

# Journal of the House

FORTY-SEVENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 21, 2002, 11:00 a.m.

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

The roll was called with 120 members present.

Rep. O'Brien was excused on verified illness.

Reps. Beggs, Neufeld, Wells and Wilson were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Ted Smith, pastor, Moline Christian Church, and guest of Rep. P. Long:

Lord God Almighty, please bless these, your chosen representatives, as they seek to govern our state for the betterment of all Kansans. Father, please be with Representative Neufeld and his family as they mourn the loss of their loved one, their son.

As proud representatives of the people of Kansas, they need your guidance in all the decisions they will make this day. And since it is by your grace and power that each one has been placed here, we humbly ask for wisdom for each one as they pass the laws and make the rules that govern our state.

May the hand of the Almighty be upon each man and each woman today, with loving guidance.

Grant us all, dear Lord, the character qualities of Jesus Christ, grant us integrity beyond measure and grant us honesty beyond question.

Let the decisions made here today be beneficial to our state and may the results of these decisions glorify you, Father, in Heaven.

I pray all this in Jesus name. Amen!

The Pledge of Allegiance was led by Rep. Ostmeyer.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 3028**, **HB 3029**.

Federal and State Affairs: **HR 6011**.

Taxation: **HB 3026** (separately), **HB 3027**.

Transportation: **HB 3026** (separately).

## COMMUNICATIONS FROM STATE OFFICERS

From Barbara J. Hinton, Legislative Post Auditor, audit report on Medicaid Cost Containment: Controlling Costs of Medical Services, March 2002.

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

## MESSAGE FROM THE SENATE

Announcing passage of **SB 421**, **SB 471**, **SB 517**, **SB 520**, **SB 547**, **SB 630**, **SB 642**.

Announcing passage of **HB 2611**, **HB 2623**, **HB 2629**, **HB 2670**, **HB 2694**, **HB 2695**, **HB 2792**, **HB 2807**, **HB 2809**.

Also, announcing passage of **HB 2630**, as amended; **HB 2675**, as amended; **HB 2693**, as amended.

The Senate nonconcur in House amendments to **SB 444**, requests a conference and has appointed Senators Vratil, Schmidt and Goodwin as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 470**, requests a conference and has appointed Senators Praeger, Teichman and Feleciano as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 502**, requests a conference and has appointed Senators Allen, O'Connor and Gilstrap as conferees on the part of the Senate.

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

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

**SB 421, SB 471, SB 517, SB 520, SB 547, SB 630, SB 642.**

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 444**.

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

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 470**.

Speaker pro tem Aurand thereupon appointed Reps. Cox, Humerickhouse and Burroughs as conferees on the part of the House.

On motion of Rep. Weber, the House acceded to the request of the Senate for a conference on **SB 502**.

Speaker pro tem Aurand thereupon appointed Reps. T. Powell, Powers and Barnes as conferees on the part of the House.

#### **FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2905**, An act relating to the public health and welfare of all Kansans; creating the Kansas commission on health; providing for the powers, duties and functions thereof, was considered on final action.

On roll call, the vote was: Yeas 87; Nays 33; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Aurand, Ballard, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huff, Humerickhouse, Hutchins, Johnson, Krehbiel, Lane, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, McClure, McKinney, Minor, Judy Morrison, Newton, Nichols, Novascone, O'Neal, Owens, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shultz, Sloan, Storm, Swenson, Tafanelli, Tanner, Thimesch, R. Toelkes, Tomlinson, Toplikar, Welshimer, D. Williams, J. Williams, Winn.

Nays: Ballou, Cook, Dahl, Faber, Flora, Huebert, Huy, Kauffman, Kirk, Klein, Kuether, Landwehr, Larkin, Mays, McCreary, McLeland, Merrick, Miller, Jim Morrison, Myers, Osborne, Ostmeyer, Palmer, Patterson, T. Powell, Powers, Pyle, Shriver, Spangler, Stone, Vickrey, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The bill passed, as amended.

**HR 6003**, A resolution requiring the attorney general to bring action to determine certain issues of law concerning unborn children and to seek a permanent injunction to prohibit the expenditure of state funds for the purpose of terminating the lives of innocent human beings including the unborn, was considered on final action.

On roll call, the vote was: Yeas 70; Nays 50; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aday, Ballou, Bethell, Boston, Burroughs, Campbell, Cook, Dahl, DeCastro, DiVita, Faber, Feuerborn, Gatewood, Grant, Hayzlett, Henry, Holmes, Howell, Huebert, Hutchins, Huy, Kauffman, Landwehr, Larkin, Light, Lightner, Lloyd, M. Long, P. Long, Mason,

Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, Phelps, L. Powell, T. Powell, Powers, Pyle, Reardon, Ruff, Schwartz, Shriver, Shultz, Spangler, Swenson, Tafanelli, Thimesch, Toplikar, Vickrey, Weber, Wilk, D. Williams, J. Williams.

Nays: Aurand, Ballard, Barnes, Benlon, Compton, Cox, Crow, Dillmore, Dreher, Edmonds, Findley, Flaharty, Flora, Freeborn, Garner, Gilbert, Glasscock, Goering, Gordon, Henderson, Hermes, Horst, Huff, Humerickhouse, Johnson, Kirk, Klein, Krehbiel, Kuether, Lane, Levinson, Loganbill, Loyd, Minor, Newton, E. Peterson, J. Peterson, Pottorff, Ray, Rehorn, Sharp, Showalter, Sloan, Stone, Storm, Tanner, R. Toelkes, Tomlinson, Welshimer, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The resolution was adopted, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: We vote no on **HR 6003**. State Statutes do not require fiscal notes on resolutions. The cost of complying with this resolution is not known.

The most recent medical, biological, and scientific facts that must be presented before the Supreme Court through expert witnesses will be expensive to obtain. Legislative appropriation experience has taught us that expert witness fees are nonnegotiable and exorbitant in price. Due to the unknown fiscal cost, and the fiscal crisis of the state which will continue past FY 2005, we cannot vote to impose a resolution when the fiscal cost is not known. We vote no.—CINDY HERMES, LLOYD A. STONE, DEENA HORST, MARY COMPTON, LANA GORDON

MR. SPEAKER: I vote "No" on **HR 6003**. Although I am as fully committed to the pro-life position as any member of this body, I cannot and will not support a resolution which makes no sense. It is unreasonable to expect a pro-abortion attorney general to successfully litigate a pro-life position. It is unnecessary to direct a pro-life attorney general to do so. This resolution is merely "feel good" legislation. I vote no.—JOHN T. EDMONDS

MR. SPEAKER: We truly believe that religious beliefs should not and cannot be legislated. The most basic of all religious beliefs is the question of when the divine spark of life enters the human body. No attorney general can generate a law which defines this. In the United States, all religious beliefs may be held and expressed by all people. This law is the antithesis of religious freedom. I vote no on **HR 6003**.—ETHEL M. PETERSON, ROGER E. TOELKES, BILL LEVINSON, SUE STORM, ANNIE KUETHER, JUDITH LOGANBILL, RUBY GILBERT

MR. SPEAKER: I vote yes on **HR 6003**. The Kansas Constitution in Article One of the Bill of Rights guarantees that we have an inalienable natural right to life.

An "inalienable right to life" means that this right is so fundamental in the natural order of things in this work that it can never, ever be taken away.

That is why the right to life has the prominence of being first in our bill of Rights—without its guarantee no other rights can stand.

I have sworn before Almighty God and the great people of this state to uphold and defend our Constitution.—JOHN TOPLIKAR

**Sub. SB 394**, An act repealing K.S.A. 72-8136a, 72-8136b, 72-8136c, 72-8136d and 72-8136e; relating to the closure of school buildings in certain school districts, was considered on final action.

Call of the House was demanded.

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

Yeas: Aurand, Ballard, Ballou, Barnes, Benlon, Bethell, Boston, Burroughs, Campbell, Compton, Cox, Crow, Dahl, DeCastro, Dillmore, Dreher, Edmonds, Feuerborn, Findley, Flaharty, Flora, Garner, Gatewood, Gilbert, Glasscock, Goering, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Huff, Humerickhouse, Huy, Johnson, Kirk, Klein, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, Loyd, Mason, Mayans, McClure, McCreary, McKinney, McLeland, Mer-

rick, Minor, Jim Morrison, Judy Morrison, Myers, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Owens, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Stone, Storm, Tafanelli, Tanner, Thimesch, R. Toelkes, Toplikar, Vickrey, Weber, Welshimer, Wilk, D. Williams, J. Williams.

Nays: Aday, Cook, DiVita, Faber, Freeborn, Howell, Huebert, Hutchins, Kauffman, P. Long, Mays, Miller, Newton, Spangler, Swenson, Tomlinson, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The substitute bill passed.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: All school districts should have a right to close schools if it is no longer economically feasible to keep them open. However, this was not the law at the time of the last election. Citizens worked very hard to follow requirements of the law, and were rewarded with election results to keep their school open. Now we are undermining those citizens' rights by changing the law out from under them. If these were citizens in my district I would have asked for an amendment to exclude their particular school for at least a period of time. I respectfully vote no on **Sub. SB 394**.—MARY PILCHER COOK

MR. SPEAKER: I cannot in good conscience vote for **Sub. SB 394**. The right to this protest vote was part of the original covenant between the districts which consolidated into the Shawnee Mission School District more than 25 years ago. This covenant was recognized and respected by the Kansas Legislature when the School Finance Formula was adopted in 1992. I question the State's authority to remove this right of protest at this time. Were it not for the state-mandated limit on local funding of schools, Shawnee Mission patrons could vote to raise the funds needed to keep schools open. I respectfully vote no on **Sub. SB 394**.—KAREN M. DiVITA-JOHNSON

MR. SPEAKER: I vote no on **Sub. SB 394**. The peoples right to vote should be preserved. However, suggestions about holding one school in the entire state harmless is impracticable and could only come from a freshman legislator. I have fought to keep my schools and all schools in the Shawnee Mission School district open by voting for higher taxes. I vote no on **Sub. SB 394** and yes for schools.—ROBERT TOMLINSON

**SB 480**, An act concerning retail electric suppliers; amending K.S.A. 66-104d, 66-1,176 and 66-1,176b and repealing the existing sections, was considered on final action.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The bill passed.

**SB 504**, An act concerning wildlife and parks; amending K.S.A. 32-920, 32-932, 32-933 and 32-937 and K.S.A. 2001 Supp. 32-1001 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 3; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Hermes, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The bill passed, as amended.

**SB 548.** An act concerning agriculture; relating to control and eradication of sericea lespedeza; powers of secretary of agriculture; expenditures by conservation districts; amending K.S.A. 2-1315, 2-1908 and 2-1915 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 7; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Faber, Henderson, Spangler, Thimesch, Vickrey, J. Williams, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The bill passed, as amended.

