattooing or body piercing;

(c) has knowingly misrepresented, misstated or failed to disclose personal qualifications or other information necessary to practice tattooing or body piercing in any communication to the ~~board~~ *secretary* or the department;

(d) has used, caused or promoted the use of any advertising matter, promotional literature, warranty, label, insignia or any other representation, however disseminated or published, that is false, misleading or deceptive;

(e) has knowingly deceived the public by acting in a manner as to mislead clients as to the person's professional status;

(f) has employed directly or indirectly any suspended or unlicensed person to perform any tattooing or body piercing covered by this act;

(g) has permitted another person to use the license;

(h) has practiced tattooing or body piercing under a false, misleading or deceptive name;

(i) has failed, if a licensed permanent color technician and tattoo artist or if licensed to perform body piercing, to maintain a business address and telephone number at which the licensee may be reached during business hours;

(j) has failed, if a nonpracticing permanent color technician and tattoo artist or a person licensed to perform body piercing, to provide the ~~board~~ *secretary* with a home address and telephone number;

(k) has failed to properly and reasonably accept responsibility for the actions of employees;

(l) has practiced tattooing or body piercing with a mental or physical illness that affects ability to perform or endangers the public;

(m) has demonstrated gross incompetence in performing tattooing or body piercing; or

(n) has violated any of the provisions of this act or rules and regulations adopted by the ~~board~~ *secretary* pursuant to this act.

Sec. 13. On July 1, 2002, K.S.A. 2000 Supp. 65-1948 is hereby amended to read as follows: 65-1948. The powers and duties of the ~~board~~ *secretary* as related to this act are as follows:

(a) To authorize all disbursements necessary to carry out the provisions of this act;

(b) to determine training and experience requirements for taking the examination and to supervise and administer examinations to test the knowledge of applicants for licensure;

(c) to license persons who apply to the ~~board~~ *secretary* and who have qualified to practice tattooing or body piercing;

(d) to rent facilities when necessary to carry out the examination of applicants for licensure;

(e) to renew licenses;

(f) to suspend or revoke licenses or place licensees on probation in the manner provided by this act;

(g) to appoint representatives to conduct or supervise the examination of applicants for licensure;

(h) to designate the time and place for examining applicants for licensure;

(i) to carry out, ~~together with the department or separately,~~ the periodic inspection of facilities of persons who are licensed to practice tattooing or body piercing *and to enter into contracts for the performance of such inspections*;

(j) to issue a tattoo facility license to qualified applicants upon compliance with this act;
 (k) to issue a body piercing facility license to qualified applicants upon compliance with this act; and

(l) to appoint or employ subordinate employees.

Sec. 14. On July 1, 2002, K.S.A. 2000 Supp. 65-1949 is hereby amended to read as follows: 65-1949. (a) The ~~board~~ *secretary* shall adopt rules and regulations to prescribe education and training standards for the practice of tattooing and separate education and training standards for the licensure of body piercing.

(b) An applicant seeking licensure as a permanent color technician and tattoo artist or to be licensed to perform body piercing shall be required to demonstrate safety, sanitation and sterilization techniques by means of an inspection conducted by the ~~board~~ *secretary* to test the applicant's knowledge of infection control practices and requirements.

Sec. 15. On July 1, 2002, K.S.A. 2000 Supp. 65-1950 is hereby amended to read as follows: 65-1950. (a) The ~~board~~ *secretary* shall assess, by rules and regulations adopted by the ~~board~~ *secretary*, the following fees and any other fees necessary to carry out the provisions of this act:

- (1) Application fee;
- (2) examination fees;
- (3) reexamination fees;
- (4) reciprocity fee;
- (5) license fee;
- (6) license renewal fee, active and inactive;
- (7) late fee;
- (8) reactivation fee;
- (9) duplicate license fee;
- (10) demonstration permit;
- (11) tattoo facility fee and renewal fee, active or inactive; and
- (12) body piercing facility fee renewal fee.

(b) The ~~board~~ *secretary* shall license each applicant, without discrimination, who proves to the satisfaction of the ~~board~~ *secretary*, fitness for such licensure as required by this act and upon payment of a fee established by the ~~board~~ *secretary* under this section. Except as provided in K.S.A. 2000 Supp. 65-1945, the ~~board~~ *secretary* shall issue to the applicant a license that expires one year after the date of issuance.

(c) An applicant who is employed as a permanent color technician and tattoo artist on the day immediately preceding the effective *date* of this act shall be licensed by the ~~board~~ *secretary*, even though the applicant does not meet the training requirements of this act, so long as the applicant successfully passes an examination required by the ~~board~~ *secretary*.

(d) The ~~board~~ *secretary* shall establish all fees under this act. The fees and charges established under this section shall not exceed the cost of administering the regulatory program under this act pertaining to the purpose for which the fee or charge is established.

Sec. 16. On July 1, 2002, K.S.A. 2000 Supp. 65-1951 is hereby amended to read as follows: 65-1951. The ~~board, the director~~ *secretary* or a person authorized by the ~~board~~ *secretary* shall remit all moneys received by or for it from fees, charges or penalties *under the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto*, to the state treasurer at least monthly. Upon receipt of any such remittance the state treasurer shall deposit the entire amount thereof in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the ~~cosmetology~~ *tattoo and body piercing* fee fund.

Sec. 17. On July 1, 2002, K.S.A. 2000 Supp. 65-1954 is hereby amended to read as follows: 65-1954. (a) The ~~board~~ *secretary*, in addition to any other penalty prescribed under the act governing permanent color technicians and tattoo artists, may assess civil fines and costs, including attorney fees, after proper notice and an opportunity to be heard, against any person or entity for a violation of the statutes, rules and regulations or orders enforceable by the ~~board~~ *secretary* in an amount not to exceed \$5,000 for the first violation, \$10,000 for the second violation and \$15,000 for the third violation and for each subsequent violation.

(b) In determining the amount of penalty to be assessed pursuant to this section, the ~~board~~ *secretary* may consider the following factors among others: (1) Willfulness of the

violation; (2) repetitions of the violation; and (3) magnitude of the risk of harm caused by the violation.

(c) In addition to a civil penalty and costs, the ~~board~~ *secretary* may assess investigation and hearing costs against a licensee for proceedings which have resulted in a successful action by the ~~board~~ *secretary* against the license of the licensee under K.S.A. 2000 Supp. 65-1947 and amendments thereto.

(d) All civil fines assessed and collected under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the state general fund. All costs assessed under this section shall be remitted to the state treasurer at least monthly and shall be deposited in the state treasury and credited to the ~~cosmetology~~ *tattoo and body piercing* fee fund.

New Sec. 18. (a) On July 1, 2002, all of the powers, duties and functions of the state board of cosmetology and the position of executive director thereof which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to and imposed upon the secretary of health and environment.

(b) On and after July 1, 2002, whenever the state board of cosmetology or the executive director thereof are referred to or designated by this act, any other statute, rules and regulations, contract or other document, with reference to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, such reference or designation shall apply to the secretary of health and environment.

(c) All rules and regulations of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment under this act until revised, amended, revoked or nullified pursuant to law.

(d) All orders and directives of the state board of cosmetology in existence on July 1, 2002, which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, shall continue to be effective and shall be deemed to be orders and directives of the secretary of health and environment under this act until revised, amended, or nullified pursuant to law.

(e) On July 1, 2002, all books, records and other property of the state board of cosmetology which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, are hereby transferred to the secretary of health and environment.

(f) On July 1, 2002, officers and employees who immediately prior to the effective date of this act were engaged in the exercise and performance of the powers, duties and functions which relate to the administration of the provisions of K.S.A. 2000 Supp. 65-1940 through 65-1954, and amendments thereto, and who, in the opinion of the secretary of health and environment, are necessary to perform the powers, duties and functions transferred under this section shall become officers and employees of the department of health and environment. Any such officer or employee shall retain all retirement benefits and all rights of civil service which had accrued to or vested in such officer or employee prior to the effective date of this act. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers and any abolition of personnel positions in the classified service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(g) Whenever any conflict arises as to the proper disposition of any property or records as a result of any abolishment and transfer made under this act, or under authority of this act, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

Sec. 19. On July 1, 2002, K.S.A. 2000 Supp. 74-2701 is hereby amended to read as follows: 74-2701. (a) There is hereby created the Kansas state board of cosmetology, which shall be composed of ~~seven~~ *six* members, appointed by the governor, to regulate the practice of the profession of cosmetology in Kansas. Subject to the provisions of K.S.A. 75-4315c and amendments thereto, a member shall be appointed from each congressional district and the remainder from the state at large. Not more than four members shall be of the same

political party. Four members shall be licensed cosmetologists; ~~one member shall be a licensed permanent color technician and tattoo artist or a licensed body piercer~~; and two members shall represent the general public interest, except that no manufacturer, wholesaler or retailer of cosmetic supplies or equipment used by the profession of cosmetology, or any representative of such manufacturer, wholesaler or retailer, shall become a member of the board.

(b) ~~The terms of office of members of the board serving prior to the effective date of this act shall expire on the effective date of this act, but such members shall continue to serve until their successors are appointed and qualified as provided in this section.~~ Members of the board serving prior to the effective date of this act may be reappointed as provided in this section. Of the members first appointed to the board on and after the effective date of this act, two members shall be appointed for terms of one year, two members shall be appointed for terms of two years and three members shall be appointed for terms of three years. Thereafter each member of the board shall be appointed for a term of three years, and until a successor is appointed and qualifies. The board shall annually select a chairperson from its membership.

(c) The governor shall appoint an executive director who shall serve at the pleasure of the governor. The executive director shall also be the treasurer of the board and shall keep a record of the proceedings and perform such other duties as the board shall direct.

(d) When a vacancy occurs by death or resignation, appointees to the board shall have the prescribed qualifications. All vacancies in the board shall be filled by the governor for the unexpired terms. The members of the board shall take the oath of office prescribed for public officers before entering upon the discharge of their duties.

Sec. 20. K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1941, 65-1942, 65-1952 and 65-1953 are hereby repealed.

Sec. 21. On July 1, 2002, K.S.A. 2000 Supp. 65-1940, as amended by section 1 of this act, 65-1941, as amended by section 2 of this act, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1954 and 74-2701 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, in line 12, by striking all after the semicolon; by striking all of line 13; in line 14, by striking all before “persons”; in line 16, before “amending” by inserting “transferring certain powers, duties and functions to the secretary of health and environment.”; by striking all of lines 19 to 26, inclusive, and inserting in lieu thereof: “K.S.A. 2000 Supp. 65-1904, 65-1940, 65-1940, as amended by section 1 of this act, 65-1941, 65-1941, as amended by section 2 of this act, 65-1942, 65-1943, 65-1944, 65-1945, 65-1946, 65-1947, 65-1948, 65-1949, 65-1950, 65-1951, 65-1953, 65-1954 and 74-2701 and repealing the existing sections; also repealing K.S.A. 2000 Supp. 65-1952.”;

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

SUSAN WAGLE
JIM BARNETT
DAVID HALEY
Conferees on part of Senate

GARRY BOSTON
JAMES F. MORRISON
JUDY SHOWALTER
Conferees on part of House

Senator Wagle moved the Senate adopt the Conference Committee Report on **HB 2275**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2508**, submits the following report:

The Senate recedes from all of its amendments to the bill and your committee on conference further agrees to amend the bill as printed with House committee of the whole amendments, as follows:

On page 1, in line 19, after "Section 1.", by inserting "On and after July 1, 2001,";

On page 3, in line 9, after "Sec. 2.", by inserting "On and after July 1, 2001,"; in line 11, by striking "five" and inserting "10"; in line 21, by striking "certified"; in line 23, after "support", by inserting "that meets the requirements of subsection (h)"; in line 25, by striking "which is not less than five" and inserting "after 14"; in line 27, by striking "five" and inserting "seven";

On page 4, in line 29, by striking "certified"; in line 32, after the period, by inserting "As used in this section, "regular on its face" means a completed document in the standard format for any income withholding notice that has been adopted by the United States secretary of health and human services in a final rule or a certified copy of the income withholding order.";

On page 5, in line 32, after "ified", by inserting "on or before July 1, 2001,"; in line 35, by striking all after "shall"; by striking all of lines 36 and 37; in line 38, by striking all before the period and inserting "incorporate by reference the Kansas supreme court rule concerning official child support and maintenance records established pursuant to subsection (c)";

On page 6, in line 4, by striking "minimum" and inserting "a"; also in line 4, by striking "penalties" and inserting "penalty of \$100"; in line 6, by striking all after "assessed"; by striking all of line 7; in line 8, by striking all before the period; also in line 8, after the period, by inserting "Of the penalty, \$25 shall be allocated to the obligee and \$75 shall be allocated to the department of social and rehabilitation services.";

Also on page 6, in line 16, by striking "line"; in line 25, by striking all after "(6)"; by striking all of lines 26 through 30; in line 31, by striking "(7)"; in line 36, by striking "(8)" and inserting "(7)"; in line 38, before the period, by inserting "for new orders effective on and after January 1, 2002"; after line 39, by inserting the following:

"(c) The Kansas supreme court, by court rule, shall establish the procedure for the creation, maintenance and correction of official child support and maintenance records for use as official court records.";

And by relettering the remaining subsections accordingly;

On page 7, in line 16, by striking all after "funds"; in line 17, by striking all before "which"; in line 22, by striking all after "(g)"; by striking all of lines 23 through 43;

On page 8, by striking all of line 1; in line 2, by striking "(h)"; in line 3, after "Sec. 4." by inserting "On and after July 1, 2001,"; in line 13, after "Sec. 5." by inserting "On and after July 1, 2001,";

On page 10, in line 29, after "Sec. 6." by inserting "On and after July 1, 2001,";

On page 11, in line 4, before "Sec. 7." by inserting "On and after July 1, 2001,";

On page 12, in line 27, after the period, by inserting "The obligor shall file such written agreement with the court. The obligor shall maintain written evidence of the payment of the support obligation and, at least annually, shall provide such evidence to the court and the obligee.";

On page 16, in line 39, after the period, by inserting "If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has made a determination concerning the manner of payment of child support, then maintenance payments shall be paid in the same manner.";

On page 17, in line 25, after "Sec. 8." by inserting "On and after July 1, 2001,";

On page 18, in line 25, after "Sec. 9." by inserting "On and after July 1, 2001,";

On page 19, in line 10, by striking all after "(4)"; by striking all of line 11; in line 12, by striking "(5)"; also in line 12, by striking "75" and inserting "100";

And by renumbering the remaining subsections accordingly;

Also on page 19, in line 14, by striking "25" and inserting "10"; in line 21, by striking all after "(10)"; in line 22, by striking "(11)"; after line 22, by inserting the following:

"(10) a representative of the office of judicial administration as an ex officio member;"

Also on page 19, in line 24, before the semicolon by inserting "as an ex officio member"; in line 39, before the period by inserting "and appoint a temporary chairperson to convene the initial meeting";

On page 20, in line 20, after "commission" by inserting "duties"; also in line 20, after "shall" by inserting "include, but not be limited to"; in line 21, by striking "Recommend" and inserting "Recommending"; in line 25, by striking "recommend" and inserting "recommending"; in line 26, by striking "recommend" and inserting "recommending"; in line 29, by striking "present" and inserting "presenting"; in line 31, by striking "review" and inserting "reviewing and making nonbinding suggestions and recommendations to"; also in line 31, after "any" by inserting "current or proposed"; in line 32, after "is" by inserting "or may be"; also in line 32, by striking all after "unit"; in line 33, by striking all before the semicolon; by striking all of lines 34 through 37; in line 38, by striking "(7) monitor" and inserting "(6) monitoring"; in line 41, by striking "(8) monitor" and inserting "(7) monitoring"; also in line 41, after "all" by inserting "unmatched"; in line 42, after "of", by inserting "unmatched";

On page 21, in line 1, by striking "(9) monitor" and inserting "(8) monitoring"; in line 4, by striking "(10) monitor" and inserting "(9) monitoring"; also in line 4, by striking "and"; in line 5, by striking "(11) conduct" and inserting "(10) conducting"; in line 6, before the period, by inserting the following:

“(11) reviewing the nature and extent of direct payment orders by judicial district and report: (A) On the effectiveness of orders and any abuses occurring; and (B) on the impact on the court trustee system; and

(12) reviewing the income withholding provisions of the law and make recommendations to accelerate the timely receipt and payment of such withholdings”;

Also on page 21, in line 8, after "Sec. 11." by inserting "On and after July 1, 2001,";

On page 22, by striking all of lines 18 through 20; in line 21, after "Sec. 12." by inserting "On and after July 1, 2001,";

On page 25, in line 34, before the comma by inserting "providing for an alternative arrangement"; in line 42, after the period, by inserting "If child support and maintenance payments are both made to an obligee by the same obligor, and if the court has determined that good cause has been shown that direct child support payments to the obligee may be made, then the court shall provide for direct maintenance payments to the obligee and no income withholding order shall be issued pursuant to subsection (b).";

On page 26, in line 7, by striking "which shows" and inserting "if"; in line 9, by striking all after the stricken material; in line 10, by striking all before the period and inserting "in an amount equal to or greater than the amount of support payable for one month"; in line 13, by striking all after the stricken material; in line 14, by striking all before the comma and inserting "the amount of support payable for one month"; in line 24, by striking all after the stricken material; in line 25, by striking all before the comma and inserting "the amount of support payable for one month";

On page 27, by striking all of lines 21 through 43;

On page 28, by striking all of lines 1 through 31 and inserting the following:

"Sec. 13. Section 130 of 2001 Senate Bill No. 57 is hereby amended to read as follows:

Sec. 130.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2002, the following:

| | |
|------------------------|--------------|
| State operations | \$88,076,981 |
|------------------------|--------------|

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and

amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants \$3,535,388

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Mental health and retardation services aid and assistance \$126,208,957

Provided, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That the secretary of social and rehabilitation services is authorized to refuse to enter into contracts with ICFs/MR: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to continue meeting with the directors of nursing facilities for mental health (NF/MN facilities) and the directors of community mental health centers and to develop a plan for reducing the reliance of the state on NF/MN facilities and to determine the number of individuals currently in care who are candidates for community based services: *And provided further*, That the secretary of social and rehabilitation services shall not decertify any beds prior to the plan being reviewed by the legislature during the regular session in 2002.

Kansas neurological institute—operating expenditures \$9,398,466

Provided, That any unencumbered balance in the Kansas neurological institute—operating expenditures 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 \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Kansas neurological institute—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital—operating expenditures \$9,716,548

Provided, That any unencumbered balance in the Larned state hospital—operating expenditures 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 be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Osawatomie state hospital—operating expenditures \$5,592,630

Provided, That any unencumbered balance in the Osawatomie state hospital—operating expenditures 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 \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Osawatomie state hospital—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomie state hospital with

unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center—operating expenditures \$6,201,974

Provided, That any unencumbered balance in the Parsons state hospital and training center—operating expenditures 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 \$150 except upon approval of the state finance council: *Provided further*, That expenditures from the Parsons state hospital and training center—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility—operating expenditures \$740,473

Provided, That any unencumbered balance in the Rainbow mental health facility—operating expenditures 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 be made only upon approval of the state finance council: *Provided further*, That expenditures from the Rainbow mental health facility—operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children's mental health initiative \$1,000,000

Provided, That no expenditures shall be made from the children's mental health initiative account for inpatient hospital beds for children.

Children's health insurance \$9,364,164

Provided, That any unencumbered balance in the children's health insurance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That any health maintenance organization which contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the HealthWave Program and also contracts with the department of social and rehabilitation services to provide managed care physical health benefits under the PrimeCare Program may be eligible for enhanced funding under the Title XXI program.

Youth services aid and assistance \$58,603,619

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That the consensus estimating group for the department of social and rehabilitation services shall include foster care and adoption services in caseload estimates: *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.

Vocational rehabilitation aid and assistance..... \$3,440,562

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance..... \$51,621,778

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Community based services \$36,834,437

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Other medical assistance \$238,878,004

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Sex predator program..... \$1,301,352

Provided, That any unencumbered balance in the sex predator program account in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund..... \$62,391,895

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund \$984,781

Kansas neurological institute—foster grandparents program—federal fund..... No limit

Kansas neurological institute—patient benefit fund..... No limit

Kansas neurological institute—work therapy patient benefit fund No limit

Larned state hospital fee fund..... \$2,747,653

Larned state hospital—elementary and secondary education fund—federal No limit

Larned state hospital—vocational education fund—federal No limit

Larned state hospital—ECIA fund—federal No limit

Larned state hospital—canteen fund No limit

Larned state hospital—patient benefit fund..... No limit

Larned state hospital—motor pool revolving fund..... No limit

Osawatomie state hospital fee fund \$3,245,715

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited to the credit of the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at

Osawatomie state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund for fiscal year 2002.

| | |
|---|----------|
| Osawatomie state hospital—ECIA fund—federal | No limit |
| Osawatomie state hospital—canteen fund | No limit |
| Osawatomie state hospital—patient benefit fund | No limit |
| Osawatomie state hospital—work therapy patient benefit fund | No limit |
| Osawatomie state hospital—motor pool revolving fund | No limit |
| Osawatomie state hospital—training fee revolving fund | No limit |

Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited to the credit of the Osawatomie state hospital—training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

| | |
|---|-----------|
| Parsons state hospital and training center fee fund | \$997,177 |
|---|-----------|

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited to the credit of the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund for fiscal year 2002.

| | |
|--|-----------|
| Parsons state hospital and training center—canteen fund | No limit |
| Parsons state hospital and training center—patient benefit fund | No limit |
| Parsons state hospital and training center—work therapy patient benefitfund | No limit |
| Rainbow mental health facility fee fund | \$761,965 |
| Rainbow mental health facility—elementary and secondary education fund—federal | No limit |
| Rainbow mental health facility—patient benefit fund | No limit |
| Social services clearing fund | No limit |

Provided, That the secretary of social and rehabilitation services shall certify to the director of the budget on June 30, 2002, that expenditures from the social services clearing fund for state operations did not exceed \$275,765,005 for fiscal year 2002: *Provided, however*, That expenditures from the social services clearing fund for transfers or state operations for institutions under the control of the department of social and rehabilitation services shall be in addition to any expenditure limitation on the social services clearing fund: *Provided further*, That expenditures may be made from this fund for fiscal year 2002 pursuant to employment incentive programs which the secretary is hereby authorized to develop and enter into with public and private employers to provide an economic incentive to such employers to employ assistance recipients: *And provided further*, That any transfer made from this fund to another state agency pursuant to a contract with that agency shall be in addition to any expenditure limitations imposed on this fund.

| | |
|---------------------------|--------------|
| Social welfare fund | \$50,689,197 |
|---------------------------|--------------|

Provided, That any transfers of funds between the social welfare fund and state institutions made by the secretary of social and rehabilitation services during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That notwithstanding the provisions of K.S.A. 39-7,154 and amendments thereto, the child support collection pass-through payments are hereby eliminated for FY 2002 and no expenditures shall be made from the social welfare fund for payment of any amounts pursuant to K.S.A. 39-7,154 and amendments thereto: *And provided further*, That expenditures shall be made

from the social welfare fund to pay for the third day of emergency shelter payments for law enforcement placements during fiscal year 2002.

Other state fees fund No limit

Provided, That expenditures shall be made from the social welfare fund for a grant in the amount of \$15,000 for the fetal alcohol syndrome project pursuant to a grant agreement that shall require a \$1 for \$1 match from the local contractor, that local funds shall be used for prevention services and that the contractor shall also provide all data and information required by the secretary of social and rehabilitation services to determine the effectiveness of the project.

Alcohol and drug abuse block grant federal fund \$11,193,076

Provided, That any transfers of moneys from the alcohol and drug abuse block grant federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child welfare services block grant federal fund \$5,471,777

Mental health block grant federal fund \$2,763,991

Social services block grant—federal fund..... \$23,044,036

Provided, That any transfers of moneys from the social services block grant—federal fund to any other block grant fund specified in this subsection during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Child care mandatory federal fund..... No limit

Provided, That any transfers from the child care mandatory federal fund to the department of health and environment during fiscal year 2002 shall be in addition to any expenditure limitation imposed on this fund.

Temporary assistance to needy families federal fund No limit

Child care matching federal fund No limit

Child care discretionary federal fund No limit

Disability determination services federal fund No limit

Food stamp assistance federal fund..... No limit

Foster care assistance federal fund No limit

Medical assistance federal fund No limit

Provided, That the secretary of social and rehabilitation services is hereby authorized and directed to apply for a medicaid waiver from the U.S. department of health and human services for a pilot project for not more than 300 children currently in the third grade who are performing below average in school reading scores to be treated and receive services under an optometric vision therapy program that will be matched with state funding through the department of education provided in the grant to the Kansas optometric association for vision study account of the children's initiatives fund.

Rehabilitation services federal fund..... No limit

Other federal grants and assistance fund No limit

SRS enterprise fund No limit

SRS trust fund No limit

Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

Child support enforcement administration fund No limit

Energy assistance block grant federal fund..... No limit

Childrens health insurance federal fund..... No limit

Family and children trust account—family and children investment fund..... No limit

Children's initiatives accountability fund \$0

Kansas insurance coverage for children fund..... No limit

State medicaid match fund—SRS..... \$12,300,000

(c) During the fiscal year ending June 30, 2002, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2002, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2002 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department.

(d) On July 1, 2001, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital—canteen fund to the Osawatomie state hospital—patient benefit fund.

(e) On July 1, 2001, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer \$11,000 from the Parsons state hospital and training center—canteen fund to the Parsons state hospital and training center—patient benefit fund.

(f) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(g) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,332,070 from the temporary assistance to needy families federal fund to the social services block grant—federal fund.

(h) During the fiscal year ending June 30, 2002, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures maybe made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(i) During the fiscal year ending June 30, 2002, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. During the fiscal year ending June 30, 2002, upon receipt of any such donation of moneys from private sources for deposit in the family and children endowment account of the family and children investment fund, the secretary of social and rehabilitation services shall match the amount of each such donation on a \$1 for \$1 basis from moneys appropriated for fiscal year 2002 for the department of social and rehabilitation services in accordance with this subsection. During the fiscal year ending June 30, 2001, and to provide such matching moneys, the secretary of social and rehabilitation services shall transfer amounts from any available moneys appropriated for fiscal year 2002 in one or more accounts of the state general fund or in one or more special revenue funds of the department of social and rehabilitation services, that in the aggregate are equal to the amount of moneys donated, to the family and children endowment account of the family and children investment fund.

~~(j) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund for the 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 social and rehabilitation services from any such moneys appropriated for fiscal year 2002 for the receipt, crediting and disbursement of moneys received by the department of social and rehabilitation services for payments of support pursuant to a rule or administrative order issued by the Kansas supreme court, which is hereby authorized to be issued by the Kansas supreme court, directing payments of support, which are made pursuant to any court order entered in this state regardless of the date of the order,~~

~~to be made to a central unit for the collection and disbursement of support payments, notwithstanding the provisions of any statute to the contrary.~~

(*) (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, the amounts budgeted but not expended from the mental health and retardation services aid and assistance account of the state general fund, and the amounts budgeted but not expended for the regular medical program from the social welfare fund, an aggregate of \$870,000 from such accounts 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.

(*) (k) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any 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 social and rehabilitation services for fiscal year 2002 from the moneys appropriated from the state general fund or any special revenue fund to provide information about the proposed location of a residential alcohol and substance abuse treatment program that is proposed for the provision of services under contract with the secretary of social and rehabilitation services, to the governing body of the local government in which the residential alcohol and substance abuse treatment program is proposed to be located: *Provided*, That, if the governing body of the local government objects to the proposed location and the governing body actively assists the secretary of social and rehabilitation services in identifying a suitable location for the residential alcohol and substance abuse treatment program within the local government, with consideration of the site selection criteria established for the location of the program and applicable zoning and other land-use restrictions of the local government, then, prior to entering into a contract for services with the specific residential alcohol and substance abuse treatment program, the secretary of social and rehabilitation services shall actively consider the views of the governing body of the local government and the affected residents of the local government and shall act in the best interests of the state with regard to entering into the proposed contract with the residential alcohol and substance abuse treatment program: *Provided, however*, That no such objections by the governing body or the residents of a local government shall prohibit the secretary of social and rehabilitation services from entering into a contract for services with a residential alcohol and substance abuse treatment program to be located within a local government: *Provided further*, That, as used in this subsection, "local government" means any city, county or other taxing subdivision of the state having general governance authority.

Sec. 14. K.S.A. 2000 Supp. 23-4.118 and section 130 of 2001 Senate Bill No. 57 are hereby repealed.";

And by renumbering the remaining sections accordingly;

Also on page 28, in line 32, before "K.S.A.", by inserting "On and after July 1, 2001,"; in line 33, by striking "23.497" and inserting "23-497"; also in line 33, by striking "23-4.118,";

On page 1, in the title, in line 14, by striking "23-496" and inserting "23-497"; in line 15, by striking "and" the first time it appears and inserting a comma; also in line 15, after "60-2308" by inserting "and section 130 of 2001 Senate Bill No. 57";

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

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

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2508**.

On roll call, the vote was: Yeas 31, Nays 9, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feliciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Morris, O'Connor, Oleen, Praeger, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil.

Nays: Brownlee, Clark, Harrington, Huelskamp, Lyon, Pugh, Salmans, Tyson, Wagle.

The Conference Committee report was adopted.

MESSAGE FROM THE HOUSE

Announcing the House concurs in Senate amendments to **HB 2599** and requests the Senate to return the bill.

The House not adopts the conference committee report on **Senate Substitute for HB 2154**, requests a conference and appoints Representatives O'Neal, Loyd and Pauls as second conferees on the part of the House.

The House adopts the Conference Committee Report to agree to disagree on **SB 322** and has appointed Representatives Wilk, Stone and Shriver as second conferees on the part of the House.

The House adopts the conference committee report on **SB 45**.

The House adopts the conference committee report on **SB 138**.

The House adopts the conference committee report on **SB 195**.

The House adopts the conference committee report on **SB 205**.

The House adopts the conference committee report on **SB 263**.

The House adopts the conference committee report on **HB 2007**.

The House adopts the conference committee report on **HB 2136**.

The House adopts the conference committee report on **HB 2296**.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **SB 45**, **SB 138**, **SB 195**, **SB 205**, **SB 263**, **H for SB 322**; **S Sub for HB 2017**, **S Sub for HB 2034**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 45**, submits the following report:

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

On page 1, after line 14, by inserting the following:

"New Section 1. The provisions of sections 1 through 7 of this act shall be known and may be cited as the individual development account program for assistive technology.

New Sec. 2. As used in this act:

(a) "Account holder" means a person who is the owner of an individual development account.

(b) "Assistive technology" means any item, piece of equipment or product system, whether acquired commercially, off the shelf, modified or customized, that is used to increase, maintain or improve functional capabilities of individuals with disabilities.

(c) "Community-based organization" means any nonprofit or charitable association that is approved by the institute to implement the individual development account reserve fund.

(d) "Institute" means the Schiefelbusch institute for life span studies of the university of Kansas.

(e) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

(f) "Financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas,

any agency of the United States or other state with an office in Kansas which is approved by the institute to create and manage the necessary financial instruments setting up individual development accounts for eligible families or individuals to implement this program.

(g) "Individual development account" means a financial instrument established in section 3, and amendments thereto.

(h) "Individual development account reserve fund" means the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program by the financial institutions and the community-based organizations and for providing matching funds for moneys in individual development accounts. Such fund may include federal grant moneys.

(i) "Matching funds" means the moneys designated for contribution from an individual development account reserve fund to an individual development account by a community-based organization at a one-to-one ratio up to a three-to-one match.

(j) "Program" means the Kansas individual development account program established in sections 1 through 7, and amendments thereto.

(k) "Program contributor" means a person or entity who makes a contribution to an individual development account reserve fund.

New Sec. 3. (a) There is hereby established within the institute a program to be known as the individual development account program. The program shall provide eligible families and individuals with an opportunity to establish special savings accounts for moneys which may be used by such families and individuals for assistive technology.

(b) The institute shall adopt rules and regulations and policies to implement and administer the provisions of sections 1 through 7, and amendments thereto.

(c) The institute shall enter into contracts as deemed appropriate to carry out the provisions of this act.

(d) The institute shall prepare a request for proposals from community-based organizations seeking to administer an individual development account reserve fund on a not-for-profit basis. The community-based organization proposals shall include:

(1) A requirement that the community-based organization make matching contributions to the development account of an individual account holder's or family's contributions to the individual development account;

(2) a process for including account holders in decision making regarding the investment of funds in the accounts;

(3) specifications of the population or populations targeted for priority participation in the program;

(4) a process for including economic education seminars in the individual development account program; and

(5) a process for regular evaluation and review of individual development accounts to ensure program compliance by account holders.

(e) A notice of the request for proposals shall be published once a week for two consecutive weeks in a newspaper having general circulation in the community at least 30 days before any action thereon. The request for proposals shall also be posted on readily accessible bulletin boards in all offices of the institute and sent elsewhere as the institute deems best.

(f) In reviewing the proposals of community-based organizations, the institute shall consider the following factors:

(1) The not-for-profit status of such organization;

(2) the fiscal accountability of the community-based organization;

(3) the ability of the community-based organization to provide or raise moneys for matching contributions;

(4) the ability of the community-based organization to establish and administer a reserve fund account which shall receive all contributions from program contributors; and

(5) the significance and quality of proposed auxiliary services, including economic education seminars and their relationship to the goals of the individual development account program.

(g) No more than 20% of all funds in the reserve fund account may be used for administrative costs of the program in the first and second years of the program, and no more

than 15% of such funds may be used for administrative costs in any subsequent year. Funds deposited by account holders shall not be used for administrative costs.

(h) No provision of this act shall be deemed to require the institute to be obligated to provide matching funds or to incur any expense in the administration of an individual development account reserve fund.

New Sec. 4. A family or individual whose household income is less than or equal to 300% of the federal poverty level may open an individual development account for the purpose of accumulating and withdrawing moneys for specified expenditures. The account holder may withdraw moneys from the account on the approval of the community-based organization, without penalty, for expenditures for assistive technology.

New Sec. 5. (a) Financial institutions seeking to administer individual development accounts approved by the institute shall be permitted to establish individual development accounts pursuant to sections 1 through 7, and amendments thereto. The financial institution shall certify to the institute, on forms prescribed by the institute and accompanied by any documentation required by the institute, that such accounts have been established pursuant to this act and that deposits have been made on behalf of the account holder.

(b) A financial institution establishing an individual development account shall:

(1) Keep the account in the name of the account holder;

(2) permit deposits to be made in the account by the following, subject to the indicated conditions:

(A) The account holder; or

(B) a community-based organization on behalf of the account holder. Such a deposit may include moneys to match the account holder's deposits, up to a five to one match rate;

(3) require the account to earn at least the market rate of interest; and

(4) permit the account holder to withdraw moneys upon approval of a community-based organization from the account for the purpose as provided in section 4, and amendments thereto.

(c) The total of all deposits by the account holder into an individual development account in a calendar year shall not exceed \$5,000. The total balance in an individual development account at any time shall not exceed \$50,000.

New Sec. 6. (a) Account holders who withdraw moneys from an individual development account not in accordance with the provisions of section 4, and amendments thereto, shall forfeit all matching moneys in the account.

(b) All moneys forfeited by an account holder pursuant to subsection (a) shall be returned to the individual development account reserve fund of the contributing community-based organization.

(c) In the event of an account holder's death, the account, minus the match funds, may be transferred to the ownership of a contingent beneficiary. An account holder shall name contingent beneficiaries at the time the account is established and may change such beneficiaries at any time. If the named beneficiary is deceased or otherwise cannot accept the transfer, the moneys shall be transferred to the estate of the deceased beneficiary.

New Sec. 7. (a) Appropriate state agencies are hereby directed to amend their state plans to protect the benefits of those receiving such benefits by adding language consistent with the following: Any funds in an individual development account, including accrued interest, shall be disregarded when determining eligibility to receive the amount of any public assistance or benefits.

(b) A program contributor shall be allowed a credit against state income tax imposed under the Kansas income tax act in an amount equal to 25% of the contribution amount.

(c) The institute shall verify all tax credit claims by contributors. The administration of the community-based organization, with the cooperation of the participating financial institutions, shall submit the names of contributors and the total amount each contributor contributes to the individual development account reserve fund for the calendar year. The institute shall determine the date by which such information shall be submitted to the institute by the local administrator. The institute shall submit verification of qualified tax credits pursuant to sections 1 through 7 and amendments thereto to the department of revenue.

(d) The total tax credits authorized pursuant to this section shall not exceed \$6,250 in any fiscal year.

(e) The provisions of this section shall be applicable to all taxable years commencing after December 31, 2002.”;

By renumbering existing sections 1 and 2 as sections 8 and 9;

On page 3, after line 25, by inserting the following:

“Sec. 10. K.S.A. 2000 Supp. 79-32,195 is hereby amended to read as follows: 79-32,195.

As used in this act, the following words and phrases shall have the meanings ascribed to them herein: (a) “Business firm” means any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act, *any individual subject to the state income tax imposed by the provisions of the Kansas income tax act*, any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, or any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto;

(b) “community services” means:

(1) The conduct of activities which meet a demonstrated community need and which are designed to achieve improved educational and social services for Kansas children and their families, and which are coordinated with communities including, but not limited to, social and human services organizations that address the causes of poverty through programs and services that assist low income persons in the areas of employment, food, housing, emergency assistance and health care;

(2) crime prevention; and

(3) health care services.

(c) “crime prevention” means any nongovernmental activity which aids in the prevention of crime.

(d) “community service organization” means any organization performing community services in Kansas and which:

(1) Has obtained a ruling from the internal revenue service of the United States department of the treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) of the federal internal revenue code; or

(2) is incorporated in the state of Kansas or another state as a nonstock, nonprofit corporation; or

(3) has been designated as a community development corporation by the United States government under the provisions of title VII of the economic opportunity act of 1964; or

(4) is chartered by the United States congress.

(e) “contributions” shall mean and include the donation of cash, services or property other than used clothing *in an amount or value of \$250 or more*. Stocks and bonds contributed shall be valued at the stock market price on the date of transfer. Services contributed shall be valued at the standard billing rate for not-for-profit clients. Personal property items contributed shall be valued at the lesser of its fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution, but shall not include sales tax. Contributions of real estate are allowable for credit only when title thereto is in fee simple absolute and is clear of any encumbrances. The amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers.

(f) “health care services” shall include, but not be limited to, the following: Services provided by local health departments, city, county or district hospitals, city or county nursing homes, or other residential institutions, preventive health care services offered by a community service organization including immunizations, prenatal care, the postponement of entry into nursing homes by home health care services, and community based services for persons with a disability, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, services provided by rural health clinics, integration of health care services, home health services and services provided by rural health networks.

(g) "rural community" means any city having a population of fewer than 15,000 located in a county that is not part of a standard metropolitan statistical area as defined by the United States department of commerce or its successor agency. However, any such city located in a county defined as a standard metropolitan statistical area shall be deemed a rural community if a substantial number of persons in such county derive their income from agriculture and, in any county where there is only one city within the county which has a population of more than 15,000 and which classifies as a standard metropolitan statistical area, all other cities in that county having a population of less than 15,000 shall be deemed a rural community.

Sec. 11. K.S.A. 2000 Supp. 79-32,197 is hereby amended to read as follows: 79-32,197. The amount of credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto, shall not exceed 50% of the total amount contributed during the taxable year by the business firm to a community service organization or governmental entity for programs approved pursuant to K.S.A. 79-32,198, and amendments thereto. The amount of credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto, shall not exceed 70% of the total amount contributed during the taxable year by the business firm in a rural community to a community service organization or governmental entity located therein for programs approved pursuant to K.S.A. 79-32,198, and amendments thereto. If the amount of the credit allowed by K.S.A. 79-32,196, and amendments thereto, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer. In no event shall the total amount of credits allowed under this section exceed ~~\$5,000,000~~ \$4,130,000 for any one fiscal year.

Sec. 12. K.S.A. 2000 Supp. 79-32,197a is hereby amended to read as follows: 79-32,197a. Any business firm or business entity not subject to Kansas income, privilege or premiums tax, hereinafter designated the assignor, may sell, assign, convey or otherwise transfer tax credits allowed and earned pursuant to K.S.A. 79-32,196, and amendments thereto, *for an amount not less than 50% of the value of any such credit*. Such credits shall be deemed to be allowed and earned by any such business entity which is only disqualified therefrom by reason of not being subject to such Kansas taxes. The business firm acquiring earned credits, hereinafter designated the assignee, may use the amount of the acquired credits to offset up to 100% of its income, privilege or premiums tax liability for the taxable year in which such acquisition was made. Only the full credit amount for any one contribution may be transferred and such credit may be transferred one time. Unused credit amounts claimed by the assignee may be carried forward for up to five years, except that all such amounts shall be claimed within 10 years following the tax year in which the contribution was made. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the director of community development of the department of commerce and housing in writing within 30 calendar days following the effective date of the transfer and shall provide any information as may be required by the director of community development of the department of commerce and housing to administer and carry out the provisions of this section. The amount received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess of the value of such credit over the amount paid by the assignee for such credit shall be taxable as income of the assignee.

New Sec. 13. The provisions of sections 10 through 12 shall be applicable to all taxable years commencing after December 31, 2000.

Sec. 14. K.S.A. 2000 Supp. 79-32,201 is hereby amended to read as follows: 79-32,201. (a) Any taxpayer who makes expenditures for a qualified alternative-fueled motor vehicle or alternative-fuel fueling station shall be allowed a credit against the income tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, as follows:

(1) For any qualified alternative-fueled motor vehicle placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle but not to exceed \$3,000 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$5,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$50,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(2) for any qualified alternative-fueled motor vehicle placed in service on or after January 1, 2005, an amount equal to 40% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle, but not to exceed \$2,400 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$4,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$40,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(3) for any qualified alternative-fuel fueling station placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the total amount expended for each qualified alternative-fuel fueling station but not to exceed \$200,000 for each fueling station;

(4) for any qualified alternative-fuel fueling station placed in service on or after January 1, 2005, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$160,000 for each fueling station.

(b) If no credit has been claimed pursuant to subsection (a), a credit in an amount not exceeding the lesser of 5% of the cost of the vehicle or \$750 shall be allowed to a taxpayer who purchases a motor vehicle equipped by the vehicle manufacturer with an alternative fuel system and who is unable or elects not to determine the exact basis attributable to such property. The credit under this subsection shall be allowed only to the first individual to take title to such motor vehicle, other than for resale. *The credit under this subsection for motor vehicles which are capable of operating on a blend of 85% ethanol and 15% gasoline shall be allowed for taxable years commencing after December 31, 1999, only if the individual claiming the credit furnishes evidence of the purchase, during the period of time beginning with the date of purchase of such vehicle and ending on December 31 of the next succeeding calendar year, of 500 gallons of such ethanol and gasoline blend as may be required or is satisfactory to the secretary of revenue.*

(c) The tax credit under subsection (a) or (b) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the expenditures are made.

(d) As used in this section:

(1) "Alternative fuel" has the meaning provided by 42 U.S.C. 13211.

(2) "Qualified alternative-fueled motor vehicle" means a motor vehicle that operates on an alternative fuel, meets or exceeds the clean fuel vehicle standards in the federal clean air act amendments of 1990, Title II and meets one of the following categories:

(A) Bi-fuel motor vehicle: A motor vehicle with two separate fuel systems designed to run on either an alternative fuel or conventional fuel, using only one fuel at a time;

(B) dedicated motor vehicle: A motor vehicle with an engine designed to operate on a single alternative fuel only; or

(C) flexible fuel motor vehicle: A motor vehicle that may operate on a blend of an alternative fuel with a conventional fuel, such as E-85 (85% ethanol and 15% gasoline) or M-85 (85% methanol and 15% gasoline), as long as such motor vehicle is capable of operating on at least an 85% alternative fuel blend.