**Sub. SB 556.** An act concerning sericea lespedeza; relating to control and eradication; research and demonstration efforts, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 8; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Dahl, Faber, Henderson, Howell, Ostmeyer, Pyle, Spangler, Winn.

Present but not voting: None.

Absent or not voting: Beggs, Neufeld, O'Brien, Wells, Wilson.

The substitute bill passed.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that **HR 6010** be adopted.

Committee report to **HB 3006** be adopted; also, on motion of Rep. P. Long to amend, the motion was withdrawn.

Also, on motion to recommend **HB 3006** favorably for passage, the motion did not prevail.

On motion of Rep. Gatewood to amend **SB 435**, Rep. Schwartz requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Gatewood challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained, and **SB 435** be passed.

On motion of Rep. Ruff to amend **SB 464**, the motion did not prevail and the bill be passed.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 395** be amended on page 1, in line 28, by striking "Bringing" and inserting "Except as provided in subsection (b), bringing"; in line 31, after "(2)" by inserting "except as provided in subsection (b),"; in line 37, after "(4)" by inserting "except as provided in subsection (b),"; in line 38, after "any" by inserting "contaminant or"; after line 38, by inserting the following:

"(b) The provisions of this section shall not apply to bona fide experiments and actions related thereto carried on by commonly recognized research facilities.;"

Also on page 1, in line 39, by striking "(b)" and inserting "(c)";

On page 2, by striking all in line 18; in line 19, by striking "felony." and inserting the following:

"(d) (1) Except as provided in subsection (d)(2) through (4), endangering the food supply is a class A nonperson misdemeanor.

(2) Except as provided in subsection (d)(3) and (4), endangering the food supply when the contagious or infectious disease is foot-and-mouth disease is a severity level 4, nonperson felony.

(3)";

Also on page 2, in line 21, after the period, by inserting a new paragraph "(4)";

On page 4, in line 31, after "addition" by inserting "to or instead of any actions pursuant to the provisions of K.S.A. 2-2114, and amendments thereto"; in line 32, after "finding" by inserting "or when notified pursuant to K.S.A. 2-2112 *et seq.*, and amendments thereto,"; and the bill be passed as amended.

The Committee on **Agriculture** recommends **SB 437** be amended on page 5, in line 30, after "for" by inserting "any person who owns or possesses plants or plant products or for";

On page 9, after line 42, by inserting the following:

"Sec. 16. K.S.A. 2001 Supp. 65-688 is hereby amended to read as follows: 65-688. (a) As used in ~~sections 2 through 4~~ *this section and K.S.A. 2001 Supp. 65-689*, and amendments thereto:

(1) "Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for off-premises consumption. The term includes delicatessens that offer prepared food in bulk quantities only. The term does not include roadside markets that offer only fresh fruits and vegetables for sale, food service establishments or food and beverage vending machines.

(2) "Food processing plant" means a commercial operation that manufactures, packages, labels or stores food for human consumption and does not provide food directly to the consumer. "*Food processing plant*" shall not include any commercial honey operation.

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

(b) In order to reimburse the state of Kansas for inspections by the secretary of health and environment of retail food stores and food processing plants, the secretary of health and environment shall adopt rules and regulations establishing a graduated inspection fee schedule to cover all of the cost of inspection of retail food stores and food processing plants which shall not exceed \$200 per calendar year for each retail food store and food processing plant location. Whenever the secretary determines that the total amount of revenue derived from the fees collected pursuant to this section are insufficient to carry out the purposes for which the fees are collected, the secretary may amend such rules and regulations to increase the amount of the fee or fees, except that the amount of any fee shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this subsection 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 secretary to decrease the amount of the fees prescribed for retail food stores or food processing plants by amending the rules and regulations which fix the fees, as the case may be.

(c) All moneys received as fees under this section shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the food inspection fee fund.

(d) The secretary of health and environment shall adopt rules and regulations necessary to carry out the provisions of this section.”;

And by renumbering sections accordingly;

On page 10, in line 3, after “2-2129” by inserting “and K.S.A. 2001 Supp. 65-688”;

On page 1, in the title, in line 15, after “2-2129” by inserting “and K.S.A. 2001 Supp. 65-688”; in line 18, by striking “2-1119” and inserting “2-2119”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 2743** be amended on page 3, in line 20, after “(d)” by inserting “(1)”; following line 23, by inserting the following material to read as follows:

“(2) On the effective date of this act, the expenditure limitation established for FY 2002 by subsection (d)(1) of this section on the bank commissioner fee fund is hereby increased from \$5,198,845 to \$5,286,081: *Provided*, That the additional \$87,236 of expenditure authority provided by this subsection(d)(2) shall be used only for expenditures for salaries and wages, including associated employer contributions, for the implementation of Executive Directive No. 01-313 relating to financial examiner salary upgrades.”;

Also on page 3, in line 24, after “(e)” by inserting “(1)”; following line 27, by inserting the following material to read as follows:

“(2) On July 1, 2002, the expenditure limitation established for FY 2003 by subsection (e)(1) of this section on the bank commissioner fee fund is hereby increased from \$5,486,474 to \$5,613,136: *Provided*, That the additional \$126,662 of expenditure authority provided by this subsection (e)(2) shall be used only for expenditures for salaries and wages, including associated employer contributions, for the implementation of Executive Directive No. 01-313 relating to financial examiner salary upgrades.”;

On page 4, following line 2, by inserting the following material to read as follows:

“(h) On July 1, 2002, the director of accounts and reports shall transfer \$1,000,000 from the bank commissioner fee fund of the state bank commissioner to the state general fund: *Provided*, That the amount transferred from the bank commissioner fee fund of the state bank commissioner 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.”;

Also on page 4, following line 24, by inserting the following material to read as follows:

“(b) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the board of healing arts fee fund to the state general fund: *Provided*, That the amount transferred from the board of healing arts fee fund of the state board of healing arts 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.”;

On page 5, following line 23, by inserting the following material to read as follows:

“(c) During the fiscal year ending June 30, 2003, the above agency may make expenditures from the board of nursing fee fund for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones: *Provided*, That all expenditures for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones, shall be in addition to any expenditure limitation established for the board of nursing fee fund for fiscal year 2003: *Provided, however*, That all expenditures for moving expenses and other expenditures associated with moving the board office, including office furniture and telephones, from the board of nursing fee fund for fiscal year 2003 shall not exceed \$100,000.”;

On page 6, in line 20, by striking “\$671,259” and inserting “\$670,112”; following line 24 by inserting the following material to read as follows:

“(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the real estate recovery revolving fund to the state general fund: *Provided*, That the amount transferred from the real estate recovery revolving fund of the Kansas real estate commission 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.”;

Also on page 6, by striking all of lines 37 through 42;

And by renumbering sections accordingly;

On page 7, following line 42, by inserting the following material to read as follows:

“(b) On the effective date of this act, the expenditure limitation established by section 110(b) of chapter 144 of the 2001 Session Laws of Kansas on the expenditures for official hospitality from the operating expenditures account of the health care stabilization fund is hereby increased from \$300 to \$400.”;

On page 9, following line 28, by inserting the following material to read as follows:

“(h) On the effective date of this act, of the \$16,546,132 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 118(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the department of administration operations account, the sum of \$397,901 is hereby lapsed.”;

On page 10, following line 8, by inserting the following material to read as follows:

“(b) On the effective date of this act, the director of accounts and reports shall reduce the expenditure limitation for the KSIP account of the state racing fund from \$491,145.44 to \$80,000.”;

On page 11, following line 24, by inserting the following material to read as follows:

“Intergovernmental transfer administration fund ..... No limit”

On page 14, following line 8, by inserting the following material to read as follows:

“(y) 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:

Health committee insurance fund..... No limit”;

Also on page 14, after line 13, by inserting:

“Operating expenditures (including official hospitality)..... \$105,000”;

Also on page 14, in line 23, by striking “\$14,140,000” and inserting “\$13,704,589”; after line 34 by inserting:

“(b) On the effective date of this act, the expenditure limitation established by section 137(b) of chapter 144 of the 2001 Session Laws of Kansas on expenditures for state operations from the heritage trust fund is hereby increased from \$92,650 to \$106,491.”;

On page 15, after line 6, by inserting:

“(b) On the effective date of this act, of the \$32,299,254 appropriated for the Lansing correctional facility for the fiscal year ending June 30, 2002, by section 148(a) of chapter



144 of the 2001 Session Laws of Kansas from the state general fund in the Lansing correctional facility—facilities operations account, the sum of \$167,414 is hereby lapsed.

(c) On the effective date of this act, of the \$9,391,443 appropriated for the Ellsworth correctional facility for the fiscal year ending June 30, 2002, by section 148(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Ellsworth correctional facility—facilities operations account, the sum of \$381,991 is hereby lapsed.

(d) On the effective date of this act, of the \$11,764,065 appropriated for the Norton correctional facility for the fiscal year ending June 30, 2002, by section 148(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Norton correctional facility—facilities operations account, the sum of \$72,372 is hereby lapsed.”;

And by relettering the remaining subsections accordingly;

Also on page 15, following line 17, by inserting:

“(a) On the effective date of this act, of the \$33,221,882 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 149(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$2,140,081 is hereby lapsed.”;

And by relettering the remaining subsections accordingly;

Also on page 15, in line 37, by striking “\$8,758” and inserting “\$137,026”;

On page 17, in line 10, by striking “increased” and inserting “decreased”; also in line 10, by striking “\$221,716,555” and inserting “\$216,799,442”; in line 11, by striking “2001” and inserting “2002”; following line 39, by inserting the following material to read as follows:

“Sec. 47.

DEPARTMENT OF HUMAN RESOURCES

(a) On the effective date of this act, the expenditure limitation established by section 126(b) of chapter 144 of the 2001 Session Laws of Kansas on the payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building account of the special employment security fund is hereby decreased from \$250,862 to \$0.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$44,978 from the special employment security fund to the state general fund: *Provided*, That the amount transferred from the special employment security fund of the department of human resources 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.

(c) On the effective date of this act, of the \$2,151,838 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 126(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$758,121 is hereby lapsed.

Sec. 48.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, the expenditure limitation established by section 114(c) of chapter 144 of the 2001 Session Laws of Kansas on the agency operations account of the non- retirement administration fund is hereby decreased from \$255,000 to \$187,590.

(b) On the effective date of this act, of the \$32,000 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 9(c) of chapter 216 of the 2001 Session Laws of Kansas from the state general fund in the annual payment for KRSRS actuarial liability account, the sum of \$21,344 is hereby lapsed.

Sec. 49.

STATE BOARD OF REGENTS

(a) There is hereby 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 other than refunds authorized by law shall not exceed the following:

KAN-ED fund .....	No limit
ROTC service scholarship program fund .....	No limit

ROTC service scholarship repayment fund..... No limit  
Sec. 50.