(3) "Qualified alternative-fuel fueling station" means the property which is directly related to the delivery of alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, including the compression equipment, storage vessels and dispensers for such fuel at the point where such fuel is delivered but only if such property is primarily used to deliver such fuel for use in a qualified alternative-fueled motor vehicle.

(4) "Incremental cost" means the cost that results from subtracting the manufacturer's list price of the motor vehicle operating on conventional gasoline or diesel fuel from the manufacturer's list price of the same model motor vehicle designed to operate on an alternative fuel.

(5) "Conversion cost" means the cost that results from modifying a motor vehicle which is propelled by gasoline or diesel to be propelled by an alternative fuel.

(6) "Taxpayer" means any person who owns and operates a qualified alternative-fueled vehicle licensed in the state of Kansas or who makes an expenditure for a qualified alternative-fuel fueling station.

(7) "Person" means every natural person, association, partnership, limited liability company, limited partnership or corporation.

(e) *Except as otherwise more specifically provided*, the provisions of this section shall apply to all taxable years commencing after December 31, 1995.

New Sec. 15. (a) For all tax years commencing after December 31, 2001, each Kansas state individual income tax return form shall contain a designation as follows:

Senior Citizen Meals on Wheels Contribution Program. Check if you wish to donate, in addition to your tax liability, or designate from your refund, _____ \$1, _____ \$5, _____ \$10, or \$_____.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the senior citizen meals on wheels contribution program pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the senior citizen nutrition check-off fund to be administered by the department of aging to provide financial assistance under the senior nutritional program. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer who shall credit the same to such fund. All expenditures from such fund shall be made in accordance with appropriation acts.";

By renumbering existing sections 3 and 4 as sections 16 and 17;

Also on page 3, in line 26, before "and" by inserting ", 79-32,195, 79-32,197, 79-32,197a, 79-32,201";

In the title, in line 10, by striking all after the semicolon; in line 11, by striking all before "amending"; in line 12, after "3230" by inserting ", 79-32,195, 79-32,197, 79-32,197a, 79-32,201";

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

JOHN T. EDMONDS
DAVID HUFF
BRUCE LARKIN
Conferees on part of House

DAVID R. CORBIN
LYNN JENKINS
JANIS K. LEE
Conferees on part of Senate

Senator Corbin moved the Senate adopt the Conference Committee Report on **SB 45**.

On roll call, the vote was: Yeas 39, Nays 1, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Huelskamp.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 138**, submits the following report:

The House recedes from all of its amendments to the bill;

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

JOHN T. EDWARDS
DAVID HUFF
BRUCE LARKIN
Conferees on part of House

DAVID R. CORBIN
 LYNN JENKINS
 JANIS K. LEE
Conferees on part of Senate

Senator Corbin moved the Senate adopt the Conference Committee Report on **SB 138**.
 On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amend-ments to **SB 195**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on con-ference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 2, in line 13, by striking "released" and inserting "available"; in line 16, by striking "upon request of such member in"; in line 17, by striking all after "functions"; by striking all in lines 18 through 20; by striking all in line 21 and inserting the following: "in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. Such records shall not identify individuals but shall include data and contract information concerning specific facilities.";

On page 3, by striking all of line 43;

On page 4, by striking all of lines 1 through 43;

On page 5, by striking all of lines 1 through 35; following line 35 by inserting:

"Sec. 2. K.S.A. 2000 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a)

Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

(1) Personnel matters of nonelected personnel;

(2) consultation with an attorney for the body or agency which would be deemed priv-ileged in the attorney-client relationship;

(3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;

(4) confidential data relating to financial affairs or trade secrets of corporations, part-nerships, trusts, and individual proprietorships;

(5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

(6) preliminary discussions relating to the acquisition of real property;

(7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;

(8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 38-1507 and amendments thereto or subsection (f) of K.S.A. 38-1508 and amendments thereto;

(9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 2000 Supp. 39-7,119 and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact; ~~and~~

(13) matters relating to the security of a public body or agency, public building or facility or the information system of a public body or agency, if the discussion of such matters at an open meeting would jeopardize the security of such public body, agency, building, facility or information system; *and*

(14) *matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto.*

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

Sec. 3. K.S.A. 2000 Supp. 65-525 and 75-4319 are hereby repealed.”;

In the title, in line 17, by striking “65-503 and”; in line 18, after “525” by inserting “and 75-4319”; also in line 18, by striking “; also repealing”; in line 19, by striking all before the period;

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

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

SUSAN WAGLE
JIM BARNETT
DAVID HALEY
Conferees on part of Senate

Senator Wagle moved the Senate adopt the Conference Committee Report on **SB 195**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huel-skamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 205**, submits the following report:

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

On page 3, in line 13, by striking “bound over” and inserting “bonded out”; also in line 13, after “felony” by inserting “or a person misdemeanor”; in line 25, by striking “or”; in line 27, by striking the period and inserting “; or”; after line 27, by inserting the following:

“(e) place the person under the supervision of a court services officer responsible for monitoring the person’s compliance with any conditions of release ordered by the magistrate.”;

On page 5, after line 2, by inserting the following:

“(12) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$5 per week of such supervision.”;

Also on page 5, in line 3, by striking “emergency protection from abuse or-”; in line 4, by striking “ders, temporary protection from abuse orders,”; in line 5, by striking “other”; by striking all in line 6; in line 7, by striking “Statutes Annotated, and amendments thereto, or” and inserting “and such related”; in line 11, after the period, by inserting “All emergency protection from abuse orders, temporary protection from abuse orders, other orders issued pursuant to article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and such emergency, temporary and other related orders issued based on the laws of another jurisdiction which are entitled to full faith and credit in Kansas pursuant to the provisions of 18 U.S.C. 2265, and amendments thereto, may be entered into the national criminal information center protection order file.”; by striking all in lines 36 through 43;

By striking all on page 6;

On page 7, by striking all in lines 1 through 6;

And by renumbering sections accordingly;

Also on page 7, after line 13, by inserting the following:

“New Sec. 5. (a) Domestic battery is:

(1) intentionally or recklessly causing bodily harm by a family or household member against a family or household member; or

(2) intentionally causing physical contact with a family or household member by a family or household member when done in a rude, insulting or angry manner.

(b) (1) Upon a first conviction of a violation of domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months’ imprisonment and fined not less than \$200, nor more than \$500 or in the court’s discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.

(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a second time, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$500 nor more than \$1,000. The five days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days’ imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.

(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of domestic battery a third or subsequent time, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year’s imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days’ imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days’ imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours’ imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.

(c) As used in this section:

(1) Family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are

presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(2) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:

(A) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;

(B) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;

(C) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and

(D) it is irrelevant whether an offense occurred before or after conviction for a previous offense.

Sec. 6. K.S.A. 2000 Supp. 21-3412 is hereby amended to read as follows: 21-3412. (a) Battery is:

(1) Intentionally or recklessly causing bodily harm to another person; or

(2) intentionally causing physical contact with another person when done in a rude, insulting or angry manner.

(b) ~~Except as provided in subsection (c),~~ Battery is a class B person misdemeanor.

~~(c) (1) Upon a first conviction of a violation of this section under circumstances which constitute a domestic battery, a person shall be guilty of a class B person misdemeanor and sentenced to not less than 48 consecutive hours nor more than six months' imprisonment and fined not less than \$200, nor more than \$500 or in the court's discretion the court may enter an order which requires the person enroll in and successfully complete a domestic violence prevention program.~~

~~(2) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of this section a second time under circumstances which constitute a domestic battery, such person shall be guilty of a class A person misdemeanor and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$500 nor more than \$1,000. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted must serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. As a condition of any grant of probation, suspension of sentence or parole or of any other release, the person shall be required to enter into and complete a treatment program for domestic violence prevention.~~

~~(3) If, within five years immediately preceding commission of the crime, a person is convicted of a violation of this crime a third or subsequent time under circumstances which constitute a domestic battery, such person shall be guilty of a person felony and sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,000 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The court may also require as a condition of parole that such person enter into and complete a treatment program for domestic violence. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program.~~

~~(4) As used in this section: (A) Domestic battery means a battery against a family or household member by a family or household member;~~

~~(B) family or household member means persons 18 years of age or older who are spouses, former spouses, parents or stepparents and children or stepchildren, and persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or who have lived together at any time. Family or household member also includes a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and~~

~~(C) for the purpose of determining whether a conviction is a first, second, third or subsequent conviction in sentencing under this section:~~

~~(i) "Conviction" includes being convicted of a violation of this section or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings on a complaint alleging a violation of this section;~~

~~(ii) "conviction" includes being convicted of a violation of a law of another state, or an ordinance of any city, or resolution of any county, which prohibits the acts that this section prohibits or entering into a diversion or deferred judgment agreement in lieu of further criminal proceedings in a case alleging a violation of such law, ordinance or resolution;~~

~~(iii) only convictions occurring in the immediately preceding five years including prior to the effective date of this act shall be taken into account, but the court may consider other prior convictions in determining the sentence to be imposed within the limits provided for a first, second, third or subsequent offender, whichever is applicable; and~~

~~(iv) it is irrelevant whether an offense occurred before or after conviction for a previous offense.~~

Sec. 7. K.S.A. 21-3440 is hereby amended to read as follows: 21-3440. (a) Injury to a pregnant woman is injury to a pregnant woman by a person other than the pregnant woman in the commission of a felony or misdemeanor causing the pregnant woman to suffer a miscarriage as a result of that injury.

(b) As used in this section, "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception.

(c) Injury to a pregnant woman in the commission of a felony is a severity level 4, person felony. Injury to a pregnant woman in the commission of a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, *subsections (b)(1) and (b)(2) of section 5* or K.S.A. 21-3517, and amendments thereto, is a severity level 5, person felony. Injury to a pregnant woman in the commission of a misdemeanor other than a violation of K.S.A. 21-3412, subsection (a)(1) of K.S.A. 21-3413, *subsections (b)(1) and (b)(2) of section 5* or K.S.A. 21-3517, and amendments thereto, is a class A person misdemeanor.

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

Sec. 8. K.S.A. 2000 Supp. 21-4603d is hereby amended to read as follows: 21-4603d. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense;

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence and up to 60 days in a county jail upon each revocation of the probation sentence, or community corrections placement;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and com-

elling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 21-4603b and amendments thereto;

(7) order the defendant to attend and satisfactorily complete an alcohol or drug education or training program as provided by subsection (3) of K.S.A. 21-4502 and amendments thereto;

(8) order the defendant to repay the amount of any reward paid by any crime stoppers chapter, individual, corporation or public entity which materially aided in the apprehension or conviction of the defendant; repay the amount of any costs and expenses incurred by any law enforcement agency in the apprehension of the defendant, if one of the current crimes of conviction of the defendant includes escape, as defined in K.S.A. 21-3809 and amendments thereto or aggravated escape, as defined in K.S.A. 21-3810 and amendments thereto; or repay the amount of any public funds utilized by a law enforcement agency to purchase controlled substances from the defendant during the investigation which leads to the defendant's conviction. Such repayment of the amount of any such costs and expenses incurred by a law enforcement agency or any public funds utilized by a law enforcement agency shall be deposited and credited to the same fund from which the public funds were credited to prior to use by the law enforcement agency;

(9) order the defendant to pay the administrative fee authorized by K.S.A. 2000 Supp. 22-4529 and amendments thereto, unless waived by the court;

(10) order the defendant to pay a domestic violence special program fee authorized by section 14, and amendments thereto;

(11) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8) ~~and~~, (9) and (10); or

~~(12)~~ (12) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances which would render a plan of restitution unworkable. If the court finds a plan of restitution unworkable, the court shall state on the record in detail the reasons therefor.

(2) If the court orders restitution, the restitution shall be a judgment against the defendant which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, and the victim to whom restitution is ordered paid has not initiated proceedings in accordance with K.S.A. 2000 Supp. 60-4301 *et seq.* and amendments thereto, the court shall assign an agent procured by the attorney general pursuant to K.S.A. 75-719 and amendments thereto to collect the restitution on behalf of the victim. The administrative judge of each judicial district may assign such cases to an appropriate division of the court for the conduct of civil collection proceedings.

(c) In addition to or in lieu of any of the above, the court shall order the defendant to submit to and complete an alcohol and drug evaluation, and pay a fee therefor, when required by subsection (4) of K.S.A. 21-4502 and amendments thereto.

(d) In addition to any of the above, the court shall order the defendant to reimburse the county general fund for all or a part of the expenditures by the county to provide counsel and other defense services to the defendant. Any such reimbursement to the county shall be paid only after any order for restitution has been paid in full. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the

court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.

(e) In imposing a fine the court may authorize the payment thereof in installments. In releasing a defendant on probation, the court shall direct that the defendant be under the supervision of a court services officer. If the court commits the defendant to the custody of the secretary of corrections or to jail, the court may specify in its order the amount of restitution to be paid and the person to whom it shall be paid if restitution is later ordered as a condition of parole or conditional release.

(f) When a new felony is committed while the offender is incarcerated and serving a sentence for a felony or while the offender is on probation, assignment to a community correctional services program, parole, conditional release, or postrelease supervision for a felony, a new sentence shall be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608, and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, a new sentence may be imposed pursuant to the consecutive sentencing requirements of K.S.A. 21-4608 and amendments thereto, and the court may sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure.

(g) Prior to imposing a dispositional departure for a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid, prior to sentencing a defendant to incarceration whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E or 4-F of the sentencing guidelines grid for drug crimes, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendment thereto or a community intermediate sanction center. Pursuant to this paragraph the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or a community intermediate sanction center and the defendant meets all of the conservation camp's or a community intermediate sanction center's placement criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or a community intermediate sanction center.

(h) The court in committing a defendant to the custody of the secretary of corrections shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or a part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court which sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed

by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(b) (j) Dispositions which do not involve commitment to the custody of the secretary of corrections shall not entail the loss by the defendant of any civil rights. Placement of offenders in a conservation camp established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, as a nonimprisonment disposition shall not entail the loss by the defendant of any civil rights.

(c) (k) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty as a result of conviction of crime.

(d) (l) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(e) (m) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate: (1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, or for an offense which is classified in grid blocks 5-H, 5-I, or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H, 3-I, 4-E, or 4-F of the sentencing guidelines grid for drug crimes; and (2) otherwise meets admission criteria of the camp. If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 21-4611 and amendments thereto.

(f) (n) When it is provided by law that a person shall be sentenced pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, the provisions of this section shall not apply.

Sec. 9. K.S.A. 2000 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, *and amendments thereto*, aggravated assault against a law enforcement officer or K.S.A. 21-3415, *and amendments thereto*, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567 and subsection ~~(c)(3) of K.S.A. 21-3412~~ (b)(3) of section 5 and amendments thereto shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to

the provisions of this section or K.S.A. 21-4707 and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567 and subsection ~~(c)(3) of K.S.A. 21-3412~~ (b)(3) of section 5 and amendments thereto shall not be served in a state facility in the custody of the secretary of corrections.

(j) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term. Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (1) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (2) at the time of the conviction under subsection (1) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government. The provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 *et seq.*, and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

Sec. 10. K.S.A. 2000 Supp. 60-3107 is hereby amended to read as follows: 60-3107. (a) The court shall be empowered to approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

(1) Restraining the parties from abusing, molesting or interfering with the privacy or rights of each other or of any minor children of the parties. Such order shall contain a statement that if such order is violated, such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, *domestic battery as provided in section 5, and amendments thereto* and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto.

(2) Granting possession of the residence or household to a party to the exclusion of the other party, and further restraining the party not granted possession from entering or remaining upon or in such residence or household, subject to the limitation of subsection (c). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the party not granted possession from cancelling utility service to the residence or household.

(3) Requiring a party to provide suitable, alternate housing for such party's spouse and any minor children of the parties.

(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

(5) Ordering a law enforcement officer to evict a party from the residence or household.

(6) Ordering support payments by a party for the support of a party's minor child or a party's spouse. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the motion of the plaintiff, the court may extend the effect of such order for 12 months.

(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring the person against whom the order is issued to seek counseling to aid in the cessation of abuse.

(b) Any order entered under the protection from abuse act shall not be subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 60-1610 *et seq.*, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 60-1610 *et seq.*, or K.S.A. 38-1101 *et seq.*, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 60-1610 and amendments thereto, that are inconsistent with orders entered under the protection from abuse act. Any inconsistent order entered pursuant to this subsection shall be specific in its terms, reference the protection from abuse order and parts thereof being modified and a copy thereof shall be filed in both actions. The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242 and amendments thereto.

(c) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence or household under subsection (a)(2) to the exclusion of the party who owns it.

(d) Subject to the provisions of subsections (b) and (c), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not to exceed one year, except that, on motion of the plaintiff, such period may be extended for one additional year.

(e) The court may amend its order or agreement at any time upon motion filed by either party.

(f) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(g) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as provided in subsection (c) of K.S.A. 21-3721, and amendments thereto, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as provided in K.S.A. 21-3408, and amendments thereto, battery as provided in K.S.A. 21-3412, and amendments thereto, *domestic battery as provided in section 5, and amendments thereto*, and violation of a protective order as provided in K.S.A. 2000 Supp. 21-3843, and amendments thereto.

Sec. 11. K.S.A. 2000 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a certificate to or renew the certificate of any person who has been convicted of any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619 and amendments thereto.

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a certificate to or renew the certificate of any person who:

(1) Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or section 5, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

(c) The state board of education may issue a certificate to or renew the certificate of a person who has been convicted of committing an offense or act described in subsection (b) or who has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a certificate:

- (1) The nature and seriousness of the offense or act;
- (2) the conduct of the person subsequent to commission of the offense or act;
- (3) the time elapsed since the commission of the offense or act;
- (4) the age of the person at the time of the offense or act;
- (5) whether the offense or act was an isolated or recurring incident; and
- (6) discharge from probation, pardon or expungement.

(d) Before any certificate is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.

(e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a certificate by reason of the state board's compliance, in good faith, with the provisions of this section.

Sec. 12. K.S.A. 2000 Supp. 72-5445 is hereby amended to read as follows: 72-5445. (a)

(1) Subject to the provisions of subsection (b), the provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, apply only to: (A) Teachers who have completed not less than three consecutive years of employment, and been offered a fourth contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed; and (B) teachers who have completed not less than two consecutive years of employment, and been offered a third contract, in the school district, area vocational-technical school or community college by which any such teacher is currently employed if at any time prior to the current employment the teacher has completed the years of employment requirement of subpart (A) in any school district, area vocational-technical school or community college in this state.

(2) Any board may waive, at any time, the years of employment requirements of provision (1) for any teachers employed by it.

(3) The provisions of this subsection are subject to the provisions of K.S.A. 72-5446, and amendments thereto.

(b) The provisions of K.S.A. 72-5438 through 72-5443, and amendments thereto, do not apply to any teacher whose certificate has been nonrenewed or revoked by the state board of education for the reason that the teacher: (1) Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or section 5, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.

Sec. 13. K.S.A. 2000 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.

(c) "Dean" means the dean of the division of continuing education of the university of Kansas.

(d) "Director," as created in K.S.A. 74-5603 and amendments thereto, means the director of police training at the law enforcement training center.

(e) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; campus police officers at all state educational institutions or a municipal university; law enforcement agents of the director of alcoholic beverage control; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; and school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharg-

ing the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) "Full-time" means employment requiring at least 1,000 hours of work per year.

(g) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of work per year.

(h) "Misdemeanor crime of domestic violence" means a violation of domestic battery as defined by subsection (c)(4) of K.S.A. 21-3412 provided by section 5 and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(i) "Auxiliary personnel" means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

New Sec. 14. (a) If a judicial district creates a local fund under this act, the court may impose a fee as provided in this section against any defendant for crimes involving a family or household member as provided in section 5, and amendments thereto. The chief judge of each judicial district where such fee is imposed shall set the amount of such fee by rules adopted in such judicial district in an amount not to exceed \$100 per case.

(b) Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the chief judge under this act. All moneys collected by this section shall be paid into the domestic violence special programs fund in the county where the fee is collected, as established by the judicial district and as authorized by this act.

(c) Expenditures made in each judicial district shall be determined by the chief judge and shall be paid to domestic violence programs administered by the court and to local programs within the judicial district that enhance a coordinated community justice response to the issue of domestic violence.;

And by renumbering sections accordingly;

Also on page 7, in line 14, before "22-2802" by inserting "21-3440,;" in line 15, by striking "60-3102 and 60-3104" and inserting "21-3412, 21-4603d, 21-4704, 60-3107, 72-1397, 72-5445 and 74-5602";

On page 1, in the title, in line 14, after the semicolon by inserting "domestic battery; assessment of certain fees;"; also in line 14, before "22-2802" by inserting "21-3440,;" in line 15, by striking "60-3102 and 60-3104" and inserting "21-3412, 21-4603d, 21-4704, 60-3107, 72-1397, 72-5445 and 74-5602";

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

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

JOHN VRATIL
DEREK SCHMIDT
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 205**.

On roll call, the vote was: Yeas 35, Nays 5, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brungardt, Corbin, Donovan, Downey, Emler, Feliciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle.

Nays: Brownlee, Clark, Huelskamp, Pugh, Tyson.
The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 263**, 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 22 through 43;

By striking all on pages 2 through 9 and by inserting the following:

“Section 1. K.S.A. 2000 Supp. 17-2707 is hereby amended to read as follows: 17-2707. As used in this act, unless the context clearly indicates that a different meaning is intended, ~~the following words mean:~~

(a) “Professional corporation;” *means* a corporation organized under this act.

(b) “Professional service;” *means* the type of personal service rendered by a person duly licensed by this state as a member of any of the following professions, each paragraph constituting one type:

- (1) A certified public accountant;
- (2) an architect;
- (3) an attorney-at-law;
- (4) a chiropractor;
- (5) a dentist;
- (6) an engineer;
- (7) an optometrist;
- (8) an osteopathic physician or surgeon;
- (9) a physician, surgeon or doctor of medicine;
- (10) a veterinarian;
- (11) a podiatrist;
- (12) a pharmacist;
- (13) a land surveyor;
- (14) a licensed psychologist;
- (15) a specialist in clinical social work;
- (16) a registered physical therapist;
- (17) a landscape architect;
- (18) a registered professional nurse;
- (19) a real estate broker or salesperson;
- (20) a *clinical professional counselor*;
- (21) a *geologist*;
- (22) a *clinical psychotherapist*; and
- (23) a *clinical marriage and family therapist*.