FORT HAYS STATE UNIVERSITY

(a) On the effective date of this act, of the \$31,309,311 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 138(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$1,534,958 is hereby lapsed.

Sec. 51.

UNIVERSITY OF KANSAS

(a) On the effective date of this act, of the \$129,392,277 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 144(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$2,292,495 is hereby lapsed.

Sec. 52.

STATE BOARD OF TAX APPEALS

(a) On the effective date of this act, of the \$2,060,014 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 119(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$91,774 is hereby lapsed.

Sec. 53.

STATE LIBRARY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2002, by section 133(a) of chapter 144 of the 2001 Session Laws of Kansas on the amount of moneys appropriated in the grants to libraries and library systems account of the state general fund to be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555, and amendments thereto, is hereby increased from \$2,569,665 to \$2,819,665.

Sec. 54.

STATE FAIR BOARD

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$300,000 from the state fair capital improvements fund to the state fair fee fund.

Sec. 55.

GOVERNOR'S DEPARTMENT

(a) On the effective date of this act, of the \$1,854,878 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 104(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the Governor's department account, the sum of \$659,172 is hereby lapsed.

Sec. 56.

LIEUTENANT GOVERNOR

(a) On the effective date of this act, of the \$128,104 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 105(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operations account, the sum of \$16,327 is hereby lapsed.

Sec. 57.

JUDICIAL BRANCH

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

Judicial operations ..... \$600,000

Sec. 58.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$515,922 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 156(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$36,041 is hereby lapsed.

Sec. 59.

OMBUDSMAN OF CORRECTIONS

(a) On the effective date of this act, of the \$166,700 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 157(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the adult corrections oversight account, the sum of \$7,444 is hereby lapsed.

Sec. 60.

LEGISLATIVE COORDINATING COUNCIL

(a) On the effective date of this act, of the \$578,388 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 101(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the legislative coordinating council—operations account, the sum of \$98,252 is hereby lapsed.

(b) On the effective date of this act, of the \$2,545,621 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 101(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the legislative research department—operations account, the sum of \$32,177 is hereby lapsed.

(c) On the effective date of this act, of the \$2,477,666 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 101(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the office of revisor of statutes—operations account, the sum of \$374,653 is hereby lapsed.

Sec. 61.

LEGISLATURE

(a) On the effective date of this act, of the \$12,267,664 appropriated for the above agency for the fiscal year ending June 30, 2002, by section 102(a) of chapter 144 of the 2001 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$1,753,346 is hereby lapsed.

Sec. 62.

STATE BOARD OF PHARMACY

(a) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$250,000 from the state board of pharmacy fee fund of the state board of pharmacy to the state general fund: *Provided*, That the amount transferred from the state board of pharmacy fee fund of the state board of pharmacy 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. 63. (a) In addition to the other purposes for which expenditures may be made by each state agency from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2002 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by each state agency from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2002, to implement and administer a furlough plan, which is hereby authorized and directed to be developed and implemented in accordance with this subsection, which shall prescribe two days of furlough for each officer and employee of the state agency during the payroll periods ending after the effective date of this act that are chargeable to fiscal year 2002: *Provided*, That it is hereby deemed to be necessary by reason of shortage of funds for each state agency to furlough without pay all officers and employees of the state agency in accordance with this subsection: *Provided further*, That each such furlough plan shall be developed and administered in the manner that is determined to have the least effect or disruption on the provision of public services by the state agency.

(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 chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, that is budgeted for salaries and wages for the state agency, and that is equal to the amount of salaries and wages, including associated employer contributions, that will not be expended from such account by such state agency

pursuant to the furloughs prescribed by this section for fiscal year 2002, as certified by the director of the budget to the director of accounts and reports, 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 \$7,000,000: *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.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 30, by striking “and” and inserting a comma; also in line 30, before the semicolon, by inserting “, department of human resources, Kansas public employees retirement system, state board of regents, Fort Hays state university, university of Kansas, state board of tax appeals, state library, state fair board, governor’s department, lieutenant governor, judicial branch, Kansas sentencing commission, ombudsman of corrections, legislative coordinating council, legislature and state board of pharmacy”; and the bill be passed as amended.

The Committee on **Appropriations** recommends **HB 3008** be amended on page 1, in line 41, by striking “\$2,292,548” and inserting “\$2,309,884”;

On page 2, in line 13, by striking “\$12,468,431” and inserting “\$11,668,431”; in line 42, preceding the period, by inserting: “: *And provided further*, That no expenditures shall be made for the legislative compensation commission as provided in K.S.A. 46-3101 and amendments thereto”;

On page 4, in line 37, by striking “\$1,796,380” and inserting “\$1,721,643”;

On page 8, after line 4, by inserting the following:

“(c) On the effective date of this act, the director of accounts and reports is hereby authorized to transfer an amount certified by the attorney general of not to exceed \$100,000 from the crime victims compensation fund to the crime victims assistance fund.”;

On page 9, in line 10, by striking “\$310,080” and inserting “\$338,557”;

On page 11, in line 36, by striking “July 1, 2002” and inserting “May 1, 2003”;

On page 12, following line 6, by inserting:

“(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the workers compensation fund of the insurance department to the state general fund: *Provided*, That the amount transferred from the workers compensation fund of the insurance department 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.”;

Also on page 12, after line 31, by inserting the following:

“(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,000,000 from the health care stabilization fund of the health care stabilization fund board of governors to the state general fund: *Provided*, That the amount transferred from the health care stabilization fund of the health stabilization fund board of governors 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.”;

On page 13, in line 25, preceding the period, by inserting: “: *And provided further*, That notwithstanding the provisions of K.S.A. 2001 Supp. 20-2207, expenditures are authorized to be made from the publications fee fund for operating expenses that are not related to publications activities”; in line 34, by striking “\$12,728,130” and inserting “\$12,356,057”;

On page 14, in line 13, by striking “\$248,609” and inserting “\$497,215”;

On page 16, in line 37, by striking “\$6,450,776” and inserting “\$6,573,276”;

On page 17, in line 2, by striking “\$242,228” and inserting “\$192,228”;

On page 20, by striking all in lines 38 through 40; in line 41, by striking “(g)” and inserting “(f)”;

On page 21, in line 8, by striking "\$581,205" and inserting "\$613,620";

On page 31, after line 20, by inserting the following:

"(k) On July 1, 2002, the director of accounts and reports shall transfer \$1,000,000 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 of the department of administration to the state general fund 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.";

On page 32, in line 11, by striking "\$32,755,967" and inserting "\$32,555,967";

On page 34, in line 37, by striking "\$7,873,333" and inserting "\$7,873,459";

On page 35, by striking all in lines 10 through 39, and by inserting the following:

"(f) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$200,000 from the division of vehicles operating fund to the state general fund: *Provided*, That the amount transferred from the division of vehicles operating fund of the department of revenue 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.";

On page 36, after line 16, by inserting the following:

"(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, each monthly transfer credited for the fiscal year ending June 30, 2003, from the lottery operating fund to the state gaming revenues fund pursuant to subsection (d) of K.S.A. 74-8711 and amendments thereto shall be in an amount equal to not less than 31.00% of the total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets.";

On page 38, in line 19, by striking "\$15,320,885" and inserting "\$12,236,238";

On page 43, in line 6, by striking "motion picture and"; in line 7, by striking all before "HOME"; after line 26, by inserting the following:

"(j) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000 from the conference registration and disbursement fund of the department of commerce and housing to the agriculture products development fund of the Kansas department of agriculture.

(k) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,400 from the reimbursement and recovery fund of the department of commerce and housing to the agriculture products development fund of the Kansas department of agriculture.

(l) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the market development fund of the department of commerce and housing to the agriculture products development fund of the Kansas department of agriculture.

(m) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,500 from the trademark fund of the department of commerce and housing to the agriculture products development fund of the Kansas department of agriculture.";

Also on page 43, in line 32, by striking "\$313,292" and inserting "\$282,000";

On page 44, in line 3, by striking "\$12,207,251" and inserting "\$10,663,411";

On page 45, in line 21, by striking "60,000" and inserting "\$60,899"; in line 31, preceding the period, by inserting: ". *And provided further*, That expenditures may be made from the special employment security fund for the payment of operating expenses for the subprograms of legal services, industrial safety and the public employees relations board: *And provided further*, That expenditures from this fund shall not exceed \$10,000 for the legal services subprogram, \$27,162 for industrial safety subprogram, and \$5,000 for public employees relations board subprogram";

On page 47, after line 28, by inserting the following:

“(e) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the workmen’s compensation fee fund of the department of human resources to the state general fund: *Provided*, That the amount transferred from the workmen’s compensation fee fund of the department of human resources 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.”;

On page 48, after line 29, by inserting the following:

“(d) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$30,000 from the coordinated public transportation assistance fund of the department of transportation to the veterans’ home fee fund of the Kansas commission on veterans affairs: *Provided*, That such moneys shall be used only for the purchase of a wheel chair lift van for the Kansas veterans’ home.”;

Also on page 48, in line 34, by striking “\$20,018,483” and inserting “\$19,333,172”;

On page 49, by striking all in lines 7 through 9;

On page 50, after line 30, by inserting the following:

“Vital statistics maintenance fee fund..... No limit”;

On page 54, by striking all in line 27;

On page 55, after line 34, by inserting the following:

“Oz theme park fund ..... No limit”;

On page 56, in line 5, by striking “\$1,351,840” and inserting “\$1,216,656”; in line 9, by striking “\$1,800,000” and inserting “\$1,620,000”; in line 13, by striking “\$431,043” and inserting “\$387,939”; in line 14, by striking “\$461,792” and inserting “\$415,613”; in line 21, by striking “\$1,000,000” and inserting “\$500,000”; in line 29, by striking “\$1,500,000” and inserting “\$500,000”;

On page 58, after line 25, by inserting the following:

“(n) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$470,000 from the state operations account of the state general fund of the department of social and rehabilitation services to the district coroners fund of the department of health and environment: *Provided*, That expenditures of such moneys transferred shall be made only for the funeral assistance program.

(o) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the balance of all moneys credited to the AIDS drug reimbursement program—federal fund of the department of health and environment to the AIDS drug reimbursement program—federal fund of the department of social and rehabilitation services.

(p) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the solid waste 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 solid waste management fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the solid waste management fund of the department of health and environment 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.

(q) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 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 of the department of health and environment 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.

(r) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the aboveground petroleum storage tank release trust fund of the department of health and environment to the state general fund: *Provided*, That the amount transferred from the aboveground petroleum storage tank release trust fund of the department of health and environment 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.