(c) “Regulating board;” *means* the ~~court~~, board or state agency which is charged with the licensing and regulation of the practice of the profession which the professional corporation is organized to render.

(d) “Qualified person” *means*:

(1) Any natural person licensed to practice the same type of profession which any professional corporation is authorized to practice;

(2) the trustee of a trust which is a qualified trust under subsection (a) of section 401 of the *federal* internal revenue code of ~~1954, as amended~~, *as in effect on January 1, 2001*, or of a contribution plan which is a qualified employee stock ownership plan under subsection (a) of section 409A of the *federal* internal revenue code of ~~1954, as amended~~, *as in effect on January 1, 2001*; or

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession which any professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to professional

corporation stock following such natural person's death for more than a reasonable period of time necessary to dispose of such stock.

Sec. 2. K.S.A. 2000 Supp. 17-2707 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 14, by striking all after “concerning”; by striking all in lines 15 through 19 and inserting: “corporations; relating to professional corporations; amending K.S.A. 2000 Supp. 17-2707 and repealing the existing section.”;

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

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

JOHN VRATIL
DAVID ADKINS
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 263**.

On roll call, the vote was: Yeas 37, Nays 3, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Salmans, Schmidt, Schoendorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

Nays: Emler, Huelskamp, Pugh.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 322**, submits the following report:

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

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

KENNY A. WILK
LLOYD A. STONE
JOE SHRIVER
Conferees on part of House

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

On motion of Senator Morris, the Senate adopted the conference committee report on **H Sub for SB 322**, and requested a new conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a second Conference Committee on the part of the Senate on **H Sub for SB 322**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2017**, submits the following report:

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

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

STEPHEN R. MORRIS
DAVID ADKINS
PAUL FELECIANO, JR.
Conferees on part of Senate

KENNY A. WILK
MELVIN NEUFELD
ROCKY NICHOLS
Conferees on part of House

On motion of Senator Morris, the Senate adopted the conference committee report on **S Sub for HB 2017**, and requested a new conference committee be appointed.

The President appointed Senators Morris, Adkins and Feleciano as a second Conference Committee on the part of the Senate on **S Sub for HB 2017**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2034**, submits the following report:

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

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

KARIN S. BROWNLEE
JAY SCOTT EMLER
JIM BARONE
Conferees on part of Senate

CARL DEAN HOLMES
TOM SLOAN
LAURA MCCLURE
Conferees on part of House

On motion of Senator Brownlee, the Senate adopted the conference committee report on **S Sub for HB 2034**, and requested a new conference committee be appointed.

The President appointed Senators Brownlee, Emler and Barone as a second Conference Committee on the part of the Senate on **S Sub for HB 2034**.

ORIGINAL MOTION

On motion of Senator Vratil, the Senate acceded to the request of the House for a conference on **S Sub for HB 2154**.

The President appointed Senators Vratil, Pugh and Goodwin as second conferees on the part of the Senate.

REPORTS OF STANDING COMMITTEES

Committee on **Assessment and Taxation** recommends **HB 2592** be passed.

REPORT ON ENROLLED BILLS

SB 14, SB 160, SB 161; Sub for SB 171; SB 186, SB 218, SB 237, SB 239, SB 294, SB 343 reported correctly enrolled, properly signed and presented to the Governor on May 4, 2001.

SR 1854, SR 1855, SR 1856, SR 1857, SR 1858 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on May 4, 2001.

On motion of Senator Oleen, the Senate recessed until 8:00 p.m.

EVENING SESSION

The Senate met pursuant to recess with President Kerr in the chair.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2065**, **HB 2507**, **HB 2592**.

COMMITTEE OF THE WHOLE

On motion of Senator Oleen, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Vratil in the chair.

On motion of Senator Vratil the following report was adopted:

Recommended **HB 2592** be passed.

HB 2065, **HB 2507** be amended by adoption of the committee amendments, and the bills be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Oleen an emergency was declared by a 2/3 constitutional majority, and **HB 2065**, **HB 2507**, **HB 2592** were advanced to Final Action and roll call.

HB 2065, An act relating to the taxation of insurance companies; amending K.S.A. 40-252d and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 22, Nays 18, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brungardt, Clark, Corbin, Donovan, Jackson, Jenkins, Kerr, Lyon, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Wagle.

Nays: Barone, Brownlee, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Jordan, Lee, O'Connor, Steineger, Tyson, Vratil.

The bill passed, as amended.

HB 2507, An act relating to the taxation of motor fuels; amending K.S.A. 2000 Supp. 79-3492b, 79-34,118, 79-34,141 and 79-34,142 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 21, Nays 19, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Corbin, Donovan, Emler, Jackson, Jenkins, Jordan, Kerr, Morris, Oleen, Praeger, Salmans, Schodorf, Teichman, Tyson, Umbarger, Vratil.

Nays: Barone, Clark, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Lee, Lyon, O'Connor, Pugh, Schmidt, Steineger, Taddiken, Wagle.

The bill passed, as amended.

HB 2592, An act relating to mineral severance tax; concerning the time of payment thereof; amending K.S.A. 79-4220 and 79-4221 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 23, Nays 17, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brownlee, Brungardt, Corbin, Donovan, Emler, Jackson, Jenkins, Jordan, Kerr, Morris, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Umbarger, Vratil, Wagle.

Nays: Barone, Clark, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Lee, Lyon, O'Connor, Steineger, Teichman, Tyson.

The bill passed.

ORIGINAL MOTION

Senator Oleen moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2245**, **HB 2266**, **HB 2268**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2245**, submits the following report:

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

On page 7, in line 8, by striking "10" and inserting "25";

On page 8, following line 18, by inserting:

"New Sec. 2. (a) For the purpose of financing the construction, renovation or repair of one or more facilities which generate electricity solely by use of hydropower and which each have a capacity of more than two but less than 25 megawatts, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction, renovation or repair, including any required interest on the bonds during construction, renovation or repair, plus all amounts required for costs of the bond issuance and for any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from sales of electricity generated by the generation facility or facilities.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905 and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.";

By renumbering the remaining sections accordingly;

In the title, in line 9, by striking "certain"; in line 10, by striking all preceding the semicolon and inserting "electric generation; relating to certain parallel generation services; providing for issuance of bonds for certain purposes";

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

DAVID R. CORBIN

STAN CLARK

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

TOM SLOAN

LAURA MCCLURE

Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2245**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh,

Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2266**, submits the following report:

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

On page 8, in line 32, by striking "(a)"; also in line 32, by striking "this section, "independent" and inserting "sections 2 and 3, and amendments thereto:

(a) "Independent";

Also on page 8, in line 36, following the period, by inserting "Independent power producer property shall not include property used in generating electricity by nuclear resources or technologies or by renewable energy resources or technologies, as defined in K.S.A. 79-201, and amendments thereto;

(b) "peak load plant" means an independent power plant used during maximum load periods.";

Also on page 8, by striking all in lines 37 through 43;

On page 9, by striking all in lines 1 through 43;

On page 10, by striking all in lines 1 through 3 and inserting:

"New Sec. 3. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) All electric generation facilities described in subsection (e) of K.S.A. 66-104, and amendments thereto.

(b) The provisions of subsection (a) shall apply:

(1) Except as provided in paragraph (2), from and after commencement of construction of such property and for the 12 taxable years immediately following the taxable year in which construction of such property is completed; or

(2) for peak load plants, from and after commencement of construction of such property and for the six taxable years immediately following the taxable year in which construction of such property is completed.

(c) All pollution control devices purchased for or constructed or installed at electric generation facilities described in subsection (e) of K.S.A. 66-104, and amendments thereto.

(d) The provisions of subsection (c) shall apply:

(1) Except as provided in paragraph (2), from and after purchase or commencement of construction or installation of such property and for the 12 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed; or

(2) for a peak load plant, from and after purchase or commencement of construction or installation of such property and for the six taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.

(e) The provisions of this section shall apply to all taxable years commencing after December 31, 2000.

New Sec. 4. (a) For the purpose of financing the construction, purchase and installation of pollution control devices at electric generation facilities and additions to electric generation facilities described in subsection (e) of K.S.A. 66-104, and amendments thereto, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction, purchase and installation, including any required interest on the bonds during construction and installation, plus all amounts required for the costs of bond issuance and any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from sales of generation from the electric generation facility. As used in this subsection, "pollution control devices" means any device or structure required to meet air emission or water discharge standards imposed by state or federal law.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.”;

By renumbering sections accordingly;

Also on page 10, in line 4, by striking “and 79-5a01 are” and inserting “is”;

In the title, in line 22, by striking “and 79-5a01”; also in line 22, by striking “sections” and inserting “section”

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

DAVID R. CORBIN

STAN CLARK

JANIS K. LEE

Conferees on part of Senate

CARL DEAN HOLMES

TOM SLOAN

LAURA MCCLURE

Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2266**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2268**, submits the following report:

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

On page 2, following line 12, by inserting:

“(3) Electric generation facilities under the provisions of subsection (b)(2)(D) or (b)(2)(E) shall not include facilities used in generating electricity by nuclear resources or technologies or by using renewable energy resources or technologies, as defined in K.S.A. 79-201, and amendments thereto.”;

Also on page 2, in line 42, preceding “prop-” by inserting “all”; in line 43, by striking “pursuant to the”;

On page 3, by striking all in lines 1 and 2 and inserting “under the laws of the state of Kansas”; by striking all in line 13 and inserting:

“(b) The provisions of subsection (a) shall apply: (1) Except as provided in paragraph (2).”;

Also on page 3, in line 16, following “completed” by inserting “; or (2) for a peak load plant, from and after commencement of construction of such peak load plant and for the four taxable years immediately following the taxable year in which construction of such

property is completed"; in line 17, by striking "(b)" and inserting "(c)"; by striking all in line 20 and inserting:

"(d) The provisions of subsection (c) shall apply: (1) Except as provided in paragraph (2), from and after pur-";

Also on page 3, in line 24, by striking the period and inserting "; or (2) for a peak load plant, from and after purchase or commencement of construction or installation of such property and for the four taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.

(e) As used in this section, "peak load plant" means an electric generation facility used during maximum load periods.;"

Also on page 3, in line 25, by striking "(e)" and inserting "(f)"; by striking all in lines 27 through 43;

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

"New Sec. 3. (a) For the purpose of financing the construction, purchase and installation of pollution control devices at electric generation facilities and additions to electric generation facilities described in subsection (b)(2)(D) of K.S.A. 66-128, and amendments thereto, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction, purchase and installation, including any required interest on the bonds during construction and installation, plus all amounts required for the costs of bond issuance and any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from sales of generation from the electric generation facility. As used in this subsection, "pollution control devices" means any device or structure required to meet air emission or water discharge standards imposed by state or federal law.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.;"

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

DAVID R. CORBIN
STAN CLARK
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES
TOM SLOAN
LAURA MCCLURE
Conferees on part of House

Senator Clark moved the Senate adopt the Conference Committee Report on **HB 2268**.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Barone, Brownlee, Brungardt, Clark, Corbin, Donovan, Downey, Emler, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelkamp, Jackson, Jenkins, Jordan, Kerr, Lee, Lyon, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Steineger, Taddiken, Teichman, Tyson, Umbarger, Vratil, Wagle.

The Conference Committee report was adopted.

ORIGINAL MOTION

Senator Oleen moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and dispense with distribution of copies of the conference committee report on **HB 2283**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2283**, submits the following report:

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

On page 1, by striking all in lines 17 through 43;

By striking all of pages 2 through 4 and inserting in lieu thereof the following:

"Section 1. (a) For the fiscal years ending June 30, 2001, June 30, 2002, and June 30, 2003, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements, and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2001 and shall constitute the omnibus reconciliation spending limit bill for the 2001 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702 and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155 and amendments thereto.

Sec. 2.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the \$150,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 2(a) of 2001 House Bill No. 2056 from the state general fund in the legislative coordinating council—KPERs actuarial audit account, the sum of \$100,000 is hereby lapsed.

(b) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2002 for the legislature as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures may be made by the legislative coordinating council for fiscal year 2002 for an interim study by a legislative study committee of expenditures made under the authority of K.S.A. 75-2319 and amendments thereto for school district capital improvements: *Provided*, That such study shall include a review of the appropriateness of state funding being utilized for school district facilities that have as their primary purpose the holding of athletic events: *Provided further*, That the legislative study committee shall report its findings, including any recommended statutory changes, to the legislature at the beginning of the 2002 regular session.

(c) (1) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from moneys appropriated from the state general fund or in any special revenue fund for the legislative coordinating council or for the legislature for fiscal year 2002, the legislative coordinating council is hereby authorized to review salaries and wages, annual leave, benefits and compensatory leave policies for employees of the legislative research department and the office of revisor of statutes, and to make bonus payments to employees of the legislative research department and employees of the office of revisor of statutes from available moneys appropriated for the legislative coordinating council for fiscal year 2002 in the legislative coordinating council—operations account of the state general fund, the legislative research department—operations account of the state general fund or the office of revisor of statutes—operations account of the state general fund or from available moneys appropriated for the legislature for fiscal year 2002 in the operations (including official hospitality) account of the state general fund or in the legis-

lative special revenue fund: *Provided*, That the legislative coordinating council shall determine officers and employees to receive such bonus payments and shall determine the date or dates of payment and the amounts of any such bonus payments.

(2) No bonus payment paid pursuant to this subsection during fiscal year 2002 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(d) (1) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or in the legislative special revenue fund for fiscal year 2002 by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the above agency from the moneys appropriated from the state general fund or in the legislative special revenue fund for fiscal year 2002 for and for all purposes thereof:

(A) The SRS transition oversight committee which was established by K.S.A. 46-2701, which is composed of 12 members and which is hereby specifically continued in existence and shall be redesignated and known as the SRS oversight committee for fiscal year 2002, notwithstanding any provisions of K.S.A. 46-2701 to the contrary, in accordance with this subsection: *Provided*, That the terms of office of all members of the SRS oversight committee serving on June 30, 2001, are hereby continued as members of the SRS oversight committee until June 30, 2002: *Provided further*, That for the period from June 30, 2001, through June 30, 2002, the vice-chairperson of the SRS transition oversight committee on June 30, 2001, shall on July 1, 2001, become chairperson of the SRS oversight committee, and the chairperson of the SRS transition oversight committee on June 30, 2001, shall on July 1, 2001, become vice-chairperson of the SRS oversight committee: *And provided further*, That the chairperson and vice-chairperson of the SRS oversight committee serving in such offices on July 1, 2001, shall continue in such offices until June 30, 2002: *And provided further*, That if a vacancy occurs in the office of any member of the SRS oversight committee, a successor shall be appointed in the same manner as the original appointment: *And provided further*, That the SRS oversight committee shall meet on call of the chairperson and all such meetings shall be held in Topeka unless authorized to be held in a different place by the legislative coordinating council: *And provided further*, That members of the SRS oversight committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212 and amendments thereto when attending meetings of such committee or any subcommittee meeting authorized by the SRS oversight committee: *And provided further*, That the SRS oversight committee shall have the following duties:

(i) The SRS oversight committee shall monitor the long-term care programs that were transferred from the secretary of social and rehabilitation services to the secretary of aging; the SRS oversight committee shall ensure that the transfer of the long-term care programs does not lead to a loss of services by consumers;

(ii) the SRS oversight committee shall monitor, review and make recommendations relating to privatization efforts at the state hospitals, the closure of hospital beds, the downsizing of staff, the funding of community services and the availability of adequate community services;

(iii) the SRS oversight committee shall monitor, review and make recommendations relating to (A) privatization of children service programs of the department of social and rehabilitation services including family preservation, foster care and adoption programs, (B) privatization of child support collection programs and any other programs of the department of social and rehabilitation services, and (C) privatization of any programs of the department on aging;

(iv) the SRS oversight committee shall monitor, review and make recommendations relating to federal social welfare reform laws and the regulations and policies implementing such laws and the activities of the department of social and rehabilitation services relating

to such federal laws, regulations and policies and the operation of the home and community based services programs; and

(v) the SRS oversight committee shall prepare an interim report on findings and recommendations which shall be provided to the legislature on or before the first day of the regular session of the legislature in 2002; and

(B) the joint committee on health care oversight, which is hereby created to oversee the necessary changes in state laws and regulations made necessary by federal law and, to the fullest extent possible, implement health care reform specific to Kansas needs and which is referred to in this subsection (d)(1)(B) as "joint committee,": *And provided further*, That the joint committee shall be composed of 14 members of the legislature appointed as follows: Four members of the house of representatives appointed by the speaker of the house of representatives; three members of the house of representatives appointed by the minority leader of the house of representatives; four members of the senate appointed by the president of the senate; and three members of the senate appointed by the minority leader of the senate; the secretary of health and environment, the secretary of social and rehabilitation services, the director of the budget and the commissioner of insurance shall be advisors to the joint committee: *And provided further*, That a quorum of the joint committee shall be eight; all actions of the joint committee may be taken by a majority of those present when there is a quorum; on and after July 1, 2001, and until the first day of the 2002 legislative session, the chairperson of the joint committee shall be one of the representative members of the joint committee selected by the speaker and the vice-chairperson shall be one of the senate members of the joint committee selected by the president; thereafter, in even-numbered years the chairperson of the joint committee shall be the member of the senate selected by the president and the vice-chairperson of the joint committee shall be the member of the house selected by the speaker from the convening of the regular session of that year until the convening of the regular session of the next ensuing year; in odd-numbered years, the chairperson of the joint committee shall be the member of the house of representatives selected by the speaker and the vice-chairperson of the joint committee shall be the member of the senate selected by the president from the convening of the regular session in that year until the convening of the regular session in the next ensuing year; the vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson: *And provided further*, That the joint committee shall be designated a standing joint committee of the legislature and shall have such powers and duties as provided in this subsection (d)(1)(B); funding of operations of the joint committee shall be made from moneys appropriated to the legislature and expenditures of the joint committee shall be approved by the legislative coordinating council; administrative support for the joint committee shall be provided by the division of legislative administrative services: *And provided further*, That the joint committee on health care oversight shall meet on call of the chairperson as authorized by the legislative coordinating council: *And provided further*, That all such meetings shall be held in Topeka unless authorized to be held in a different place by the legislative coordinating council; members of the joint committee shall receive compensation and travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such joint committee authorized by the legislative coordinating council: *And provided further*, That the joint committee may introduce legislation: *And provided further*, That all officers and employees of the state shall provide such information and assistance as may be deemed necessary by the joint committee: *And provided further*, That staff assistance shall be provided to the joint committee by the office of the revisor of statutes, the legislative research department and such other legislative offices and employees as may be directed by the legislative coordinating council: *And provided further*, That the department of health and environment is hereby designated the contact agency for the state of Kansas with reference to federal health care reform measures: *And provided further*, That the department of health and environment shall not make any decision with reference to federal health care reform measures not otherwise authorized by the legislature or which would be inconsistent with existing law: *And provided further*, That the joint committee on health care oversight shall:

(i) Examine changes in federal laws affecting Kansas and propose such changes in Kansas laws and regulations as are necessary to meet the federal requirements;

- (ii) cooperate and interact with agencies of the federal government responsible for health care reform;
- (iii) consider all health care financing and delivery options now in effect taking into account the actions of other states and the federal government;
- (iv) work cooperatively with all relevant state and federal agencies, health care providers, payors and consumer groups in the development of an integrated health plan for all Kansans;
- (v) receive, analyze and make recommendations related to the state health care data base developed by the health care data governing board;
- (vi) develop plans for health care cost containment;
- (vii) study and make recommendations for legislative action to integrate health care financing and coverage with other states;
- (viii) recommend legislative actions necessary to assure accessibility of services to residents of underserved areas;
- (ix) provide recommendations if federal or state laws require inclusion of the medical care component of workers compensation and automobile insurance into all inclusive health care coverage;
- (x) oversee the implementation and operation of the children's health insurance plans created under the provisions of K.S.A. 38-2001 *et seq.*, and amendments thereto, including the assessment of the performance based contracting's measurable outcomes as set forth in subsection (b)(4) of K.S.A. 38-2001, and amendments thereto, and other children's issues as the joint committee deems necessary; and
- (xi) make recommendations on tort reform for medical liability and for state antitrust reform and federal antitrust modifications; and

(2) The chairperson of the SRS oversight committee, the chairperson of the joint committee on health care oversight and the chairperson of the joint committee children's issues shall meet prior to the commencement of 2001 legislative interim studies to ensure that no subject is studied by more than one of these legislative study committees and that the past experience of duplication or overlapping of study topics among the predecessor committees of these legislative study committees is not repeated during the 2001 interim between regular sessions of the legislature.

(e) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2002 for the legislature as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures may be made by the legislative coordinating council for fiscal year 2002 for an interim study by the legislative budget committee, regarding raising the minimum pre-admission screening and annual resident review (PASARR) levels for persons receiving services provided in nursing facilities and under applicable waiver programs of the department of social and rehabilitation services or the department on aging: *Provided*, That the legislative budget committee shall report its findings and recommendations, including any recommended statutory changes, to the legislature at the beginning of the 2002 regular session.

Sec. 3. (a) On July 1, 2001, of the amount in each account of the state general fund of each state agency in the executive branch of state government that is appropriated for the fiscal year ending June 30, 2002, by 2000 Senate Bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature and that is budgeted for payment of the expenses of official travel out-of-state, as certified by the director of the budget to the director of accounts and reports for fiscal year 2002, the amount equal to 25% of such certified amount is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2002 by this subsection shall not exceed \$2,800,000: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(b) On July 1, 2001, of the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature

and that is budgeted for fiscal year 2002 for payment of longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto, the amount equal to the amount by which (1) the amount budgeted for fiscal year 2002 in each such account of the state general fund for longevity bonus payments, exceeds (2) the amount budgeted for fiscal year 2001 in each such account for longevity bonus payments as approved by the 2000 legislature for fiscal year 2001, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2002 by this subsection shall not exceed \$300,000: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(c) On July 1, 2001, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57, that is budgeted for payment for KANS-A-N telecommunications services provided by the division of information systems and communications and that is in excess of the amount required for such purpose after the reductions in the rates charged such state agencies for calling cards and for regular long-distance telecommunications services, which reductions are hereby authorized and directed to be adopted on or before July 1, 2001, for such services for fiscal year 2002, including adjustments for applicable administrative surcharges and long-distance telecommunications usage estimates, as determined and certified by the director of the budget to the director of accounts and reports, is hereby lapsed: *Provided*, That the aggregate amount of all such amounts lapsed from such accounts of the state general fund for fiscal year 2002 shall be not less than \$925,000: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

Sec. 4.