(s) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the underground petroleum storage tank release trust fund of the department of health and environment to the state general fund: *Provided*, That the amount transferred from the underground petroleum storage tank release trust fund of the department of health and environment 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.”;

On page 60, in line 30, by striking “\$3,062,845” and inserting “\$1,260,389”; in line 39, by striking “\$128,570,861” and inserting “\$112,450,344”;

On page 62, after line 12, by inserting the following:  
“Non-government grant fund ..... No limit”;

Also on page 62, after line 24, by inserting the following:

“(e) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the long term care loan and grant fund of the department on aging to the state general fund: *Provided*, That the amount transferred from the long term care loan and grant fund of the department on aging 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.”;

Also on page 62, in line 29, by striking “\$96,142,912” and inserting “\$95,407,027”;

On page 63, in line 3, preceding the period, by inserting: “. *Provided further*, That the department of social and rehabilitation services, hereinafter known as the department, in all of fiscal year 2003, shall conduct and pay for community mental health services in the same manner as done in fiscal year 2002: *And provided further*, That the medicaid rates in effect on February 14, 2002, shall remain in effect for the balance of fiscal year 2002 and fiscal year 2003: *And provided further*, That the department and the association of community mental health centers of Kansas, inc., shall jointly develop a report on agreed-upon methods for continuing the existing medicaid rates for fiscal year 2005 that meet all applicable federal laws and regulations and shall present that plan to the senate committee on ways and means and house committee on appropriations on or before January 31, 2003”;

Also on page 63, in line 23, preceding the period, by inserting: “. *And provided further*, That expenditures may be made from this account for educational services for pupils of school districts: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized to fix, charge and collect fees for such educational services provided to school districts by Kansas neurological institute”;

On page 64, in line 11, by striking “\$6,450,739” and inserting “\$6,110,048”;

Also on page 64, in line 31, by striking “\$697,077” and inserting “\$487,909”;

On page 65, in line 2, preceding the period, by inserting: “. *And provided further*, That no expenditures shall be made from this account after December 31, 2002”; in line 38, by

striking "\$19,217,984" and inserting "\$12,557,293"; in line 42, by striking "\$290,444,391" and inserting "\$288,916,669";

On page 66, in line 11, by striking "\$48,179,412" and inserting "\$44,353,596"; following line 20, by inserting the following material to read as follows:

"Provided, That expenditures may be made from the Kansas neurological institute fee fund for educational services for pupils who are residents at Kansas neurological institute: *Provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to fix, charge and collect fees from the unified school district in which the Kansas neurological institute is located for such educational services provided for pupils who are residents at Kansas neurological institute: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury and shall be credited to the Kansas neurological institute fee fund.";

On page 67, in line 20, by striking "\$937,177" and inserting "\$1,276,868"; in line 31, before the period by inserting the following:

"*And provided further*, That expenditures may be made from the Parsons state hospital and training center fee fund for educational services for pupils who are residents at Parsons state hospital and training center: *And provided further*, That the secretary of social and rehabilitation services is hereby authorized and directed to fix, charge and collect fees from the unified school district in which the Parsons state hospital and training center is located for such educational services provided for pupils who are residents at Parsons state hospital and training center: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury and shall be credited to the Parsons state hospital and training center fee fund";

Also on page 67, in line 38, by striking "\$364,678" and inserting "\$109,403"; after line 38, by inserting the following:

"Provided, That no expenditures shall be made from the Rainbow mental health facility fee fund after December 31, 2002.";

Also on page 67, after line 40, by inserting the following:

"Provided, That no expenditures shall be made from the Rainbow mental health facility—elementary and secondary education fund—federal after December 31, 2002.";

Also on page 67, after line 41, by inserting the following:

"Provided, That no expenditures shall be made from the Rainbow mental health facility—patient benefit fund after December 31, 2002.";

On page 69, after line 15, by inserting the following:

"SRS AIDS drug reimbursement—federal fund ..... No limit";

Also on page 69, in line 26, by striking "\$600,000" and inserting "\$550,000"; in line 30, by striking "\$2,500,000" and inserting "\$1,800,000";

On page 70, in line 7, by striking "\$2,000,000" and inserting "\$1,000,000"; in line 12, by striking "\$4,000,000" and inserting "\$3,000,000"; after line 19, by inserting the following:

Immunization outreach.....	\$750,000
Family preservation.....	\$375,000
Grants to community mental health centers for children's programs .....	\$2,000,000";

On page 72, after line 13, by inserting the following:

"(n) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$500,000 from the state medicaid match fund—SRS of the department of social and rehabilitation services to the state general fund: *Provided*, That the amount transferred from the state medicaid match fund—SRS of the department of social and rehabilitation services 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.

(o) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$2,000,000 from the social welfare fund of the department of social and rehabilitation services to the state general fund: *Provided*, That the amount transferred from the social welfare fund of the department of social and rehabilitation services



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.

(p) On January 1, 2003, the director of accounts and reports shall transfer all moneys in the Rainbow mental health facility fee fund to one or more fee funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions and the closure of Rainbow mental health facility, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary. On January 1, 2003, all liabilities of the Rainbow mental health facility fee fund are hereby transferred to and imposed on the one or more fee funds of mental health institutions of the department of social and rehabilitation services to which a portion of the balance in the Rainbow mental health facility fee fund was transferred pursuant to this subsection, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary, and the Rainbow mental health facility fee fund is hereby abolished.

(q) All moneys received by the department of social and rehabilitation services after December 31, 2002, during the fiscal year ending June 30, 2003, after the closure of Rainbow mental health center and after the Rainbow mental health facility fee fund has been abolished, which otherwise would have been credited to the Rainbow mental health facility fee fund, shall be credited to one or more fee funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions, the previous disposition of the balance in the Rainbow mental health facility fee fund and the closure of Rainbow mental health facility, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary.

(r) On January 1, 2003, the director of accounts and reports shall transfer all moneys in the Rainbow mental health facility—elementary and secondary education fund—federal to one or more elementary and secondary education funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions and the closure of Rainbow mental health facility, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary. On January 1, 2003, all liabilities of the Rainbow mental health facility—elementary and secondary education fund—federal are hereby transferred to and imposed on one or more elementary and secondary education funds of mental health institutions of the department of social and rehabilitation services to which a portion of the balance in the Rainbow mental health facility—elementary and secondary education fund—federal was transferred pursuant to this subsection, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary, and the Rainbow mental health facility—elementary and secondary education fund—federal is hereby abolished.

(s) On January 1, 2003, the director of accounts and reports shall transfer all moneys in the Rainbow mental health facility—patient benefit fund to one or more patient benefit funds of mental health institutions of the department of social and rehabilitation services as appropriate with respect to each such institution or institutions and the closure of Rainbow mental health facility, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary. On January 1, 2003, all liabilities of the Rainbow mental health facility—patient benefit fund are hereby transferred to and imposed on one or more patient benefit funds of mental health institutions of the department of social and rehabilitation services to which a portion of the balance in the Rainbow mental health facility—patient benefit fund was transferred pursuant to this subsection, as determined by the secretary of social and rehabilitation services and certified to the director of accounts and reports by the secretary, and the Rainbow mental health facility—patient benefit fund is hereby abolished.”;

Also on page 72, in line 22, by striking “\$19,992” and inserting “\$70,913”;

On page 73, in line 7, by striking "\$1,693,752,000" and inserting "\$1,612,952,000"; in line 10, preceding the period, by inserting: ": *Provided further*, That any unencumbered balance in the general state aid account shall be transferred to the inservice education aid account of the state general fund of the department of education to be used to fund approved inservice education programs as authorized by K.S.A. 72-9601 *et seq.*, and amendments thereto: *Provided, however*, That the amount transferred from such unencumbered balance shall not exceed \$2,000,000"; in line 28, by striking "\$253,411,766" and inserting "\$254,495,772";

On page 74, in line 27, by striking "\$5,599,393" and inserting "\$5,165,000";

On page 77, in line 35, by striking "\$400,000" and inserting "\$300,000"; in line 39, by striking "\$3,000,000" and inserting "\$2,500,000"; in line 43, by striking "\$6,000,000" and inserting "\$4,500,000";

On page 78, by striking all in line 8; after line 17, by inserting the following:

"(f) On June 30, 2003, the director of accounts and reports shall transfer \$100,000 from the certificate fee fund of the department of education to the state general fund: *Provided*, That the amount transferred from the certificate fee fund of the department of education 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.";

Also on page 78, in line 30, by striking "\$2,666,968" and inserting "\$2,658,875"; in line 33, by striking "\$377,682" and inserting "\$385,775";

On page 79, in line 5, by striking "\$339,159" and inserting "\$30,030"; in line 14, by striking "\$1,252,146" and inserting "\$112,970";

On page 81, in line 36, preceding the period, by inserting: ": *And provided further*, That expenditures from the operating expenditures account for fiscal year 2003 shall not exceed \$5,243,279 until the state historical society alters its position on civil war reenactments and permits such reenactments to occur on state historical properties, including the portrayal of events in Kansas history that were violent";

On page 83, in line 26, by striking "\$30,692,363" and inserting "\$29,532,008";

On page 86, in line 1, by striking "\$102,670,067" and inserting "\$94,688,524";

On page 89, in line 24, by striking "\$754,798" and inserting "\$726,262"; in line 29, by striking "\$17,798,500" and inserting "\$17,125,610"; in line 34, by striking "\$28,711,112" and inserting "\$27,625,660";

On page 91, in line 5, by striking "\$9,656,262" and inserting "\$9,291,198";

On page 92, in line 11, by striking "\$29,367,514" and inserting "\$28,257,246";

On page 94, in line 12, by striking "\$32,224,876" and inserting "\$31,006,583";

On page 96, in line 24, by striking "\$127,252,779" and inserting "\$122,441,863"; in line 28, by striking "\$5,970,652" and inserting "\$5,744,926";

On page 99, in line 31, by striking "\$50,000" and inserting "\$45,000"; in line 39, by striking "\$100,573,732" and inserting "\$96,771,443";

On page 102, in line 41, by striking "\$63,307,080" and inserting "\$59,413,694";

On page 104, in line 40, by striking "\$3,352,583" and inserting "\$3,225,835";

On page 105, in line 1, by striking "\$1,278,688" and inserting "\$1,230,346"; in line 9, by striking "\$11,000,000" and inserting "\$10,441,134"; after line 9, by inserting the following: "*Provided*, That no expenditures may be made from the comprehensive grant program account for students of Hesston college unless such college is in compliance with K.S.A. 73-707 and amendments thereto.";

Also on page 105, in line 10, by striking "\$361,069" and inserting "\$347,418"; by striking all in lines 16 through 21; in line 22, by striking "\$538,951" and inserting "\$518,575"; in line 31, by striking "\$192,166" and inserting "\$184,901"; in line 39, by striking "\$374,277" and inserting "\$360,127"; in line 40, by striking "\$125,000" and inserting "\$120,274"; in line 41, by striking "\$248,563" and inserting "\$239,166";

On page 106, in line 2, by striking "\$115,000" and inserting "\$110,652"; by striking all in lines 3 through 13; in line 14, by striking "\$10,176,627" and inserting "\$9,791,890"; in line 15, by striking "\$19,675,336" and inserting "\$18,931,491"; in line 16, by striking

“\$1,100,000” and inserting “\$1,058,413”; in line 17, by striking “\$81,818,611” and inserting “\$78,725,378”; in line 19, by striking “\$450,000” and inserting “\$432,987”;

On page 109, in line 4, by striking “\$2,700,000” and inserting “\$2,430,000”; in line 12, by striking “\$6,467,660” and inserting “\$5,820,894”; in line 16, by striking “\$200,000” and inserting “\$180,000”;

On page 111, in line 14, by striking “\$9,961,677” and inserting “\$9,961,667”;

On page 115, after line 15, by inserting the following:

“(i) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the correctional industries fund of the department of corrections to the state general fund: *Provided*, That the amount transferred from the correctional industries fund of the department of corrections 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.”;

And by relettering subsections accordingly;

Also on page 115, in line 33, by striking “\$30,708,893” and inserting “\$30,508,893”;

On page 117, in line 5, preceding “That” by inserting: “That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency 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*,”; in line 11, by striking “\$6,500,000” and inserting “\$6,000,000”;

On page 118, in line 31, by striking “\$46,120” and inserting “\$46,705”;

On page 121, after line 2, by inserting the following:

“(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Educational assistance .....	\$243,342”;
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On page 122, after line 26, by inserting the following:

“(e) On July 1, 2003, and January 1, 2004, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$850,000 from the fire marshal fee fund of the state fire marshal to the state general fund: *Provided*, That the amount transferred from the fire marshal fee fund of the state fire marshal 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.”;

Also on page 122, in line 39, by striking “\$26,027,734” and inserting “\$26,027,733”;

On page 125, after line 11, by inserting the following:

“Special services fund.....	\$260,000”;
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On page 126, after line 4, by inserting the following:

“(j) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$260,000 from the state highway fund of the department of transportation to the special services fund of the Kansas highway patrol.

(k) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the motor vehicle fund of the Kansas highway patrol to the state general fund: *Provided*, That the amount transferred from the motor vehicle fund of the Kansas highway patrol 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.”;

On page 129, in line 5, by striking “\$0” and inserting “\$293,505”; in line 13, preceding the period, by inserting: “. *And provided further*, That expenditures from the emergency medical services operating fund for the operating costs of the emergency medical services

board shall not exceed \$290,405: *And provided further*, That expenditures from the emergency medical services operating fund shall not exceed \$3,100 to provide additional funding to the regional councils: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board.”;

Also on page 129, after line 13, by inserting the following:

“(c) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$282,405 from the operating expenditures account of the state general fund of emergency medical services board to the emergency medical services operating fund of the emergency medical services board.”;

Also on page 129, in line 36, by striking “\$183,524” and inserting “\$175,786”;

On page 130, in line 5, by striking “\$9,811,542” and inserting “\$9,529,131”;

On page 131, in line 6, by striking “costs” and inserting “cost”;

On page 132, after line 42, by inserting the following:

“Ag products development fund .....	No limit
Veterinary examiners fee fund .....	\$270,992
Animal disease control fund.....	No limit

*Provided*, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Animal dealers fee fund .....	No limit
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*Provided*, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300.

Veterinary inspection fee fund .....	No limit
Livestock market brand inspection fee fund.....	No limit
Livestock brand fee fund .....	No limit

*Provided*, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock brand emergency revolving fund.....	No limit
County option brand fee fund.....	No limit
Livestock and pseudorabies indemnity fund.....	No limit
Legal services fund .....	No limit

*Provided*, That all moneys received by the Kansas department of agriculture for the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services, which agreements are hereby authorized and directed to be entered into, shall be credited to the legal services fund: *Provided further*, That all expenditures from the legal services fund shall be for contractual legal services to be provided to Kansas department of agriculture for the animal health department and such other state agencies pursuant to such interagency agreements.

State fair fee fund.....	No limit
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*Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair special cash fund .....	No limit
Land reclamation fee fund .....	No limit
Riparian & Wetland areas project—federal fund .....	No limit
Watershed protect approach/WTR RSRCE MGT fund .....	No limit
Conversion of materials and equipment fund .....	No limit
Buffer participation incentive fund .....	No limit
Riparian participation incentive fund .....	No limit
Environmental improvement incentives fund .....	No limit”;

On page 133, in line 3, by striking “\$143,042” and inserting “\$128,738”; in line 4, by

striking "\$242,552" and inserting "\$218,297"; in line 5, by striking "\$548,342" and inserting "\$493,508"; following line 5, by inserting the following:

"Land treatment cost share..... \$3,896,770

Provided, That any unencumbered balance in the land treatment cost share account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the land treatment cost share account of the Kansas department of agriculture for fiscal year 2003: Provided further, That expenditures from the land treatment cost share account shall be for cost-sharing grants for construction of enduring water conservation structures on privately and publicly owned land in conservation districts which are needed for development and improvement of the quality and quantity of Kansas water resources: And provided further, That an amount of not to exceed \$2,720,000 of the initial allocation among conservation districts for such grants for fiscal year 2003 shall be on the basis of allocating 60% of the amount equally among all conservation districts and allocating 40% of the amount to be initially allocated proportionally among all conservation districts on the basis of an index composed of the measurement of nonfederal rural acreage, erosion potential and rainfall in all conservation districts, as determined by the secretary of agriculture: And provided further, That the balance of the initial allocation for such grants for fiscal year 2003 shall be allocated to conservation districts on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: And provided further, That expenditures from this account for contractual technical expertise shall not exceed the amount equal to 3% of the approved budget amount for fiscal year 2003 for the land treatment cost-share programs account.

Nonpoint source pollution assistance ..... \$2,835,000

Provided, That any unencumbered balance in the nonpoint source pollution assistance account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the nonpoint source pollution assistance account of the Kansas department of agriculture for fiscal year 2003.

Conservation district aid..... \$938,250

Provided, That any unencumbered balance in the conservation district aid account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the conservation district aid account of the Kansas department of agriculture for fiscal year 2003.

Watershed dam construction ..... \$634,500

Provided, That any unencumbered balance in the watershed dam construction account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the watershed dam construction account of the Kansas department of agriculture for fiscal year 2003: Provided further, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture: Provided, however, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Kansas water quality buffer initiatives ..... \$347,971

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the Kansas water quality buffer initiatives account of the Kansas department of agriculture for fiscal year 2003: Provided further, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices under the governor's water quality initiative: And provided further, That such expenditures may be made from this account from the approved budget amount for fiscal year 2003 in accordance with contracts, which are hereby authorized to be entered into secretary of agriculture, for such grants or incentives: And provided further, That such contracts may provide for such expenditures from the approved budget amount for fiscal year 2003 to be made pursuant to encumbrances for expenditures after June 30, 2003: Provided, however, That expenditures from this account for contractual educational and technical assistance for fiscal year 2003 shall not exceed \$40,000.

Riparian and wetland program ..... \$225,000

Provided, That any unencumbered balance in the riparian and wetland program account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the riparian and wetland program account of the Kansas department of agriculture for fiscal year 2003.

Water rights purchase ..... \$62,490

Provided, That any unencumbered balance in the water rights purchase account of the state conservation commission in excess of \$100 as of June 30, 2002, is hereby reappropriated to the water rights purchase account of the Kansas department of agriculture for fiscal year 2003.”;

Also on page 133, by striking all in lines 13 through 43;

By striking all on pages 134 and 135;

On page 136, by striking all in lines 1 through 34 and inserting the following:

“(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2003, the following:

Agricultural products development division ..... \$1,037,302

(g) On July 1, 2002, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$150,000 from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the Kansas department of agriculture.

(h) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the petroleum inspection fee fund of the Kansas department of agriculture to the state general fund: Provided, That the amount transferred from the petroleum inspection fee fund of the Kansas department of agriculture 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, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the feeding stuffs fee fund of the Kansas department of agriculture to the state general fund: Provided, That the amount transferred from the feeding stuffs fee fund of the Kansas department of agriculture 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.”;

Also on page 136, in line 43, by striking “be made only” and inserting “not exceed \$2,504 except”;

On page 138, in line 11, by striking “\$230,000” and inserting “\$207,000”; in line 12, by striking “\$160,285” and inserting “\$144,257”; in line 16, by striking “\$76,824” and inserting “\$69,142”; in line 20, by striking “\$225,000” and inserting “\$202,500”; in line 24, by striking “\$390,715” and inserting “\$351,644”; in line 28, by striking “\$40,000” and inserting “\$36,000”; in line 29, by striking “\$261,810” and inserting “\$235,629”; in line 30, by striking “\$35,000” and inserting “\$31,500”; in line 31, by striking “\$392,448” and inserting “\$353,203”; in line 32, by striking “\$436,298” and inserting “\$392,668”; in line 33, by striking “\$154,077” and inserting “\$138,669”; in line 34, by striking “\$55,000” and inserting “\$49,500”; in line 35, by striking “\$173,000” and inserting “\$155,700”; in line 39, by striking “\$22,101” and inserting “\$19,891”;

On page 140, by striking all in lines 19 through 21, and inserting the following material to read as follows:

“(h) During the fiscal year ending June 30, 2003, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2003, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state

general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs and for administration and enforcement costs of the state associated with the state water plan storage act, and amendments thereto.”;

Also on page 140, in line 26, by striking “\$4,219,114” and inserting “\$1,176,465”;

On page 141, in line 8, by striking “\$5,018,568” and inserting “\$6,195,033”;

On page 142, in line 40, by striking “\$50,000” and inserting “\$45,000”;

On page 143, after line 15, by inserting the following:

“(f) On July 1, 2002, or whenever sufficient funds are available, the director of accounts and reports shall transfer \$200,000 from the state agricultural production fund of the department of wildlife and parks to the state general fund: *Provided*, That the amount transferred from the state agricultural production fund of the department of wildlife and parks 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.”;

On page 146, after line 41, by inserting the following:

“(i) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the coordinated public transportation assistance fund of the department of transportation to the state general fund: *Provided*, That the amount transferred from the coordinated public transportation assistance fund of the department of transportation 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.