ATTORNEY GENERAL

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

Interstate water rights regarding the Republican river and its tributaries account

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

(b) On July 1, 2001, of the \$3,993,100 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 106(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$160,954 is hereby lapsed.

(c) On July 1, 2001, of the \$1,115,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 106(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures relating to interstate water rights regarding the Republican river and its tributaries account, the sum of \$500,000 is hereby lapsed.

(d) During the fiscal year ending June 30, 2002, notwithstanding the provisions of K.S.A. 82a-1801, and amendments thereto, all amounts recovered by the state of Kansas from a settlement, judgment or decree on or before June 30, 2002, in the litigation brought by the state of Kansas against the state of Colorado arising under the Arkansas river compact shall be deposited in the state treasury and credited to the state general fund.

Sec. 5.

SECRETARY OF STATE

(a) On July 1, 2001, of the \$1,802,863 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 107(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$7,030 is hereby lapsed.

Sec. 6.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

| | |
|---|----------|
| Redevelopment bond fund | |
| For the fiscal year ending June 30, 2001..... | No limit |
| For the fiscal year ending June 30, 2002..... | No limit |
| Kansas postsecondary education savings expense fund | |
| For the fiscal year ending June 30, 2002..... | No limit |

Provided, That all moneys received by the above agency from Kansas postsecondary education savings program manager shall be credited to the Kansas postsecondary education savings expense fund.

(b) On July 1, 2001, of the \$1,023,563 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 108(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$25,000 is hereby lapsed.

Sec. 7.

INSURANCE DEPARTMENT

(a) On June 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$70,000 from the insurance department service regulation fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 8.

JUDICIAL BRANCH

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

| | |
|---|-----------|
| Judiciary operations | |
| For the fiscal year ending June 30, 2001..... | \$300,000 |

(b) On July 1, 2001, of the \$79,623,104 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 113(a) of 2001 Senate Bill No. 57 from the state general fund in the judiciary operations account, the sum of \$572,000 is hereby lapsed.

(c) In addition to the other purposes for which expenditures may be made by the judicial branch from the moneys appropriated in the judicial branch education fund for fiscal year 2001 or fiscal year 2002 as authorized chapter 130 or chapter 183 of the 200 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature, expenditures may be made by the judicial branch from the moneys appropriated in the judicial branch education fund for fiscal year 2001 or fiscal year 2002, to provide services and programs for the purpose of educating and training judicial branch officers and em-

ployees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system as provided by law, including official hospitality: *Provided*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *Provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be credited to the judicial branch education fund: *And provided further*, That expenditures may be made from the judicial branch education fund for providing such services and programs regardless of when such services and programs were provided by the judicial branch.

Sec. 9.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) Notwithstanding the provisions of K.S.A. 74-4927 and 74-4927f and amendments thereto, no participating employer under the Kansas public employees retirement system shall pay any amount to the system for the cost of the plan of death and long-term disability benefits under K.S.A. 74-4927 and amendments thereto for the period from July 1, 2001, through December 31, 2001.

(b) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57 and that is budgeted for payment of the cost of the plan of death and long-term disability benefits under K.S.A. 74-4927 and amendments thereto, as certified by the director of the budget to the director of accounts and reports, for the period from July 1, 2001, through December 31, 2001, is hereby lapsed.

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

| | |
|--|----------|
| Annual payment for KSRS actuarial liability per SB 322 | |
| For the fiscal year ending June 30, 2002..... | \$32,000 |

(d) On July 1, 2001, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2002, by 2001 Senate Bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature and that is budgeted for payment of the cost of the plan of death and long-term disability benefits under K.S.A. 74-4927 and amendments thereto, as certified by the director of the budget to the director of accounts and reports, for the period from July 1, 2001, through December 31, 2001, from such special revenue fund, or account thereof, to the special 2003 death and disability plan employer contributions fund: *Provided*, That the aggregate amount transferred from all such special revenue funds and accounts to the special 2003 death and disability plan employer contributions fund during fiscal year 2002 pursuant to this subsection shall not exceed \$1,600,000: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

| | |
|--|-----|
| Special 2003 death and disability plan employer contributions fund | |
| For the fiscal year ending June 30, 2002..... | \$0 |
| For the fiscal year ending June 30, 2003..... | \$0 |

Sec. 10.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, of the \$1,325 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 18(a) of chapter 183 of the 2000 Session

Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$414 is hereby lapsed.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 18(b) of chapter 183 of the 2000 Session Laws of Kansas on the governmental ethics commission fee fund is hereby increased from \$148,192 to \$148,606.

(c) On July 1, 2001, of the \$428,409 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 98(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$19,129 is hereby lapsed.

(d) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 98(b) of 2001 Senate Bill No. 57 on the governmental ethics commission fee fund is hereby increased from \$143,457 to \$162,586.

Sec. 11.

KANSAS HUMAN RIGHTS COMMISSION

(a) On July 1, 2001, of the \$1,471,235 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 115(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$15,595 is hereby lapsed.

Sec. 12.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

| | |
|---|----------|
| Well plugging assurance fund | |
| For the fiscal year ending June 30, 2002..... | No limit |
| Natural gas underground storage fee fund | |
| For the fiscal year ending June 30, 2002..... | No limit |

Provided, That expenditures for fiscal year 2002 from the natural gas underground storage fee fund for administration shall not exceed \$300,000.

| | |
|---|----------|
| Enhanced wireless 911 fund | |
| For the fiscal year ending June 30, 2002..... | No limit |

(b) In addition to the other purposes for which expenditures may be made by the state corporation commission from the conservation fee fund for fiscal year 2002 as authorized by section 116(a) of 2001 Senate Bill No. 57, expenditures may be made by the above agency from the conservation fee fund for fiscal year 2002 for any purpose for which expenditures may be made from the natural gas underground storage fee fund: *Provided*, That expenditures for such purpose from the conservation fee fund for fiscal year 2002 shall be reimbursed from the natural gas underground storage fee fund to the conservation fee fund by revenue transfers as provided in this section prior to July 1, 2003: *Provided further*, That all such expenditures from the conservation fee fund for any such purpose shall be in addition to any expenditure limitation imposed on the conservation fee fund for fiscal year 2002.

(c) During the fiscal year ending June 30, 2002, the state corporation commission shall certify one or more amounts to the director of accounts and reports to reimburse the conservation fee fund for expenditures during fiscal year 2002 and fiscal year 2003 for any purpose for which expenditures may be made from the natural gas underground storage fee fund. Upon receipt of each certification or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer the amount certified from the natural gas underground storage fee fund to the conservation fee fund.

Sec. 13.

DEPARTMENT OF ADMINISTRATION

(a) On the effective date of this act, any unencumbered balance in each of the following accounts in the state general fund is hereby lapsed: Statehouse committee room planning, remodel and relocation.

(b) On July 1, 2001, of the \$637,476 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 118(a) of 2001 Senate Bill No. 57 from the state general fund in the Signature building relocation costs account, the sum of \$70,339 is hereby lapsed.

(c) During the fiscal year ending June 30, 2002, no moneys appropriated for the department of administration for the fiscal year ending June 30, 2002, from the state general fund or any special revenue fund by this or other appropriation act of the 2001 regular session of the legislature shall be expended by the department of administration for operations of the Kansas performance review board.

(d) On July 1, 2001, the limitation on the rate of the additional fee that the director of architectural services is authorized to charge and collect for services provided to other state agencies for which the division of architectural services provides in-house architectural and engineering design services for capital improvement projects for fiscal year 2002, as established by clause (2) of the fourth proviso to the appropriation of the moneys in the architectural services recovery fund in section 118(b) of 2001 Senate Bill No. 57, is hereby increased from 6% of the construction cost of each capital improvement project to 8% of the construction cost of each capital improvement project.

(e) On July 1, 2001, the director of accounts and reports shall transfer \$50,000 from the construction defects recovery fund of the department of administration to the architectural services recovery fund of the department of administration.

(f) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any 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 administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002, for a study to review the potential costs savings related to use of private sector printing service providers in lieu of the state printer for all or portions of the printing services required by one or more state agencies selected by the secretary of administration for this study: *Provided*, That the secretary of administration shall present the findings of this study to the legislative coordinating council, the legislative post audit committee, the committee on appropriations of the house of representatives, and the committee on ways and means of the senate at the beginning of the 2002 regular session of the legislature.

(g) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 or for fiscal year 2002 as authorized by chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2001 or fiscal year 2002 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for capital improvement projects for Landon state office building relating to capitol complex consolidation, Brigham building at state complex—west for a staff development and training center for the department of social and rehabilitation services, Woodward building at state complex—west for housing for the Kansas services for the blind of the department of social and rehabilitation services, Forbes building #740 for laboratory facilities remodeling for the department of health and environment, and the capitol complex steam system for upgrades: *Provided*, That such capital improvement projects are hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74- 8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement projects, in addition to any other appropriations available therefor: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement projects and for administrative costs, including design and planning, moving expenses, lost rents, first-year rent differentials and other expenses associated with such capital improvements shall not exceed \$8,950,000, plus all amounts required for costs of

bond issuance, costs of interest on the bonds issued for such capital improvement projects during the construction of such capital improvement projects and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state buildings operating fund or from any other fund or funds as provided by the provisions of appropriation acts: *And provided further*, That the secretary of administration shall present to the joint committee on state building construction (1) reports detailing the proposed program and scope of each of such capital improvement projects, (2) reports on the progress and planning for capitol complex consolidation, including associated relocating of state agencies, (3) reports on all administrative costs, including design and planning, moving expenses, lost rents, first-year rent differentials and other expenses associated with such capital improvements, and (4) regular progress reports on each phase of each of such capital improvement projects.

(h) On July 1, 2001, the director of accounts and reports shall transfer \$250,000 from the state workers compensation self insurance fund of the department of administration to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state workers compensation self insurance fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state workers compensation self insurance fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services. .

(i) On the effective date of this act, of the \$2,494,994 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 84(a) of chapter 130 of the 2000 Session Laws of Kansas from the state general fund in the energy conservation improvement—debt service account, the sum of \$22,710 is hereby lapsed.

(j) On July 1, 2001, of the aggregate amount of \$21,420,685 appropriated for the department of administration by section 118(a) of 2001 Senate Bill No. 57 from the state general fund for the fiscal year ending June 30, 2002, in all accounts of the state general fund of the department of administration, the aggregate sum of \$1,300,000 is hereby lapsed: *Provided*, That the specific amount that is lapsed pursuant to this subsection in each account of the state general fund appropriated for the department of administration for the fiscal year ending June 30, 2002, by section 118(a) of 2001 Senate Bill No. 57, shall be determined and shall be certified by the secretary of administration to the director of accounts and reports on or before June 30, 2001: *Provided, however*, That the aggregate of all such amounts so certified in such accounts of the state general fund shall not be less than \$1,300,000: *Provided further*, That the secretary of administration shall submit a copy of such certification to the director of the legislative research department and to the director of the budget: *And provided further*, That the secretary of administration shall not certify any amount appropriated by this or any other appropriation act of the 2001 legislature for operations of the Kansas public broadcasting council or in the public broadcasting council grants account or the public TV digital conversion debt service account: *And provided further*, That, if the secretary of administration fails to make such certification to the director of accounts and reports on or before June 30, 2001, or if the aggregate of the amounts certified by the secretary of administration to the director of accounts and reports is not equal to or more than \$1,300,000, then the director of the budget shall determine the specific amount that is lapsed pursuant to this subsection in each account of the state general fund appropriated for the department of administration for the fiscal year ending June 30, 2002, by section 118(a) of 2001 Senate Bill No. 57 and shall certify the amount so determined to the director of accounts and reports, to the secretary of administration and to the director of the legislative research department.

(k) On the effective date of this act, of the \$278,103 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 84(a) of chapter 130 of the 2000 Session

Laws of Kansas from the state general fund in the performance review board account, the sum of \$68,249 is hereby lapsed.

(l) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any 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 administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance a capital improvement project for a capitol complex parking garage: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no bonds shall be issued by the Kansas development finance authority for such capital improvement project except upon 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, except that such approval also may be given while the legislature is in session.

Sec. 14.

DEPARTMENT OF REVENUE

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

Operating expenditures

For the fiscal year ending June 30, 2002..... \$3,277,632

(b) 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 department of revenue is hereby increased from 1,162.0 to 1,196.0.

(c) In addition to the other purposes for which expenditures may be made by the department of revenue from the moneys appropriated from the state general fund or from any 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 revenue from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002, for additional operating expenditures for not less than 76 state officers and employees and contract personnel for the purposes of collecting taxes, interest, and penalties owed to the state under a program of enhanced revenue collection through increased compliance activities, which program is hereby authorized and directed to be implemented (1) as described on pages 6 and 7 of the governor's budget amendment dated April 18, 2001, under item 10 entitled "Increase Compliance Activities" that is intended to collect an additional \$40,000,000 in annual compliance revenues using 68 collections agents, including 12 contract employees, 29 vacant state staff positions to be reassigned and 27 new state staff positions to be created and filled, and (2) including an additional seven new state staff positions for a total of 75 state officers and employees and contract personnel to be dedicated for this program so that the estimate of additional annual compliance revenues is increased to an aggregate of \$48,750,000 during the fiscal year

ending June 30, 2002: *Provided*, That the secretary of revenue shall report in writing on or before January 7, 2002, to the chairperson of the senate ways and means committee, the chairperson of the house appropriations committee, the director of the budget and the director of the legislative research department, to document in detail, including categories of taxes collected, the progress of the enhanced collections produced as a result of the program of enhanced revenue collection through increased compliance activities described by this subsection.

(d) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the division of vehicles operating fund to the state general fund.

(e) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the VIPS/CAMA technology hardware fund to the state general fund.

(f) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,117,263 from the electronic databases fee fund to the state general fund.

(g) On July 1, 2001, the director of accounts and reports shall transfer \$50,000 from the central stores fund to the state general fund.

(h) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$208,555 from the cigarette and tobacco products regulation fund to the state general fund.

(i) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 120(b) of 2001 Senate Bill No. 57 on the division of vehicles operating fund is hereby increased from \$31,229,721 to \$31,729,721.

(j) On July 1, 2001, the director of accounts and reports shall transfer \$1,000,000 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue.

(k) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 120(b) of 2001 Senate Bill No. 57 on the electronic databases fee fund is hereby decreased from \$4,655,772 to \$3,538,509.

Sec. 15.

KANSAS LOTTERY

(a) On July 1, 2001, the provisions of section 121(b) of 2001 Senate Bill No. 57 are hereby declared to be null and void and shall have no force and effect.

Sec. 16.

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 25(c) of chapter 130 of the 2000 Session Laws of Kansas on the motion picture and television sales tax reimbursement subaccount of the Kansas economic development endowment account of the state economic development initiatives fund is hereby decreased from \$75,000 to \$23,800.

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

| | |
|---|-------------|
| Operations (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$8,459,757 |
| <i>Provided</i> , That expenditures may be made from the operations (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program. | |
| Kansas industrial training program and Kansas industrial retraining program | |
| For the fiscal year ending June 30, 2002..... | \$3,600,000 |
| Grants to small business development centers | |
| For the fiscal year ending June 30, 2002..... | \$485,000 |

Grants to certified development companies

For the fiscal year ending June 30, 2002..... \$400,000

Provided, That expenditures may be made from the grants to certified development companies account for certified development companies that have been determined to be qualified for such grants by the secretary of commerce and housing, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for such grants by the secretary of commerce and housing.

Trade show promotion grants

For the fiscal year ending June 30, 2002..... \$150,000

Community capacity building grant program

For the fiscal year ending June 30, 2002..... \$197,000

Main street development grants

For the fiscal year ending June 30, 2002..... \$216,800

Tourism promotion grants

For the fiscal year ending June 30, 2002..... \$1,052,100

Training equipment grants

For the fiscal year ending June 30, 2002..... \$277,500

Agriculture products development

For the fiscal year ending June 30, 2002..... \$540,000

Provided, That expenditures may be made from the agriculture products development account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program.

Motion picture and television sales tax reimbursements

For the fiscal year ending June 30, 2002..... \$75,000

Provided, That all expenditures from the motion picture and television production sales tax reimbursements account shall be made to reimburse sales and use taxes paid on sales of tangible personal property purchases by or on behalf of a motion picture or television production company to be used or consumed in association with an eligible production in accordance with administrative policies and procedures adopted by the secretary of commerce and housing, including any necessary forms: *Provided, however*, That all reimbursements from this account shall be based on valid receipts for taxes paid for taxable transactions occurring on or after July 1, 2001: *Provided further*, That, as used in this proviso, eligible production includes feature-length motion pictures intended for theatrical release or for exhibition on national television by a network or through national syndication, television projects for broadcast on a network or through national syndication, direct video and compact disc projects and television commercials.

HOME program

For the fiscal year ending June 30, 2002..... \$530,000

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Kansas economic opportunity initiatives fund

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

Kansas existing industry expansion fund

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

Provided, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce and housing in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: *Provided further*, That all moneys received by the department of commerce and housing for repayment of loans made under the Kansas ex-

isting industry expansion program shall be deposited in the state treasury and credited to this fund.

(d) On August 15, 2001, and December 15, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,750,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce and housing.

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

| | |
|---|----------|
| State operations | |
| For the fiscal year ending June 30, 2002..... | \$50,000 |

Provided, That expenditures from the state operations account in fiscal year 2002 shall be made for a grant to the mid-America world trade center in the amount of \$50,000.

(f) On August 15, 2001, and December 15, 2001, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$250,000 from the state economic development initiatives fund to the Kansas existing industry expansion fund of the department of commerce and housing.

Sec. 17.

KANSAS, INC.

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

| | |
|---|-----------|
| Operations (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$343,267 |

(b) On July 1, 2001, the director of accounts and reports shall transfer all moneys in the EDIF fund of Kansas, Inc., to the state economic development initiatives fund. On July 1, 2001, all liabilities of the EDIF fund of Kansas, Inc., including any outstanding encumbrances, are hereby transferred to and imposed on the state economic development initiatives fund and the EDIF fund of Kansas, Inc., is hereby abolished.

Sec. 18.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

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

| | |
|---|--------------|
| Operations (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$2,240,745 |
| Assistance and grants | |
| For the fiscal year ending June 30, 2002..... | \$10,702,398 |

Provided, That expenditures may be made by the above agency from the assistance and grants account of the state economic development initiatives fund for fiscal year 2002 for (1) research matching grants, (2) business innovative research grants, (3) state small business innovation re- search (SSBIR), (4) centers of excellence, (5) experimental program to stimulate competitive research (EPSCoR), (6) special projects, (7) commercialization grants, and (8) Mid-America manufacturing technology center (MAMTC).

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2002, to the operations (including official hospitality) account, the amount equal to the unencumbered balance as of June 30, 2001, in the operations (including official hospitality) subaccount of the Kansas economic development endowment account of the state economic development initiatives fund: *Provided*, That such amount appropriated to the operations (including official hospitality) account of the state economic development initiatives fund shall not exceed \$3,744 except upon 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.

(c) On July 1, 2001, the director of accounts and reports shall transfer all moneys in the economic development research and development fund to the state economic development

initiatives fund. On July 1, 2001, all liabilities of the economic development research and development fund

of Kansas technology enterprise corporation, including any encumbrances, are hereby transferred to and imposed on the state economic development initiatives fund and the economic development research and development fund of Kansas technology enterprise corporation, is hereby abolished.

Sec. 19.

STATE BOARD OF HEALING ARTS

(a) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 84(a) of 2001 Senate Bill No. 57 on the healing arts fee fund is hereby increased from \$1,954,895 to \$1,978,604.

(b) In addition to the other purposes for which expenditures may be made by the state board of healing arts from the moneys appropriated from the healing arts fee fund for fiscal year 2002 and for fiscal year 2003 as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made and the state board of healing arts is hereby authorized and directed, notwithstanding the provisions of K.S.A. 65-2895 and amendments thereto, to the contrary, to renew all institutional licenses which expire during fiscal year 2002 and fiscal year 2003 and are valid as of May 1, 2001, for an additional two years if the holders thereof remain eligible for a valid institutional license and submit the biennial renewal fees and evidence of satisfactory completion of a program of continuing education established by rules and regulations adopted by the board.

Sec. 20.

STATE BANK COMMISSIONER

(a) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 81(a) of 2001 Senate Bill No. 57 on the bank commissioner fee fund is hereby increased from \$5,284,716 to \$5,309,201.

(b) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2003, by section 81(a) of 2001 Senate Bill No. 57 on the bank commissioner fee fund is hereby increased from \$5,499,938 to \$5,524,886.

Sec. 21.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2001, the director of accounts and reports shall transfer \$100,000 from the behavioral sciences regulatory board fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the behavioral sciences regulatory board fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the behavioral sciences regulatory board fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 22.

BOARD OF NURSING

(a) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the board of nursing fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the board of nursing fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the board of nursing fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 23.

STATE BOARD OF PHARMACY

(a) On July 1, 2001, the director of accounts and reports shall transfer \$250,000 from the state board of pharmacy fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state board of pharmacy fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state board of pharmacy fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 24.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Investor education fund

| | |
|---|----------|
| For the fiscal year ending June 30, 2002..... | No limit |
| For the fiscal year ending June 30, 2003..... | No limit |

(b) On July 1, 2001, the director of accounts and reports shall transfer \$100,000 from the securities enforcement restitution fund of the office of the securities commissioner to the investor education fund created by 2001 House Bill No. 2563.

(c) On July 1, 2001, the director of accounts and reports shall transfer \$50,000 from the securities enforcement restitution fund of the office of the securities commissioner to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the securities enforcement restitution fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the securities enforcement restitution fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 25.

DEPARTMENT OF HUMAN RESOURCES

(a) On July 1, 2001, the director of accounts and reports shall transfer \$500,000 from the worker's compensation fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the workers compensation fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the workers compensation fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 26.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 27(b) of 2001 Senate Bill No. 57 on the soldiers' home fee fund is hereby increased from \$3,544,000 to No limit.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2001, by section 30(b) of chapter 130 of the 2000 Session Laws of Kansas on the soldiers' home outpatient clinic fund is hereby increased from \$472,899 to No limit.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2001, by section 27(c) of 2001 Senate Bill No. 57 for the Kansas commission on veterans affairs is hereby increased from 457.8 to 463.8.

Sec. 27.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) 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 department of health and environment is hereby increased from 854.0 to 1,001.0.

(b) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

Healthy start

| | |
|---|-----------|
| For the fiscal year ending June 30, 2002..... | \$250,000 |
| For the fiscal year ending June 30, 2003..... | \$250,000 |

Infants and toddlers program

| | |
|---|-----------|
| For the fiscal year ending June 30, 2002..... | \$500,000 |
| For the fiscal year ending June 30, 2003..... | \$850,000 |

Smoking prevention

| | |
|---|-----------|
| For the fiscal year ending June 30, 2002..... | \$500,000 |
| For the fiscal year ending June 30, 2003..... | \$755,000 |

(c) On the effective date of this act, of the \$400,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 28(a) of 2001 Senate Bill No. 57 from the state general fund in the AIDS medications account, the sum of \$50,000 is hereby lapsed.

(d) On July 1, 2001, of the \$20,669,768 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 128(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$320,849 is hereby lapsed.

(e) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the health and environment training fee fund for fiscal year 2002, expenditures may be made by the department of health and environment from the health and environment training fee fund for fiscal year 2002 for agency operations.

(f) During the fiscal years ending June 30, 2001, and June 30, 2002, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment to the sponsored project overhead fund of the department of health and environment pursuant to section 128(j) of 2001 Senate Bill No. 57 may include amounts equal to up to 20% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(g) On July 1, 2001, the director of accounts and reports shall transfer \$195,000 from the waste tire management fund of the department of health and environment to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the waste tire management fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the waste tire management fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On July 1, 2001, the director of accounts and reports shall transfer \$200,000 from the trauma fund of the department of health and environment to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the trauma fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the trauma fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(i) On July 1, 2001, the \$300,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 128(a) of 2001 Senate Bill No. 57 from the state general fund in the pregnancy maintenance initiative account, is hereby lapsed.

(j) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

| | |
|---|----------|
| Renal disease fund | |
| For the fiscal year ending June 30, 2002..... | No limit |
| Salt solution mining plugging fund | |
| For the fiscal year ending June 30, 2002..... | No limit |

(k) On July 1, 2001, of the aggregate amount of \$4,136,841 appropriated for the department of health and environment for the fiscal year ending June 30, 2002, in all accounts of the state water plan fund of the department of health and environment, the aggregate sum of \$200,000 is hereby lapsed: *Provided*, That the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the department of health and environment for the fiscal year ending June 30, 2002, by section 128(c) of 2001 Senate Bill No. 57, shall be determined and shall be certified by the secretary of health and environment to the director of accounts and reports on or before June 30, 2001: *Provided, however*, That the aggregate of all such amounts so certified in such accounts of the state water plan fund shall not be less than \$200,000: *Provided further*, That the secretary of health and environment shall submit a copy of such certification to the director of the legislative research department and to the director of the budget: *And provided further*, That, if the secretary of health and environment fails to make such certification to the director of accounts and reports on or before June 30, 2001, or if the aggregate of the amounts certified by the secretary of health and environment to the director of accounts and reports is not equal to or more than \$200,000, then the director of the budget shall determine the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the department of health and environment for the fiscal year ending June 30, 2002, by section 128(c) of 2001 Senate Bill No. 57 and shall certify the amount so determined to the director of accounts and reports, to the secretary of health and environment and to the director of the legislative research department.

(l) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the food inspection fee fund for fiscal year 2002, expenditures may be made by the department of health and environment for food inspection program activities involving grocery stores and food processing plants.

(m) On or before June 30, 2003, as moneys are available, the director of accounts and reports shall transfer \$291,249 from the salt solution mining plugging fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the salt solution mining plugging fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the salt solution mining plugging fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(n) In addition to the other purposes for which expenditures may be made by the department of health and environment from the moneys appropriated from the state general fund for fiscal year 2002 in the operating expenditures (including official hospitality) account as authorized by section 128(a) of 2001 Senate bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of health and environment from the operating expenditures (including official hospitality) account for fiscal year 2002 for a grant for the SIDS network in the amount of \$25,000.

Sec. 28.

DEPARTMENT ON AGING

(a) (1) On July 1, 2001, of the \$4,482,645 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 129(a) of 2001 Senate Bill No. 57 from the state general fund in the administration account, the sum of \$15,000 is hereby lapsed.

(2) Notwithstanding the provisions of the eighth proviso to the administration account of the state general fund in section 129(a) of 2001 Senate Bill No. 57, no moneys shall be expended or provided by the above agency from the administration account of the state general fund for the senior legal hotline for the fiscal year ending June 30, 2002.

(b) On July 1, 2001, of the \$10,461,539 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 129(a) of 2001 Senate Bill No. 57 from the state general fund in the program grants account, the sum of \$81,718 is hereby lapsed.

(c) On July 1, 2001, of the \$134,903,477 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 129(a) of 2001 Senate Bill No. 57 from the state general fund in the long term care account, the sum of \$9,083,010 is hereby lapsed.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Aging—IGT fund

| | |
|---|-------------|
| For the fiscal year ending June 30, 2001..... | \$0 |
| For the fiscal year ending June 30, 2002..... | \$7,000,000 |

Provided, That all expenditures from the aging—IGT fund for fiscal year 2002 shall be for the HCBS/FE waiver program: *Provided, however*, That expenditures from the aging—IGT fund for fiscal year 2002 for the HCBS/FE waiver program shall not exceed \$7,000,000.

(e) In addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2001 and fiscal year 2002 as authorized by chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department on aging for fiscal year 2001 and fiscal year 2002 to begin the process of promoting short-term service under the state medicaid plan for the purpose of reducing reliance on permanent or lifetime dependence on medicaid services wherever possible.

Sec. 29.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

Cash assistance

| | |
|---|-----------|
| For the fiscal year ending June 30, 2001..... | \$200,000 |
| For the fiscal year ending June 30, 2002..... | \$200,000 |

Other medical assistance

| | |
|---|-------------|
| For the fiscal year ending June 30, 2001..... | \$5,254,316 |
| For the fiscal year ending June 30, 2002..... | \$2,041,513 |

Youth services aid and assistance

| | |
|---|-------------|
| For the fiscal year ending June 30, 2002..... | \$5,450,796 |
|---|-------------|

Kansas neurological institute—operating expenditures

| | |
|---|---------|
| For the fiscal year ending June 30, 2001..... | \$1,600 |
| For the fiscal year ending June 30, 2002..... | \$660 |

Parsons state hospital and training center—operating expenditures

| | |
|---|---------|
| For the fiscal year ending June 30, 2001..... | \$1,505 |
| For the fiscal year ending June 30, 2002..... | \$2,257 |

Larned state hospital—operating expenditures

| | |
|---|-----------|
| For the fiscal year ending June 30, 2001..... | \$2,853 |
| For the fiscal year ending June 30, 2002..... | \$136,871 |

Osawatomie state hospital—operating expenditures

For the fiscal year ending June 30, 2002..... \$44,297

(b) On July 1, 2001, of the \$9,364,164 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of 2001 Senate Bill No. 57 from the state general fund in the children’s health insurance account, the sum of \$250,000 is hereby lapsed.

(c) On July 1, 2001, of the \$36,834,437 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of 2001 Senate Bill No. 57 from the state general fund in the community based services account, the sum of \$15,000,000 is hereby lapsed.

(d) On July 1, 2001, of the \$126,208,957 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 130(a) of 2001 Senate Bill No. 57 from the state general fund in the mental health and retardation services aid and assistance account, the sum of \$28,000,000 is hereby lapsed.

(e) On the effective date of this act, of the \$16,536,630 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 30(a) of 2001 Senate Bill No. 57 from the state general fund in the youth services aid and assistance account, the sum of \$682,579 is hereby lapsed.

(f) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year or years specified, the following:

| | |
|--|-------------|
| Children’s mental health waiver | |
| For the fiscal year ending June 30, 2002..... | \$1,800,000 |
| Family centered system of care | |
| For the fiscal year ending June 30, 2002..... | \$5,000,000 |
| Therapeutic preschool | |
| For the fiscal year ending June 30, 2002..... | \$1,000,000 |
| Child care | |
| For the fiscal year ending June 30, 2002..... | \$1,400,000 |
| Community services for child welfare | |
| For the fiscal year ending June 30, 2002..... | \$2,600,000 |
| HealthWave | |
| For the fiscal year ending June 30, 2002..... | \$1,000,000 |
| Children’s cabinet early childhood discretionary grant program | |
| For the fiscal year ending June 30, 2002..... | \$3,000,000 |
| Children’s cabinet accountability fund | |
| For the fiscal year ending June 30, 2002..... | \$550,000 |

Provided, That, in addition to the other purposes for which expenditures may be made from the children’s cabinet accountability fund account for fiscal year 2002, expenditures shall be made from the children’s cabinet accountability fund account, to require (1) all programs receiving moneys from the children’s initiatives fund to identify outcomes associated with Connect Kansas and to demonstrate through measurable data the effectiveness of such programs towards achieving outcomes, (2) all such programs to participate in accountability and evaluation processes with the children’s cabinet based upon outcomes and measurable data, (3) all such programs that are compatible with the SmartStart Kansas framework or that affect children from birth to age five to coordinate efforts with the children’s cabinet: *Provided further*, That all grants utilizing moneys from the children’s initiatives fund which are made available to communities should reflect a comprehensive planning process and must demonstrate the grant’s relationship to appropriate Connect Kansas and SmartStart Kansas outcomes: *And provided further*, That similar grant processes shall be coordinated through the children’s cabinet for programs funded with moneys from the children’s initiatives fund.

Medicaid
For the fiscal year ending June 30, 2002..... \$3,000,000

(g) 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 department of social and rehabilitation services is hereby increased from 3,878.5 to 3,986.1.

(h) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

SRS—IGT fund

| | |
|---|--------------|
| For the fiscal year ending June 30, 2001..... | \$0 |
| For the fiscal year ending June 30, 2002..... | \$44,000,000 |

Provided, That all expenditures from the SRS—IGT fund for fiscal year 2002 shall be for the HCBS/PD waiver program or for the HCBS/DD waiver program: *Provided, however*, That expenditures from the SRS—IGT fund for fiscal year 2002 for the HCBS/PD waiver program shall not exceed \$15,000,000: *Provided further*, That expenditures from the SRS—IGT fund for fiscal year 2002 for the HCBS/DD waiver program shall not exceed \$28,000,000: *And provided further*, That expenditures from the SRS—IGT fund for fiscal year 2002 for the HCBS/HI waiver program shall not exceed \$1,000,000.

(i) 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 Kansas neurological institute is hereby increased from 655.5 to 658.5.

(j) 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 Larned state hospital is hereby increased from 744.8 to 747.8.

(k) 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 Parsons state hospital and training center is hereby increased from 513.0 to 515.4.

(l) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2001 and fiscal year 2002 as authorized by chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2001 and fiscal year 2002 to undertake the process of meeting with assistance recipients, service providers and relatives and other interested parties regarding physically disabled waiver services provided by the department of social and rehabilitation services to develop a permanency planning process with the purpose of enabling persons to become independent from such services and to no longer need to receive such services from the department of social and rehabilitation services under the community based services program.

(m) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue funds for fiscal year 2001 and fiscal year 2002 as authorized by chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services for fiscal year 2001 and fiscal year 2002 to begin the process of promoting short-term service under the state medicaid plan for the purpose of reducing reliance on permanent or lifetime dependence on medicaid services wherever possible.

(n) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or any special revenue funds 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 social and rehabilitation services for fiscal year 2002 to provide for the secretary of social and rehabilitation services to continue meeting with the directors of nursing facilities for mental health (NF/MH facilities) and the directors of community mental health centers and to develop a plan for reducing the reliance of the state on NF/MH facilities and to determine the number of individuals currently in care who are candidates

for community based services: *And provided further*, That the secretary of social and rehabilitation services shall not transfer any client from a facility bed prior to the plan being reviewed by the legislature during the 2002 regular session, unless such action is required to comply with the decision of the United States supreme court in *Olmstead v. L. C.*, 527 U.S. 581 (1999), prior to the plan being reviewed by the legislature during the regular session in 2002: *And provided further*, That the secretary of social and rehabilitation services shall report to the SRS oversight committee on the total number of NF/MH facility beds in Kansas NF/MH facilities as of May 1, 2001, and as of the first day of each month thereafter during the interim period prior to the 2002 regular session of the legislature: *And provided further*, That, on July 1, 2001, the provisions of the third and fourth provisos to the appropriation of the moneys in the mental health and retardation services aid and assistance account of the state general fund in section 130(a) of 2001 Senate Bill No. 57 are hereby declared to be null and void and shall have no force and effect.

Sec. 30.

DEPARTMENT OF EDUCATION

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

School district juvenile detention facilities and Flint Hills job corps center grants
 For the fiscal year ending June 30, 2002..... \$219,152

(b) On July 1, 2001, of the \$105,154,561 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of 2001 Senate Bill No. 57 from the state general fund in the KPERS—employer contributions account, the sum of \$7,043,104 is hereby lapsed.

(c) There is appropriated from the children’s initiatives fund for the fiscal year or years specified, the following:

Grant to the Kansas optometric association for vision study
 For the fiscal year ending June 30, 2002..... \$300,000
 For the fiscal year ending June 30, 2003..... \$400,000

Parent education program
 For the fiscal year ending June 30, 2002..... \$2,500,000
 For the fiscal year ending June 30, 2003..... \$2,500,000

Provided, That all expenditures from the parent education program account shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

General state aid four-year-old at-risk
 For the fiscal year ending June 30, 2002..... \$4,500,000

Provided, That, prior to providing a child with intervention during fiscal year 2002, a school district shall encourage parents of pupils at risk to obtain an eye examination by an optometrist or an ophthalmologist to determine if such child suffers from conditions which impair the ability to read: *Provided, however*, That the expense for such examination, if not reimbursed through medicaid, healthwave, private insurance or other governmental or private program, shall be the responsibility of the child’s parent.

For the fiscal year ending June 30, 2003..... \$8,500,000

Provided, That, prior to providing a child with intervention during fiscal year 2003, a school district shall encourage parents of pupils at risk to obtain an eye examination by an optometrist or an ophthalmologist to determine if such child suffers from conditions which impair the ability to read: *Provided, however*, That the expense for such examination, if not reimbursed through medicaid, healthwave, private insurance or other governmental or private program, shall be the responsibility of the child’s parent.

School violence prevention
 For the fiscal year ending June 30, 2002..... \$500,000
 For the fiscal year ending June 30, 2003..... \$500,000

(d) On July 1, 2001, the \$345,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of 2001 Senate Bill No. 57 from the state general fund in the technology infrastructure account, is hereby lapsed.

(e) On July 1, 2001, the \$110,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of 2001 Senate Bill No. 57 from the state general fund in the grant to the Kansas optometric association for vision study account, is hereby lapsed.

(f) On July 1, 2001, the \$155,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 132(a) of 2001 Senate Bill No. 57 from the state general fund in the grant to Emporia state university account, is hereby lapsed.

(g) In addition to the other purposes for which expenditures may be made by the department of education from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2002 for the department of education as authorized by this or other appropriation act of the 2001 regular session of the legislature, expenditures may be made by the department of education for fiscal year 2002 for the preparation of a report or reports to the legislative educational planning committee on progress being made to develop a school readiness indicator for kindergarten entry: *Provided*, That in addition, in consultation with the department of education, the legislative educational planning committee in fiscal year 2002 shall develop a goal for the percentage of students who enter kindergarten meeting the school readiness indicator, and develop another goal for the percentage of students who do not need remediation based on the 4th and 5th grade assessment results.

(h) No expenditures shall be made by the department of education from the state general fund state aid account to any school district that, by October 1, has not published in a newspaper of general circulation in the county, at the time that its budget is published, 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.

Sec. 31.

STATE LIBRARY

(a) On July 1, 2001, of the \$3,817,380 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 133(a) of 2001 Senate Bill No. 57 from the state general fund in the grants to libraries and library systems account, the sum of \$181,000 is hereby lapsed.

Sec. 32.

KANSAS ARTS COMMISSION

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

Arts programming grants and challenge grants

| | |
|---|----------|
| For the fiscal year ending June 30, 2001..... | \$16,615 |
|---|----------|

Sec. 33.

KANSAS STATE SCHOOL FOR THE BLIND

(a) On July 1, 2001, the director of accounts and reports shall transfer all moneys in the supported employment initiative—federal fund of the Kansas state school for the blind to the state general fund. On July 1, 2001, all liabilities of the supported employment initiative—federal fund of the Kansas state school for the blind, including any outstanding encumbrances, are hereby transferred to and imposed on the state general fund and the supported employment initiative—federal fund of the Kansas state school for the blind is hereby abolished.

Sec. 34.

STATE HISTORICAL SOCIETY

(a) On July 1, 2001, any unencumbered balance in the operating expenditures account of the state general fund in excess of \$100 as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

Sec. 35.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$373,244
 Sec. 36.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$2,482,756
 Sec. 37.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
 AND AGRICULTURE RESEARCH PROGRAMS

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$2,454
 Cooperative extension service (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$71,878
 Agricultural experiment stations (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$103,448
 Sec. 38.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$67,577
 Sec. 39.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$256,170
 Sec. 40.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$385,658

(b) There is appropriated for the above agency from the educational building fund for the fiscal year or years specified, the following:

Armory/classroom/recreation center
 For the fiscal year ending June 30, 2002..... \$410,000
 Sec. 41.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality)
 For the fiscal year ending June 30, 2002..... \$1,409,649
 Sec. 42.

UNIVERSITY OF KANSAS MEDICAL CENTER

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

| | |
|---|-------------|
| Operating expenditures (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$461,931 |
| (b) During the fiscal year ending June 30, 2002, the university of Kansas medical center is authorized to make expenditures to raze the carpentry shop (building #8) and the motor pool (building #53). | |
| (c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following: | |
| Telekid health care link | |
| For the fiscal year ending June 30, 2002..... | \$250,000 |
| For the fiscal year ending June 30, 2003..... | \$250,000 |
| Pediatric biomedical research | |
| For the fiscal year ending June 30, 2002..... | \$1,000,000 |
| For the fiscal year ending June 30, 2003..... | \$1,000,000 |
| Sec. 43. | |

WICHITA STATE UNIVERSITY

| | |
|---|-----------|
| (a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following: | |
| Operating expenditures (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$577,380 |
| Sec. 44. | |

STATE BOARD OF REGENTS

| | |
|---|-----------|
| (a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following: | |
| Operating expenditures (including official hospitality) | |
| For the fiscal year ending June 30, 2002..... | \$345,000 |
| (b) 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 board of regents is hereby increased from 30.0 to 43.0. | |
| (c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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: | |
| Carl D. Perkins vocational and technical education—federal fund | |
| For the fiscal year ending June 30, 2002..... | No limit |
| Carl D. Perkins vocational and technical education—federal fund—state operations | |
| For the fiscal year ending June 30, 2002..... | No limit |
| Carl D. Perkins technical preparation—federal fund | |
| For the fiscal year ending June 30, 2002..... | No limit |
| FICA recovery fund | |
| For the fiscal year ending June 30, 2002..... | \$0 |

Provided, That the state treasurer shall deposit any moneys received by any state educational institution from the federal government for repayment of payroll or other taxes improperly paid to the federal government to the credit of the FICA recovery fund: *Provided further*, That all moneys in the FICA recovery fund shall be used by the state board of regents to reimburse the department of education, department of administration and state board of regents for direct costs and time incurred in obtaining repayment of payroll or other taxes improperly paid: *And provided further*, That all such reimbursements shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That after such reimbursements, the state board of regents may transfer amounts from the FICA recovery fund, which in the aggregate do not exceed \$2,757,188, to the appropriate fund or funds of any state educational institution for the purpose of providing additional funding for operating expenditures in proportional amounts to those amounts included in the governor's budget amendment dated April 18, 2001, on page 13, in item 24: *And provided further*, That after such transfers for additional funding for operating expenditures, the state board of regents

may transfer amounts from the FICA recovery fund, which in the aggregate do not exceed \$1,936,110, to the appropriate fund or funds of any state educational institution for the purpose of providing funding for technology equipment in proportional amounts to those amounts included in the governor's budget amendment dated April 18, 2001, on page 13, in item 25.

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

| | |
|---|-------------|
| Vocational education capital outlay aid | |
| For the fiscal year ending June 30, 2002..... | \$2,700,000 |

Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college in an amount which is equal to 50% of the grant.

| | |
|---|-------------|
| Postsecondary aid for vocational education | |
| For the fiscal year ending June 30, 2002..... | \$6,882,981 |
| Technology innovation and internship program | |
| For the fiscal year ending June 30, 2002..... | \$166,855 |
| Comprehensive grant program | |
| For the fiscal year ending June 30, 2002..... | \$250,000 |

Sec. 45.

DEPARTMENT OF CORRECTIONS

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

| | |
|--|-----------|
| Supplemental uniformed correctional officer salary account | |
| For the fiscal year ending June 30, 2002..... | \$332,000 |

Provided, That expenditures shall be made from the supplemental uniformed correctional officer salary account for a salary increase of not to exceed 2.5% for all payroll periods commencing on and after March 3, 2002, chargeable to fiscal year 2002, for all uniformed correctional officer job classes of the department of corrections: *Provided further*, That such increased amount of compensation for each such employee shall be at the same times and in the same manner that compensation is payable to each such employee for each such payroll period: *And provided further* That such increase shall be in addition to any base salary enhancements authorized by or pursuant to 2001 Senate Bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature: *Provided, however*, That the aggregate amount of expenditures from this account for such salary increase for such job classes for fiscal year 2002 shall not exceed \$332,000.