(j) On July 1, 2003, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$260,896 from the Kansas department of transportation Kansas savings incentive program account of the department of transportation to the state general fund: *Provided*, That the amount transferred from the Kansas department of transportation Kansas savings incentive program account of the department of transportation 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.”;

On page 147, in line 20, by striking “4.0” and inserting “5.0”; in line 29, by striking “148.0” and inserting “138.5”;

On page 148, in line 14, by striking “300.5” and inserting “381.5”; by striking all in lines 15 through 17;

On page 156, in line 13, by striking “\$26,246,722” and inserting “\$23,622,050”;

On page 157, in line 2, by striking “\$16,740,646” and inserting “\$15,066,581”; in line 19, by striking “\$5,590,913” and inserting “\$5,031,822”;

On page 158, in line 24, by striking “\$6,000,000” and inserting “\$3,775,555”;

On page 166, following line 6, by inserting the following:

“Sec. 77. On July 1, 2002, K.S.A. 2001 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2001 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than ½ of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic

development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds which shall be used for economic development activities in Kansas, including but not limited to continuing appropriations or demand transfers for programs and projects which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) In each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 which in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, *except that the aggregate amount of the transfers on such dates during state fiscal year 2003 shall not exceed \$1,800,000.* No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, which meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 78. On July 1, 2002, section 99 of chapter 144 of the 2001 Session Laws of Kansas is hereby amended to read as follows: Sec. 99. *Position limitations.* 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 years specified made in this or other appropriation act of the 2001 or 2002 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstracters' Board of Examiners	
For the fiscal year ending June 30, 2002.....	0
For the fiscal year ending June 30, 2003.....	0
Board of Accountancy	
For the fiscal year ending June 30, 2002.....	3.0
For the fiscal year ending June 30, 2003.....	3.0



State Bank Commissioner	
For the fiscal year ending June 30, 2002.....	85.0
For the fiscal year ending June 30, 2003.....	85.0
Kansas Board of Barbering	
For the fiscal year ending June 30, 2002.....	1.5
For the fiscal year ending June 30, 2003.....	1.5
Behavioral Sciences Regulatory Board	
For the fiscal year ending June 30, 2002.....	8.0
For the fiscal year ending June 30, 2003.....	8.0
State Board of Healing Arts	
For the fiscal year ending June 30, 2002.....	29.0
For the fiscal year ending June 30, 2003.....	29.0
Kansas State Board of Cosmetology	
For the fiscal year ending June 30, 2002.....	12.0
For the fiscal year ending June 30, 2003.....	12.0
State Department of Credit Unions	
For the fiscal year ending June 30, 2002.....	13.0
For the fiscal year ending June 30, 2003.....	13.0
Kansas Dental Board	
For the fiscal year ending June 30, 2002.....	2.5
For the fiscal year ending June 30, 2003.....	2.5
State Board of Mortuary Arts	
For the fiscal year ending June 30, 2002.....	3.0
For the fiscal year ending June 30, 2003.....	3.0
Kansas Board of Examiners in Fitting and Dispensing of Hearing Aids	
For the fiscal year ending June 30, 2002.....	0.4
For the fiscal year ending June 30, 2003.....	0.4
Board of Nursing	
For the fiscal year ending June 30, 2002.....	22.0
For the fiscal year ending June 30, 2003.....	22.0
Board of Examiners in Optometry	
For the fiscal year ending June 30, 2002.....	1.0
For the fiscal year ending June 30, 2003.....	1.0
State Board of Pharmacy	
For the fiscal year ending June 30, 2002.....	6.0
For the fiscal year ending June 30, 2003.....	6.0
Real Estate Appraisal Board	
For the fiscal year ending June 30, 2002.....	3.0
For the fiscal year ending June 30, 2003.....	3.0
Kansas Real Estate Commission	
For the fiscal year ending June 30, 2002.....	13.0
For the fiscal year ending June 30, 2003.....	13.0
Office of the Securities Commissioner of Kansas	
For the fiscal year ending June 30, 2002.....	27.8
For the fiscal year ending June 30, 2003.....	27.8
State Board of Technical Professions	
For the fiscal year ending June 30, 2002.....	6.0
For the fiscal year ending June 30, 2003.....	6.0
State Board of Veterinary Examiners	
For the fiscal year ending June 30, 2002.....	<del>3.0</del>
For the fiscal year ending June 30, 2003.....	<del>3.0</del>

Governmental Ethics Commission

For the fiscal year ending June 30, 2002.....	9.0
For the fiscal year ending June 30, 2003.....	9.0

Sec. 79. (a) On July 1, 2002, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,592,334 from the state economic development initiatives fund to the state general fund.

Sec. 80. (a) In addition to the other purposes for which expenditures may be made by each state agency from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, expenditures shall be made by each state agency from the moneys appropriated from the state general fund or from any special revenue funds for fiscal year 2003, to implement and administer a furlough plan, which is hereby authorized and directed to be developed and implemented in accordance with this subsection, which shall prescribe six days of furlough for each officer and employee of the state agency in the classified service and shall prescribe 10 days of furlough for each officer and employee of the state agency in the unclassified service during the payroll periods that are chargeable to fiscal year 2003: *Provided*, That it is hereby deemed to be necessary by reason of shortage of funds for each state agency to furlough without pay all officers and employees of the state agency in accordance with this subsection: *Provided further*, That each such furlough plan shall be developed and administered in the manner that is determined to have the least effect or disruption on the provision of public services by the state agency. As used in this subsection, "officer and employee" shall not include any elected officer of the executive branch of state government, any elected officer of the legislative branch of state government or any justice of the supreme court, judge of the court of appeals or judge of the district courts of this state.

(b) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, that is budgeted for salaries and wages for the state agency, and that is equal to the amount of salaries and wages, including associated employer contributions, that will not be expended from such account by such state agency pursuant to the furloughs prescribed by subsection (a) for fiscal year 2003, as certified by the director of the budget to the director of accounts and reports, is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$29,000,000: *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) In addition to the other purposes for which expenditures may be made by each state agency, which is named in this act and which has title to any real estate, from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 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 2003, to identify and provide for the sale of real property determined to be surplus real estate of the state agency in accordance with the provisions of K.S.A. 2001 Supp. 75-6609, and amendments thereto: *Provided, however*, That, notwithstanding any provisions of K.S.A. 2001 Supp. 75-6609, and amendments thereto, or of any other statute to the contrary, all proceeds from the sale of such surplus real estate shall be deposited in the state treasury to the credit of the state general fund.

(d) 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for any purpose associated with

contracting for or employing any temporary or on-call contractor or employee, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, the amount equal to 66⅔% of the amount certified by the director of the budget is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$10,000,000: *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) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for purchase of office furniture or office equipment as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$6,000,000: *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.

(f) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for purchase of office furniture or office equipment.

(g) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for payment of the expenses for official travel out-of-state, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$5,000,000: *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.

(h) No moneys appropriated from the state general fund or any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 session laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for fiscal year 2003 for any state agency shall be expended for official travel out-of-state.

(i) On July 1, 2002, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for purchase of vehicles as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed from each such account: *Provided*, That the aggregate amount lapsed from such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$5,000,000: *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.

(j) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature for purchase of vehicles. (k) On July 1, 2002, 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 chapter

144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for payment of longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto, the amount equal to 50% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for longevity bonus payments, 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 2003 by this subsection shall not exceed \$2,600,000; *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.

(l) On July 1, 2002, 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 chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for fiscal year 2003 for purchase of general supplies for the state agency, the amount equal to 10% of the amount budgeted for fiscal year 2003 in each such account of the state general fund for purchase of general supplies for the state agency, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, is hereby lapsed: *Provided*, That the aggregate amount lapsed from all such accounts of the state general fund for fiscal year 2003 by this subsection shall not exceed \$2,500,000; *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.

(m) On July 1, 2002, 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, 2003, by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature and that is budgeted for payment of the expenses of private vehicle reimbursement for official in-state travel, as certified by the director of the budget to the director of accounts and reports for fiscal year 2003, the amount equal to 10% 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 2003 by this subsection shall not exceed \$200,000; *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.

(n) In addition to the other purposes for which expenditures may be made by each state agency which is named in this act from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 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 2003, to provide for and implement high priority programs to save energy through lighting retro-fits, motion sensors, and more effective utility management.

(o) 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 2003 as authorized by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 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 funds for fiscal year 2003, to study the feasibility of utilizing the Linux operating system and other open source software by state agencies to replace software produced by Microsoft corporation on computer servers, including internet web servers, and other computers of state agencies other than personal desktop or laptop computers.

(p) During the fiscal year ending June 30, 2003, no expenditures shall be made from any moneys appropriated for any state agency from the state general fund or any special revenue

fund for fiscal year 2003 by chapter 144 or chapter 216 of the 2001 Session Laws of Kansas or by this or other appropriation act of the 2002 regular session of the legislature, for purchase of any personal computers, servers or any other computer equipment other than through existing statewide purchasing contracts entered into by the director of purchases: *Provided*, That a state agency may make expenditures for purchase of any personal computers, servers or any other computer equipment other than through existing statewide purchasing contracts entered into by the director of purchases upon approval of such purchase 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 and acting on this matter after such state agency has advised and consulted with the joint committee on information technology regarding such purchase: *Provided, however*, That such approval also may be given by the state finance council while the legislature is in session.”;

And by renumbering sections accordingly;

On page 168, in line 36, after “79-34,147” by inserting “, 79-4804”; also in line 36, by striking “section” and inserting “sections 99 and”;

On page 1, in the title, in line 15, after “79-34,147” by inserting “, 79-4804”; also in line 15, after “82a-953a” by inserting “and section 99 of chapter 144 of the 2001 Session Laws of Kansas”; and the bill be passed as amended.

The Committee on **Business, Commerce and Labor** recommends **HB 3021** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Education** recommends **SB 531** be passed.

The Committee on **Ethics and Elections** recommends **HB 3013** be amended on page 1, in line 33, after “the”, the first time it appears, by inserting “secretary of state and the”; and the bill be passed as amended.

The Committee on **Judiciary** recommends **SB 416** be passed.

The Committee on **Judiciary** recommends **SB 400** be amended on page 1, after line 13, by inserting the following:

“Section 1. K.S.A. 59-6a213 is hereby amended to read as follows: 59-6a213. (a) The right of election of a surviving spouse and the rights of the surviving spouse to ~~either~~ the homestead, *the homestead allowance* or the family allowance, or ~~both~~ *all* of them, may be waived, wholly or partially, before or after marriage, by a written contract, agreement, consent to any instrument, or waiver signed by the surviving spouse.

(b) A surviving spouse’s waiver is not enforceable if the surviving spouse proves that:

- (1) The surviving spouse did not execute the waiver voluntarily; or
- (2) the waiver was unconscionable when it was executed and, before execution of the waiver, the surviving spouse:

(A) Was not provided a fair and reasonable disclosure of the property or financial obligations of the decedent;

(B) did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the decedent beyond the disclosure provided; and

(C) did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the decedent.

(c) An issue of unconscionability of a waiver is for decision by the court as a matter of law.