(b) On July 1, 2001, of the \$10,539,874 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 148(a) of 2001 Senate Bill No. 57 from the state general fund in the Topeka correctional facility—facilities operations account, the sum of \$167,000 is hereby lapsed.

(c) On July 1, 2001, of the \$9,391,443 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 148(a) of 2001 Senate Bill No. 57 from the state general fund in the Ellsworth correctional facility—facilities operations account, the sum of \$217,242 is hereby lapsed: *Provided*, That the above agency may submit and the legislature shall review a request for a supplemental appropriation to accelerate the opening of the new 100-cell unit for Ellsworth correctional facility if capacity issues necessitate such action.

(d) On July 1, 2001, of the \$15,622,025 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 148(a) of 2001 Senate Bill No. 57 from the state general fund in the community corrections account, the sum of \$450,000 is hereby lapsed.

(e) On July 1, 2001, of the \$345,380 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 148(a) of 2001 Senate Bill No. 57 from the state general fund in the day reporting center state match account, the sum of \$69,378 is hereby lapsed.

(f) On July 1, 2001, any unencumbered balance in the construction of Ellsworth correctional facility housing unit training center and warehouse account as of June 30, 2001, is hereby reappropriated for fiscal year 2002.

(g) On the effective date of this act, of the \$6,226,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 81(a) of chapter 130 of the 2000 Session Laws of Kansas from the state general fund in the debt service payment for the revenue refunding bond issue account, the sum of \$27,000 is hereby lapsed.

(h) On the effective date of this act, of the \$948,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 81(a) of chapter 130 of the 2000 Session Laws of Kansas from the state general fund in the debt service payment for the reception and diagnostic unit relocation bond issue account, the sum of \$210,000 is hereby lapsed.

(i) In addition to the other purposes for which expenditures may be made by the department of corrections from the correctional industries fund for fiscal year 2002, as authorized by section 148(b) of 2001 Senate Bill No. 57 or by this or other appropriation act of the 2001 regular session of the legislature, expenditures shall be made by the above agency from the correctional industries fund for fiscal year 2002 for offender treatment and programs: *Provided*, That expenditures from the correctional industries fund for offender programs for fiscal year 2002 shall not exceed \$566,000.

(j) On July 1, 2001, of the \$29,657,153 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 148(a) of 2001 Senate Bill No. 57 from the state general fund in the treatment and programs account, the sum of \$375,000 is hereby lapsed.

(k) On July 1, 2001, the authority and direction to initiate and complete the capital improvement project for the construction of an industries building and warehouse at Topeka correctional facility are hereby rescinded and the provisions of section 59(g) of 2001 Senate Bill No. 57 are hereby declared to be null and void and shall have no force and effect.

(l) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

| | |
|---|----------|
| Department of corrections alcohol and drug abuse treatment fund | |
| For the fiscal year ending June 30, 2002..... | No limit |
| Sec. 46. | |

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$2,103,330 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 management information systems account, the sum of \$75,000 is hereby lapsed: *Provided*, That any unencumbered balance in the management information systems 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 \$969,667 except upon approval of the state finance council.

(b) On July 1, 2001, of the \$5,544,379 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 149(a) of 2001 Senate Bill No. 57 from the state general fund in the Beloit juvenile correctional facility operations account, the sum of \$488,821 is hereby lapsed.

(c) On July 1, 2001, of the \$4,555,511 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 149(a) of 2001 Senate Bill No. 57 from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$20,691 is hereby lapsed.

(d) On July 1, 2001, of the \$11,955,934 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 149(a) of 2001 Senate Bill No. 57 from the state general fund in the Topeka juvenile correctional facility operations account, the sum of \$90,725 is hereby lapsed.

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

Atchison juvenile correctional facility operations
 For the fiscal year ending June 30, 2002..... \$14,267

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

Prevention program grant
 For the fiscal year ending June 30, 2002..... \$6,000,000

Provided, That all expenditures by the above agency from the prevention program grant account shall be for prevention program grants for fiscal year 2002: *Provided further*, That money awarded as grants from this account shall be distributed according to the percentage distribution of a judicial district's high school graduation failure rate, averaged over a period of three years, and be subject to the requirement that no judicial district shall receive less than \$50,000: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants
 For the fiscal year ending June 30, 2002..... \$2,000,000

Youth residential facility reimbursement
 For the fiscal year ending June 30, 2002..... \$400,000

Provided, That no expenditures shall be made from the youth residential facility reimbursement account to reimburse any youth residential facility except after first advising and consulting with the joint committee on juvenile justice and corrections oversight concerning the reimbursement distribution formula to be utilized for such reimbursements.

Kansas early development support grants
 For the fiscal year ending June 30, 2002..... \$125,000

Provided, That all expenditures by the above agency from the Kansas early development support grants account shall be for a pilot project targeting troubled teenage parents and other parents at risk of committing abuse and neglect: *Provided, however*, That the grant agreements for such pilot project shall require a \$1 for \$1 match from each service provider: *Provided further*, That grants from the Kansas early development support grants account shall be awarded on a competitive basis and shall be awarded upon the advice of the Kansas advisory group on juvenile justice and delinquency prevention.

(g) 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 juvenile justice authority is hereby increased from 614.0 to 616.0.

Sec. 47.

ADJUTANT GENERAL

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

Operating expenditures
 For the fiscal year ending June 30, 2001..... \$261,000
 For the fiscal year ending June 30, 2002..... \$195,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Radioactive materials fund
 For the fiscal year ending June 30, 2001..... \$10,000

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

Educational assistance
 For the fiscal year ending June 30, 2002..... \$250,000

Sec. 48.

STATE FIRE MARSHAL

(a) On July 1, 2001, the amount of \$750,000 authorized by section 151(d) of 2001 Senate Bill No. 57 to be transferred on July 1, 2001, and on January 1, 2002, or as soon after each such date as moneys are available, by the director of accounts and reports from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal is hereby decreased from \$750,000 to \$375,000.

(b) In addition to the other purposes for which expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2002 and notwithstanding the provisions of the provisos to the appropriation of the moneys in the hazardous materials emergency fund in section 151(a) of 2001 Senate Bill No. 57, expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2002 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided*, That expenditures from the hazardous materials emergency fund during fiscal year 2002 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by 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, except that such approval also may be given while the legislature is in session: *Provided further*, That the aggregate of expenditures from the hazardous materials emergency fund during fiscal year 2002 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval by the state finance council shall not exceed \$250,000, except upon approval by 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, except that such approval also may be given while the legislature is in session: *And provided further*, That the state fire marshal shall prepare and submit a written report to the legislature at the beginning of the 2002 regular session setting forth information about agency fund balances and the allocation and expenditure of moneys from the hazardous materials emergency fund during fiscal year 2002.

(c) On July 1, 2001, and on January 1, 2002, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$250,000 from the fire marshal fee fund to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the fire marshal fee fund to the state general fund as prescribed by law: *Provided further*, That each such amount transferred from the fire marshal fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 49.

KANSAS HIGHWAY PATROL

(a) On March 1, 2002, the director of accounts and reports shall transfer \$1,800,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the highway patrol motor vehicle fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the highway patrol motor vehicle fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(b) On July 1, 2001, of the \$26,390,135 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 153(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$359,134 is hereby lapsed.

(c) In addition to the other purposes for which expenditures may be made by the Kansas highway patrol from the moneys appropriated from the state general fund or from any 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 Kansas highway patrol from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to finance a capital improvement project to acquire the Topeka fleet operations center: *Provided*, That such capital improvement project is hereby approved for the Kansas highway patrol for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the Kansas highway patrol may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$7,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Special services fund
 For the fiscal year ending June 30, 2002..... \$259,134

(e) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$259,134 from the state highway fund of the department of transportation to the special services fund of the Kansas highway patrol.

Sec. 50.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) On July 1, 2001, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 74(b) of 2001 Senate Bill No. 57 on the remodel Great Bend facility fund is hereby increased from \$239,329 to \$293,329.

(b) In addition to the other purposes for which expenditures may be made by the Kansas bureau of investigation from moneys appropriated from the state forfeiture fund for fiscal year 2002, expenditures may be made for remodeling of the 2nd floor of the Great Bend laboratory.

(c) On July 1, 2001, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$54,000 from the state general fund to the remodel Great Bend facility fund.

(d) On July 1, 2001, the limitation on the amount to be transferred during fiscal year 2002 from the Kansas bureau of investigation state forfeiture fund to the state general fund for the purpose of reimbursing the state general fund for moneys advanced to the remodel Great Bend facility fund is hereby increased from \$239,329 to \$293,329.

Sec. 51.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Trauma system development fund

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

Provided, That the emergency medical services board shall prepare and submit a written report to the legislature at the beginning of the 2002 regular session setting forth information about agency fund balances and the allocation and expenditure of moneys from the trauma system development fund during fiscal year 2002.

(b) On July 1, 2001, of the \$752,732 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 155(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$15,735 is hereby lapsed.

(c) On July 1, 2001, of the \$79,008 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 155(a) of 2001 Senate Bill No. 57 from the state general fund in the regional council grants account, the sum of \$1,508 is hereby lapsed.

Sec. 52.

KANSAS SENTENCING COMMISSION

(a) On July 1, 2001, of the \$515,922 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 156(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$44,283 is hereby lapsed.

(b) 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 Kansas sentencing commission is hereby decreased from 11.0 to 10.0.

(c) Notwithstanding the provisions of the second, third, fourth and fifth provisos to the appropriation of the moneys in the operating expenditures account of the state general fund in section 156(a) of 2001 Senate Bill No. 57, no moneys shall be expended by the above agency from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2002, to hold hearings, receive information and otherwise analyze the issues and interests related to risk and needs assessment tools and processes of the specified entities or agencies during the 2001 interim, to review the best practices for risk and needs assessment instruments and hear testimony and reports from each of the specified entities or agencies during the 2001 interim, or to report on a plan for the adoption of a dynamic and uniform risk and needs assessment tool, including an assessment of the costs and potential funding sources to validate and implement the risk and needs assessment tool identified in the plan.

Sec. 53.

OMBUDSMAN OF CORRECTIONS

(a) On July 1, 2001, of the \$166,700 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 157(a) of 2001 Senate Bill No. 57 from the state general fund in the adult corrections oversight account, the sum of \$2,498 is hereby lapsed.

Sec. 54.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures

For the fiscal year ending June 30, 2002..... \$85,848

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Water resources cost fund

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

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of 2001 Senate Bill No. 237, which are hereby authorized to be applied for and received, shall be deposited in the state treasury to the credit of the water resources cost fund.

(c) On July 1, 2001, of the \$10,083,111 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 158(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$40,000 is hereby lapsed.

(d) The secretary of agriculture is hereby authorized to receive moneys from any governmental or nongovernmental source to implement the provisions of 2001 Senate Bill No. 237: *Provided*, That such moneys shall be deposited in the state treasury and credited to the water resources cost fund.

(e) On July 1, 2001, of the aggregate amount of \$1,032,149 appropriated for the Kansas department of agriculture by section 158(c) of 2001 Senate Bill No. 57 from the state water plan fund for the fiscal year ending June 30, 2002, in all accounts of the state water plan fund of the Kansas department of agriculture, the aggregate sum of \$50,000 is hereby lapsed: *Provided*, That the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the Kansas department of agriculture for the fiscal year ending June 30, 2002, by section 158(c) of 2001 Senate Bill No. 57, shall be determined and shall be certified by the secretary of agriculture to the director of accounts and reports on or before June 30, 2001: *Provided, however*, That the aggregate of all such amounts so certified in such accounts of the state water plan fund shall not be less than \$50,000: *Provided further*, That the secretary of agriculture shall submit a copy of such certification to the director of the legislative research department and to the director of the budget: *And provided further*, That if the secretary of agriculture fails to make such certification to the director of accounts and reports on or before June 30, 2001, or if the aggregate of the amounts certified by the secretary of agriculture to the director of accounts and reports is not equal to or more than \$50,000, then the director of the budget shall determine the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the Kansas department of agriculture for the fiscal year ending June 30, 2002, by section 158(c) of 2001 Senate Bill No. 57 and shall certify the amount so determined to the director of accounts and reports, to the secretary of agriculture and to the director of the legislative research department.

Sec. 55.

STATE FAIR BOARD

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

Operating expenditures

For the fiscal year ending June 30, 2002..... \$134,000

(b) On the effective date of this act, the \$134,000 appropriated for the above agency for the fiscal year ending June 30, 2001, by section 160(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

State fair debt service special revenue fund

For the fiscal year ending June 30, 2001..... No limit

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

Provided, That all moneys received by the state fair board from federal, local governmental, private and other sources outside of the state treasury for the purposes of debt service for bonds issued to finance capital improvements for the Kansas state fairgrounds shall be deposited in the state treasury to the credit of the state fair debt service special revenue fund.

Sec. 56.

STATE CONSERVATION COMMISSION

(a) On July 1, 2001, of the aggregate amount of \$10,257,567 appropriated for the state conservation commission by section 161(c) of 2001 Senate Bill No. 57 from the state water plan fund for the fiscal year ending June 30, 2002, in all accounts of the state water plan fund of the state conservation commission, the aggregate sum of \$400,000 is hereby lapsed:

Provided, That the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the state conservation commission for the fiscal year ending June 30, 2002, by section 161(c) of 2001 Senate Bill No. 57, shall be determined and shall be certified by the executive director of the state conservation commission to the director of accounts and reports on or before June 30, 2001: *Provided, however*, The aggregate of all such amounts so certified in such accounts of the state water plan fund shall not be less than \$400,000: *Provided further*, That the executive director of the state conservation commission shall submit a copy of such certification to the director of the legislative research department and to the director of the budget: *And provided further*, That if the executive director of the state conservation commission fails to make such certification to the director of accounts and reports on or before June 30, 2001, or if the aggregate of the amounts certified by the executive director of the state conservation commission to the director of accounts and reports is not equal to or more than \$400,000, then the director of the budget shall determine the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the state conservation commission for the fiscal year ending June 30, 2002, by section 161(c) of 2001 Senate Bill No. 57 and shall certify the amount so determined to the director of accounts and reports, to the executive director of the state conservation commission and to the director of the legislative research department.

(b) 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 water plan special revenue fund.

(c) 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 water plan special revenue fund.

(d) 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.

Sec. 57.

KANSAS WATER OFFICE

(a) The director of accounts and reports shall not make the transfer from the state general fund to the state water plan fund which was directed to be made on July 1, 2001, by section 162(g) of 2001 Senate Bill No. 57.

(b) On July 1, 2001, of the aggregate amount of \$2,770,944 appropriated for the Kansas water office by section 162(c) of 2001 Senate Bill No. 57 from the state water plan fund for the fiscal year ending June 30, 2002, in all accounts of the state water plan fund of the Kansas water office, the aggregate sum of \$150,000 is hereby lapsed: *Provided*, That the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the Kansas water office for the fiscal year ending June 30, 2002, by section 162(c) of 2001 Senate Bill No. 57, shall be determined and shall be certified by the executive director of the Kansas water office to the director of accounts and reports on or before June 30, 2001: *Provided, however*, The aggregate of all such amounts so certified in such accounts of the state water plan fund shall not be less than \$150,000: *Provided further*, That the executive director of the Kansas water office shall submit a copy of such certification to the director of the legislative research department and to the director of the budget: *And provided further*, That if the executive director of the Kansas water office fails to make such certification to the director of accounts and reports on or before June 30, 2001, or if the aggregate of the amounts certified by the executive director of the Kansas water office to the director of accounts and reports is not equal to or more than \$150,000, then the director of the budget shall determine the specific amount that is lapsed pursuant to this subsection in each account of the state water plan fund appropriated for the Kansas water office for the fiscal year ending June 30, 2002, by section 162(c) of 2001 Senate Bill No. 57 and shall certify the amount so determined to the director of accounts and reports,

to the executive director of the Kansas water office and to the director of the legislative research department.

(c) The provisions of subsection (b) of section 162 of 2001 Senate Bill No. 57, appropriate for the Kansas water office from the special revenue funds specified by subsection (b) of section 162 of 2001 Senate Bill No. 57 for the fiscal year ending June 30, 2002, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures from such special revenue funds shall not exceed the limitations prescribed by subsection (b) of section 162 of 2001 Senate Bill No. 57, except upon approval of the state finance council or as otherwise provided by the provisions of appropriation acts.

(d) On July 1, 2001, of the \$1,477,589 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 162(a) of 2001 Senate Bill No. 57 from the state general fund in the water resources operating expenditures account, the sum of \$55,229 is hereby lapsed.

(e) The director of accounts and reports shall not make the transfer of \$55,229 from the water marketing fund to the state general fund which was directed to be made on July 1, 2001, by section 162(h) of 2001 Senate Bill No. 57.

Sec. 58.

DEPARTMENT OF WILDLIFE AND PARKS

(a) On July 1, 2001, of the \$4,305,369 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 163(a) of 2001 Senate Bill No. 57 from the state general fund in the operating expenditures account, the sum of \$400,000 is hereby lapsed.

(b) On July 1, 2001, of the \$70,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 76(a) of 2001 Senate Bill No. 57 from the state general fund in the Crawford state fishing lake sewer repair account, the sum of \$35,000 is hereby lapsed.

Sec. 59. (a) (1) On or after the effective date of this act, the director of accounts and reports shall not make any transfer directed by subsection (f)(1) of K.S.A. 2000 Supp. 75-4365 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2000 Supp. 75-4266 and amendments thereto which was directed by that statute to be made during fiscal year 2001.

(2) On or after the July 1, 2001, the director of accounts and reports shall not make any transfer directed by subsection (f)(2) of K.S.A. 2000 Supp. 75-4365 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2000 Supp. 75-4266 and amendments thereto which was directed by that statute to be made during fiscal year 2002 until an aggregate amount of \$51,000,000 has been transferred to the SRS—IGT fund and the aging—IGT fund as prescribed by this section: *Provided*, That, after an aggregate amount of \$51,000,000 has been transferred to the SRS—IGT fund and the aging—IGT fund as directed by this section, the director of accounts and reports shall transfer amounts from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2000 Supp. 75-4266 and amendments thereto as directed by subsection (f)(2) of K.S.A. 2000 Supp. 75-4365 and amendments thereto during the remainder of fiscal year 2002.

(b) Commencing on the effective date of this act, or as soon as moneys are available therefor, during the fiscal years ending June 30, 2001, and June 30, 2002, the director of accounts and reports shall transfer all amounts of money that would have been directed by subsections (f)(1) and (f)(2) of K.S.A. 2000 Supp. 75-4365 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2000 Supp. 75-4266 and amendments thereto which were directed to be made by that statute in accordance with and subject to the following: (1) All such amounts of money shall be transferred to either the SRS—IGT fund of the department of social and rehabilitation services or to the aging—IGT fund of the department on aging, subject to the limitation of an aggregate amount of \$51,000,000; (2) an aggregate amount of \$44,000,000 shall be transferred from the intergovernmental transfer fund of the department on aging to the SRS—IGT fund of the department of social and rehabilitation services; (3) an aggregate amount of \$7,000,000 shall be transferred from the intergovernmental transfer fund of the department on aging to the aging—IGT fund of the department

on aging; (4) of the amount transferred from the intergovernmental transfer fund of the department on aging, on each date that such a transfer is made pursuant to this section, 86.27% shall be transferred to the SRS—IGT fund of the department of social and rehabilitation services and 13.73% shall be transferred to the aging—IGT fund of the department on aging.

Sec. 60. In addition to the other purposes for which expenditures may be made by each state agency named in this act from the moneys appropriated from the state general fund or from any 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 each state agency named in this act from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2002, to prepare a report identifying in detail all funding that will be requested by such agency from the state general fund or any special revenue funds for any and all substance abuse treatment, prevention or education programs, including the administration of such programs, for the fiscal year ending June 30, 2003: *Provided*, That each such agency shall submit such report to the office of prevention of the department of social and rehabilitation services on or before September 15, 2001: *Provided further*, That each such agency shall submit a copy of such report to the division of the budget and to the legislative research department at the same time it is submitted to the office of prevention of the department of social and rehabilitation services.

Sec. 61. (a) On or before June 30, 2001, the director of the budget shall review (1) the actual rate of shrinkage for each state agency specified in subsection (c) for the fiscal year ending June 30, 2001, and (2) the rate of shrinkage in the approved budget for such state agency for the fiscal year ending June 30, 2002, and the director shall determine the amount by which the moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2001 for such state agency for salaries and wages for state officers and employees, including associated employer contributions, are to be adjusted in such budget and are to be lapsed from such appropriations pursuant to this section to reflect the appropriate rate of shrinkage for such state agency for fiscal year 2001, based on such shrinkage data and other appropriate factors: *Provided*, That, upon determining the appropriate adjustment in the rate of shrinkage for a state agency for fiscal year 2001 pursuant to this section, if the adjustment is to increase the rate of shrinkage for the state agency for fiscal year 2001, then the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2001 of such state agency and to certify on June 30, 2001, to the director of accounts and reports the amount in each such account of the state general fund for fiscal year 2001 of such state agency by which the director of the budget is reducing the budget of such state agency for salaries and wages for state officers and employees, including associated employer contributions: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the aggregate of all amounts certified to the director of accounts and reports by the director of the budget pursuant to this subsection shall not exceed \$800,000.

(b) On June 30, 2001, the amount certified by the director of the budget to the director of accounts and reports under subsection (a) in each account of the state general fund of each state agency that is appropriated for fiscal year 2001, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2001 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency: *Provided*, That the aggregate of all such amounts lapsed shall not exceed \$800,000.

(c) The provision of this section shall apply to each of the following state agencies: (1) Adjutant general; (2) department on aging; (3) Kansas department of agriculture; (4) Kansas animal health department; (5) attorney general; (6) Kansas state school for the deaf; (7) Kansas state school for the blind; (8) emergency medical services board; (9) governmental ethics commission; (10) Kansas guardianship program; (11) Kansas highway patrol; (12) state

historical society; (13) department of human resources; (14) Kansas human rights commission; (15) attorney general—Kansas bureau of investigation; (16) state library; (17) ombudsman of corrections; (18) Kansas parole board; (19) secretary of state; (20) Kansas sentencing commission; (21) department of social and rehabilitation services; (22) state board of tax appeals; (23) state treasurer; and (24) Kansas commission on veterans affairs.

Sec. 62. (a) On or before October 1, 2001, the director of the budget shall review (1) the actual rate of shrinkage for each state agency specified in subsection (c) for the fiscal year ending June 30, 2001, (2) the rate of shrinkage in the approved budget for such state agency for the fiscal year ending June 30, 2002, and (3) the actual rate of shrinkage to date for such state agency during fiscal year 2002, as of October 1, 2001, and the director shall determine the amount by which the moneys that are budgeted and appropriated in each account of the state general fund for fiscal year 2002 for such state agency for salaries and wages for state officers and employees, including associated employer contributions, are to be adjusted in such budget and are to be lapsed from such appropriations pursuant to this section to reflect the appropriate rate of shrinkage for such state agency for fiscal year 2002, based on such shrinkage data and other appropriate factors: *Provided*, That, upon determining the appropriate adjustment in the rate of shrinkage for a state agency for fiscal year 2002 pursuant to this section, if the adjustment is to increase the rate of shrinkage for the state agency for fiscal year 2002, then the director of the budget is hereby authorized and directed to reduce the amount budgeted for salaries and wages for state officers and employees, including associated employer contributions, in each account of the state general fund for fiscal year 2002 of such state agency and to certify on October 1, 2001, to the director of accounts and reports the amount in each such account of the state general fund for fiscal year 2002 of such state agency by which the director of the budget is reducing the budget of such state agency for salaries and wages for state officers and employees, including associated employer contributions: *Provided further*, That, at the same time that each certification is made by the director of the budget to the director of accounts and reports under this subsection, the director of the budget shall deliver a copy of such certification to the director of the legislative research department: *And provided further*, That the aggregate of all amounts certified to the director of accounts and reports by the director of the budget pursuant to this subsection shall not exceed \$4,800,000.

(b) On October 1, 2001, the amount certified by the director of the budget to the director of accounts and reports under subsection (a) in each account of the state general fund of each state agency that is appropriated for fiscal year 2002, as specified in such certification, is hereby lapsed from the designated appropriation or appropriations from the state general fund for fiscal year 2002 and the director of accounts and reports shall make the appropriate adjustments to the accounts of each such state agency: *Provided*, That the aggregate of all such amounts lapsed shall not exceed \$4,800,000.

(c) The provision of this section shall apply to each of the following state agencies: (1) Adjutant general; (2) department on aging; (3) Kansas department of agriculture; (4) Kansas animal health department; (5) attorney general; (6) Kansas state school for the deaf; (7) Kansas state school for the blind; (8) emergency medical services board; (9) governmental ethics commission; (10) Kansas guardianship program; (11) Kansas highway patrol; (12) state historical society; (13) department of human resources; (14) Kansas human rights commission; (15) attorney general—Kansas bureau of investigation; (16) state library; (17) ombudsman of corrections; (18) Kansas parole board; (19) secretary of state; (20) Kansas sentencing commission; (21) department of social and rehabilitation services; (22) state board of tax appeals; (23) state treasurer; and (24) Kansas commission on veterans affairs.

Sec. 63. On the effective date of this act, section 171 of 2001 Senate Bill No. 57 is hereby amended to read as follows: Sec. 171. (a) In addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise

payable, an aggregate amount of compensation of \$3,671.00 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and

(2) for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,726.07 per biweekly pay period for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which commence on or after June 10, 2001 and which are chargeable to fiscal year 2002.

(b) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,038.33 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and

(2) for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,053.91 per biweekly pay period for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2002 expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,851.83 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and

(2) for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,279.52 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and

(2) for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,328.71 per biweekly pay period for

each biweekly pay period commencing on or after ~~December 9, 2001~~ *March 3, 2002*, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the state treasurer from the operating expenditures account of the state general fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,851.83 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ *March 3, 2002*, and

(2) for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after ~~December 9, 2001~~ *March 3, 2002*, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2002, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2002:

(1) For an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,851.83 per biweekly pay period for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ *March 3, 2002*, and

(2) for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$2,894.60 per biweekly pay period for each biweekly pay period commencing on or after ~~December 9, 2001~~ *March 3, 2002*, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the commissioner of insurance for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2002, expenditures shall be made by each state agency from the appropriations made for fiscal year 2002:

(A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$77.59 per calendar day for each member of a board for any calendar day occurring on or after June 10, 2000, and before ~~December 9, 2001~~, and before *March 3, 2002*, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2002 and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of a board for any calendar day occurring on or after ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amend-

ments thereto and is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 10, 2001, is payable and which are chargeable to fiscal year 2002.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2002, by this act or any other appropriation act of the 2001 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing June 10, 2001, and ending June 30, 2002, expenditures shall be made by the Kansas turnpike authority for such period:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$77.59 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after June 10, 2001, and before December 9, 2001, and before March 3, 2002, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after June 10, 2001, and prior to July 1, 2002, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2002:

(1) (A) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$77.59 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ March 3, 2002; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day occurring on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002; and

(2) (A) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$77.59 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2002; and

(B) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislature and for any other public officer or person for any calendar day occurring on or after ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 10, 2001, is payable and which are chargeable to fiscal year 2002.

(j) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2002 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide (A) an aggregate amount of \$472.51 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and (B) an aggregate amount of \$479.60 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after December 9, 2001 March 3, 2002, which is chargeable to fiscal year 2002;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$241.17 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and (B) an aggregate amount of \$244.79 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide (A) an aggregate amount of \$379.99 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and (B) an aggregate amount of \$385.69 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$426.29 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and (B) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide (A) an aggregate amount of \$426.29 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after June 10, 2001, and ending before ~~December 9, 2001~~ March 3, 2002, and (B) an aggregate amount of \$432.68 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period commencing on or after ~~December 9, 2001~~ March 3, 2002, which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (j) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which commence on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(k) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the legislative coordinating council from the legislative coordinating council—operations account of the state general fund for fiscal year 2002 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (1) an aggregate amount of compensation of \$77.59 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (2) an aggregate amount of compensation of \$78.75 per calendar day for each member of the legislative coordinating council for any calendar day occurring on or after ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2001: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(l) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, ~~2001~~ 2002, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year ~~2001~~ 2002:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$77.59 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate

amount of compensation of \$78.75 per calendar day for each member of the legislative post audit committee for any calendar day occurring on or after ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2002; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$77.59 per calendar day for each member of the contract audit committee for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$78.75 per calendar day for each member of the contract audit committee for any calendar day occurring on or after ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2002: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days occurring on or after June 10, 2001, and which are chargeable to fiscal year 2002.

(m) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2002:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$77.59 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and (B) an aggregate amount of compensation of \$78.75 per calendar day for each member of the advisory council on dispute resolution for any calendar day occurring on or after ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2002; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, (A) an aggregate amount of compensation of \$77.59 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after June 10, 2001, and before ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and (B) an aggregate amount of compensation of \$78.75 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day occurring on or after ~~December 9, 2001~~ *March 3, 2002*, for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is charge-

able to fiscal year 2002: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 10, 2001, is payable and which are chargeable to fiscal year 2002.

(n) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2002, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year ~~2001~~ 2002 for:

(1) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$77.59 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after June 10, ~~2000, and before December 9, 2001, and before March 3, 2002~~, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto; and

(2) an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$78.75 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day occurring on or after ~~December 9, 2001~~ March 3, 2002, for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal year 2001: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation for calendar days occurring on or after June 10, 2001, is payable and which are chargeable to fiscal year 2002.

(o) *In accordance with appropriations for the fiscal year ending June 30, 2002, made by this or other appropriation act of the 2001 regular session of the legislature:*

(1) *The governor is hereby authorized and directed to modify the pay plan for fiscal year 2001 in accordance with this subsection (o)(1) and to adopt such pay plan as so modified. The existing pay plan for fiscal year 2001 shall be modified to provide (A) for an increase of 1.5% in the pay rates of such pay plan, to be effective for biweekly pay periods commencing on or after June 10, 2001, and (B) for an additional increase of 1.5% in the pay rates of such pay plan, to be effective for biweekly pay periods commencing on or after March 3, 2002. The pay plan adopted by the governor under this subsection (o)(1) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2002. Such pay plan shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactment of the legislature applicable thereto.*

(2)(A) *The governor is hereby authorized and directed to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for (i) base salary increases, to be effective on the first day of the payroll period commencing on June 10, 2001, and to be distributed on a merit basis from a merit salary increase pool, the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees, and (ii) additional base salary increases, to be effective on the first day of the payroll period commencing on March 3, 2002, and to be distributed on a merit basis from a merit salary increase*

pool, the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees.

(B) Each elected state official of the executive branch of state government, including the state board of education, and the Kansas technology enterprise corporation, Kansas, inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official or board's discretion, are hereby authorized and directed to modify or to authorize the modification of the salaries of the state officers and employees of such official or board, who are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto, to provide for (i) base salary increases, to be effective on the first day of the payroll period commencing on June 10, 2001, and to be distributed on a merit basis from a merit salary increase pool, except that the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees, and (ii) additional base salary increases, to be effective on the first day of the payroll period commencing on March 3, 2002, and to be distributed on a merit basis from a merit salary increase pool, except that the average of such increases shall not exceed 1.5% of the base salaries of such officers and employees. The provisions of this subsection (o)(2)(B) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, attorney general, or to any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

Sec. 64. On July 1, 2001, K.S.A. 2000 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that (1) no transfer from the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) no amount shall be transferred under this section from the state general fund to the state fair capital improvements fund during the fiscal year ending June 30, 2002.

Sec. 65. On July 1, 2001, K.S.A. 2000 Supp. 79-2959, as amended by section 167 of 2001 Senate Bill No. 57, is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 4.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) The transfers on January 15 and July 15 of each year shall be in equal amounts which in the aggregate equal 3.630% of such taxes credited to the state general fund during the preceding calendar year; and (2) the amount of the transfer on each such date during state fiscal year 2002 shall be ~~\$28,951,485.50~~ \$27,340,335.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amend-

ments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, *except that all such transfers during the fiscal year ending June 30, 2002, shall be considered revenue transfers from the state general fund.*

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 66. On July 1, 2001, K.S.A. 2000 Supp. 79-2964, as amended by section 168 of 2001 Senate Bill No. 57, is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 3.5% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that: (a) The transfers on July 15 and December 10 of each year shall be in equal amounts which in the aggregate equal 2.823% of such taxes credited to the state general fund during the preceding calendar year; and (b) the amount of the transfer on each such date during state fiscal year 2002 shall be ~~\$18,465,844~~ \$17,438,174.50. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, *except that all such transfers during the fiscal year ending June 30, 2002, shall be considered revenue transfers from the state general fund.*

Sec. 67. On July 1, 2001, K.S.A. 2000 Supp. 79-3425i, as amended by section 169 of 2001 Senate Bill No. 57, is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of the transfer on each such date during state fiscal year 2002 shall not exceed ~~\$5,590,913~~ \$5,223,310.50. All transfers under this section shall be considered to be demand transfers from the state general fund, *except that all such transfers during the fiscal year ending June 30, 2002, shall be considered revenue transfers from the state general fund.*

Sec. 68. On July 1, 2001, K.S.A. 2000 Supp. 79-34,147, as amended by section 170 of 2001 Senate Bill No. 57, is hereby amended to read as follows: 79-34,147. (a) (1) On July 1, 1999, and quarterly thereafter the secretary of revenue shall certify to the director of accounts and reports the amount equal to 7.628% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(2) On July 1, 2001, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 9.5% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(3) On July 1, 2002, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11% of the total revenues received by

the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(4) On July 1, 2003, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 11.25% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(5) On July 1, 2004, and quarterly thereafter, the secretary of revenue shall certify to the director of accounts and reports the amount equal to 12% of the total revenues received by the secretary from the taxes imposed under the Kansas retailers' sales tax act and deposited in the state treasury and credited to the state general fund during the preceding three calendar months.

(b) Upon receipt of each certification under subsection (a), the director of accounts and reports shall transfer from the state general fund to the state highway fund an amount equal to the amount so certified, on each July 1, October 1, January 1 and April 1, except that the amount of the transfer on each such date during state fiscal year 2002 shall not exceed ~~\$30,277,162~~ \$19,552,162. All transfers made pursuant to this section are subject to reduction under K.S.A. 75-6704, and amendments thereto.

(c) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 69. On July 1, 2001, K.S.A. 2000 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. In each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, of such amount to be transferred on July 15 and to be transferred on January 15, except that (1) such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of the transfer on each such date during state fiscal year ~~2001~~ 2002 shall be ~~\$2,250,000~~ \$2,575,000. All transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 70. The provisions of sections 2 through 12 of 2001 Senate Bill No. 57, in addition to other provisions of that act, make appropriations, impose restrictions and limitations and direct or authorize transfers, disbursements, procedures and acts incidental to the foregoing for the fiscal year ending June 30, 2001, as provided in that act.

Sec. 71. *Appeals to exceed position limitations.* (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2001, made in chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or in this or in any other appropriation act of the 2001 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2002, made in chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or in this or in any other appropriation act of the 2001 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 72. *Appeals to exceed expenditure limitations.* Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 73. *Savings.* (a) Any unencumbered balance as of June 30, 2001, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2001 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2002, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2002, in any special revenue fund, or account thereof, of any state agency named in section 99 of 2001 Senate Bill No. 57 which is not otherwise specifically appropriated or limited for fiscal year 2003 by this or other

appropriation act of the 2001 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2002, for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund or the state water plan fund or any account of any of such funds.

Sec. 74. During the fiscal year ending June 30, 2002, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2001 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2002, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this subsection, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 75. *Federal grants.* (a) During the fiscal year ending June 30, 2002, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2001 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2002, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2003, each federal grant or other federal receipt which is received by a state agency named in section 99 of 2001 Senate Bill No. 57 and which is not otherwise appropriated to that state agency for fiscal year 2003 by this or other appropriation act of the 2001 regular session of the legislature or by an appropriation act of the 2002 regular session of the legislature, is hereby appropriated for fiscal year 2003 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2003, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2003.

(c) (1) In addition to the other purposes for which expenditures may be made by any state agency which is named in this or other appropriation act of the 2001 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2001 by chapter 130 or chapter 183 of the 2000 Session Laws of Kansas or by this or other appropriation act of the 2001 regular session of the legislature to apply for and receive federal grants during fiscal year 2001, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(2) In addition to the other purposes for which expenditures may be made by any state agency which is named in this or other appropriation act of the 2001 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2002 by this or other appropriation act of the 2001 regular session of the legislature to apply for and receive federal grants during fiscal year 2002, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal

grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 76. Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2001 regular session of the legislature, and having an unencumbered balance as of June 30, 2001, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2002, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

Sec. 77. Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2001 regular session of the legislature and having an unencumbered balance as of June 30, 2001, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2002, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 78. Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2001 regular session of the legislature and having an unencumbered balance as of June 30, 2001, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2002, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

Sec. 79. Any transfers of money during the fiscal year ending June 30, 2002, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2002.

Sec. 80. On the effective date of this act, section 171 of 2001 Senate Bill No. 57 is hereby repealed.

Sec. 81. On July 1, 2001, K.S.A. 2000 Supp. 2-223, 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 are hereby repealed.

Sec. 82. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, by striking all in lines 12 through 14 and inserting in lieu thereof the following: “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, 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, 82a-953a and section 171 of 2001 Senate Bill No. 57 and repealing the existing sections.”;

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

STEPHEN R. MORRIS
DAVID ADKINS
Conferees on part of Senate

KENNY A. WILK
MELVIN NEUFELD
ROCKY NICHOLS
Conferees on part of House

Senator Morris moved the Senate adopt the Conference Committee Report on **HB 2283**.

On roll call, the vote was: Yeas 24, Nays 16, Present and Passing 0, Absent or Not Voting 0.

Yeas: Adkins, Allen, Barnett, Brungardt, Clark, Corbin, Donovan, Emler, Jackson, Jenkins, Jordan, Kerr, Morris, O'Connor, Oleen, Praeger, Pugh, Salmans, Schmidt, Schodorf, Taddiken, Teichman, Umbarger, Wagle.

Nays: Barone, Brownlee, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Harrington, Hensley, Huelskamp, Lee, Lyon, Steineger, Tyson, Vratil.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: Reluctantly, I vote in support of this bill to move the legislative session forward and to attempt to avoid further reductions in services. I am particularly concerned about funding for education and the future of teachers in our state. We have done the best possible with available resources and have the opportunity to work after session and return next year to further address educational funding and reform.—JIM BARNETT

MR. PRESIDENT: This budget fails to hold up our end of the bargain with college students to help pay for technology. If you believe we must honor commitment to our next generation of legislators, then you should vote no on this budget.

If you believe we should not balance the budget in delaying the state employee pay plan by three months more, then you should vote no on this budget.

I vote no.—JIM BARONE

Senators Downey, Feleciano, Gilstrap, Goodwin, Gooch, Haley, Hensley, Lee and Steineger request the record to show they concur with the "Explanation of Vote" offered by Senator Barone on **HB 2283**.

MR. PRESIDENT: This budget is an attack on Kansas seniors. When we established the Senior Trust Fund, we did so to provide a guaranteed source of funding for pharmacy assistance for low-income seniors. If you agreed with that program, then you should vote no on this budget. Before it even got started, our efforts to provide prescription drug relief are doomed.

This budget also cuts deeply into the highly successful program that allows seniors to remain in their own home and community and to avoid a nursing home. If you support giving seniors the opportunity to remain in their home, if you prefer the lower costs of that as opposed to the higher cost of nursing home care, then you should vote no on this budget.

I vote no.—PAUL FELECIANO, JR.

Senators Barone, Downey, Gilstrap, Goodwin, Gooch, Haley, Hensley, Lee and Steineger request the record to show they concur with the "Explanation of Vote" offered by Senator Feleciano on **HB 2283**.

MR. PRESIDENT: Rather than do their elective duty and represent their constituents, too many Senators prefer to leave the difficult decisions to those who represent them—their local school boards and city and county commissioners.

School finance is the most glaring tragedy of this budget, but the list of others is long.

This budget makes a meager attempt in responding to the crisis in our correction system—the 40 percent turnover rate among our correctional officers. The pay increase provided to them in this budget will do little or nothing to diminish this turnover rate, and if you realize this, then you should vote no on the budget.

I vote no.—MARK GILSTRAP

Senators Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Haley, Hensley, Lee and Steineger request the record to show they concur with the "Explanation of Vote" offered by Senator Gilstrap on **HB 2283**.

MR. PRESIDENT: Some Senators will leave this session claiming that they did not increase taxes. That is simply not true. By failing to adequately provide for our schools, this budget increases taxes. By failing to send local governments the sales tax transfers they are entitled to by statute, this budget increases taxes. By using phony budget techniques such as not paying certain bills on time and deciding which expenses to count as part of the budget and which to leave out, this budget increases taxes.

How will the people know that their Senator is telling the truth? They will know when their Senator tells them that this budget increases taxes.

For proof, look to **HB 2336**, which is the so-called school finance bill. According to Legislative Research, by failing to meet our responsibility as state Senators and instead approving the bare minimum increase for K-12 education, we are in reality increasing state-wide property taxes by \$36 million. Ironically, that is the same amount of school funding raised by a 1/10th of a cent increase in the state sales tax.

When we fail to provide adequate state funding for K-12 education, we force the burden of making up the difference on the local property taxpayer.

I vote no.—ANTHONY HENSLEY

Senators Barone, Downey, Feleciano, Gilstrap, Gooch, Goodwin, Lee, Steineger and Umbarger request the record to show they concur with the "Explanation of Vote" offered by Senator Hensley on **HB 2283**.

MR. PRESIDENT: I have voted in favor of **HB 2283** not because it was a good budget in terms of searching for ways to reduce government spending, but in response to a call from leadership. I shall expect that an interim study be accomplished to determine where savings can be achieved so that this extended process and one time accounting procedures are not necessary again.—DAVID JACKSON

MR. PRESIDENT: I vote "aye" on this omnibus appropriation bill because it is responsible budgeting in a time of declining revenue projections. April 5th we were presented a \$200 million revenue shortfall. Through careful budgetary action, we have succeeded in maintaining the \$68 million increase in funding for public education originally proposed by Governor Graves. We have also maintained the extraordinary pay increases for State employees, especially correction officers and highway patrol. We actually increased allocation to Regent universities above the Governor's request. We also dealt with more than \$36 million in increases in SRS caseloads. Despite these successes, we still held State General Fund increases to .3% in fiscal year 2002. It was hard work, but it was necessary.—DAVE KERR

MR. PRESIDENT: This budget fails to keep the promise that disabled Kansans would not be sent to state institutions, but would receive community-based services. This budget, will place many of our most vulnerable citizens in the position of receiving no services. Unless you want to return to the days of institutional care, you should vote no on this budget.

This budget fails to adequately fund the judicial branch. If you oppose the furloughing of judicial branch employees who work in your county courthouse, then you should vote no on this budget.

I vote no.—JANIS K. LEE

Senators Barone, Downey, Feleciano, Gilstrap, Goodwin, Gooch, Haley, Hensley and Steineger request the record to show they concur with the "Explanation of Vote" offered by Senator Lee on **HB 2283**.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **HB 2084**.

The House adopts the conference committee report on **HB 2200**.

The House adopts the conference committee report on **HB 2275**.

The House adopts the conference committee report on **HB 2508**.

CHANGE OF REFERENCE

The President withdrew **Sub SB 306** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Commerce.

The President withdrew **HB 2094** from the calendar under the heading of General Orders, and rereferred the bill to the Committee on Education.

On motion of Senator Oleen the Senate adjourned until 10:00 a.m., Saturday, May 5, 2001.

HELEN A. MORELAND, *Journal Clerk*.

PAT SAVILLE, *Secretary of Senate*.