(d) Unless it provides to the contrary, a waiver of “all rights,” or equivalent language, in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights of elective share, ~~homestead and family allowance by each spouse in the property of the other and a renunciation by each of all~~ benefits that would otherwise pass to such spouse from the other by intestate succession or by virtue of any will executed before the waiver or property settlement. *For documents executed on and after July 1, 2002, to waive the homestead, the homestead allowance or the family allowance, or all of them, the language of the document must clearly provide that the homestead, the homestead allowance or the family allowance, or all of them, were understandably and knowledgeably waived by each spouse, if applicable.*”;

And by renumbering the remaining sections accordingly;

Also on page 1, in line 41, after "K.S.A." by inserting "59-6a213,";

Also on page 1, in the title, in line 10, after the semicolon where it appears the second time by inserting "relating to the elective share of surviving spouse; concerning homestead rights,"; also in line 10, after "K.S.A." by inserting "59-6a213,"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **Substitute for SB 467** be amended on page 1, in line 29, by striking all after "thereto"; by striking all of line 30; in line 31, by striking all before the period; in line 36, after "communication" by inserting "during the preceding 36 months"; in line 38, by striking "inquiry,";

On page 2, in line 33, by striking "express authorization" and inserting "exemption"; in line 34, by striking the period and inserting a semicolon; in line 37, by striking "either.;" by striking all of lines 38 through 43 and inserting "a valid sender operated return electronic mail address to which the recipient may reply to notify the sender not to send any further commercial electronic mail messages. It shall be prima facie evidence that the sender is in violation of this section if the recipient's reply electronic mail message is returned to the recipient as undeliverable, or is otherwise not accepted by the sender of the original commercial electronic mail message,";

On page 3, in line 1, by striking "and" and inserting "or"; after line 21, by inserting the following:

"(5) Knowingly sell, give or otherwise distribute or possess with the intent to sell, give or distribute software that:

(A) Is primarily designed or produced for the purpose of facilitating or enabling the falsification of electronic mail transmission information or other routing information;

(B) has only limited commercially significant purpose or use other than to facilitate or enable the falsification of electronic mail transmission information or other routing information; or

(C) is marketed by that person or another acting in concert with that person with that person's knowledge for use in facilitating or enabling the falsification of electronic mail transmission information or other routing information."; and the substitute bill be passed as amended.

The Committee on **Local Government** recommends **SB 543** be amended on page 1, by striking all in lines 14 through 18 and inserting:

"Section 1. K.S.A. 12-3915 is hereby amended to read as follows: 12-3915. The governing body of any fire district created pursuant to this act shall have the authority to:

(a) Levy taxes and special assessments as provided by law. Except as provided by K.S.A. 12-3913, and amendments thereto, the governing body shall fix the amount of the tax, not to exceed 11 mills, to be levied upon all taxable tangible property in the consolidated fire district;

(b) enter into contracts;

(c) acquire and dispose of real and personal property;

(d) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;

(e) acquire, operate and maintain fire-fighting equipment;

(f) issue general obligation bonds and no-fund warrants;

(g) pay compensation and salaries to fire district employees;

(h) exercise eminent domain;

(i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the district;

(j) select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable;

(k) provide for the organization of volunteer members who may be compensated for ~~attending fires or meetings~~ *fighting fires, responding to emergencies or attending meetings*;

(l) provide special clothing and equipment for such employees and volunteers;

(m) insure such employees and volunteers against accidental death and injury in the performance of their duties; and

(n) do all things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of the district and otherwise effectuate the purposes of this act.

Sec. 2. K.S.A. 19-3601a is hereby amended to read as follows: 19-3601a. Upon the creation of a fire district under the provisions of K.S.A. 19-3601 *et seq.*, and amendments thereto, the governing body shall have the authority to:

- (a) Enter contracts;
- (b) acquire and dispose of real and personal property;
- (c) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire fighting equipment;
- (d) acquire, operate and maintain fire fighting equipment;
- (e) issue bonds as provided in this act;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;*
- ~~(g)~~ (h) exercise eminent domain;
- ~~(h)~~ (i) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district; and
- ~~(i)~~ (j) do all other things necessary to effectuate the purposes of this act.

Sec. 3. K.S.A. 19-3612e is hereby amended to read as follows: 19-3612e. (a) The governing body of Reno county fire district No. 2 and the governing body of Sedgwick county fire district No. 1, both created under K.S.A. 19-3601 *et seq.*, and amendments thereto, shall have the power to levy a tax in an amount to be determined by such governing body upon all taxable tangible property in the district for the purpose of paying:

- (1) Compensation to fire district employees;
- (2) The expenses of operating and maintaining the fire district ~~and~~;
- (3) *compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings; and*
- (4) other legal expenses of the fire district.

(b) Whenever the governing body of the fire district determines it is necessary to increase the amount levied in the next preceding year, the governing body shall give notice of its intent to increase such levy by adopting a resolution which states the amount currently levied and the amount proposed to be levied. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the fire district. If within 30 days after the last publication, a petition signed by not less than 5% of the qualified electors in the fire district is filed in the office of the county election officer requesting an election thereon no levy in an amount in excess of the amount levied in the next preceding year shall be made unless the question of the levy shall be submitted to and approved by a majority of the voters of the fire district voting at an election called by the governing body. Such election shall be called and held in the manner provided under the provisions of K.S.A. 10-120, and amendments thereto.

Sec. 4. K.S.A. 19-3616 is hereby amended to read as follows: 19-3616. Upon the creation of a fire district pursuant to K.S.A. 19-3613, and amendments thereto, the governing body of the fire district shall have the authority to:

- (a) Enter contracts;
- (b) acquire, by lease or purchase, and dispose of real and personal property;
- (c) acquire, by lease or purchase, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire-fighting equipment;
- (d) acquire, by lease or purchase, operate and maintain fire-fighting equipment;
- (e) issue bonds, if approved by the board of county commissioners, as provided in K.S.A. 19-3601b, and amendments thereto;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;*
- ~~(g)~~ (h) issue no-fund warrants;
- ~~(h)~~ (i) exercise eminent domain;

- ~~(j)~~ (j) pay the operation and maintenance expenses of the fire district and any other expenses legally incurred by the fire district;
- ~~(k)~~ (k) prepare and adopt a budget, subject to the approval of the board of county commissioners; and
- ~~(l)~~ (l) do all other things necessary to effectuate the purposes of this act.

Sec. 5. K.S.A. 80-1501 is hereby amended to read as follows: 80-1501. (a) Any township or county may join with a municipality in the maintenance of a fire department for the prevention and fighting of fires within their boundaries. The cost of equipment and maintenance, the payment of compensation to ~~firefighters~~ *employees of the fire department*, the rent or purchase of buildings shall be paid in such proportion as agreed upon by the parties. The supervision and control of the department shall be with the governing body of the municipality if the municipality joins with a township or county. The fire department members may be paid or may be volunteers and shall be subject to *the limitations of this section and such rules and regulations as the municipalities adopt. Volunteer members may be paid compensation for fighting fires, responding to emergencies or attending meetings.* Such departments, when organized, may incorporate as firefighters' relief associations, and such associations shall come within the purview and be subject to the provisions of and entitled to the rights under article 17, chapter 40, of the Kansas Statutes Annotated and amendments thereto.

(b) When a municipality and a township join, the agreements shall be entered into by the municipality by ordinance and by the township or county by resolution, and the agreement as set out in the ordinance and resolution shall be signed by the mayor of the city and attested by the city clerk and, in the case of a township shall be signed by the township trustee and attested by the township clerk and, in the case of a county shall be signed by the chairperson of the board of county commissioners and attested by the county clerk. The agreement shall state the amount each party shall contribute, the rules and regulations governing the department, and such other matter as may be necessary to ~~fully set out~~ *specify* the duties and responsibilities of the parties, ~~and~~. The agreement may be amended or changed or added to by mutual agreement of the parties in the same manner as that in which the original contract was entered ~~into~~. Such agreement may be terminated if one party passes or adopts an ordinance or resolution declaring its intention to carry out the agreement no longer. When an agreement is terminated, one party may pay the other for its share of the equipment or apparatus or the apparatus may be sold. Any money in the treasury shall be divided pro rata as it was paid ~~in~~ *into the treasury*. No election shall be required to authorize the township board, board of county commissioners or governing body of any municipality to enter into such agreement, but the township board, board of county commissioners or governing body of a municipality shall have the power to decide whether to enter into such contract.

(c) The governing body of any joint fire department created pursuant to this section may reorganize itself as a consolidated fire district in the manner provided for the consolidation of fire districts pursuant to K.S.A. ~~1997~~ *2001* Supp. 12-3910 et seq., and amendments thereto.

Sec. 6. K.S.A. 80-1514a is hereby amended to read as follows: 80-1514a. Upon the creation of a fire district under the provisions of K.S.A. 80-1512 *et seq.*, the governing body shall have the authority to:

- (a) Enter contracts;
- (b) acquire and dispose of real and personal property;
- (c) acquire, construct, reconstruct, equip, operate, maintain and furnish buildings to house fire fighting equipment;
- (d) acquire, operate and maintain fire fighting equipment;
- (e) issue bonds as provided in this act;
- (f) pay compensation and salaries to fire district employees;
- (g) *pay compensation to volunteer members of the fire district for fighting fires, responding to emergencies or attending meetings;*
- ~~(h)~~ (h) exercise eminent domain;
- ~~(i)~~ (i) pay the operation and maintenance expenses of the fire district and other expenses legally incurred by the fire district; and



(†) (j) do all other things necessary to effectuate the purposes of this act.

Sec. 7. K.S.A. 80-1544 is hereby amended to read as follows: 80-1544. (a) The governing body of such fire district shall have full direction and control over the operation of such fire department and may select regular employees, provide for their compensation and furnish quarters for such employees if deemed desirable. The governing body also may provide for the organization of volunteer members of such department, to be compensated at a specified rate ~~when attending fires~~ *for fighting fires, responding to emergencies or attending meetings*. In addition, the governing body may provide special clothing and equipment for such employees and volunteers, may insure such employees and volunteers against accidental death and injury in the performance of their duties, and may do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such district. *In addition to the powers granted by this section, the governing body shall have any powers granted to a fire district under K.S.A. 80-1514a, and amendments thereto.* Each of the members of the governing body may receive as compensation for services rendered in an amount determined by the governing body as provided by K.S.A. 80-207, and amendments thereto.

(b) The auditing board for the fire district shall meet once each month on the date designated by the board to examine and audit all claims against the fire district and shall file their annual report with the county clerk for the approval of the board of county commissioners before January 31 of the succeeding year. No claim against any township fire district shall be paid until approved by the auditing board. All claims approved by the auditing board shall be recorded by the clerk of the fire district in a book to be kept for that purpose. Any township officer serving on a fire district auditing board shall receive for such services in attending to township fire district business an amount to be fixed by the governing body of the fire district as provided by K.S.A. 80-207, and amendments thereto.

Sec. 8. K.S.A. 80-1904 is hereby amended to read as follows: 80-1904. The township board shall have full direction and control over the operation of such township fire department, ~~and may~~. *The governing body shall have the power to:*

(1) Select regular employees, provide for their compensation, and furnish quarters for such employees and their families if deemed desirable; ~~and may also~~

(2) provide for the organization of volunteer members of such department, ~~to be compensated at a specified rate when attending fires, and may~~ *and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;*

(3) provide special clothing and equipment for such employees and volunteers; ~~and may;~~

(4) insure such employees and volunteers against accidental death and injury in the performance of their duties; ~~and may;~~ *and*

(5) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such township.

Sec. 9. K.S.A. 80-1913 is hereby amended to read as follows: 80-1913. ~~Said~~ *The township board may organize a fire company and prescribe rules of duty and the government thereof, and make all necessary appropriations therefor and for the maintenance and operation of its equipment from the general fund of the township and to compensate employees of the fire company. The board may pay compensation to volunteer members of the fire company for fighting fires, responding to emergencies or attending meetings.*

Sec. 10. K.S.A. 80-1917 is hereby amended to read as follows: 80-1917. The township board shall have full direction and control over the operation of such township fire department, ~~and may~~. *The board shall have the power to:*

(a) Select regular employees, provide for their compensation, and furnish quarters for such employees and their families if deemed desirable; ~~and may also~~

(b) provide for the organization of volunteer members of such department, ~~to be compensated at a specified rate when attending fires, and may~~ *and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;*

(c) provide special clothing and equipment for such employees and volunteers; ~~and may;~~

(d) insure such employees and volunteers against accidental death and injury in the performance of their duties; ~~and may;~~ *and*

(e) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection for the inhabitants of such township.

Sec. 11. K.S.A. 2001 Supp. 80-1921 is hereby amended to read as follows: 80-1921. (a) The township board of any such township shall have full direction and control over the operation of such township fire department ~~and shall. The board shall have the power to:~~

(1) Provide for the organization of volunteer members of such department, ~~to be compensated at a specified rate when attending fires, and may and pay compensation to such members for fighting fires, responding to emergencies or attending meetings;~~

(2) provide special clothing and equipment for such volunteers, ~~and may;~~

(3) insure such volunteers against accidental death and injury in the performance of their duties, ~~and may; and~~

(4) do all other things necessary or desirable to maintain and operate such department so as to furnish fire protection to the inhabitants of such township.

(b) Such township board may levy an annual tax on all the taxable tangible property in such township for the purpose of paying the expenses of equipping, operating and maintaining such fire department. Any tax levy authorized by this section shall be in addition to the tax levy made to pay for no-fund warrants issued pursuant to K.S.A. 80-1920, and amendments thereto. Except as otherwise specifically provided in this act, the provisions of K.S.A. 80-1906 and 80-1907, and amendments thereto, shall apply to townships adopting the provisions of this act.

(c) In addition to the tax levy ~~herein~~ authorized by subsection (b), the township board of Kickapoo, Tonganoxie, Easton, Fairmount, Sherman and Delaware townships located in Leavenworth county may levy an annual tax of not to exceed two mills on all the taxable tangible property in such township for the purpose of purchasing additional equipment for such fire department. If a petition in opposition to the tax levy authorized herein, signed by not less than 5% of the qualified electors of such township is filed with the township board of such township, within 40 days after ~~the effective date of this act July 1, 1971,~~ the tax levy shall not be made unless first approved as a question submitted at the next general election or at a special election called for the purpose of submitting the question. If such a petition is filed, the township board may cause to be placed on the ballot at the next general election the question of whether such tax shall be levied. If a majority of the votes cast and counted at such election are in favor of the resolution, such governing body may levy the tax authorized herein. ~~Upon this act taking effect it shall be published once each week for two consecutive weeks in a newspaper having general circulation in the township.~~

Sec. 12. K.S.A. 12-3915, 19-3601a, 19-3612e, 19-3616, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913 and 80-1917 and K.S.A. 2001 Supp. 80-1921 are hereby repealed.”;

By renumbering Sec. 2. as Sec. 13.;

In the title, by striking all in lines 10 and 11 and inserting:

“AN ACT concerning certain fire districts, fire departments and fire companies; relating to volunteer members thereof; amending K.S.A. 12-3915, 19-3601a, 19-3612e, 19-3616, 80-1501, 80-1514a, 80-1544, 80-1904, 80-1913, and 80-1917 and K.S.A. 2001 Supp. 80-1921 and repealing the existing sections.”; and the bill be passed as amended.

The Committee on **Taxation** recommends **HB 3003** be passed.

The Committee on **Transportation** recommends **SB 391** be passed.

The Committee on **Utilities** recommends **Sub. for SB 545** be amended on page 1, after line 36, by inserting:

“(c) For purposes of this act costs shall not include expenses specifically covered by any other cost recovery mechanism in existence as of April 1, 2002, including but not limited to franchise fees and relocation expenses.”;

Also on page 1, in line 37, by striking “(c)” and inserting “(d)”; in line 40, by striking “showing that” and inserting “finding by the commission that (1) the fees included for recovery in such surcharge were required to be paid by the utility as the result of action of the governing body of a city, (2) the costs were incurred as a result of action of the governing body of such city, (3) such costs were reasonably incurred to meet the requirements imposed by the governing body of such city and (4)”; in line 42, by striking “expenses” and inserting “fees and costs”;

On page 2, in line 1, by striking “added expense” and inserting “costs”; in line 3, before “Any” by inserting “If the commission determines that the surcharge is not applied to bills in a reasonable manner, the costs or portions thereof do not meet the above requirements

or that the calculation is not adequately supported by the documentation provided in the filing, the commission, at its option, may either disapprove such tariff within 30 days of the filing and require resubmission by the utility, suspend the effective date of the tariff for an additional 60 days to receive appropriate documentation from the utility and/or modify such tariff in a manner that recovers in a reasonable manner the costs or portions thereof which meet the above requirements.”; after line 7, by inserting:

“(e) Upon the filing of a tariff with the corporation commission pursuant to this act, the utility shall deliver to the affected city a complete copy of the filing. Such copy shall be delivered within 10 days of the filing with the corporation commission.

Sec. 3. (a) This act shall affect only such costs and fees which are incurred between April 1, 2002, and June 30, 2003.

(b) The provisions of this act shall expire on June 30, 2003.”;

Also on page 2, by renumbering section 3 as section 4; in line 9, by striking “statute book” and inserting “Kansas register”; and the substitute bill be passed as amended.

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

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

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

**HB 3030**, An act relating to taxation of income; amending the definition of resident trust; amending K.S.A. 79-32,109 and repealing the existing section, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5054—

By Representative Lightner

A CONCURRENT RESOLUTION urging participation in National Adoption Day.

WHEREAS, There are about 600,000 children in foster care in the United States, and there are more than 134,000 children in our country waiting to be adopted. Since 1993 November has been proclaimed by the President as National Adoption Month to focus attention on the increasing number of children in the child welfare system waiting for permanent families. In 2001, the United States Department of Health and Human Services gave 14 awards as part of its Adoption Excellence Awards to various states, businesses and organizations which have helped abandoned, neglected or abused children find permanent homes. But as President Bush stated in his 2001 proclamation for National Adoption Month, the quiet heroes in this process are the adoptive parents who answer a special calling to share a loving home with children and to offer the children hope for a brighter future; and

WHEREAS, On November 16, 2001, lawyers and judges in 16 cities across the nation recently volunteered their time to complete more than 1,500 adoptions on the second annual National Adoption Day. This event is sponsored by the Alliance for Children’s Rights, an organization located in Los Angeles, California. Their action is spurred in part by statistics revealing that about 1/6 of foster children are removed from their homes because of abuse, nearly 50 percent will never finish high school and nearly 1/3 will spend time in jail: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Legislature urges the judges of our various courts and the members of the Kansas Bar Association to participate in the events of National Adoption Day as it transpires in their respective communities; and

*Be it further resolved:* That the Secretary of State provide an enrolled copy of this resolution to the Chief Justice of the Kansas Supreme Court and to the President of the Kansas Bar Association.

HOUSE CONCURRENT RESOLUTION No. 5055—

By Representative Benlon

A PROPOSITION to amend section 8 of article 2 of the constitution of the state of Kansas, relating to legislative sessions.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 8 of article 2 of the constitution of the state of Kansas is hereby amended to read as follows:

”§ 8. **Organization and sessions.** The legislature shall meet in regular session annually ~~commencing on the second Monday in January, and as provided by law.~~ All sessions shall be held at the state capital. The duration of regular sessions held in even-numbered years shall not exceed ninety calendar days. Such sessions may be extended beyond ninety calendar days by an affirmative vote of two-thirds of the members elected to each house. Bills and concurrent resolutions under consideration by the legislature upon adjournment of a regular session held in an odd-numbered year may be considered at the next succeeding regular session held in an even-numbered year, as if there had been no such adjournment.

The legislature shall be organized concurrently with the terms of representatives except that the senate shall remain organized during the terms of senators. The president of the senate shall preside over the senate, and the speaker of the house of representatives shall preside over the house of representatives. A majority of the members then elected (or appointed) and qualified of the house of representatives or the senate shall constitute a quorum of that house. Neither house, without the consent of the other, shall adjourn for more than two days, Sundays excepted. Each house shall elect its presiding officer and determine the rules of its proceedings, except that the two houses may adopt joint rules on certain matters and provide for the manner of change thereof. Each house shall provide for the expulsion or censure of members in appropriate cases. Each house shall be the judge of elections, returns and qualifications of its own members.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this amendment is to authorize the legislature to provide by statute for the time of commencement of regular legislative sessions.

“A vote for this amendment would favor authorizing the legislature to provide by statute for the time of commencement of regular legislative sessions.

“A vote against this amendment would favor making no change in the current constitutional provision establishing the time for commencement of regular legislative sessions.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2002 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election.

#### **APPOINTMENT OF SELECT COMMITTEE**

March 21, 2002  
Mrs. Janet Jones  
Chief Clerk of the House  
477-W, State Capitol  
Topeka, KS 66612

Dear Mrs. Jones:

In accordance with Rule 1103 of the Rules of the House of Representatives, I have established the Select Committee on Kansas Security and have appointed the following members:

Rep. Krehbiel, Chairperson  
Rep. Tafanelli, Vice-Chairperson  
Rep. Freeborn  
Rep. Hermes  
Rep. Holmes  
Rep. Johnson  
Rep. Mayans  
Rep. Jim Morrison  
Rep. Owens  
Rep. Schwartz  
Rep. Sloan

Rep. Shriver, Ranking Minority Member  
Rep. Goering  
Rep. Levinson  
Rep. Loganbill  
Rep. Wells  
Rep. J. Williams  
Rep. Winn

Sincerely,  
KENT GLASSCOCK  
*Speaker of the House of Representatives*  
*Kansas House of Representatives*

**REPORT ON ENGROSSED BILLS**

**HB 2905** reported correctly engrossed March 20, 2002.

**REPORT ON ENGROSSED RESOLUTIONS**

**HR 6003** reported correctly engrossed March 20, 2002.

On motion of Rep. Weber, the House adjourned until 10:00 a.m., Friday, March 22, 2002.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

